

FEDERAL CIVIL SERVANTS PROCLAMATION

WHEREAS it has become necessary to promulgate a law that enable the making of fundamental changes in the system of recruitment and selection and the introduction of national system for the certification of professional and occupational competence as well as the subjecting of civil servants to undergo through such process and thereby build a civil service that could guarantee diversity and the sustainability of the country's growth and the enhancement and sustainability of the achievements of the civil service reform program in human resource management;

WHEREAS it has become necessary to establish a system for adopting uniform administration of civil servants and proper use of their knowledge and skill;

WHEREAS it has become necessary to improve conditions of work so that government offices could become competitive through retaining their employees and attracting new entrants;

NOW, THEREFFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

SECTION ONE

GENERAL

1. Short Title

This Proclamation may be cited as the "Federal Civil Servants Proclamation No. - ---- /2017".

2. Definitions

In this Proclamation, unless the context otherwise requires:

1/ "civil servant" means a person employed by a federal government institution; provided, however, that it shall not include the following:

- a) government officials with rank of state minister, deputy director general and their equivalent and above;
- b) members of the House of People's Representatives and the House of the Federation;
- c) federal judges and prosecutors;

- d) members of the Armed Forces and the Federal Police including other employees governed by the regulations of the Armed Forces and the Federal Police;
 - e) employees excluded from the coverage of this Proclamation by other appropriate laws;
- 2/ “temporary employee” means a person employed in a government institution for a job which is not permanent in nature or where circumstances so require temporarily assigned to a permanent position; provided, however, that it shall not include the following:
- a) persons employed as daily laborers and paid on daily basis;
 - b) persons assigned in a government institution for apprenticeship or internship;
 - c) persons who enter into contract with a government institution to work for consideration and on the basis of their own business or professional responsibility;
 - d) persons who enter into contract with a government institution to work for consideration on part-time basis due to their special knowledge and skills;
- 3/ “government institution” means any federal government office established as an autonomous entity by a proclamation or regulations and financed by government budget;
- 4/ “Ministry” or “Minister” means the Public Service and Human Resource Development Ministry or Minister, respectively;
- 5/ “head of government institution” means a government official who directs the institution and include his deputies;
- 6/ “position” means a set of duties and responsibilities assigned by a competent authority to be performed full time by an individual civil servant;
- 7/ “promotion” means assigning a civil servant to a higher grade;
- 8/ “salary” means base or step pay authorized for jobs classified in the same grade;
- 9/ “conditions of work” means the entire field of relations between a government institution and civil servants and includes working hours, salary, various leaves, occupational health and safety, conditions of termination of service and severance pay, disciplinary and grievance procedures and similar matters;

- 10/ “redeployment” means assigning a civil servant to a similar position of an equal grade or to a higher position and grade or to a lower grade where the civil servant so agrees;
- 11/ “disciplinary measure” means a penalty imposed on a civil servant for an offence committed in violation of this Proclamation or regulations and directives issued for the implementation of this Proclamation or code of ethics;
- 12/ “sexual harassment” means unwelcome sexual advance or request or other verbal or physical conduct of a sexual nature and includes:
- a) unwelcome kissing, patting, pinching or making other similar bodily contact;
 - b) following the victim or blocking the path of the victim in a manner of sexual nature;
 - c) put sexual favor as prerequisite for employment, promotion, transfer, redeployment, training, education, benefits or for executing or authorizing any human resource management act.

3. Gender Expression

Any expression in the masculine gender shall also include the feminine gender.

4. Scope of Application

This Proclamation shall be applicable to all offices and employees falling under the definitions of “government institution” and “civil servants”.

SECTION TWO

ORGANIZATIONAL STRUCTURE, JOB EVALUATION,

SALARY SCALE AND BENEFIT

5. Organizational Structure of government institution

- 1/ Any government institution shall study its organizational structure and manning plans that enable it to achieve its goals, and submit same to the Ministry for approval.

- 2/ The Ministry shall undertake studies on the appropriateness and effectiveness of the organization of the federal executive organs and submit reorganization proposals to the Council of Ministers where necessary.

6. Job Evaluation

- 1/ The Ministry shall adopt appropriate job evaluation methods and enforce the implementation of same in government institutions.
- 2/ Any government institution shall prepare job descriptions for new positions and submit same to the Ministry for grading.
- 3/ Job evaluation and grading shall be conducted in accordance with regulations to be issued by the Council of Ministers.

7. Salary Scale

- 1/ The salary scale applicable to civil servants shall be determined from time to time by considering the Government's financial capability, the general living conditions of the society, price levels and other relevant factors.
- 2/ The Ministry shall, in collaboration with the concerned government institutions, upon undertaking studies prepare salary scale and submit same to the Council of Ministers, and supervise its proper implementation upon approval.
- 5/ The salary scale shall contain the base pay, the ceiling and step increments of each grade.

8. Equal Pay for Equal Work

All positions of equal value shall have equal base salary.

9. Payment of Salary

- 1/ Any Government office shall, at the end of every month, make payments of salary to civil servants or their legal representatives.
- 2/ The Salary of a civil servant shall not be attached or deducted except in accordance with:
 - a) a written consent of the civil servant;

- b) a court order; or
 - c) the provisions of the law.
- 3/ Monthly deductions from the salary of a civil servant to be made pursuant to sub-article 2(b) or (c) of this Article shall not exceed one third of his salary.

10. Allowance

- 1/ Any allowance shall be paid only for the purpose of carrying out the functions of the civil service.
- 2/ The Ministry shall undertake studies on the types and payment of allowances and submit same to the Council of Ministers and, upon approval, supervise their implementation.

SECTION THREE

HUMAN RESOURCE PLANNING, DEPLOYMENT AND

PERFORMANCE EVALUATION

SUB- SECTION ONE

RECRUITMENT AND SELECTION

11. Human Resource Planning

- 1/ The purpose of human resource planning shall be to forecast the staffing requirement for achieving the strategic objectives of a government institution, to take actions necessary for availing the required human resource, in type and number, for developing and properly utilizing same and for reviewing the results, from time to time, to make improvements thereof.
- 2/ Any government institution shall, based on its strategic plans, study and implement short, medium and long-term human resource plans.
- 3/ Vacant positions shall be filled through promotion or recruitment or transfer or redeployment in accordance with human resource plans.
- 4/ The Ministry shall issue directives on human resource planning.

