

LAW ABOUT CIVIL OFFICERS AND OFFICERS

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I. BASIC PROVISIONS

Case

Member 1

This law regulates the categorization of positions and titles of civil servants and state employees, establishment of employment relationships and filling of positions, personnel management, rights, obligations, responsibility and protection of the rights of civil servants and state employees, as well as other issues of importance for the exercise of their rights and obligations .

Civil servant and employee

Article 2

A civil servant is a person who has established an employment relationship with a state body for the performance of tasks that fulfill the competence of that body established by the Constitution, law and other regulations.

A civil servant is also a person who performs IT, material-financial, accounting and other tasks of an administrative nature in a state body.

An employee is a person who has established an employment relationship in a state body for the purpose of performing auxiliary and other tasks.

Application

Article 3

In terms of this law, the ministry and other administrative bodies (hereinafter referred to as state administrative bodies), the office of the President of Montenegro, the Parliament of Montenegro, the Government of Montenegro, the Constitutional Court of Montenegro, the court and the state prosecutor's office are considered to be state bodies.

This law applies to employees of the Pension and Disability Insurance Fund of Montenegro, the Health Insurance Fund of Montenegro, the Employment Agency of Montenegro, the Labor Fund and the Agency for Peaceful Settlement of Labor Disputes.

This law also applies to employees of other bodies, regulatory and independent bodies, if this is prescribed by a separate law.

Employer of civil servants and employees

Article 4

The state of Montenegro is the employer of civil servants.

The rights and duties of the employer on behalf of the state of Montenegro are performed by the head of the state body, unless otherwise determined by this law or another regulation.

Legality and responsibility

Article 5

A civil servant, i.e. an employee, performs tasks on the basis of the Constitution, laws, other regulations and general acts.

A civil servant, that is, an employee, is responsible for the legality, expertise and efficiency of his work.

A civil servant, i.e. an employee, is responsible for the legal, efficient and expedient use of the state assets that he manages or uses in his work.

A civil servant, that is, an employee, in accordance with the law, is responsible for the damage he causes to a state body or a third party through his illegal or irregular work.

Official ethics

Article 6

A civil servant, that is, an employee in the performance of his duties, is obliged to comply with the Code of Ethics for civil servants and employees.

Prohibition of discrimination

Article 7

A civil servant, i.e. an employee, may not discriminate citizens in the performance of their duties on the basis of: race, skin color, national affiliation, social or ethnic origin, connection with a minority nation or minority national community, language, religion or belief, political or other opinion, gender, change of gender, gender identity, sexual orientation and/or intersex characteristics, health condition, disability, age, property status, marital or family status, group membership or assumption of group membership, political party, trade union or other organization, as well as based on other personal characteristics.

Avoiding conflicts of interest

Article 8

In the performance of duties, a civil servant or state employee may not subordinate the public interest to private interest, nor use the performance of duties to obtain material or non-material benefits.

Political neutrality and impartiality

Article 9

A civil servant, i.e. an employee, performs his duties in a politically neutral and impartial manner, in accordance with the public interest.

A civil servant, i.e. an employee, is obliged to refrain from publicly expressing his political beliefs.

Equal availability of jobs

Article 10

A civil servant, that is, an employee, establishes an employment relationship on the basis of public advertising.

Jobs of civil servants, i.e. state employees, are available to everyone, under equal conditions.

Professional Development

Article 11

A civil servant, i.e. an employee, has the right and obligation to undergo professional training and development.

Legal protection

Article 12

A civil servant, that is, an employee, in the process of deciding on his rights and obligations, has the right to legal protection.

Prohibition of Privilege or Deprivation

Article 13

It is forbidden to place a civil servant or state employee in a privileged or unequal position in the exercise of his rights and obligations or to deny or limit his rights, especially because of political, national, racial, gender or religious affiliation or on the basis of other personal characteristics.

Breach of official duty

Article 14

A civil servant, that is, an employee, is responsible for violations of official duties, in accordance with the law.

Union organizing

Article 15

A civil servant, i.e. an employee, has the right to organize a trade union, in accordance with the law.

Use of gender-sensitive language

Article 16

The terms used in this law for natural persons in the masculine gender imply the same terms in the feminine gender.

The principle from paragraph 1 of this article implies that in the act on internal organization and systematization and individual acts on the establishment of an employment relationship, deployment, appointment, or appointment, as well as in other acts that decide on the rights and obligations of civil servants and state employees, titles are expressed in the genus to which the person to whom these acts refer belongs.

Subsidiary application of general labor regulations

Article 17

General labor regulations apply to the rights, obligations and responsibilities of civil servants, i.e. employees that are not regulated by this or a special law.

