

# LAW OF MONGOLIA

## ON CIVIL SERVICE (revision)

December 7, 2017

Ulaanbaatar city

### PART I

#### CIVIL SERVICE

##### CHAPTER ONE GENERAL PROVISIONS

#### **Article 1. Purpose of the Law**

1.1. The purpose of this Law is to establish the legal basis for a professional, stable, transparent and accountable civil service, and to regulate matters relating to definition of the legal status of a central authority for civil service and civil servants, and social security of civil servants.

#### **Article 2. Civil service legislation**

2.1. Civil service legislation shall comprise of the Constitution of Mongolia, this Law and other legal acts enacted pursuant therewith.

#### **Article 3. Definition of terms**

3.1. The following terms used in this Law shall have the meaning indicated below:

3.1.1 “civil service” refers to activities, structure and arrangements for the implementation of the state’s goals and functions within the scope of the Constitution of Mongolia and other laws and regulations, developing state policies and provision of mandatory government services to the public;

3.1.2. “civil servant” refers to a person holding a civil service position, paid compensation from the state for exercising the rights and duties, and provided with work conditions and safeguards;

3.1.3. “the merit principle” refers to the process of recruitment, appointment, termination, performance assessment, promotion and rewards based on an individual’s knowledge, education, qualifications, professional skills, competencies, experience and work performance;

3.1.4. “vacant position” refers to a position vacated by a member of the core civil service due to demotion, termination or dismissal from the civil service; or transfer or appointment to another position; or in case of death;

3.1.5. “job position description” refers to a formal document which describes key functions of a given position and qualifications required from a civil servant for discharging these functions, including education, professional skills, experience and competencies.

## **Article 4. Scope of the Law**

4.1. The legal status of civil servants holding political appointment positions shall be defined by the law; and the relevant provisions of this Law shall be applied unless otherwise provided by laws.

4.2. The legal status of core civil servants shall be defined by this Law and other legal acts.

4.3. The legal status of civil servants in the service category shall be defined by the Labour Law, this Law and other legal acts.

4.4. Other issues related to employment relations of civil servants which are not regulated by this Law, shall be regulated by the Labour law and other laws.

4.5. The matters concerning pension and benefits of civil servants shall be regulated by this Law, the Law on pension and benefits to be provided from the Social Insurance Fund and the Law on pension and benefits of military personnel respectively.

4.6. Issues related to appointment and removal of judges of the Constitutional Court and all levels of courts shall be regulated by relevant laws.

## **CHAPTER TWO MISSION, CLASSIFICATION, PRINCIPLES, STANDARDS AND FINANCING OF THE CIVIL SERVICE**

### **Article 5. Mission of the civil service**

5.1. The mission of the civil service is to strictly adhere to the Constitution of Mongolia and other laws, uphold fundamental national interests, serve the people and provide loyal service to the state.

### **Article 6. Classification of the civil service**

6.1. The civil service shall be divided into the following categories:

- 6.1.1. political service;
- 6.1.2. public administration service;
- 6.1.3. special state service;
- 6.1.4. public service.

6.2. The services specified in Articles 6.1.2 and 6.1.3 of this Law shall be regarded as the core civil service.

### **Article 7. Principles of the civil service**

7.1. In addition to the principles of democracy, justice, freedom, equality, national unity and respect for the rule of law as stipulated in Article 1.2 of the Constitution of Mongolia, the following principles shall be followed in the civil service:

- 7.1.1. serve the people;

- 7.1.2. maintain professionalism and stability;
- 7.1.3. apart from those in political appointment positions, all civil servants shall refrain from activities of political parties and coalitions;
- 7.1.4. provide Mongolian citizens with equal opportunities to work in the civil service
- 7.1.5. recruitment for the core civil service shall be based on the merit principle only;
- 7.1.6. be transparent;
- 7.1.7. avoid conflict of interest;
- 7.1.8. respect for hierarchical subordination.

#### **Article 8. Civil service standards**

8.1. Civil service standards shall aim at efficient management of the civil service, optimal organisation of the work of state bodies and civil servants.

8.2. Civil service standards shall establish requirements for management activities aimed at ensuring that state bodies and civil servants perform functions, tasks and responsibilities assigned to them, and to improve efficiency and effectiveness of public services.

8.3. Civil service standards shall be developed, approved and enforced according to the Law on Standardization, technical regulations and conformity assessment.

#### **Article 9. Financing of the civil service**

9.1. The funding for the civil service shall be provided from the state budget.

9.2. Any measures of the State aimed at reducing the size of the civil service shall not serve as a basis for cutting and suspending salaries, allowances, pension, benefits, and other payments for civil servants, temporarily or permanently.

9.3. Monitoring over financial management of the civil service and budget execution by state bodies shall be implemented according to procedures set out by laws and regulations on budget and state audit.

### **CHAPTER THREE CLASSIFICATION AND CATEGORIES OF CIVIL SERVICE POSITIONS, PERSONAL FILES AND REGISTER OF CIVIL SERVANTS**

#### **Article 10. Classification and categories of civil service positions**

10.1. Civil service positions shall be classified into the following categories:

- 10.1.1. political appointment positions;
- 10.1.2. public administration positions;
- 10.1.3. special state service positions;
- 10.1.4. public service positions.

10.2. Civil service positions shall be divided into managerial, executive and support types.

10.3. Positions specified in Articles 10.1.2 and 10.1.3 of this Law shall be regarded as the core civil service positions.

10.4. A detailed breakdown of positions under managerial, executive and support types specified in Articles 10.1.2 and 10.1.4 of this Law, shall be approved by the Government, based on the proposal by the central authority for civil service.

### **Article 11. Political appointment civil service positions**

11.1. Political appointment civil service positions shall include the following positions held by those elected under conditions, procedures and criteria established by the Constitution of Mongolia and other laws, appointed as a result of such elections; and those who are recruited for positions to support them during their term in office:

- 11.1.1. The President of Mongolia;
- 11.1.2. The Chairman of the State Great Hural of Mongolia;
- 11.1.3. The Prime Minister of Mongolia;
- 11.1.4. The Deputy Chairman and member of the State Great Hural of Mongolia;
- 11.1.5. Member of the Government of Mongolia;
- 11.1.6. The Chief of the President's Office of Mongolia;
- 11.1.7. The Chief of the Cabinet Secretariat and vice minister;
- 11.1.8. Advisor to the President of Mongolia, advisor to the Chairman of the State Great Hural of Mongolia, and advisor to the Prime Minister;
- 11.1.9. Governors at all levels, Deputy Governors of aimag, the capital city, soum and district;
- 11.1.10. Positions of full-time advisor, assistant, media officer rendering service for a political appointment civil servant during his/her term in office;
- 11.1.11. Positions in secretariats serving parties and coalitions in the State Great Hural;
- 11.1.12. other positions specified in laws.

11.2. Positions of chairman of Citizens' Representative Hurals of aimag, the capital city, soum, and district, manager of town and village may be equated to political appointment civil service positions.

11.3. Advisors, assistants, media officers who are recruited for the sole purpose of assisting a political appointment civil servant during his/her term in office, shall be directly supervised by him/her, however shall be subordinated to the respective state bodies as civil servants.

### **Article 12. Public administration positions**

12.1. Public administration positions shall include the following positions performing functions to provide professional advice for developing public policies, provide public administration management and organisational support for the implementation of such policies:

12.1.1. Chairman, members, managerial and executive positions of secretariat of the Civil Service Council;

12.1.2. Managerial and executive positions of secretariats of the State Great Hural, the President's Office, the Government, the Constitutional Court, the Court Administration and the Prosecutor's Office;

12.1.3. Managerial and executive positions of secretariats of the Financial Regulatory Commission, the National Statistics Committee, the General Election Commission and the National Human Rights Commission;

12.1.4. Managerial and executive positions of secretariat of the National Security Council;

12.1.5. State Secretary of a ministry, managerial and executive positions of ministries;

12.1.6. Managerial and executive positions of government agencies, unless otherwise provided by laws;

12.1.7. Secretary of Citizens' Representatives' Hural of aimag, the capital city, soum, district; managerial and executive positions of the Governor's Office and Secretariat of Citizens' Representative Hural of aimag, the capital city, soum, district;

12.1.8. Managerial and executive positions of local public administration organisations under the Governor's Office of aimag and the capital city, financed from the state budget, unless otherwise provided in laws;

12.1.9. Managerial and executive positions of secretariat of Mayor's office of town and village;

12.1.10. other positions specified in laws.

### **Article 13. Special state service**

13.1. Special state service shall include the following positions to perform special state functions related to ensuring the national security and public safety, maintaining social order and the core principle of the rule of law in accordance with procedures set out by the Constitution of Mongolia and other laws:

13.1.1. Judges of the Constitutional Court, judges of all levels of courts and prosecutors;

13.1.2. Secretary of the National Security Council;

13.1.3. President, first deputy governor and deputy governor of the Central Bank of Mongolia; chairman and members of the Financial Regulatory Commission; chairman and vice chairman of the National Statistics Committee; chairman and secretary of the General Election Commission; chairman and members of the National Human Rights Commission; managerial and executive positions of the national and local audit offices and the Independent Authority against Corruption.