12. Eligibility to Join Government Institution and Competence Certification System

- 1/ The Ministry shall prepare national criteria and parameters to establish eligibility and competency certification system whereby candidates for vacant positions shall be recruited and promoted on the basis of competition.
- 2/ The criteria and parameters shall be implemented in accordance with regulations to be issued by the Council of Ministers.
- 3/ An institution may be established for the implementation of the eligibility and competency certification system referred to in sub-article (1) of this Article.

13. Recruitment and Selection

- 1/ Any type of recruitment of a civil servant shall be effected only on the result of examination conducted on the basis of nationally set criteria or on the basis of any other type of objective certification of professional and occupational competence.
- 2/ There shall be no discrimination among job seekers or civil servants infilling vacancies because of their ethnic origin, sex, religion, political outlook, disability, HIV/AIDS or any other ground.
- 3/ Without prejudice to the provisions of Article 48 to 51 of this Proclamation, vacant position shall be filled only by a person who meets the qualification required for the position and scores higher than other candidates.

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 for offences of corruption, breach of trust, theft, fraud or rape unless five years have lapsed from the date the penalty is served or is barred by limitation or remitted by pardon;
 - c) a person having no certificate of competence;
 - d) any person who is unwilling to take oath of fidelity in accordance with Article 17 of this Proclamation.
- 2/ Without prejudice to sub-article (1)(b) of this Article, a person whose service is terminated from any government institution on grounds of disciplinary offence in accordance with Article 88 of this Proclamation shall not be recruited before the lapse of five years from the date of termination of his.

- 3/ Without prejudice to sub-article (1)(c) of this Article, any candidate shall submit medical certificate, except HIV/AIDS test, to prove his fitness for service and written testimony of police to prove that he has no record of crimes referred to in sub-article (1)(b) of this Article.
- 4/ Notwithstanding sub-article (1)(a) of this Article, the Ministry may issue directives on circumstances in which young persons above the age of 14 and under 18 may be recruited as civil servants and on the conditions of work applicable to them.

15. Employment of Foreigners

Without prejudice to Article 5(2) of the Proclamation providing Foreign Nationals of Ethiopian Origin with Certain Rights to be Exercised in their Country of Origin under Proclamation No 270/2002 and Article 21(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 Recruitment Procedures

- 1/ Any government institution shall advertise every vacant position to invite candidates to apply for the position.
- 2/ Notwithstanding sub-article (1) of this Article, whenever there is shortage of professionals in the labour market, a government institution may solicit graduates of higher educational institutions in cooperation with the institutions and recruit them through competition.
- 3/ Graduates to be recruited pursuant to sub-article (2) of this Article shall be required to present certificates of competence referred to in sub-article (1)(a) of Article 14 of this Proclamation.
- 4/ The Ministry shall issue directives on detailed recruitment procedures.

17. Oath of Fidelity

The selected candidate shall, before commencement of his work, take the following oath of fidelity:

"I being a civil servant solemnly swear to sincerely, faithfully and ethically 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 confidential by law or decision of the appropriate body".

18. Determination of Starting Salary

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

19. 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 selected candidate shall be served with a letter of probation recruitment signed by the head or any other authorized official of the government institution, stating the title and grade of his position, his salary, and date of commencement of his job together with job descriptions of his position.
- 3/ The period of probation of a civil servant on the position of his appointment shall be for six months; provided, however, that if the performance result is below average, it may be extended for an additional period of three months.
- 4/ The service of a probationary civil servant shall be terminated where the cumulative performance evaluation result is not average or higher for the extended period of probation.
- 5/ Where the civil servant on probation is absent from his work due to occupational disease or employment accident, without prejudice to the provisions of Article 59(3) and (4) of this Proclamation, he shall be allowed to complete the remaining probation period following the date of his recovery from sickness or injury.
- 6/ Where the civil servant on probation period is absent from his work due to force majeure for a period less than one month, the performance evaluation shall cover only the period in which he was present at work.
- 7/ Notwithstanding the provision of sub-article (5) of this Article, a civil servant on probation is absent from his work 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; provided, however, that if her absence from his work is less than a month, her evaluation shall cover only the period in which she was present at work.

- 8/ Unless otherwise provided in this Proclamation, a probationary civil servant shall have the same rights and obligations with that of a civil servant who has completed his probation.
- 9/ Any officer who fails to timely evaluate the performance of a probationary civil servant shall be liable to disciplinary penalty.

20. Permanent Appointment

- 1/ Where a civil servant on probation has recorded average or higher performance result, he shall be served with a letter of permanent appointment.
- 2/ If performance evaluation of a probationary civil servant is not carried out before the expiry date of the probation period and without prejudice to Article 19(2) and (3) of this Proclamation, the performance evaluation shall be carried out within one month following the expiry date of the probation period and the probationer shall be made permanent civil servant from the date of his recruitment as probationer.

21. Temporary Employment

- 1/ Without prejudice to sub-article (2) of this Article, a government institution may appoint a temporary civil servant only for a job which is not of a permanent nature; provided, however, that it may, where circumstances so require, appoint a temporary civil servant to a permanent position.
- 2/ A government institution may appoint a foreign national on temporary bases, 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 appointment of temporary employee of an Ethiopian or a foreign national, their rights and obligations as well as the conditions of work applicable to them shall be prescribed by regulation to be issued by the Council of Ministers.

22. Outsourcing

- 1/ Where necessary and upon obtaining the permission of the Ministry, any government institution may outsource certain positions or tasks, that

would not compromise public interest, to private enterprises or to other institutions.

- 2/ The Ministry shall issue detailed directives regarding positions and tasks that may be outsourced to private enterprises or other institutions.
23. Joint Appointment
- 1/ Government offices may jointly appoint a civil servant, where his special knowledge and professional capacity is found to be essential for their services.
 - 2/ The conditions of appointment, duration of appointment, payment of salary, and other working conditions shall be determined by directives to be issued by the Ministry.

SUB- SECTION TWO

PROMOTION

24. **Objectives**

Promotion shall be given for the purpose of executing works by competent employees, enhancing the performance of government institutions and for motivating employees.

25. **Selection for Promotion**

- 1/ Any civil servant shall present certificate of competence issued pursuant to Article 12(1) of this Proclamation to compete for promotion.
- 2/ Any civil servant who has completed his probation period may compete for promotion unless he is disqualified in accordance with the detail provisions of relevant directives on promotion.
- 3/ The Ministry shall issue detailed directives on other conditions applicable to the promotion of civil servants.