II. CATEGORIZATION OF JOBS AND TITLES OF CIVIL OFFICERS AND OFFICERS

1. Categorization of jobs

Categories

Article 18

Jobs in the state body are determined within five categories, namely:

- head of the administrative body;
- high-level management staff;

- ekspertsko-rukovodni kadar;
- expert staff;
- executive staff.

Within job categories, one or more levels with corresponding titles can be established.

In a state body, a workplace outside of the categories and levels established by this law cannot be established.

Scales

Article 19

The criteria for categorizing jobs in the state body and determining the level within the categories are:

- responsibility;
- participation in decision-making;
- complexity of jobs;
- independence in work;
- professional knowledge for performing tasks;
- the need for cooperation with other state bodies and communication with parties;
- Work experience.

Work experience

Article 20

Work experience, in the sense of this law, implies work in jobs at the level of education qualification required for performing jobs in a certain profession, unless otherwise prescribed by this law.

a) Elder of the administrative body

Description of jobs

Article 21

The head of the administrative body represents, directs and organizes work in the administrative body.

Conditions

Article 22

A person who has the VII1 level of educational qualifications and at least three years of work experience in management positions or five years of work experience in other positions can be appointed as the head of the administrative body.

b) Visoki rukovodni kadar

Description of jobs

Article 23

The jobs of senior management staff refer to: managing, coordinating and organizing work in one or more organizational units, i.e. areas of work, ensuring the achievement of relations and cooperation with other state bodies, local self-government bodies, local government bodies, the economy, non-governmental organizations and citizens and deciding on the most complex issues.

Titles and conditions

Article 24

Within the category of senior management staff, the titles are determined: secretary of the ministry and general director in the ministry, assistant to the head of the administrative body, assistant to the head of the service of the Government of Montenegro (hereinafter: the Government) and assistant to the director of the legal entity from Article 3 paragraph 2 of this law.

The senior management staff in another state body is determined by the regulation on the establishment of the body, that is, on the organization of the service.

A person who performs tasks from the category of senior management staff must have a VII1 level of education qualification and at least two years of work experience in management tasks or five years of work experience.

c) Ekspertsko-rukovodni kadar

Description of jobs

Article 25

The jobs of the expert-management staff refer to: management and coordination of the work of narrower organizational units; communication with other organizational units, authorities and citizens; independent work and decision-making on issues within the competence of the organizational unit.

Levels, titles and conditions

Article 26

Within the category of expert-management staff, the levels, titles and conditions are:

- 1) level 1: head, manager, other appropriate title - VII1 level of educational qualifications and at least four years of work experience;
- 2) level 2: head, coordinator or other appropriate title - VII1 level of educational qualifications and at least four years of work experience.

Level 1 also includes the titles: chief inspector and chief authorized official - VII1 level of educational qualifications and at least four years of work experience.

Level 2 also includes the title of inspector coordinator - VII1 level of educational qualification and at least one year of work experience in jobs in the title of inspector I or four years in other jobs.

d) Expert staff

Description of jobs

Article 27

The expert staff performs tasks related to: drafting strategic documents and programs, analyzing the situation in order to encourage economic, social, cultural, ecological and overall social development; preparation of laws and other regulations; performing administrative supervision; preparation of analytical, informative and other materials with a proposal to

harmonize the system with internationally recognized standards; leading, that is, decision-making in administrative proceedings and undertaking other administrative activities; taking administrative measures and administrative actions; providing explanations, expert instructions and instructions for the application of laws and other regulations and the development of special work methodologies and procedures.

Levels, titles and conditions

Article 28

Within the expert staff category, the levels, titles and conditions are:

1) level 1:

- independent advisor I, inspector I and authorized official I - VII1 level of educational qualification and at least three years of work experience,
- independent adviser II, inspector II and authorized official II - VII1 level of educational qualification and at least two years of work experience,
- independent advisor III, inspector III and authorized official III - VII1 level of educational qualification and at least one year of work experience;

2) level 2:

- senior adviser I - VII1 qualification level of education and at least three years of work experience,
- senior adviser II - VII1 qualification level of education and at least two years of work experience,
- senior adviser III - VII1 level of education qualification and at least one year of work experience in jobs in VII1 or VI level of education qualification;

3) level 3:

- advisor I - VI level of educational qualifications and at least three years of work experience,
- adviser II - VI level of educational qualifications and at least two years of work experience,
- adviser III - VI qualification level of education and at least one year of work experience;

4) level 4:

- associate I - V education qualification level and at least three years of work experience,
- associate II - V education qualification level and at least two years of work experience,
- associate III - V education qualification level and at least one year of work experience.