13.1.4. Managerial positions in armed forces, border and internal troops, emergency, intelligence, police, court decision enforcement, and forensic science institutions;

13.1.5. diplomatic service positions;

13.1.6. Officers, sergeants and bailiffs, customs inspectors, forensic experts and specialists of armed forces, border and internal troops, emergency, intelligence, police, case-filing, investigation, court decision enforcement bodies;

13.1.7. other positions specified in laws.

#### **Article 14. Public service positions**

14.1. Public service positions shall include the following positions to perform functions related to delivering equitable, quality and accessible public services, and to assist in the normal functioning of state bodies, employment conditions of which shall be based on labour contract:

14.1.1. Support positions to assist in the normal operation of state bodies;

14.1.2. Managers, directors, principals, other managerial, executive and support positions of public service organisations such as education, science, health, culture, arts and sports, financed from the state budget;

14.1.3. Managerial, executive and support positions of public service organisations under a ministry or agency, financed from the state budget.

#### **Article 15. Personal files of civil servants**

15.1. Personal file of civil servants (hereinafter referred as “personal file”) shall consist of a civil servant’s surname, father’s (or mother’s) name, given name, the position held, and work performance related information.

15.2. A unique personal file shall be created for each civil servant.

15.3. A procedure for maintaining personal files shall be approved by the central authority for civil service.

#### **Article 16. National integrated register of civil servants**

16.1. The central authority for civil service shall maintain the national integrated register of civil servants which reflects past and present employment records of civil servants and the roster of reserve candidates for managerial positions specified in Articles 10.1.2 and 10.1.4 of this Law.

16.2. A procedure for maintaining integrated register of civil servants, including retrieval of information shall be approved by the Government.

16.3. Civil servants who belonged to ranks of high level civil service positions or held similar positions shall be registered as reserve candidates for managerial positions specified in Article 16.1 of this Law.

**CHAPTER FOUR  
RANKS OF HIGH LEVEL CIVIL SERVANTS,  
CLASSIFICATION AND GRADES OF OTHER CIVIL SERVICE POSITIONS,  
AND RANKS OF THE CORE CIVIL SERVICE**

**Article 17. Ranks of high-level civil servants**

17.1. Ranks of high-level civil servants and the grades of equivalent civil servants, shall be approved by the State Great Hural, based on the proposal by the central authority for civil service.

**Article 18. Classification and grades of public administration positions**

18.1. Public administration positions shall be classified as follows:

- 18.1.1. senior principal officer;
- 18.1.2. principal officer;
- 18.1.3. senior officer;
- 18.1.4. associate officer;
- 18.1.5. assistant officer.

18.2. The category of senior principal officer includes positions of the State Secretary of ministries and other similar positions.

18.3. The category of principal officer includes positions of heads of departments and divisions of ministries and other similar positions.

18.4. The category of senior officer includes positions of heads of units, senior experts and experts of ministries and other similar positions.

18.5. The category of associate officer includes positions of senior specialist, specialist and senior administrative officer and other similar positions.

18.6. The category of assistant officer includes positions of administrative officers of ministries and other similar positions.

18.7. Classification and grades of managerial and executive positions of the State Great Hural, the President's Office, the Government, the Supreme Court, the Constitutional Court, the General Prosecutor's Office, the National Human Rights Commission, the Civil Service Council, the National Security Council, the General Election Commission, the Financial Regulatory Commission, the National Statistics Committee, the Secretariat of the General Judicial Council, shall be approved by the State Great Hural, based on the proposal by the central authority for civil service.

18.8. Classification and grades of public administration positions of ministries and other government organisations shall be approved by the Government, based on the proposal provided by the central authority for civil service.

**Article 19. Classification, grades and ranks of special state services**

19.1. Classification, grades and ranks of the special state service shall be established as specified in laws and regulations.

## **Article 20. Grades of public service positions**

20.1. Grades of public service positions shall be approved by the Government, based on the proposal by the central authority for civil service.

## **Article 21. Ranks of public administration positions**

21.1. Public administration positions, including senior principal officer, principal officer, senior officer, associate officer and assistant officer, shall each have ranks of first, second, third and fourth levels.

21.2. The ranks specified in Article 21.1 of this Law shall be awarded by the following officials:

21.2.1. The rank of senior principal officer shall be awarded by the President of Mongolia;

21.2.2. The rank of principal officer shall be awarded by the Prime Minister of Mongolia;

21.2.3. The rank of senior, associate and assistant officers shall be awarded by the Minister of Mongolia, the Governor of aimag and the capital city, and a competent authority of other government organisations.

21.3. When assigning ranks, the duration of employment in the civil service and the given position, performance outcomes and qualifications shall be considered duly.

21.4. A procedure for awarding ranks of public administration positions and providing respective remunerations shall be approved by the State Great Hural, based on the proposal by the central authority for civil service and submitted by the Government, unless otherwise provided by laws.

21.5. Ranks of positions in some special sectors of the civil service may be established by law, based on the proposal by the central authority for civil service.

## **PART II**

### **REQUIREMENTS FOR CIVIL SERVICE POSITIONS, APPOINTMENT PROCEDURE FOR CIVIL SERVICE POSITIONS, CIVIL SERVICE EXAMINATION**

#### **CHAPTER FIVE REQUIREMENTS FOR CIVIL SERVICE POSITIONS**

## **Article 22. General requirements for admission to the core civil service**

22.1. Unless specified in laws, a person admitted to the core civil service shall meet the following general requirements:

22.1.1. to be a citizen of Mongolia;



22.1.2. to have higher education;

Note: Article 22.1.2 shall not apply to assistant's positions specified in Article 10.2 of this Law.

22.1.3. to have no criminal records of conviction by court for offences of corruption and abuse of power specified in the Criminal code;

22.1.4. to have spoken and written Mongolian language skills;

22.1.5. to have no mental illnesses or impairments;

22.1.6. to have fulfilled the duty to complete compulsory military service as provided by law.

Note: Article 22.1.6 of this Law shall not apply to those citizens who reached the age of 18 before June 3, 2008; who are exempted from military service temporarily or permanently for medical reasons as certified by a medical institution or any other justifications provided by laws.

### **Article 23. Specific requirements for civil service positions**

23.1. Specific requirements for political service and special state service shall be specified by relevant laws.

23.2. In addition to the general requirements specified in Article 22.1 of this Law, citizens who meet the following specific requirements shall be eligible for appointment to public administration positions, unless otherwise provided by laws:

23.2.1. In case of appointment to positions of the senior principal officer category, candidates are required to have at least 16 years of employment in the civil service, of which at least 8 years served in position(s) of principal officer; attended and completed package professionalisation training;

23.2.2. In case of appointment to positions of the principal officer category, candidates are required to have at least 12 years of employment in the civil service, of which at least 4 years served in position(s) of senior officer; attended and completed package professionalisation training;

23.2.3. In case of appointment to positions of the senior officer category, candidates are required to have at least 8 years of employment in the civil service, of which at least 4 years served in position(s) of associate officer; attended and completed package professionalisation training.

23.3. A generic procedure on developing specific requirements for managerial and executive positions of the core civil service and job position description, shall be approved by the central authority for civil service, unless otherwise provided by laws.

23.4. Job description of public administration positions shall be developed, for each position separately, in accordance with the procedure stated in Article 23.3 of this Law, and approved by an appointing authority based on endorsement by the central authority for civil service.

23.5. No amendments shall be made in the specific requirements and job position descriptions specified in Article 23.3 of this Law, except for changes to mandates of a given organisation by laws and regulations.

23.6. Persons selected or appointed for positions subject to submitting personal interest, income and asset declaration as specified in laws, shall take actions specified in Article 10<sup>1.4</sup> of the Law on Regulation of public and private interests and prevention of conflict of interest in the public service.

#### **Article 24. Package professionalisation training**

24.1. The content and programme of package professionalisation training, specific to each position, which considers responsibilities and functions of a given position shall be approved jointly by the central authority for civil service and the Government.

24.2. Package professionalisation training shall be organised by a civil service training institution under the Government.

### **CHAPTER SIX APPOINTMENT PROCEDURE FOR CORE CIVIL SERVICE POSITIONS**

#### **Article 25. General procedure for recruitment to core civil service positions**

25.1. A Mongolian citizen who meets the requirements specified by this Law shall be eligible for recruitment to core civil service positions, unless otherwise provided by laws.

#### **Article 26. Basic criteria for appointment to public administration positions**

26.1. The merit principle as provided in Article 3.1.3 of this Law shall be the main criteria and the person who best meets it shall be eligible for appointment to public administration positions.

26.2. Candidates who meets both general requirements specified in Article 22.1 and specific requirements specified in Article 23, shall be considered to have satisfied the criteria stipulated in Article 26.1 of this Law.