SUB- SECTION THREE
TRANSFER AND REDPLOYMENT

26. Internal Transfer

- 1/ A government institution may, whenever necessary, based on a transparent procedure, transfer a civil servant to another similar position of an equal grade and salary or to another place of work within the government institution.
- 2/ Notwithstanding the provisions of sub-article (1) of this Article, a civil servant may, without affecting his salary, be temporarily transferred 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 of danger or to rectify the damages caused by such danger to the government institution.
- 3/ Where it is proved by a medical certificate that a civil servant who has completed his probation period is unable to carry out the functions of his position or to reside 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 abolished, he shall be transferred to another position of an equal grade within the government institution.

27. 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, following transparent and competitive procedure, be assigned to higher position in acting capacity to replace a civil servant who is on education or training program that lasts more than a year.
- 3/ Any civil servant assigned in an acting capacity shall be entitled to acting allowance.

- 4/ The Ministry shall issue detailed directives on assigning employees on acting basis and the amount of acting allowances.

28. Transfer from another Government Institution

- 1/ A government institution may, whenever necessary and the recipient and sender government institutions as well as the civil servant so agree, transfer a civil servant to a similar position of equal grade and salary from another government institution by notifying the Ministry.
- 2/ Where the concerned civil servant, regional government institution and the recipient federal government institution so agree and when the appropriate authority in the region approves it, a civil servant may be transferred from a regional government institution to a federal government institution to similar position of equal grade and salary.
- 3/ A civil servant who competed and selected for appointment to a position of a similar grade shall be assigned through transfer procedure.
- 4/ Without prejudice to sub-article (5) of this Article, a civil servant transferred pursuant to this Article shall not lose the salary and benefits acquired by virtue of his grade and service before the transfer in compliance with the federal civil service laws.
- 5/ A civil servant may, for the purpose of re-union of spouses, be transferred to a position of equal grade and salary or, where there is no such position and the civil servant so agrees, to a position of lower grade.

29. Secondment

- 1/ A civil servant may, where it is necessary and the government institution and the civil servant so agree, be seconded to another government institution or regional government institution 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 institution may take an employee on secondment from public enterprise, regional government institution or non-governmental organization for a period not exceeding one year.
- 3/ Notwithstanding sub-article (1) of this Article, the Federal Government may transfer a civil servant on secondment, without affecting his salary, to another government institution or based on the request of a regional state to a government institution of such state, for a period not exceeding one

year to prevent the occurrence of danger to the country or the public or to rectify the damages caused by such occurrence.

- 4/ Where a civil servant seconded in accordance with sub-article (1) of this Article:
 - a) his salary and other benefits shall not be affected because of his secondment and shall be settled by the institution to which he is seconded;
 - b) his performance shall be evaluated by the institution to which he is seconded and be submitted to the employer;
 - c) commits a disciplinary offence, the institution to which he is seconded shall inform same to the employer together with detailed evidence; and the employer shall, upon investigating the case, take appropriate measure as necessary.

30. Redeployment

- 1/ Any government institution shall redeploy its employees on the basis of competition when it implements a new organizational structure.
- 2/ The filing of a vacant position in any government institution through redeployment of a permanent civil servant from another government institution shall be made only where the government institution is closed or it has redundant manpower or the position of the civil servant is abolished and the Ministry so decides or instructed by the Government.
- 3/ A civil servant redeployed pursuant to this Article shall be entitled to his previous salary and benefits acquired by virtue of his grade and service.

SUB- SECTION FOUR

PERFORMANCE EVALUATION

31. Performance Evaluation

- 1/ The purpose of performance evaluation shall, based on work plans, be to:
 - a) enable a civil servant to effectively discharge his duties in accordance with the expected volume, quality, time and cost;

- b) evaluate a civil servant on continuous basis and identify his strength and weakness with a view to improving his future performance;
 - c) identify the training and improvement needs of a civil servant;
 - d) provide incentives based on results;
 - e) enable the government institution to make its personnel administration decisions based on facts.
- 2/ The performance evaluation system to be implemented by a government institution shall:
- a) enable transparent and evidence based objective evaluation of performance results;
 - b) enable the verification of actual performance results in comparison with the planned budget, time, volume and quality;
 - c) encourage team work and common initiatives;
 - d) promote healthy competition among civil servants and teams to improve institutional performance results;
 - e) enable impact assessment of performance results among successive and interrelated tasks.

32. Salary Increment and Incentives

- 1/ A civil servant shall be entitled to salary step increment every two years based on his performance evaluation result.
- 2/ Without prejudice to sub-article (1) of this Article, a civil servant shall be provided with incentive based on performance result.
- 3/ The Ministry shall issue detailed directives on performance evaluation system, salary step increment and provision of incentive.

SECTION FOUR

WORKING HOURS AND LEAVES

SUB- SECTION ONE

WORKING HOURS

33. Regular Working Hours

Regular working hours of civil servants shall be determined on the basis of the conditions of 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 of the Council of Ministers.

35. Overtime Work

- 1/ Any civil servant who has worked overtime is entitled to compensatory leave or overtime pay based on his preference.
- 2/ The Ministry 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 institutions 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.

SUB- SECTION TWO

LEAVE

37. Objectives

- 1/ The purpose of annual leave is to enable a civil servant 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; provided, however, that 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 having a service of more than a year shall be entitled to additional leave of one working day for every additional year of service; provided, however, that the duration of annual leave shall not exceed 30 working days.
- 3/ Previous service rendered in any government institution and regional government institution shall be considered for the application 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 made known to the civil servants and leave plan prepared on the basis of due consideration of the interest of the government office and, as much as possible, the preference of each civil servant.
- 2/ A civil servant shall be entitled to advance payment of his monthly salary at the time of taking his annual leave.
- 3/ Without prejudice to the provisions of Article 37(2) a civil servant after the completion of 11 months shall be granted annual leave in proportion to the service rendered.
- 4/ A civil servant who resigns after taking his annual leave in accordance with sub-article (1) 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 39(1) of this Proclamation, the head of a government institution may authorize the postponement of annual leave for 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; provided however, that 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 institution shall make the payment for the first year of the accumulated annual leave from a budget allocated for such purpose.
- 3/ Where payment is made to a civil servant in lieu of his accumulated leave, his daily salary shall be calculated by dividing his monthly salary by 30 days.

41. Unused Annual Leave

- 1/ Where the appointment of a civil servant is terminated, payment shall be made to the civil servant for the number of working days of unused annual leaves.
- 2/ The provision of sub-article (1) of this Article shall not apply to the civil servant transferred under Article 28 of this Proclamation or redeployed under Article 30 of this Proclamation; provided, however, that the unused leave that had been postponed as specified under Article 40(1) of this Proclamation shall be transferred to the government institution to which he is transferred or redeployed.