Titles independent advisor III, inspector III, authorized official III, senior advisor III, advisor III, associate III, as well as special titles prescribed in accordance with Article 33 of this law, which are established as initial, represent initial positions within the expert category level cadre.

e) Executive staff

Job description, levels, titles and conditions

Article 29

The executive staff performs tasks related to: keeping records; collection and exchange of information, reports, data and their processing; performing the simplest actions in administrative and other procedures, as well as other tasks of an administrative nature.

Within the category of executive staff, the levels, titles and conditions are:

- 1) level 1: independent referee - IV1 level of educational qualification and at least two years of work experience;
- 2) level 2: senior officer - IV1 education qualification level and at least two work experiences;
- 3) level 3: clerk - III or IV1 level of education qualification and at least six months of work experience in jobs in IV1 or III level of education qualification.

The title referent represents a starting position within the executive staff category.

2. Jobs of employees

Description of jobs

Article 30

Officials perform auxiliary and other tasks, the performance of which is necessary for the timely and efficient performance of the tasks of the state body.

Other jobs include jobs related, in particular, to: technical maintenance of buildings, devices and equipment; printing and duplicating materials; provision of services in facilities of state bodies, ie legal entities; jobs of drivers, couriers, cleaning and other similar jobs.

Levels, titles and conditions

Article 31

The levels, titles and conditions within the scope of employees' jobs are:

- 1) level 1: senior employee I - IV1 education qualification level and at least one year of work experience;
- 2) level 2: senior employee II - III level of educational qualifications and at least six months of work experience;
- 3) level 3: employee - I2 education qualification level, without work experience.

3. Professions

Acquiring a title

Article 32

A civil servant, i.e. an employee, performs tasks in a specific title.

A civil servant, i.e. an employee, acquires the title by establishing an employment relationship, by assignment, appointment, or appointment.

The title of civil servant, i.e. state employee, may also include a closer job title.

Special vocations

Article 33

The law or other regulation in accordance with the law may also determine special titles of civil servants in the court and the state prosecutor's office, bodies that perform diplomatic, police, security, defense, security of detained and convicted persons and other tasks in the execution of detention, prison sentences and measures security, customs affairs and other affairs with special powers and obligations.

The regulation on the establishment of a service or a permanent work body can also determine other titles when this is necessary due to the nature of the work.

III. FILLING OF JOB POSITIONS

1. Conditions and procedure for establishing an employment relationship in state bodies

Conditions for establishing an employment relationship

Article 34

A person who:

- is a Montenegrin citizen;
- is over 18 years of age;
- is medically fit to perform the duties of the workplace;
- has the prescribed level of education qualification;
- has passed the professional exam for work in state bodies;
- has not been convicted of a criminal offense that makes him unworthy to work in a state body.

As an exception to paragraph 1, indent 5 of this article, a person who has passed the bar exam and a person who bases his employment on the jobs of state employees in level 3 does not have to take the professional exam for work in state bodies.

As an exception to paragraph 1, indent 5 of this article, an employment relationship in a state body can be established by a person who has not passed the professional exam, provided that he/she passes the same within one year from the date of establishment of the employment relationship.

Fulfillment of the requirements from paragraph 1 indent 6 of this article is determined on the basis of an extract, that is, a certificate from the appropriate records that are kept in accordance with the law.

A certificate that a person has not been convicted of a criminal offense that makes him unfit to work in a state body is obtained ex officio.

In addition to the conditions from paragraph 1 of this article and other conditions prescribed by this law, a special law, another regulation or an act on internal organization and systematization may prescribe special conditions for establishing an employment relationship.

A person who is a beneficiary of the right to a pension, in accordance with the law, cannot establish an employment relationship in a state body.

A foreign citizen or stateless person can establish an employment relationship in a state body as an employee, under the conditions prescribed by a special law and international agreement.

Certificate of medical fitness

Article 35

Medical fitness from Article 34 paragraph 1 subparagraph 3 of this law is proven by a certificate issued by the competent health institution in accordance with the law (hereinafter: medical fitness certificate).

The certificate of medical fitness contains an assessment of the candidate's medical fitness to perform the duties of the position and may not contain data on the candidate's state of health.

The candidate elected by the decision referred to in Article 48 of this law shall submit the certificate of health fitness to the head of the state body, no later than eight days from the date of delivery of that decision.

If the candidate selected by the decision referred to in Article 48 of this law does not submit a certificate of medical fitness within the period referred to in paragraph 3 of this Article, the decision on the selection of that candidate shall be invalidated.