26.3. A civil servant who meets 50 percent of specific requirements whereby set out the employment duration, stated in Article 23.2 of this Law, may be promoted before the required time, based on work performance results, assessment of qualification level, ethics, knowledge, professional skills, experience and competencies.

26.4. A regulation for career-based promotion in the civil service, in compliance with the Law, shall be approved by the central authority for civil service, considering the proposal of the Government. This regulation shall be applied for career-based promotion and appointment in the civil service.

#### **Article 27. Selection and recruitment for core civil service positions**

27.1. In case of a vacant position opened, an appointing authority shall fill the position in accordance with the following procedures, unless otherwise provided by laws:

27.1.1. In case of a vacancy for managerial position in the core civil service, a candidate shall be selected from civil servants working in government organisations according to

the principle of career-based promotion, or the reserve candidates for managerial positions specified in Article 16.1 of this Law;

27.1.2. In case of a vacancy for executive and support positions in the core civil service, a candidate shall be selected from civil servants working in the same organisation, or civil servants working in other related government organisations to fill the vacant positions;

27.1.3. If a vacancy for executive and support positions cannot be filled as per Article 27.1.2 of this Law, a candidate shall be selected from the reserve candidates for the civil service;

27.1.4. If a vacancy cannot be filled as per Article 27.1.3 of this Law, an open selection shall be announced.

27.2. An organisation or official with appointing authority shall have the duty to inform the public about a vacancy for positions in the core civil service. An organisation or official with appointing authority shall send this information within one week and a request for organising competitive selection to a civil service agency of the respective level within 21 days from the day after a position is vacated.

27.3. In cases specified in Article 27.1 of this Law, an appointing authority shall appoint a candidate to a relevant position as nominated by the central authority for civil service. An appointing authority shall have the right to decline once to appoint a candidate for a managerial position in the core civil service proposed by the central authority for civil service, based on justifications provided by law. In this case, the central authority for civil service shall nominate a different candidate according to a relevant procedure.

## **Article 28. Terms of appointment to core civil service positions**

28.1. The term of appointment shall not be specified for core civil service positions, unless otherwise provided by laws.

28.2. The office term of a person who filled a vacancy of those positions having fixed-term as provided by law, shall be equal to the remaining period of the term of the previous occupant of the position.

28.3. A probationary period of 6-12 months may be applied for a new entrant who is offered a position into the core civil service.

28.4. Probationary period served in the core civil service shall be regarded as part of the employment period in the civil service.

28.5. The conditions and procedure for applying a probationary period for public administration positions shall be approved by the central authority for civil service.

## **Article 29. On the job training for positions**

29.1. Short and medium term training shall be provided to a citizen after appointment to a civil service position.

29.2. The training specified in Article 29.1 of this Law shall be organised by a civil service training institution under the Government.

29.3. The content and programme of training specified in Article 29.1 of this Law, shall be approved by the Government based on the proposal by the central authority for civil service.

### **Article 30. Oversight of processes of recruitment of core civil servants**

30.1. Unless otherwise provided by laws, the central authority for civil service shall exercise oversight over processes of recruitment of core civil servants, on its own initiative or based on complaints and petitions from citizens.

30.2. When breaches of laws and regulations are detected during inquiries and investigations of a process of selection and appointment of a civil servant as specified in Article 30.1 of this Law, an instruction on remedial actions shall be issued with a due date of completion.

30.3. If a remedial action stated in Article 30.2 of this Law is not taken, the central authority for civil service shall revoke the decision which violated laws and regulations.

### **Article 31. Prohibitions**

31.1. Unless otherwise provided by laws, appointment to core civil service positions shall be prohibited in the following cases:

31.1.1. the requirements specified in Articles 22 and 23 of this Law are not met;

31.1.2. legally determined period of time of reappointment to the civil service has not reached in case of dismissal from the civil service due to disciplinary sanctions, justifications and procedures provided in laws and regulations; the period of time of suspension from the core civil service has not expired for a given citizen;

31.1.3. In other cases, except those permitted by laws and regulations, when those having personal relationships are considered for positions of mutual direct subordination or supervisory relations in terms of official duties assigned and to work in the same functional unit;

31.1.4. other cases specified in laws and regulations.

31.2. According to the procedure set out by this Law, the process of selection and appointment of civil servants shall be immune from any form of influence and pressure from the President, the Chairman of the State Great Hural, members of parliament, the Prime Minister, general budget governor, political officials, managerial and executive officials of political parties and coalitions and other persons.

31.3. Breach of laws and regulations in the processes of appointment of civil servants, producing false references, certificates and verifications related to the above activities shall be prohibited.

31.4. The right to employment in the civil service of a citizen who met requirements for a given civil service position, shall not be violated due to discrimination based on ethnicity, race, age, sex, social status, wealth, employment, job position, religion, viewpoints, affiliation with political and other non-governmental organisations.

## **Article 32. Liabilities**

32.1. Unless otherwise provided by laws, the central authority for civil service shall revoke a decision of a competent authority which violated Articles 22, 23, 26, 27, 28 and 31 of this Law, and send a notification of dismissal of the said official to the appointing authority.

32.2. The appointing authority shall comply with the notification stated in Article 32.1 of this Law and inform about its action within 14 days.

32.3. In case of appointment of the State Secretary of a ministry, the head of a government agency and other managerial positions of appointment by the Government which violated provisions of Article 26 of this Law, the Government itself shall revoke relevant decisions within 14 working days.

32.4. In case of alleged influence in the process of appointment to the civil service by political officials, managerial and executive officials of a political party or coalition and other persons, a core civil servant or a candidate for a core civil service position shall document about the incident and submit related documentations to the central authority for civil service within 30 days.

32.5. Unless otherwise provided by laws, the central authority for civil service shall review the documentations stated in Article 32.4 of this Law and shall revoke the related decision if it finds as grounded.

32.6. In case of violation of Articles 31.2 and 32.2 of this Law by a politically appointed official, it shall serve as a basis for his/her resignation.

32.7. Cases of violation of Articles 32.1 and 32.2 of this Law shall serve as a basis for termination of the competent authority from his/her duties.

## **CHAPTER SEVEN CORE CIVIL SERVICE EXAMINATION**

### **Article 33. Core civil service examination**

33.1. Civil service professional examination shall be administered for the purpose of creating a pool of candidates for the core civil service and the selection and recruitment of core civil service servants.

33.2. Core civil service examination shall consist of the following types:

33.2.1. general examination;

33.2.2. special examination (for a given position).

33.3. General examination shall be taken by citizens who are interested to join the core civil service and met the requirements specified in Article 22.1 of this Law; special examination (for a given position) shall be taken by civil servants specified in Articles 27.1.1 and 27.1.2 of this Law and individuals registered in the reserve as provided in Article 27.1.3 of this Law.

33.4. General and special (for a given position) examinations stated in Article 33.2 of this Law shall be administered by the central authority for civil service.

33.5. Core civil service examination shall consist of test, interview and other types.

33.6. Core civil service examination shall have the following content:

- 33.6.1. to test management and organisational skills;
- 33.6.2. to test analytical skills;
- 33.6.3. to test problem-solving skills;
- 33.6.4. to test leadership skills;
- 33.6.5. to test spoken and written Mongolian language skills
- 33.6.6. to test teamwork skills;
- 33.6.7. other.

33.7. General examination for the core civil service shall be organised at least once a year.

33.8. A citizen who passed the examination stated in Article 33.7 of this Law shall be registered in the reserve for the core civil service. The duration of registration in the reserve for the core civil service shall be three years.

33.9. When administering a special examination (for a given position), the central authority for civil service may establish an examination council consisting of representatives from relevant institutions, professional associations, scholars and researchers.

33.10. Information on the upcoming special examination (for a given position) shall be announced through the media and web page of the central authority for civil service.

33.11. The central authority for civil service may delegate the functions stated in Article 33.7 of this Law to a non-governmental organisation, through an agreement.

33.12. The conditions and procedure for taking general and special examinations of the civil service, and a procedure for creating the reserve for the core civil service shall be approved by the central authority for civil service, based on consultations with the Government.

#### **Article 34. Prohibitions**

34.1. Breach of procedures for administering core civil service examinations, producing false references, certificates and verifications related to the above activities shall be prohibited.

#### **Article 35. Liabilities**

35.1. A civil servant who violated Article 34.1 and 35.2 of this Law shall be dismissed from the civil service without the right to re-enter the civil service for three years.

35.2. A person who violated the procedure for administering core civil service examinations shall not be re-elected to the examination council specified in Article 33.9 of this Law.

## **PART III**

### **OATH, GENERAL DUTIES, RIGHTS, PROHIBITIONS, ETHICAL NORMS OF CORE CIVIL SERVANTS**

#### **CHAPTER EIGHT OATH OF CORE CIVIL SERVANTS**

##### **Article 36. Oath of core civil servants**

36.1. Unless otherwise provided by laws, a citizen of Mongolia shall take the oath when joins the public administration service for the first time, with wording as follows: "I swear to devote my knowledge and abilities for my motherland and people, maintain strong adherence to the Mongolian laws and ethical norms, abide by the fundamental national interests, and perform official duties with loyalty. If I breach my oath, I shall be held accountable by law." The oath shall be certified.