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/ The leave referred to in sub-article (1) of this Article shall not be considered as sick leave.
- 3/ A pregnant civil servant shall be entitled to a period of 30 consecutive days of prenatal leave preceding the presumed date of her confinement and a period of 90 consecutive days after her confinement, in total 120 days of maternity leave with pay.

- 4/ If the pregnant civil servant deliver before the completion of the prenatal leave which is granted under sub-article (3) of this Article, the unused prenatal leave shall be granted after her confinement.
- 5/ 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.
- 6/ The civil servant shall be entitled to sick leave in accordance with Article 43(1) of this Proclamation, if she becomes sick after completion of her maternity leave under sub-article (3) of this Article.
- 7/ Any civil servant who encounters a miscarriage of not less than six month's pregnancy prior to her prenatal leave shall be entitled to 60 days post confinement maternity leave if the miscarriage is confirmed by medical certificate.
- 8/ If a civil servant on prenatal leave encounters a miscarriage of pregnancy, her prenatal leave shall terminate and she shall be entitled to the 90 days post confinement maternity leave referred to in sub-article (3) of this Article.
- 9/ Any civil servant who encounters a miscarriage of three to six month's pregnancy shall be granted 30 consecutive days leave with pay if the miscarriage is confirmed by medical certificate.
- 10/ Any civil servant shall be entitled a paternity leave with pay for 10 working days at the time of his wife's delivery.

43. Sick Leave

- 1/ Any civil servant shall be entitled to sick leave with pay where he is unable to work due to sickness.
- 2/ The duration of sick leave to be granted to a civil servant, who has completed his probation period, 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 six months and with half pay for the last two months.

- 4/ A civil servant on probation shall be entitled to one month sick leave with pay if confirmed by a medical certificate.
- 5/ Where any civil servant is absent from work due to sickness:
 - a) he shall, as soon as possible, notify the government institution 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.
- 6/ Where a civil servant who has completed his probation and who is on annual leave gets sick and presents a medical certificate, his annual leave shall be interrupted and replaced by sick leave.
- 7/ The annual leave interrupted pursuant to sub-article (6) of this Article shall be resumed upon completion of the sick leave.

44. Medical Certificate

- 8/ “medical certificate” means a certificate issued by a local private or public medical institution licensed by the appropriate authority or where it is acquired from abroad it is verified by an authorized body.
- 2/ The certificate shall describe the health condition and the sick leave to be granted to a civil servant.

45. Leave for Personal Matters

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

46. Special Leave With Pay

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

- 1/ where he is summoned by a court or any other competent authority, for the time utilized for the same purpose;
- 2/ for cases involving popular election, for the duration of the election.

47. Special Leave without Pay

- 1/ Where a civil servant applies, on justifiable ground, for a special leave without pay, the head of the government institution may authorize the granting of such leave a period not exceeding one year if it does not adversely affect the interest of the institution.
- 2/ Where a civil servant runs for election, he shall be entitled to leave without pay during the election campaign and for the duration of the voting.
- 3/ Notwithstanding sub-article (1) of this Article, where a civil servant applies for special leave without pay due to his assignment on a project run by a government institution or due to the assignment of his spouse to a diplomatic mission abroad, he may be granted with such leave for the duration of the project or the completion of the diplomatic mission.

SECTION FIVE

CONDITIONS OF WORK APPLICABLE TO MEMBERS OF THE SOCIETY DESERVING AFFIRMATIVE ACTION

48. Conditions of Work Applicable to Female Civil Servants

- 1/ Any government institution shall take affirmative actions that enable female civil servants to improve their competence and to assume decision making positions.
- 2/ Women shall be entitled to affirmative actions in recruitment, promotion, transfer, redeployment, education and training.
- 3/ It is prohibited to assign a pregnant civil servant to a position other than the position she assumed through recruitment or promotion; provided, however, that where so recommended by a medical certificate due to the risk to her health or to the fetus, she shall be transferred to another position or place of work.
- 4/ Any government institution shall not discharge a female civil servant by way of retrenchment pursuant to Article 87 of this Proclamation during her pregnancy or within four months after delivery.
- 5/ Any female civil servant shall, when confirmed by medical certificate, be entitled to leave with pay for the time spent in the follow up of medical treatment of her child who has not attained the age of one year.
- 6/ Any government institution shall establish a nursery where female civil servants could breast-feed and take care of their babies; the details of its

implementation shall be determined by directives to be issued by the appropriate government institution.

49. Conditions of Work Applicable to Persons with Disabilities

- 1/ Persons with disabilities shall be entitled to affirmative actions in recruitment, promotion, transfer, redeployment, education and training.
- 2/ Any government institution shall ensure that its working environment is conducive to civil servants with disabilities, provide them with the necessary tools and materials and train them how to use such tools and materials.
- 3/ Any government institution shall have the responsibility to assign an assistant for those civil servants with disability that requires assistance.
- 4/ Privileges prescribed by other laws to persons with disabilities shall be applicable for the implementation of this Proclamation.

50. Conditions of Work Applicable to Minority Nationalities

- 1/ The placement of personnel in a government institution shall take into account fair representation of nations and nationalities.
- 2/ Nations and nationalities having lesser representations within a government institution shall be given the advantage of affirmative actions in recruitment, promotion, transfer, redeployment, education and training.

51. Issuance of Directives

The Ministry shall issue detailed directives for the implementation of affirmative actions provided for under this Section.

SECTION SIX

OCCUPATIONAL SAFETY AND HEALTH

52. Objectives and Applicability

- 1/ The objectives of occupational safety and health shall be:
 - a) to maintain the safety and health of civil servants and enhance their productivity;

- b) to arrange, improve and keep suitable work place for the safety and health of civil servants; and
 - c) to guarantee high level performance of a government institution based on social wellbeing.
- 2/ The provisions of this Section shall also be applicable to temporary workers.

53. Employment Injury

- 1/ "Employment injury" means employment accident or occupational disease.
- 2/ "Employment accident" means any organic injury or 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, working place or working hours, while carrying out orders given by a competent authority;
 - b) injury sustained by a civil servant during or outside of working hours while attempting to save his work place from destruction of imminent danger irrespective of an order given by a competent authority;
 - c) injury sustained by a civil servant while traveling to or from his place of work by a vehicle provided by the government institution for the common use of its staff or by a vehicle hired and expressly destined by the institution for such purpose;
 - d) any injury sustained by a civil servant while present, in connection with his duties, in the work place or premises of the institution before the commencement or after completion of his work or during any interruption of work;
 - e) any injury sustained by a civil servant as a result of an action of the government institution or a third party during the performance of his work.
- 3/ "Occupational disease" means any pathological condition of a civil servant which arises as a consequence of the kind of work he performs or because of his exposure to the agent that causes the disease for a certain period prior to the date in which the disease became evident; provided, however,

that it does not include endemic or epidemic diseases which are prevalent and contracted in the area where the work is done.