In the case referred to in paragraph 4 of this article, the head of the state body makes a decision on the selection of another candidate from the list for the selection of candidates from article 47 of this law.

Professional exam for work in state bodies

Article 36

The professional exam for working in state bodies can be taken by a person who has at least III level of education qualification and at least one year of work experience in jobs at the level of education qualification for which the professional exam is taken.

The professional exam referred to in paragraph 1 of this article is taken before the commissions for taking the professional exam for the appropriate level of educational qualification.

The commissions referred to in paragraph 2 of this article are formed by the state administration body responsible for administrative affairs (hereinafter: the Ministry).

Professional work for the needs of the commissions referred to in paragraph 2 of this article is performed by the secretary who is appointed from among the employees of the Ministry.

Administrative and other tasks for the needs of the commissions referred to in paragraph 2 of this article are performed by the personnel management authority.

The presidents, members and secretaries of the commissions referred to in paragraph 2 of this article have the right to compensation for their work.

The costs of taking the professional exam for work in state bodies are borne by the candidate.

The Government prescribes the program and method of taking the exam from paragraph 1 of this article, the composition and method of training commissions from paragraph 2 of this article, the amount of remuneration for the work of the president, members and secretaries of commissions, as well as the cost of taking the professional exam.

Second professional exam

Article 37

The law may prescribe another professional exam in a certain field as a condition for performing work in a state body.

Decision on initiating the procedure for filling the position

Article 38

The decision to start the procedure for filling a position can be made by the head of a state body, if:

- the workplace is determined by the act on internal organization and systematization;
- the position is not filled, except in the case referred to in Article 52 paragraph 2 of this law;
- the filling of the position is provided for in the personnel plan from Article 148 of this law;
- the state body provided financial resources for this.

Exceptionally, the head of a state body can make a decision to start the procedure for filling a position whose filling is not provided for in the personnel plan from Article 148 of this law, if that position remained vacant during the current calendar year due to the termination of employment

of a civil servant, i.e. an employee in a state body or if, due to organizational changes and/or the necessity of filling a position, he obtains the approval of the Government.

Financial means

Article 39

If the vacancy is filled through an internal advertisement, a public advertisement and a public competition, the state body, except for the Parliament of Montenegro (hereinafter: the Parliament), the court and the state prosecutor's office, is obliged to, before making a decision on starting the procedure for filling the vacancy, obtain a certificate of provided financial resources from the minister in charge of budget affairs.

A decision to fill a position made without obtaining the certificate referred to in paragraph 1 of this article is a reason for its mandatory annulment, in accordance with the law.

Way of filling job positions

Article 40

Jobs in the state body are filled through:

- deployment;
- internal advertisement;
- public announcement;
- public competition.

As an exception to paragraph 1 of this article, the filling of positions in bodies that carry out diplomacy, police, security, defense, security of detained and convicted persons and other tasks in the execution of detention, prison sentences and security measures can be done in a different way, in accordance with a special law.

Filling of jobs

Article 41

The filling of the position of head of the administrative body and positions in the category of senior management staff is carried out on the basis of a public competition.

Filling of initial positions within the categories of expert staff, executive staff, as well as employee positions is done on the basis of a public advertisement.

Filling a position that is not covered by the provisions of para. 1 and 2 of this article is carried out through deployment in accordance with Art. 63, 64 and 65 of this law.

If the position is not filled in the manner referred to in paragraph 3 of this article, it is filled through an internal advertisement.

If the position is not filled in the manner referred to in paragraphs 3 and 4 of this article, it is filled through a public announcement.

Publication of advertisements, i.e. contests

Article 42

Internal advertisement, public advertisement and public competition (hereinafter: advertisement) are published by the administrative body responsible for personnel management, after delivery of the decision on starting the procedure for filling the position, within five days from the date of delivery of that decision.

The advertisement referred to in paragraph 1 of this article for the filling of positions in the Assembly Service is published by the Assembly Service within five days from the date of the decision to initiate the procedure for filling the positions.

The internal advertisement is published on the website of the administrative body responsible for personnel management (hereinafter: personnel management body) and on the website of the state body in which the vacancy is being filled.

The public advertisement and the public competition are published on the website of the personnel management authority and in the daily printed media that is distributed throughout the territory of Montenegro.

The deadline for submitting applications for the internal advertisement and the public advertisement is 15 days from the date of publication of the advertisement.

The deadline for submitting applications to the public tender is 20 days from the date of publication of the tender. The content of the advertisement is prescribed by the Ministry.

Withdrawal and correction of ads

Article 43

If the advertisement cannot be implemented due to changes in regulations, changes to the act on internal organization and systematization, or other circumstances arising after the publication of the advertisement, the head of the state authority will withdraw the advertisement and suspend the procedure for filling the position.