36.2. A procedure for the oath taking ceremony shall be approved by the President of Mongolia.

#### **CHAPTER NINE GENERAL DUTIES, RIGHTS AND PROHIBITIONS OF CORE CIVIL SERVANTS**

##### **Article 37. General duties of core civil servants**

37.1. Core civil servants shall have the following general duties:

37.1.1. To respect and enforce the Constitution of Mongolia and other laws;

37.1.2. To keep loyalty to the oath sworn, be abided by the public interests, avoid conflict of interest, and maintain intolerance with unlawful and dishonest actions;

37.1.3. As a citizen, to perform duties within assigned powers, uphold to the national interests for the benefit of the motherland and the people, respect for human dignity, rights and legitimate interests of citizens.

37.1.4. Civil servants, except politically appointed officials, shall not engage in any form of activities of any political parties or movements during their employment in the civil service.

37.1.5. For a member of a political party, a formal and written declaration of suspension of the party membership shall be produced and submitted to the administration of the organisation and to the affiliated party within seven days after appointment to a civil service position.

37.1.6. To execute only those decisions of superior officials that are made in compliance with law;

37.1.7. To comply with the code of conduct for civil servants, organisational culture and rules, and uphold the reputation of the civil service;

37.1.8. To continuously develop knowledge and skills, and be fully accountable for work performance and results;

37.1.9. When performing official duties and after departure from the civil service, to keep the legally protected secrecy of the state, official information, organisations and individuals, to avoid using it for personal interests or the interests of others, and disclosing any official information without approval from a competent authority.

37.1.10. When performing official duties, to refrain from undue political influence, to keep neutrality, to express official position only when speaking about government policies through the media.

37.1.11. To submit a notification of interest, income and assets to a relevant authority in accordance with relevant laws;

37.1.12. To provide quality, accessible, efficient public services, and to avoid any form of discrimination in the delivery of public services;

37.1.13. To ensure implementation of goals, objectives and functions specified in the job description;

37.1.14. To warn in advance about possible negative consequences of decisions by superior officials regardless of disagreements with their viewpoints;

37.1.15. To provide lawful, evidence-based, grounded and accurate information and professional advice to superior officials for developing state policies, resolving issues and decision making.

37.1.16. To use office hours efficiently in accordance with the Labour Law and internal rules of the organisation;

37.1.17. To avoid engaging in other jobs and activities, unless otherwise permitted by laws;

37.1.18. other obligations provided by laws.

### **Article 38. General rights of core civil servants**

38.1. Core civil servants shall exercise the following general rights:

38.1.1. Upon appointment to a position, to formally review the requirements for the position, work conditions, the job description which determines functions and authorities, and to demand the necessary conditions for their implementation;

38.1.2. To demand immediate superior official to provide performance assessment as provided in this Law, and to agree or disagree with the result;

38.1.3. To submit a written request to superior officials about increasing salary, upgrading position grade and improving work conditions and safeguards;

38.1.4. To review the personal file, work performance references and related documents, and if necessary, to provide additional explanatory notes in the personal file;



38.1.5. To be provided by protection of own legitimate interests by courts and other institutions;

38.1.6. To be engaged in teaching and research works;

38.1.7. To earn income through engaging in business activities which are not prohibited by laws and which do not constitute a conflict of interest with the official duties, or running his/her own business through a designated person;

38.1.8. To resign from the civil service;

38.1.9. To be provided with training opportunities in order to improve professional knowledge and skills;

38.1.10. other rights specified in laws and regulations.

### **Article 39. Prohibited actions by core civil servants**

39.1. Core civil servants shall not carry out the following activities, unless otherwise provided by laws:

39.1.1. to give unlawful orders to a civil servant and demand to comply with them;

39.1.2. abuse of authority;

39.1.3. to make illegal decisions;

39.1.4. to misuse power of the position, to give any form of pressure to others, discriminate and keep under control for sexual and own personal interests;

39.1.5. to be a member of a political party, or to participate, in any forms, in activities of political parties and movements, non-governmental or religious organisations affiliated with political parties, unless permitted by laws;

39.1.6. to participate, in any forms, in election campaigns for the presidency, the State Great Hural, Citizens' Representative Hurals of aimag, the capital city, soum, district, and to improperly use public funds, assets or vehicles for election purposes;

39.1.7. To plan, organise or participate in strikes and other activities which can disrupt the normal operation of the civil service;

39.1.8. To use the power of the position for religious or anti-religious propaganda or advocacy;

39.1.9. To accept state ordains and medals, or other government awards from foreign countries without a permission of the President of Mongolia;

39.1.10. When performing official duties, to accept payment from entities or individuals, including foreign organisations and citizens for a travel inside and outside of the country, except for official trips on matters related to international agreements of Mongolia and mutual agreement between state organisations of Mongolia and a foreign country, or approved by a competent authority of his/her organisation;

39.1.11. To use the property, equipment, funds, information sources and official information entrusted by the organization for private gains;

39.1.12. To discriminate a citizen in the forms specified in Article 4.1.5 and 4.1.6 of the Law on Gender Equality;

39.1.13. To express unofficial position and political viewpoints in regard to state policies through the media, websites or social media, and to distribute positive or negative news and information about political parties, coalitions or candidates;

39.1.14. To participate in protests, demonstrations against state policies and actions and distribute news and information;

39.1.15. To make appointment to a position until there is final adjudication by court of an appeal by a core civil servant in relation to demotion, termination, or dismissal from the civil service;

39.1.16. To refuse to hand over the position, job place, stamp, seal, relevant documents after a decision of demotion, termination or dismissal, made on legal grounds;

39.1.17. To violate procedures for organising and participating in public hearings;

39.1.18. other as provided in laws.

Note: Articles 39.1.5, 39.1.6 and 39.1.13 do not apply to political appointment civil servants.

## **CHAPTER TEN ETHICAL NORMS**

### **Article 40. Ethical norms**

40.1. Ethical norms of civil servants holding positions in Article 10.1.1 and 10.1.3 shall be established by laws and regulations.

40.2. Ethical norms of civil servants holding the positions stated in Article 10.1.2 and 10.1.4 of this Law shall be established by the Government, based on the proposal by the central authority for civil service.

## **PART IV EMPLOYMENT RELATIONS IN THE CIVIL SERVICE**

### **CHAPTER ELEVEN GENERAL PROVISIONS**

#### **Article 41. Employment relations in the civil service**

41.1. Unless otherwise provided by laws, the right of a citizen to employment in the civil service shall be exercised from the age of 18.

41.2. Unless otherwise provided by laws, civil servants, except those politically appointed, may be employed in the civil service until the age of 65.

41.3. Other issues related to employment relations of civil servants which are not regulated by the this Law, shall be regulated by the Labour law in detail.

#### **Article 42. Justifications for temporary replacement of core civil servant**

42.1. Unless otherwise provided by law, a competent authority may transfer official duties of a core civil servant to another core civil servant for performing concurrently with his/her duties, based on his/her consent in the following cases:

- 42.1.1. on annual leave;
- 42.1.2. on leave for health and other reasons;
- 42.1.3. on domestic and overseas official trips;
- 42.1.4. on study leave for attending professional training for a period of up to 6 months and studying master's and doctor's course in a developed country for a period of up to 2 years;
- 42.1.5. transferred to another position by a decision of superior organisation or official;
- 42.1.6. on maternity or parenting leave;
- 42.1.7. a civil servant is suspended from his/her position subject to a valid court decision on issues related to demotion, termination and dismissal;
- 42.1.8. a civil servant is demoted, terminated permanently or temporarily, or dismissed from the position;
- 42.1.9. a civil servant is elected or appointed to another position;
- 42.1.10. in case of death.

#### **Article 43. Temporary replacement of job duties of core civil servant**

43.1. In cases other than provided in Article 43.3.1 of this Law, a competent authority shall make a decision on temporary replacement of job duties of a core civil servant within 14 days.

43.2. An acting official shall exercise functions and powers assigned to the given position. The decision shall indicate the period of replacement, and limits to some powers, if necessary.

43.3. The following procedures shall be followed in temporary replacement of job duties of core civil servant:

43.3.1. The deputy or vice chief executive officer of an organisation shall replace the chief executive officer's job duties;

43.3.2. In case, an organisation does not have a position of deputy or vice chief executive officer, or they are absent, the job duties of the chief executive officer shall be replaced by the head of a department which is closest in terms of functions assigned.

43.3. In cases other than provided in Articles 43.3.1 and 43.3.2 of this Law, job duties of a core civil servant shall be temporarily replaced by another civil servant whose job functions are closest, based on his/her consent.

43.3.4. In case of maternity or parenting leave, medical leave due to treatment or rehabilitation for a period of 3 months and up to 1 year, the job duties shall be temporarily replaced

by an official who is closest in terms of job junctions, or by selection of a citizen who is registered in the reserve for the civil service.