- 4/ Notwithstanding sub-article (3) of this Article, if a civil servant engaged in combating epidemic or endemic disease contracted with such disease, it shall be considered as occupational disease.
- 5/ The extent of disability caused by an employment injury shall be determined pursuant to the relevant provisions of the public servants pension law.
- 6/ Notwithstanding the provisions of sub-article (1) of this Article, any injury sustained by the deliberate act of the civil servant, particularly, by his non-observance of express safety rules or by reporting to work in a state of intoxication caused by drinks or drugs shall not be deemed an employment injury.

54. Safety Measures

- 1/ Any government institution 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 utilization.
- 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 officer of any situation which he may have reason to believe could present a hazard.
- 3/ The Ministry shall undertake studies on methods of maintaining occupational safety and health; and facilitate the provision of training for their implementation in government institutions.
- 4/ The Ministry shall supervise the implementation of occupational safety and health measures in government institutions and shall issue directives regarding safety precaution measures.

55. Disability

- 1/ "Disability" means an employment injury resulting in a decrease or loss of capacity to work.
- 2/ The effect of disability may be temporary disability, permanent partial disability, permanent total disability or death.

56. Temporary Disability

"Temporary disability" means a partial or total loss of capacity to work for a limited period of time.

57. Permanent Partial Disability

"Permanent partial disability" means incurable employment injury reducing the capacity to work.

58. Permanent Total Disability

"Permanent total disability" means incurable employment injury, which prevents the injured civil servant from engaging in any kind of remunerated work.

59. Medical Benefits and Injury Leave

- 1/ The government institution shall cover the expenses for the following locally provided medical treatments to a civil servant who has sustained employment injury:
 - a) general and special medical treatment and surgical care;
 - b) hospital and pharmaceutical care;
 - c) any necessary prosthetic or orthopedic appliance.
- 2/ The medical treatment to which an injured civil servant is entitled pursuant to sub-article (1) of this Article shall be provided by private medical institutions where the treatment in question could not be provided by public medical institutions.
- 3/ 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. Where it is medically certified that the civil servant is permanently disabled, he shall

be entitled to the benefits provided for under Article 59 of this Proclamation.

- 4/ Where the civil servant intentionally delays his recovery by not following the medical 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.
- 5/ The Ministry may issue implementation directives regarding the payment of medical expenses referred to in sub-article (1) of this Article.

60. Disability Pension and Gratuity

- 1/ Any civil servant who has sustained permanent total or permanent partial disability due to employment injury shall be entitled to the rights and benefits provided for by the public servants pension law.
- 2/ Injuries which, although not resulting in incapacity to work, cause serious mutilation or disfigurement of the injured civil servant, shall be considered permanent partial disability for the purpose of payment of compensation and other benefits.
- 3/ The assessment of the extent of employment injury as provided for by the public servants pension law shall also apply for the implementation of sub-article (2) of this Article.
- 4/ Where an employment injury has resulted in the death of a civil servant, his survivors shall receive gratuity provided for by the public servants pension law.

61. Tax Exemption

Any payment to be made pursuant to Article 60 of this Proclamation shall be exempt from tax and may not be attached or set off, or assigned by the beneficiary.

62. 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 institution 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 institution may deduct from the salary of the civil servant the expenses incurred pursuant to Article 59(1) and (3) 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.

SECTION SEVEN

MANAGING INFORMATION PROFILES OF CIVIL SERVANTS

63. Personnel Records

- 1/ Any government institution and the Ministry shall keep relevant personnel data organized in a modern way regarding each civil servant or temporary employee.
- 2/ The Ministry shall register the human resource information sent to it pursuant to sub-article (1) of this Article upon ascertaining their compliance with the provisions of this Proclamation and directives issued for the implementation of this Proclamation.
- 3/ Any civil servant shall have right to access to all information contained in his personnel records or to have a copy thereof.
- 4/ Any person other than the concerned administrative staff shall not have access to personnel records of a civil servant without his consent unless authorized by a court order or by the provision of the law.
- 5/ It is prohibited to deposit any document in the personnel records of a civil servant which is not made known or informed to him.

64. The Responsibility of Organizing Profile of Civil Servants

- 1/ The Ministry shall have the duty to:
 - a) implement uniform human resource management information system at a national level;
 - b) organize civil servants data base at national level;
 - c) collect, compile and disseminate statistical data relating to civil servants.

- 2/ Any government institution shall have duty to send information on timely basis to the Ministry's human resource database.
- 3/ Any government institution shall send to the Ministry personnel data of every employee.

SECTION EIGHT

RIGHTS AND OBLIGATIONS

65. Responsibilities of Government Institutions

Without prejudice to other provisions of this Proclamation, any government institution shall have responsibilities to:

- 1/ make civil servants fully aware of government policies, strategies and laws;
- 2/ ensure that its working environment is free from any form of religious practices or activities;
- 3/ provide job description to each civil servant and evaluate his performance based on work plans;
- 4/ provide necessary work appliances to civil servants and orient them about their usages;
- 5/ create conducive working environment to the health and safety of civil servants.

66. Obligations of Civil Servants

Any civil servant shall have the following obligations:

- 1/ be loyal to the public and the Constitution and respect the law;
- 2/ effectively execute the laws and policies issued by the Government;
- 3/ serve the public and the country without having any form of bias;
- 4/ devote his whole energy and ability to the service of the public;
- 5/ discharge the functions specified in his job description and the lawful orders of his immediate supervisor;

- 6/ be reserved from exercising any activity or practice reflecting his own faith or religion at the place of work;
- 7/ not disclose confidential matters of the government institution classified as such;
- 8/ avoid discriminatory treatment of clients on the basis of gender, language, ethnicity, religion, political stand, physical disability or other forms of differentiations;
- 9/ not engage in any other activity that compromise his service to the government institution or otherwise conflict with his duties or is incompatible with his status as a civil servant;
- 10/ not use his position to advance his political interest and thereby exercise discriminatory practice;
- 11/ not solicit or accept any gift or a present having a value in consideration of the service he renders or expected to render as a civil servant;
- 12/ properly use and handle equipment and implements supplied to him for the purpose of doing his job;
- 13/ submit for medical examination, other than examination for HIV/AIDS, when required by the government institution on sufficient grounds related to his service;
- 14/ observe occupational safety and health rules.

67. Extent of Liability

Any civil servant shall be liable for the damage or loss of equipment and implements supplied to him for the purpose of doing his job, where such damage or loss is caused by his negligence or intentional act.

SECTION NINE

DISCIPLINARY MEASURES AND GRIEVANCE HANDLING

SUB-SECTION ONE

DISCIPLINARY MEASURES

68. Objective of Disciplinary Penalty

The objective of a disciplinary penalty shall be to cause delinquent civil servant to regret and learn from his mistakes and to rehabilitate him so as to become ethically sound civil servant or to discharge him when he becomes recalcitrant.
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69. Types and Classification of Disciplinary Penalties

- 1/ Depending on the gravity of the offence, any 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 15 day's salary;
 - d) fine up to three month's salary;
 - e) down grading for the period of up to two years;
 - f) dismissal.
- 2/ The penalties specified under sub-article 1(a) to (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 has been demoted in accordance with paragraph (e) of sub-article (1) of this Article shall be reinstated, upon the lapse of his period of punishment:
 - a) when a similar vacant post is available, 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 be referred to and remain as a record:
 - a) for two years, where the penalty is simple;
 - b) for five years, where the penalty is rigorous.

70. Offences Entailing Rigorous Disciplinary Penalties

Rigorous disciplinary penalties may be imposed for the following offences:

- 1/ neglect of duty by being disobedient to lawful orders, negligent or tardy or by intentional nonobservance of working procedures and government policies;
- 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, fall short of getting lesson in spite of being penalized by simple disciplinary penalties; fail
- 5/ to initiate and commit physical violence at the work place;
- 6/ neglect of duty by being alcoholic or drug addict;
- 7/ to accept or solicit bribes;
- 8/ to commit an immoral act at work place;
- 9/ to commit an act of theft or breach of trust;
- 10/ to commit an act of misrepresentation or fraudulent act;
- 11/ to inflict damages to the property of the government institution due to an intentional act or negligence;
- 12/ abuse of power;
- 13/ to commit sexual harassment or abuse at the work place;
- 14/ to commit any breach of discipline offence of equal gravity with the offences specified under this Article.

71. Taking Disciplinary Measures

- 1/ Any government institution shall establish a disciplinary committee which shall conduct formal disciplinary investigation and thereby submit recommendations to the head of the government institution.
- 2/ Disciplinary measures may be taken irrespective of any court proceeding or decision.

72. Suspension from Duty

- 1/ Any civil servant may 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;

- b) he may commit additional offence on the property of the government institution;
 - c) the alleged offence is so grave as to demoralize other civil servants or negatively affect the public trust towards civil servants; or
 - d) the disciplinary offence may lead to dismissal.
- 2/ A civil servant may be suspended from duty and payment of salary in accordance with sub-article (1) of this Article only for a maximum period of two months.
- 3/ The decision given in accordance with sub-article (2) of this Article shall be communicated to the civil servant in writing, stating the grounds and duration of his suspension and signed by the head of the government institution or his representative and copied to the Ministry.
- 4/ Unless a decision of dismissal is rendered against a suspended civil servant, the salary withheld during the 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.
- 6/ Notwithstanding the provisions of sub-article (2) of this Article, if the suspension period of a civil servant from duty and payment of salary expires before his dismissal or reinstatement with payment of salary in accordance with sub-article (4) of this Article, the head of the government institution may extend the suspension for a period of up to one month:
- a) with payment of half salary if the delay is caused by the complexity of investigation of the disciplinary charge; or
 - b) without payment of salary if the cause of delay is attributable to the civil servant himself.
- 7/ If the initial or extended period of suspension of a civil servant from duty and payment of salary expires either before the dismissal of the civil servant or his reinstatement with payment of his salary in accordance with sub-article (4) of this Article, the suspension from duty and payment of salary shall be lifted and the investigation of the disciplinary charge shall continue; provided, however, that committee members and officers responsible for the delay shall be liable for disciplinary offence.

73. 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; provided, however, that the official who has failed to take the disciplinary measures within the time limit shall be held accountable.
- 2/ No disciplinary charge shall be brought against a civil servant who has committed an offense entailing rigorous disciplinary penalty in addition to criminal liability, unless the disciplinary charge is brought within the time limit provided for in the criminal code for such criminal offense.
- 3/ No disciplinary charge shall be brought against a civil servant who has committed an offense entailing rigorous disciplinary penalty, but not entail criminal liability, unless the disciplinary charge is brought within the time limit provided for 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 from the date he became aware of the offence, shall be liable for disciplinary offence.
- 5/ Any claim by a civil servant for payment of money shall be barred by limitation unless submitted to the concerned body within six months from the date it becomes due.

SUB-SECTION TWO

GRIEVANCE HANDLING PROCEDURE

74. Grievance

For the purpose of application of this Sub-Section, “grievance” means a complaint of a civil servant that could not be resolved through discussion conducted with the civil servant’s immediate supervisor or with the concerned officer and should be addressed through a formal review procedure.

75. Objectives of Grievance Handling Procedure

Civil servants’ grievance handling procedure of shall have the following objectives:

- 1/ to provide expeditious remedy for grievances;
- 2/ to rectify mistakes and weaknesses that are causes for grievances;

- 3/ to provide equitable and fair treatment to all civil servants and thereby promote smooth work relationship.

76. Establishment of Grievance Handling Committee

Any government institution shall establish a grievance handling committee that conducts grievance inquiry, and submits recommendation to the head of the government institution.

77. Duties of Grievance Handling Committee

A grievance handling committee shall have the duty to investigate complaints lodged by civil servants and submit recommendations relating to:

- 1/ interpretation and implementation of laws and directives;
- 2/ protection of rights and benefits;
- 3/ occupational safety and health;
- 4/ placement and promotion;
- 5/ performance appraisal;
- 6/ undue influence exerted by supervisors;
- 7/ disciplinary measures taken pursuant to sub-article (1)(a) and (b) of Article 69 of this Proclamation;
- 8/ other issues related to conditions of work.

78. Administrative Decision

- 1/ “administrative decision” means a decision given in writing by the head of a government institution in the case of matters referred to in this Section on the recommendation of disciplinary or grievance committee or on other matters directly falling under his authority in accordance with the law.
- 2/ Notwithstanding sub-article (1) of this Article, a decision given by the head of a government institution either without following the formal procedure or verbally shall be construed as an administrative decision.