43.4. An official who is temporarily serving in acting capacity, shall not be suspended from his/her original position and exercise the functions and powers of the vacant position concurrently and shall be responsible for results.

43.5. A procedure for providing salary and remuneration for temporary replacement of job duties of core civil servants, shall be approved by the Government, based on the proposal by central authority for civil service.

43.6. Temporary replacement of job duties of core civil servants in violation of the procedure provided by this Law, shall be prohibited.

#### **Article 44. Transfer and rotation of core civil servants to other positions**

44.1. As required by the service, a core civil servant, based on his/her consent, or a civil servant working on the same position for over 10 years may be transferred between government organisations based on a management decision, mutual management agreement of respective organisations.

Note: "as required by the service" stated in Article 44.1 refers to situations when an organisation needs to build human resources capacity with required knowledge, education, professional skill, competencies and and experiences; performing urgent or complicated tasks; or improving its operations, organisational structure and the quality of services.

44.2. A core civil servant, with his/her consent, may be transferred to another government organisation or between units of the same organisation based on mutual agreement of the chief executive officers of respective organisations to work on specific functional tasks for a period of up to 2 years on a rotational basis. The period of rotation can be extended for 1 more year at the request of the civil servant or the hosting organisation, based on agreement with the home organisation and the civil servant him/herself.

44.3. The job position category, grades, salary and ranks shall not be lowered when a core civil servant is transferred to work elsewhere on a rotational basis as specified in Articles 44.1 and 44.2.

44.4. A civil servant, whose period of rotation expired as stated in Article 44.2 of this Law, shall be allowed to continue working on the original job position.

44.5. A procedure for transfer and rotation of civil servants to another positions shall be jointly approved by the central authority for civil service and the Government.

44.6. A civil servant covered by measures for protection under the Law on protection of witnesses and victims, may be transferred between government organisations, based on his/her consent.

#### **Article 45. Demotion of core civil servant by administrative initiative**

45.1. A core civil servant may be demoted by administrative initiative on the following grounds:

45.1.1. showed unsatisfactory performance of functions, goals and objectives specified in laws and job description;

45.1.2. work performance results and professional qualifications do not match the position requirements;

45.1.3. other grounds provided by laws.

45.2. The budget manager shall directly make the decision specified in Article 45.1.1 of this Law, unless otherwise provided in laws.

#### **Article 46. Temporary suspension and separation of core civil servant from his/her position**

46.1. A core civil servant may be suspended temporarily from the civil service, on the following grounds:

46.1.1. in need for treatment and rehabilitation for a period of longer than 3 months due to health conditions, if not otherwise provided in laws;

46.1.2. to attend training for a period of longer than 6 months (including training of new skills or in-service training);

46.1.3. on military service;

46.1.4. being covered by measures for protection under the Law on protection of witnesses and victims.

46.2. A core civil servant may be separated from the civil service, on the following grounds:

46.2.1. nominated as a candidate for elections for the presidency, the State Great Hural, Citizens' Representatives' Hural of aimag, the capital city, soum, district;

46.2.2. reached the normal retirement age;

46.2.3. reached the age ceiling for employment in the civil service;

46.2.4. voluntary request for separation from the civil service;

46.2.5. other grounds provided by laws.

46.3. Unless otherwise provided by laws, a core civil servant shall submit a request of separation from the civil service, when he/she reaches the normal retirement age, or a request to extend the period of employment until the age ceiling for employment in the civil service. Upon receiving such a request, a competent authority shall make a decision as to whether discontinue the service, or to allow continue the service until the age ceiling for employment in the civil service based on evaluation of his/her work performance results, level of professional qualifications, experiences and health status. In case a core civil servant has not filed a request for separation from the civil service after reaching the retirement age or the extension date up to the age ceiling for employment in the civil service, it shall not be deemed exemption from separation from the civil service under administrative decision.

46.4. If a core civil servant decides to run as a candidate in elections for the presidency, the State Great Hural, Citizens' Representatives' Hural of aimag, the capital city, soum and district, he/she shall submit a request for separation from the civil service to competent authorities of the organisation which appointed him/her before the 1<sup>st</sup> January of an election year; at least 60

days before a non-regular election; and 30 days before a by-election and re-election. A failure of a core civil servant to submit a request shall not be deemed exemption to termination by the given organisation.

46.5. The direct budget governor shall directly make the decision specified in Article 46.1 and 46.2, unless otherwise provided by laws.

46.6. Citizens stated in Article 46.1 of this Law shall be regarded as the reserve civil servants.

#### **Article 47. Dismissal of core civil servant**

47.1. A core civil servant shall be dismissed from the civil service on the following grounds:

47.1.1. if he/she repeatedly receives an evaluation of unsatisfactory performance (three or more times), unless otherwise provided by laws;

47.1.2. when he/she is convicted of a crime and the conviction becomes final;

47.1.3. Renunciation of Mongolian citizenship;

47.1.4. other grounds provided by this Law.

47.2. The direct budget governor shall directly make the decision specified in Article 46.1 and 46.2, unless otherwise provided in laws.

#### **Article 48. Imposition of disciplinary measures on core civil servant**

48.1. Unless otherwise provided by laws, the following disciplinary measures shall be imposed on a core civil servant in case of breach of provisions stipulated in Articles 37 and 39 of this Law and failure to perform job duties, considering the nature of a misconduct and whether it occurred for the first time or repeatedly:

48.1.1. reprimand;

48.1.2. up to 20 percent reduction of salary for up to 6 months;

48.1.3. dismissal from the civil service;

48.1.4. dismissal from the civil service without the right to re-enter the service for a period of three years;

48.1.5. other measures provided by laws.

48.2. Disciplinary measures provided in Article 48.1 shall not necessarily be imposed in progressive order.

48.3. Disciplinary measures for a core civil servant shall be imposed by a decision of the authorized official who appointed him/her, in case the appointment was made by an organization of collegial management, by a decision of the chief executive officer of the said organisation.

48.4. Disciplinary measures shall not be imposed, if more than 6 months have passed since the time of detection of a misconduct and more than 12 months have passed after a misconduct occurred.

48.5. Imposing two or more disciplinary measures for the same deed shall be prohibited.

48.6. A disciplinary measure imposed on a core civil servant shall be expunged after one year since it was imposed if the said civil servant did not receive another disciplinary sanction.

48.7. Disciplinary measures imposed on a core civil servant who breached the provisions stated in Article 39 of this Law shall be regarded as grounds to terminate from the civil service and refusal to re-entry into the civil service, but not grounds for exemption from criminal charges and other liabilities.

48.8. If a core civil servant finds the decision imposing a disciplinary sanction ungrounded, he/she may file an appeal to the central authority for civil service or the court within 30 days since the notification of the sanction.

48.9. A procedure for imposing disciplinary sanctions and related appeals shall be jointly approved by the central authority for civil service and the Government.

#### **Article 49. Prohibitions**

49.1. Any action of termination or temporary termination of appointment, dismissal of a core civil servant shall be prohibited in other cases except provided by laws.

49.2. Any action of termination or temporary termination of appointment, and dismissal of a civil servant in violation of additional guarantees provided in Articles 62.1.2 and 62.1.3 of this Law, shall be prohibited.

#### **Article 50. Compensation of damages incurred by the State and monitoring**

50.1. If the central authority for civil service or a court proves unlawfulness of termination or temporary termination of appointment, or dismissal of a core civil servant, the damage incurred by the state shall be compensated by the official who made the wrongful decision.

50.2. The central authority for civil service shall maintain records of execution of court decisions, monitor repayment of damages incurred by the state, and shall file a suit on behalf of the state, in case repayment is not made.

### **CHAPTER TWELVE AWARDS AND MONETARY BONUS**

#### **Article 51. Awards and monetary bonus**

51.1. A core civil servant shall be rewarded with the following awards for fulfilling extraordinary or complex tasks, introducing innovations and initiatives aimed at improving organisational performance and structure, quality of services, or meeting other conditions and requirements:

51.1.1. gift of valuables;

51.1.2. nomination to honorable titles and medals of Mongolia;

51.1.3. awards of the Government and other state bodies;

51.1.4. monetary bonus based on quarterly performance appraisal results.

51.2. Procedures for providing the awards stated in Article 51.1.1, nominating candidates for the awards stated in Article 51.1.3, monetary bonus stated in Article 51.1.2 shall be approved by the Government; a procedure for nominating candidates for the awards stated in Article 51.1.2 of this Law shall be approved by the President of Mongolia respectively.

## **PART V WORK PERFORMANCE AND RESULTS OF CIVIL SERVANTS**

### **CHAPTER THIRTEEN WORK PERFORMANCE AND RESULTS OF CORE CIVIL SERVANTS, PUBLIC OVERSIGHT**

#### **Article 52. General provisions for performance appraisal of core civil servants**

52.1. Work performance, and the level of qualifications of a core civil servant shall be evaluated periodically by a competent authority in accordance with a relevant regulation.

52.2. Decisions on promotion, adjusting salary, providing awards and ranks, rewarding, providing with training opportunities, demotion, accountability measures shall be based on core civil servant's performance appraisal results.

52.3. Work performance and results of the direct budget governor of a budget organisation shall be evaluated based on the operational outcomes of subordinating organisations.

#### **Article 53. Strategic plan**

53.1. The general budget governor, in compliance with laws, shall develop and approve a four-year strategic plan of the subordinating organisation and ensure its implementation under his/her responsibility.

53.2. Unless otherwise provided by laws, a procedure for developing, approving and implementing strategic plan shall be approved by the Government, based on the proposal by the central authority for civil service.

#### **Article 54. Business plan of an organization**

54.1. An annual business plan for the purpose of implementation of programmes and actions, within the scope of activities specified in the Budget law of the given year shall be developed, approved by direct budget governor and implemented from January 1 till December 31.

54.2. A procedure for developing business plan of organization, establishment of performance targets and indicators, and reporting shall be approved by the Government.

#### **Article 55. Performance plan of core civil servant**

55.1. A core civil servant shall develop an annual performance plan for the purpose of effective implementation of functions specified in laws and regulations and job description, and implement from January 1 till December 31.



55.2. A procedure for developing annual performance plan of core civil servants, establishment of performance targets and indicators, reporting, assessment of performance results and the level of qualifications, pursuant therewith, promotion, adjusting salaries, rewarding and accountability measures shall be approved by the Government.

55.3. A state body shall develop and implement a programme of training, work conditions and social security of civil servants.

#### **Article 56. Public oversight**

56.1. Public Oversight Council shall exercise functions of monitoring the quality, access and impacts of public services.

56.2. A procedure for selection of members of the public oversight council, conducting public oversight, and the operating procedure of the council shall be approved by the central authority for civil service.

## **PART VI SALARIES, COMPENSATIONS, BENEFITS AND SOCIAL SECURITY OF CIVIL SERVANTS**

### **CHAPTER FOURTEEN SALARIES OF CIVIL SERVANTS**

#### **Article 57. Salaries of civil servants**

57.1. Civil servants shall be provided with remuneration from the state for performing functions and duties specified in laws and job descriptions.

57.2. Salaries of civil servants shall consist of the following:

57.2.1. Salaries of political appointment civil servants consists of the base salary of the job position and adjustments made for special work conditions and PhD degree;

57.2.2. Salaries of civil servants in public administration positions consist of the base salary of the job position, and adjustments made for the duration of employment in the civil service, ranks, grades, PhD degree and additional allowances provided by laws;

57.2.3. Salaries of civil servants in special state service positions consist of the base salary of the job position, and adjustments made for the duration of employment in the civil service, ranks, grades, PhD degree, the level of qualifications and other additional allowances provided by laws;

57.2.4. Salaries of civil servants in public service positions consists of the base salary of the job position, and adjustments made for PhD degree, the level and title of qualifications, skills, the duration of employment in the civil service and other additional allowances provided by laws;

57.3. No overlapping additional benefits for ranks and grades shall be provided to core civil servants.

57.4. Salary scales and pay structures for civil servants in political and special state service positions (excluding the Governor of soum and district, Deputy Governor of aimag, the capital city, soum, district, special positions in armed forces, border and internal troops, emergency, intelligence, police, court decision enforcement) shall be approved by the State Great Hural in consultation with the central authority for civil service, as submitted by the Government.

57.5. Salary scales and pay structures for the following civil servants shall be approved by the Government, based on the proposal submitted by the central public administration authority in charge of labour affairs and the central authority for civil service:

57.5.1. Governor of soum, district, bagh and horoo;

57.5.2. mayor of town and village;

57.5.3. civil servants in administrative positions;

57.5.4. officers and sergeants of armed forces, border and internal troops, intelligence, police, court-decision enforcement, emergency management agencies, and employees of court-decision enforcement and customs;

57.5.5. diplomatic officials;

57.5.6. civil servants in public service positions;

57.5.7. advisors, assistants and media officers who are recruited for the sole purpose of rendering service to politically-appointed civil servants during their office terms.

57.6. Additional pays and other necessary fringe benefits of civil servants in political positions, members of the Constitutional Court, judges and prosecutors of all levels, the president, first deputy and deputy governor of the Central Bank of Mongolia, chairman and members of the Financial Regulatory Commission, chairman and deputy chairman of the National Statistics Committee, chairman and secretary of the General Election Commission, chairman and members of the National Human Rights Commission, and civil servants who hold managerial and executive positions in the national and local audit offices and the Independent Authority Against Corruption shall be established by laws and regulations based on the proposals by the central public administration authority in charge of finance and budget affairs and the central authority for civil service.

57.7. A procedure for providing additional allowances and their amounts to civil servants stated in Article 57.5.3 of this Law shall be approved by the Government, based on the proposals by the central public administration authority in charge of labour affairs and the central authority for civil service.

57.8. Additional allowances and a minimum amount of other allowances for civil servants in public service positions shall be determined by the Government, based on the proposal by the central public administration authority in charge of labour affairs.

57.9. The grading of higher ranking civil servants, and the coefficient for determination of salary levels equated to these grades shall be approved by the State Great Hural, based on the proposal by the Government.

57.10. The coefficient for determination of salary levels stated in Article 57.9 of this Law shall not apply to the chairman and members of the Constitutional Court, the chief justice and judges of the Supreme Court and the General prosecutor and deputy general prosecutor.

57.11. Salary of civil servants in service positions may be determined on an hourly basis in compliance with the Labour law. The list of job positions, the salary of which is to be provided on an hourly basis, shall be defined by the Government.

57.12. Civil servants in public administration positions shall be provided with additional pays specified in the Labour law.

### **Article 58. Determination of salary levels for civil servants**

58.1. The following procedure shall be followed in the determination of salary levels of civil servants:

58.1.1. determine and enforce salary levels based on job analysis which defines the scope of activities of an organization, functions and responsibilities of job positions;

58.1.2. salary levels shall be linked with the average living standards of the population and the average salary of positions in the private sector.

58.2. In case where the average salary of civil servants falls 5 percent below the average salary of comparable job positions in the private sector, the Government shall prepare a proposal to increase salary levels of job positions and submit to the State Great Hural before discussions of the fiscal framework statements, and resolve according to a relevant regulation.

## **CHAPTER FIFTEEN COMPENSATIONS FOR CIVIL SERVANTS**

### **Article 59. Compensations for civil servants**

59.1. The following compensations shall be provided to civil servants:

59.1.1. expenses of official travels;

59.1.2. expenses incurred when using a private vehicle for official purposes, according to approved norms.

59.1.3. transportation and luggage costs and per diem for civil servants appointed to work overseas, or transferred between or within aimags or cities; and transportation and luggage costs for eligible family members and dependents;

59.1.4. in the event of temporary loss of ability to work or disability due to injury or other harms to health attributable to the performance of official duties, compensation shall be provided to a civil servant, in the amount of difference between his/her salary, pension and benefits and the benefits received under insurance during the period of illness and disability, and such damages shall be compensated by a guilty party;

59.1.5. in the event of disability due to injury or other harms to health attributable to the performance of official duties and the need for prosthesis, hearing aid device and other

rehabilitation treatment, while a certain portion of costs shall be reimbursed in accordance with Article 17.1 of the Law on pension, benefits and payments of occupational diseases and industrial injuries to be provided from the Social insurance fund, the remaining portion shall be provided to a civil servant from the state budget, and such damages shall be compensated by a guilty party;

59.1.6. Return travel expenses of a visit of a civil servant to his/own or a spouse's birthplace during annual leave; or return travel costs of a trip to a sanatorium for care under decision of an accredited medical institution, shall be provided once biennially, as per valid tariffs for travel by vehicle or train;

59.1.7. The difference between total treatment costs and benefits received within the annual limit under the Law on Health insurance; in case of unavoidable medical evacuation abroad by a decision of an accredited medical institution, not less than 60 percent of the treatment costs shall be provided by the state;

59.1.8. other compensations provided in laws and regulations.

59.2. A procedure for providing compensations and their amounts to civil servants shall be established by the Government.

## **CHAPTER SIXTEEN ALLOWANCES FOR CIVIL SERVANTS**

### **Article 60. Allowances for civil servants**

60.1. Civil servants, except those politically appointed, whose service is terminated upon reaching the normal pension age shall be entitled to a one-time lump sum grant, which will be calculated based on the base salary and the duration of employment. A maximum amount of the one-time grant shall not exceed the average salary of 36 months. A procedure for determination of the average salary to base the calculation and criteria for providing one-time grant shall be approved by the Government, based on the proposal by the central authority for civil service.

60.2. In the event of death of a civil servant attributable to the performance of official duties, one time grant which is equal to 60 months' base salary of the deceased shall be provided to the surviving family.

60.3. The conditions and procedure for providing one-time lumpsum grant stated in Article 60.2 of this Law shall be established by the Government.