SECTION TEN
CIVIL SEREVANTS ADMINISTRATIVE TRIBUNAL

79. Establishment

- 1/ The Civil Servants Administrative Tribunal (hereinafter the “Administrative Tribunal”) is hereby established.
- 2/ The Administrative Tribunal shall have chambers which examine and decide on appeal cases.
- 3/ Each chamber shall have a chairperson and two members designated by the Minister.
- 4/ The Ministry shall issue directives relating to the manner of execution of function of judges of the Administrative Tribunal, the code of ethics they should observe, and other related matters.

80. Powers and Procedures of the Administrative Tribunal

- 1/ The Administrative Tribunal shall have judicial powers to:
 - a) hear cases brought to it and render orders and decisions;
 - b) hear an appeal brought by a civil servant against an alleged decision and supported by an affidavit.
- 2/ Orders and decisions of the Administrative Tribunal shall be considered as orders and decisions of any civil court.

81. Jurisdiction of the Administrative Tribunal

The Administrative Tribunal shall have the power to hear and decide on:

- 1/ appeals lodged by civil servants relating to:
 - a) unlawful suspension or termination of service;
 - b) rigorous disciplinary penalty;
 - c) unlawful attachment or deduction of salary or other payments;
 - d) infringement of rights arising from employment injury;
 - e) except provided under Article 77(7) of this Proclamation, cases decided upon investigation by grievance handling committee;
 - f) request for termination letters and certificate of service;

- 2/ appeals lodged by temporary employees and employees of government institutions authorized by their establishment legislations to administer their employees in accordance with directives issued following the basic principles of the civil service laws.
- 3/ The Administrative Tribunal may, after hearing an appeal, confirm, reverse or vary an administrative decision.
- 4/ The decision of the Administrative Tribunal on question of facts shall be final; provided, however, that any party who claims that the decision of the Administrative Tribunal has error of law, may appeal to the Federal Supreme Court within 60 days from the date of decision of the Administrative Tribunal.

82. Execution of Decision

- 1/ Any government institution shall have the obligation to immediately execute a decision given by the Administrative Tribunal.
- 2/ Where the beneficiary of a decision pleads that the decision of the Administrative Tribunal given in accordance with Article 81(3) and (4) of this Proclamation is not executed within 30 days, the Administrative Tribunal shall refer the case to the Federal First Instance Court to enforce the execution of the decision.
- 3/ The head of the government institution who failed to execute the decision of the Administrative Tribunal shall be liable for the damage sustained by the institution and the civil servant.

SECTION ELEVEN

TERMINATION AND EXTENSION OF SERVICE

83. Resignation

- 1/ Any civil servant may, by giving a one month prior notice, resign at any time; provided, however, that the government institution may release him prior to the end of the notice period if it can easily replace him.
- 2/ Any civil servant, who has terminated his service without giving a one month prior notice referred to in sub-article (1) of this Article, shall have civil and criminal liability for any damages caused by such failure.

- 3/ Where the service of the civil servant is indispensable and he could not be replaced easily, his release may, in agreement with his future employer, be delayed for a period not exceeding three months counted from the date of application.

84. Termination Due to Illness

- 1/ Where a civil servant is unable to resume work within the time specified under Article 43(2) or (4) of this Proclamation, he shall be deemed unfit for service and his service shall be terminated.
- 2/ Without prejudice to the provisions of Article 59(3) of this Proclamation, where a civil servant who has sustained employment injury is medically determined to be permanently disabled, his service shall forthwith be terminated.
- 3/ If a civil servant does not agree on a transfer that could be effected in accordance with sub-article 3(b) of Article 26 of this Proclamation, his service shall be terminated.

85. Termination on Grounds of Inefficiency

- 1/ The service of a civil servant who has completed his probation period may be terminated due to inefficiency where his performance evaluation result indicate his inefficiency and has shown no improvement after being given appropriate capacity building training.
- 2/ The service of a civil servant may be terminated due to inefficiency where his performance evaluation result is below satisfactory for three successive evaluation periods despite exerting all his knowledge and ability to accomplish his work.
- 3/ Notwithstanding the provisions of sub-article (2) of this Article, a civil servant whose performance evaluation result is above satisfactory for five successive years may not be dismissed on grounds of inefficiency unless his performance evaluation result becomes below satisfactory for the following four successive evaluation periods.
- 4/ The termination of service of a civil servant under sub-article (2) and (3) of this Article shall, as may be necessary, be effected for the achievement of the purposes of performance evaluation under Article 30 of this Proclamation.

86. Termination due to Force Majeure Situations

- 1/ A civil servant who has completed his probation period if absent from work due to force majeure, shall inform the situation within one month to the government institution.
- 2/ The government institution that has received the reasons of absence of a civil servant in accordance with sub-article (1) of this Article shall, after verifying the validity of the reason by the head of the institution or his representative, keep the post of the civil servant vacant for six months; provided, however, that the service of a civil servant may be terminated if he is unable to resume work within the six months.
- 3/ Notwithstanding sub-article (2) of this Article, if a civil servant who is absent from work due to detention for more than six months produces an evidence of his acquittal, the government institution shall reinstate him on any vacant position by maintaining his previous salary.
- 4/ Without prejudice to the provisions of sub-article (1) of this Article, when a civil servant who has completed his probation is absent from his work for ten consecutive working days due to unknown reasons, the government institution may terminate his service after calling him to report by two consecutive notices of ten days each.
- 5/ A civil servant who has reported to work pursuant to the notices made in accordance with sub-article (4) of this Article if reports to work within a month from the first day of his absence shall, without prejudice to the administrative measure that may be taken by the head of the government institution upon examining the reasons of his absence, be reinstated to his position.
- 6/ Notwithstanding the provisions of sub-article (4) of this Article, a government institution may, upon authorization by the head of the institution or his representative, reinstate a civil servant to a similar vacant position if he reports to work within six months from the date of his absence by producing sufficient evidence to prove that his absence was caused by force majeure.
- 7/ The service of a civil servant who has not completed his probation shall be terminated without any additional formality where he is absent from work due to unknown reasons.

87. Retrenchment

- 1/ Any civil servant shall be retrenched where:

- a) his position is abolished;
- b) the government institution is closed; or
- c) redundancy of man power is created;

and where it is not possible to reassign him in accordance with Article 30(1) of this Proclamation or where he is reluctant to accept a position of a lower grade.

- 2/ Retrenchment of a civil servant in accordance with sub-article (1)(c) of this Article shall be made when it is proved that his performance and qualification are lower when compared with other civil servants holding the same position.

88. Termination of Service on Disciplinary Grounds

The service of a civil servant shall be terminated where a disciplinary penalty under sub-article (1)(f) of Article 69 of this Proclamation is imposed on him and the penalty is not reversed by the Administrative Tribunal on appeal.

89. Retirement

- 1/ The service of a civil servant whose service is not extended beyond retirement age pursuant to Article 93 of this Proclamation shall be terminated on the last day of the last month in which he attained the retirement age determined by law.
- 2/ A civil servant who retires in accordance with sub-article (1) of this Article shall be notified of his retirement in writing three months prior to his retirement.

90. Termination on the Ground of Death

- 1/ The service of a civil servant shall be terminated on the day of his death.
- 2/ The full salary for the month in which a civil servant has passed away as well as the payment referred to in Article 41(1) of this Proclamation for unused annual leaves shall be paid to his spouse or in the absence of spouse to his legal heirs.
- 3/ Without prejudice to the provisions of the relevant pension law, where a civil servant dies, a lump sum of payment equivalent to his three months' salary shall be paid to his spouse or members of his family who were

dependent on him, and were communicated, in writing, by him to the government institution; provided, however, that in the absence of such communication of the spouse or family members, the payment shall be effected upon the production of evidence given by a competent body or court.

- 4/ The payment under sub-article (3) of this Article shall be exempted from tax and pension contribution; and shall not be subject to attachment or setoff.

91. Certificate of Service

- 1/ A certificate of service to be issued to any civil servant shall indicate the type and length of his service as well as his salary.
- 2/ If a civil servant who is bound by an obligation of a training contract or is indebted towards the government institution terminates his service for any reason, he shall not be entitled to a certificate of service before obtaining a clearance certificate for discharging his obligations.
- 3/ The provisions of sub-article (2) of this Article shall not be applicable to a civil servant whose service is not terminated.

92. Severance Pay

- 1/ Any civil servant who has been retrenched under Article 87 of this Proclamation and is not entitled to pension allowance on the date of the termination of his service shall be paid:
 - a) his three months' salary for the first year of his service; and
 - b) one-third of his monthly salary for each additional year of his service;provided, however, that such payment shall not exceed his 12 months' salary.
- 2/ A civil servant who has completed his probation and served for less than one year shall be entitled to severance pay in proportion to his service.

93. Extension of Service

- 1/ The service of a civil servant may be extended beyond his retirement age for a period up to five years at a time and for a period not exceeding ten years in total.
- 2/ The service of a civil servant may be extended under sub-article (1) of this Article where:
 - a) his qualification, special skill and ability is found to be essential to the government institution;
 - b) it is not possible to replace him by another civil servant through promotion, transfer or recruitment;
 - c) he is proved fit for service by medical certificate;
 - d) he has agreed to the extension of his service; and
 - e) the extension is approved by the Ministry upon a request submitted three months prior to the date of his retirement.

SECTION TWELVE

MISCELLANEOUS PROVISIONS

94. Nullification of Appointment, Promotion, Salary Increment and Other Benefits

- 1/ If any appointment, promotion, salary increment or other benefits is effected upon presentation of false evidence of education or experience or effected by unauthorized person or contravenes this Proclamation, regulations and directives issued for the implementation of this Proclamation or any other law, it shall, without prejudice to disciplinary and criminal liabilities, be nullified by the head of the government institution or the Ministry.
- 2/ Without prejudice to his disciplinary and criminal liability, a civil servant whose appointment, promotion, salary increment or other benefits has been nullified may not be requested to pay back the salary and other benefits he has received up to the date of the nullification.
- 3/ An official or member of a committee who intentionally or with gross negligence authorizes unlawful appointment, promotion, salary increment or other benefits shall be liable under the relevant disciplinary, criminal and civil law provisions.

- 4/ Where the head of the government institution or the Ministry finds out that a fault specified under sub-article (3) of this Article has been committed, it shall take corrective measure and submit the case with pertinent evidence to the relevant government body that has the power to initiate criminal or civil proceedings against the persons responsible for the violation.

95. Delegation of Power

The Ministry may delegate its powers and duties under this Proclamation to government institutions where it deems it necessary for the efficient and effective human resource management of the public service.

96. Supervision of Implementation of the Proclamation

- 1/ The Ministry shall have the powers and duties to supervise the proper implementation of this Proclamation and regulations and directives issued hereunder.
- 2/ The Ministry, in exercising its powers and duties under sub-article (1) of this Article, may at any time:
 - a) examine files and other records by sending inspectors to government institution or by ordering them to submit such files and records; and
 - b) require the concerned official or other civil servants to give oral or written explanation.
- 3/ Where the Ministry, through its investigation under sub-article (2) of this Article or otherwise, discovers that the law is infringed or a discriminatory act is committed, it shall have the power:
 - a) to order the rectification of the irregularities;
 - b) to suspend the execution of the matter until decision is made there on;
 - c) to cause the taking of appropriate administrative measures against the official or the civil servant responsible for the act; and
 - d) to act in accordance with Article 94 (4) of this Proclamation.

97. Power to Issue Regulations and Directives

- 1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.
- 2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to the Proclamation.

98. Transitory Provisions

- 1/ Until the Ministry adopts national criteria and parameters that enable the establishment of eligibility and competence certification for examining and selecting applicants for vacant posts, the other selection criteria provided for by this Proclamation alone shall continue to apply to the recruitment, promotion, transfer and redeployment of civil servants.
- 2/ The relevant provisions of the Public Service Position Classification and Scale Regulations No. 2 (Legal Notice No. 419 of 1972), the Federal Civil Servants Disciplinary and Grievance Procedure Council of Ministers Regulations No. 77/2002 and existing directives shall, in so far as they are consistent with this Proclamation, remain in force until replaced by regulations and directives issued in accordance with Article 97 of this Proclamation.

100. Repealed Laws

- 1/ The Federal Civil Servants Proclamation No.515/2007 is hereby repealed.
- 2/ No law, directive or practice shall, in so far as it is inconsistent with this Proclamation, have force or effect in respect of matters provided for by this Proclamation.

101. Effective Date

This Proclamation shall come in to force upon publication in the *Federal NegaritGazeta*.

Done at Addis Ababa, this ----- day of -----, 2017.

MULATU TESHOME (Dr.)

PRESIDENT OF THE FEDERA DEMOCRATIC
REPUBLIC OF ETHIOPIA