Note: In case of death of a civil servant, whose service was terminated, attributable to the performance of his/her previous official duties, the benefit stated in Article 60.2 of this Law shall be provided to the surviving family.

## **CHAPTER SEVENTEEN GENERAL GUARANTEES FOR CIVIL SERVANTS**

### **Article 61. General guarantees for civil servants**

61.1. Civil servants shall be provided with the following general guarantees:

61.1.1. to receive salary of the job position, compensations, allowances, rewards, bonuses, pension and benefits;

61.1.2. to be provided with the necessary conditions suitable for the performance of official duties;

61.1.3. to use official vehicle depending on the nature of job duties and according to a relevant procedure; to be provided with compensations for a certain proportion of transportation expenses related commuting to and from work;

61.1.4. A civil servant and his/her family members shall be provided with protection by the organisation employed or the police against abuse, threat, defamation, libeling and other illegal actions and activities in relation with the performance of official duties;

61.1.5. housing support from the state;

61.1.6. entitlement to annual leave as specified by the Labour law;

61.1.7. to attend in-service, professional development training for a period of up to 6 months, paid by the state and to receive the salary of the job position;

61.1.8. material damages incurred to a civil servant while performing the duties as per the rules, shall be compensated by the state, and the damage shall be compensated by a guilty party in accordanc with relevant laws and regulations;

61.1.9. In case where a civil servant cannot take annual leave in person due to work necessities, he/she shall be provided, with his/her consent, a compensation equivalent to 1.5 months' salary of the job position;

61.1.10. other guarantees established by laws.

61.2. A procedure for providing the guarantees stated in Article 61.1.5 of this Law shall be established by the Government.

## **CHAPTER EIGHTEEN ADDITIONAL GUARANTEES FOR CORE CIVIL SERVANTS**

### **Article 62. Additional guarantees for core civil servants**

62.1. Core civil servants shall be provided with the following additional guarantees in addition to those provided in Article 61.1 of this Law:

62.1.1. no termination and dismissal from the civil service shall be made on other grounds which are not provided in this Law;

62.1.2. Expiration of terms of the State Great Hural, the President, the Government, the Chief Justice, the General Prosecutor, Citizens' Representative Hural of aimag, the capital city, soum, district, Governors at all levels, replacement of job positions of politically appointed officials specified in this Law, and replacement of the general budget governor and budget governor shall not serve as a ground for replacement of a civil servant from his/her job position;

62.1.3. In case of restructuring of a government organisation (merging, amalgamation, splitting, separation, change) or changes in the organisational structure, a core civil servant shall continue the service on the same position if the functions specified in the job description remain unchanged; or in case of reduction of job positions for discharging the functions, an official with appointing authority shall select a civil servant from the incumbents of the positions based on performance results, level of qualifications, knowledge, skills, work experience, and who meets best the general and specific requirements of the job position;

62.1.4. In case of dissolution and restructuring of government organisation, or abolishment of the position for reasons beyond his/her control, to be transferred to another job position related to his/her professional qualifications without reduction of the salary level, or to attend professional training for a period of up to 6 months while receiving the salary of the previously occupied job position and be provided with a job place in compliance with laws and regulations; or be provided with one-time lumpsum benefit equal to 3 months' salary by the concerned organisation.

## **CHAPTER NINETEEN CIVIL SERVANTS OBLIGATED TO WEAR UNIFORMS**

### **Article 63. Civil servants obligated to wear uniforms**

63.1. Civil servants may wear uniforms as provided by law.

63.2. Design of official uniforms, along with a procedure for their use and replacement period shall be approved by the President and the Government respectively.

## **PART VII POWERS OF STATE BODIES REGARDING CIVIL SERVICE AFFAIRS**

### **CHAPTER TWENTY POWERS OF THE GOVERNMENT**

#### **Article 64. Powers of the Government**

64.1. The Government shall establish a system of performance assessment of government organisations, work performance and the level of qualifications of civil servants, develop and implement programmes aimed at ensuring work conditions and social security for civil servants in line with policies and plans on development of the civil service.

64.2. Within the powers stated in Article 64.1 of this Law, the Government shall be responsible for the following issues:

64.2.1. monitoring of performance of activities of the ministries, government agencies and local administrations, deliver tasks and directives, ensure their implementation, take corrective measures, provide professional and methodological guidance;

64.2.2. to develop and implement programmes on improving knowledge and skills of civil servants, developing leadership skills of managers, re-training and professionalisation of civil servants, jointly with the central authority for civil service;

64.2.3. to incorporate a proposal from the central authority for civil service in defining and approving the structure and general organogram of public administration organisations;

64.2.4. to ensure integrated management and coordination of programmes, projects and interventions implemented to strengthen the capacity of government organisations and take actions to improve their effectiveness;

64.2.5. to approve procedures on evaluation of performance results and the level of qualifications of civil servants, and provide methodological guidance for its implementation;

64.2.6. monitoring and evaluation of implementation of civil service reform policies, strategies and human resource policies, track their progress, prepare proposals and recommendations to improve their results;

64.2.7. to carry out research study on average salaries of comparable job positions in the private sector and submit a proposal for modifying compensations to the State Great Hural before deliberation of the fiscal framework statements and get approval;

64.2.8. to take actions on the notifications stated in Article 32.1 of this Law and notify on the measures taken within 14 days;

64.2.9. other powers assigned by laws.

64.3. A civil service training institution shall function under the Cabinet Secretariat with the main responsibilities for training and retraining of civil servants, carrying out research and analysis on human resources management in the civil service, providing professional and methodological advice to policy makers.

64.4. A charter of the training institution stated in Article 64.3 of this Law shall be approved by the Government.

## **CHAPTER TWENTY ONE CENTRAL AUTHORITY FOR CIVIL SERVICE, ITS POWERS**

### **Article 65. Central authority for civil service**

65.1. The central authority for civil service shall be the Civil Service Council (hereinafter as "Council").

65.2. The Council shall report to the State Great Hural on its activities.

65.3. The Council shall function as an independent body and have its secretariat, chapters, divisions of training and research and integrated database. The heads of the Secretariat and chapters shall be appointed and removed by the Council.

65.4. The structure and staffing of the Secretariat of the Council shall be approved by the State Great Hural.

65.5. The activities of the Council shall be financed from the state budget.

65.6. The Council shall issue resolutions within its competencies. Enforcement of decisions of the Council shall be mandatory for concerned parties.

65.7. An operational procedure of the Council shall be approved by the State Great Hural.

65.8. The Council's operation shall be immune from undue interventions and influence from any third party, including the President of Mongolia, Chairman of the State Great Hural, the Prime Minister, members of parliament and the Government, officials of parties, non-governmental organisations, entities, organisations, and individuals.

65.9. Breach of Article 65.8 of this Law by an official shall serve as a ground for his/her dismissal from the civil service.

## **Article 66. Powers of the Council**

66.1. The Council shall exercise the following powers:

66.1.1. unless otherwise provided by laws, to provide advice and methodological guidance in observing the ethical norms of civil servants by officials in managerial and executive positions;

66.1.2. to oversee the implementation of programmes on training, work conditions and social security of civil servants, provide professional and methodological support, carry out research and analyses related to the civil service;

66.1.3. to conduct inquiries and investigations of process of selection and appointment of core civil servants as per complaints and petitions from citizens, organisations and officials, issue instructions for remedial actions regarding detected breaches with a due date of completion, and to revoke decisions violating laws and regulations;

66.1.4. to conduct human resource audits in activities of state bodies for compliance with the civil service legislation and the merit principle stated in Article 3.1.3 of this Law;

66.1.5. to establish an integrated system of personal files and register of civil servants, and to organise the implementation of activities for providing the President of Mongolia, the State Great Hural, the Government, the General Judicial Council and other interested parties with information related to the civil service and civil servants;

66.1.6. to make, amend and enforce decisions on issues within its competencies in compliance with laws and regulations;

66.1.7. to submit a proposal to the State Great Hural and the Government in defining and approval of the structure and general organigram of public administration organisations, and to provide professional and methodological advice in functional review of government organisations;

66.1.8. monitoring and evaluation of implementation of civil service reform policies, strategies and human resource policies, track their progress, to prepare proposals and recommendations to improve their effectiveness, and to prepare proposals on drafting, review and approval of management related costs of the state and local budgets;



66.1.9. to implement civil service reforms and good governance principles, and to provide the executive government organisation and their chief executive officers with professional and methodological advice and services on issues related to change management, public administration and human resource management;

66.1.10. to collect and analyse information on programmes, projects and interventions implemented to strengthen the capacity of the civil service, provide services and recommendations for removing overlaps and gaps and improve their effectiveness;

66.1.11. to administer general and special (for given positions) examinations of the civil service and provide methodological guidance, to conduct selection of direct budget governors of public administration and public service organisations, and approve relevant procedures;

66.1.12. other powers assigned by laws and regulations.

### **Article 67. Meetings of the Council**

67.1. The main form of operation of the Council shall be its meetings.

67.2. A meeting procedure shall be established by the Civil Service Council.

### **Article 68. Member of the Council**

68.1. The Council shall function based on collegial principles, and shall have five full-time members.

68.2. The Secretariat of the State Great Hural, the Office of the President of Mongolia and the Cabinet Secretariat shall each nominate one candidate, civil servants' representatives shall nominate two candidates for the Council. Candidates shall be employed in the core civil service for at least 15 years, have higher education in public administration, economics, law and education fields, no criminal records and be a citizen of Mongolia and reached the age of 45. A procedure for selection of members from civil servants' representatives shall be approved by the Standing Committee on State Structure of the State Great Hural, based on the proposal of the central authority for civil service.

68.3. The State Great Hural shall appoint the Council members for a term of six years. Council members may be re-appointed once.

68.4. Individuals who are in managerial executive positions of political parties or who hold these positions in the past one year shall not be nominated for the Council's membership.

68.5. Council members shall not have same birth place or be classmates, nor be related persons.

68.6. The Standing Committee on State Structure of the State Great Hural shall produce a conclusion on as to whether candidates for the Council membership meet the requirements specified in Articles 68.2, 68.4 and 68.5 of this Law.

68.7. The Council chairman and members shall not hold any other job or position concurrently.

Note: In Article 68.5 of this Law, “same birth place” refers to be born in the same aimag and soum, “classmates” refers to have studied in and graduated from the same class of a secondary school, university and college.

### **Article 69. Powers of the Chairman of the Council**

69.1. The Chairman on the Council shall be elected by secret ballot by the majority of the Council members for 3 years. The Chairman of the Council may be re-appointed once.

69.2. The Chairman of the Council shall exercise the following powers:

69.2.1. to represent the Council in domestic and international relations;

69.2.2. to engage with with the State Great Hural, the Government and other relevant institutions, take part in sessions of the State Great Hural, Standing Committees and the Cabinet meetings and express the Council’s positions.

69.2.3. to set agenda and announce the date of meetings, and chair the Council meetings;

69.2.4. other powers assigned by laws.

69.3. A member designated by the Chairman of the Council shall replace the role of the Chairman during his/her absence.

### **Article 70. Termination of the chairman and members of the Council**

70.1. The State Great Hural may terminate the chairman and members of the Council on the following grounds:

70.1.1. reached the age ceiling for employment in the civil service;

70.1.2. loss of ability to perform official duties due to health conditions and other justifiable reasons;

70.1.3. submitted a request of resignation;

70.1.4. been appointed or elected to another job or position.

### **Article 71. Removal of the chairman and members of the Council**

71.1. The State Great Hural shall remove the chairman and members of the Council on the following grounds:

71.1.1. failure to perform the functions stated in laws, or severe and repeated breaches of duties;

71.1.2. convicted by court for a crime, and the court decision on conviction has become effective;

71.1.3. appointment made in violation of provisions of this Law is detected by a competent authority;

71.1.4. The chairman of the Council made a decision independently on issues under powers of the Council.

71.2. The State Great Hural shall discuss and make decision on removal based on the proposal of the nominating bodies in cases stated in Articles 71.1.1 and 71.1.3, and a decision of a competent authority in cases stated in Article 71.1.2 of this Law.

#### **Article 72. Replacement of the chairman and members of the Council**

72.1. If the term in office of the chairman and members of the Council expires before the legally defined period, a competent authority shall nominate a candidate and submit the candidacy to the State Great Hural.

72.2. The term in office of a member appointed according to Article 72.1 of this Law shall be equal to the remaining period of the term in office of the preceding member.

#### **Article 73. Legal guarantess of the chairman and members of the Council**

73.1. In case where the chairman or a member is arrested during a criminal act or at the crime scene with evidence, a competent authority shall inform the chairman of the State Great Hural within 24 hours.

73.2. The chairman or a member of the Council shall not be terminated or removed based on grounds other than provided in laws, or transferred to another job or position without his/her consent.

#### **Article 74. Reporting on activities of the Council**

74.1. The Council shall submit annual report on its activities (hereinafter as “report”) to the State Great Hural within the first quarter of the following year. The report shall cover the following information:

74.1.1. monitoring of implementation of laws and regulations on civil service, and results of dispute settlement on violation of rights of civil servants and candidates for civil service positions;

74.1.2. implementation status of ethical norms of civil servants, reports on breaches, and proposals for further measures;

74.1.3. proposals to improve laws and regulations on civil service;

74.1.4. proposals of measures to strengthen the civil service based on knowledge, skills and experience, that is apolitical, fair, transparent and accountable and improving work conditions and safeguards of civil servants.

74.2. The Standing Committee on State Structure of the State Great Hural shall discuss the report at its meeting and make conclusions.

74.3. The conclusions stated in Article 74.2 of this Law shall be published in the “State Gazette” and posted on the website of the Council.

## **CHAPTER TWENTY TWO DISPUTE RESOLUTION**

### **Article 75. Resolution of disputes in regard to violation of rights of core civil servants and candidates for civil service positions**

75.1. Unless otherwise provided by laws and regulations, the central authority for civil service shall review and resolve disputes between a body with the appointing authority and a civil servant or a candidate for a civil service position in relation to issues stated in Articles 25, 26, 27, 45, 46, 47, 48, 52.2 and 66.1.11 of this Law, and disputes on salaries, work conditions and social guarantees.

75.2. A civil servant or candidate for a civil service position shall lodge his/her complaint along with relevant documents to a chapter of the Civil Service Council or the central authority for civil service within 30 days.

75.3. The central authority for civil service shall make a decision whether or not to open a dispute case within 7 days after receiving the complaint, and review and resolve the dispute within 30 days. If necessary, this timeframe may be extended for 14 days.

75.4. In case of a dispute case opened, the dispute review committee under the central authority for civil service shall exercise the following powers:

75.4.1. inquire and receive explanations from related persons;

75.4.2. deploy specialists in the process of review based on consent with a relevant institution;

75.4.3. inquire and receive necessary information, research, explanations, references and other documents from relevant organisations, entities and officials free of charge;

75.4.4. provide instructions to organizations, entities, citizens or officials to take corrective measures on breaches and irregularities detected during the review and addressing their causes, with a due date of completion and ensure the implementation;

75.4.5. in case it finds the breaches detected to be of a criminal nature, to transfer the acts of the review and other related documents to a competent authority.

75.4.6. to be fully accountable for the accuracy of reviews, conclusions, explanations, official instructions, rationale of documentations, and evidences;

75.4.7. other powers assigned by laws and regulations.

75.5. The Council members stated in Article 75.4 of this Law shall have duties to strictly adhere to laws and regulations, perform official duties fairly and free from external influences, respect legitimate interests and reputation of the state, organisations, entities and citizens, to refuse to review the cases related to his/her ownself and spouse, family members and relatives, and to conduct reviews in their integrity.

75.6. A procedure for review and resolution of disputes stated in Article 75.1 of this Law shall be approved by the State Great Hural.

## **Article 76. Revoking illegal decisions**

76.1. The central authority for civil service shall amend or revoke a decision taken in relation to human resource management and examinations of the civil service stated in Article 75.1 of this Law, if it finds the decision with no legal ground.

76.2. In case where the illegal decision stated in Article 76.1 of this Law was taken by the Government, the Government shall have a duty to revoke its decision within 14 working days, based on a notification by the central authority for civil service.

76.3. A party who does not accept the decision of the central authority for civil service, may lodge judicial appeal within 30 days after notification of the decision.

76.4. In case on non-implementation of decisions of the central authority for civil service and courts or repeated acts of dismissal of a civil servant without legal grounds, the central authority for civil service shall revoke the decision of the official other than provided in Article 76.7 of this Law, and send a notification on termination of the guilty official from the job position, to a competent authority.

76.5. A competent authority stated in Article 76.4 of this Law shall comply with the notification and inform of the corrective measure within 7 days.

76.6. A competent authority who violated Article 76.4 and 76.5 of this Law shall be dismissed from the civil service without the right to re-enter the civil service for three years.

76.7. In case where the illegal decision stated in Article 76.4 of this Law was made by the Government, the Government shall have a duty to revoke its decision within 14 working days based on a notification by the central authority for civil service.

## **CHAPTER TWENTY THREE MISCELLANEOUS PROVISIONS**

### **Article 77. Entry into force**

77.1. Regulations for additional pays stated in Article 57.2.2, additional pays of employment in the civil service stated in Article 57.2.4 and lump-sum grants for civil servants in the service category stated in Article 60.1 shall be effective from January 1, 2020. Cash allowances under Articles 43.1.4 and 43.5 of the Law on Education, Article 15.4.1 of the Law on protecting livestock gene funds and health, Article 22.1.1 of the Law on Culture, Article 22.1.1 of the Law on Culture, Article 21.1.3 of the Law on Science and technology and Article 29.2 of the Law on Health shall be provided until December 31, 2019.

77.2. This law shall enter into force on January 1, 2019.

**THE CHAIRMAN OF THE STATE GREAT  
HURAL OF MONGOLIA**

**M. ENKHBOLD**