The decision to withdraw the advertisement and suspend the procedure for filling the position can be made until the deadline for candidates to apply for the advertisement expires.

If there was an error in the content of the ad when the ad was published, the published ad can be corrected.

The correction of the advertisement is published by the personnel management authority, in the manner in which the advertisement was published.

In the event of a correction of the advertisement, the deadline for applying for candidates starts from the day of publication of the correction of the advertisement.

The manner and procedure of withdrawal and correction of advertisements is prescribed by the Ministry.

Exceptionally from paragraph 6 of this article, the content of advertisements, the method and procedure of withdrawal and correction of advertisements in the Assembly Service are determined by the working body of the Assembly that approves the act on the organization and systematization of jobs in the Assembly Service.

The right to apply for an internal advertisement

Article 44

An internal advertisement can be applied for by civil servants who have established an employment relationship for an indefinite period of time, civil servants from Article 55 para. 1 and 2 of this law and the person whose mandate has ended based on Article 60 paragraph 1 para. 1, 2 and 4 of this law.

A civil servant who is on probation does not have the right to apply for an internal advertisement.

List of candidates who meet the conditions of the advertisement

Article 45

On the basis of complete and orderly documentation that was submitted in a timely manner, the personnel management authority compiles a list of candidates who meet the conditions of the advertisement.

Exceptionally from paragraph 1 of this article, on the basis of complete and orderly documentation that was submitted in a timely manner, the Assembly Service compiles a list of candidates who meet the conditions of the advertisement.

Verification of knowledge, abilities, competences and skills

Article 46

A candidate who meets the conditions of an internal or public advertisement is subject to a knowledge, ability, competence and skills check, depending on the category of the job.

The verification referred to in paragraph 1 of this article is carried out by means of a written test and an oral interview and in another appropriate way, by evaluating knowledge, abilities, competences and skills, based on the prescribed criteria.

The check referred to in paragraph 1 of this article is carried out by a commission formed by the human resources management body and consisting of a representative of the human resources management body, a representative of the state body, who is, as a rule, the head of the organizational unit in which the position is filled and an expert from the appropriate field of work.

Exceptionally from paragraph 3 of this article, the check from paragraph 1 of this article is carried out in the Assembly Service by a committee formed by the head of that body.

The expert from paragraph 3 of this article is determined by the head of the human resources management authority from the list of experts established by that authority.

The committee referred to in paragraph 3 of this article prepares a report on the verification of candidates in terms of paragraph 1 of this article.

The committee referred to in paragraph 4 of this article prepares a report on the verification of candidates in terms of paragraph 1 of this article.

The closer method of conducting the check from paragraph 1 of this article, the criteria and method of evaluation from paragraph 2 of this article, as well as the method of determining the list of experts from paragraph 5 of this article shall be prescribed by the Government.

Exceptionally, the closer method of conducting the check from paragraph 1 of this article, the criteria and the method of evaluation from paragraph 2 of this article, when filling positions in the Assembly Service, is determined by the working body of the Assembly that approves the act on the organization and systematization of jobs in the Assembly Service.

Candidate selection list

Article 47

The personnel management authority, within three days from the date of drawing up the report referred to in Article 46 paragraph 6 of this law, determines the list for the selection of candidates and submits it to the state authority.

Exceptionally from paragraph 1 of this article, the commission from article 46 paragraph 4 of this law, within three days from the date of drawing up the report from article 46 paragraph 7 of this law, determines the list of candidates for the Assembly Service and submits it to the head of that body.

The candidate selection list contains the three best-rated candidates, and may contain more candidates if they are rated the same.

If the advertisement has been published to fill a position for several executors, the candidate selection list contains two more best-rated candidates than the number of executors requested by the advertisement.

Along with the list for the selection of candidates, the report from Article 46 para. 6 and 7 of this law.

Decision on candidate selection

Article 48

The decision on the selection of a civil servant, i.e. an employee in the ministry, is made by the head of the organizational unit in which the position in the category of senior management staff is being filled.

The decision on the selection of a civil servant, that is, an employee in another state body, is made by the head of the state body.

The head of another state body can, in writing, authorize a person who performs the duties of a senior management staff to decide on the election of a civil servant, that is, an employee.

After the interview with all the candidates from the candidate list, the candidate is selected, and the reasons for the decision are stated in the explanation of the decision on the candidate selection.

The decision on the selection of candidates is made and submitted to the personnel management authority, no later than within ten days from the date of receipt of the candidate selection list.

Upon receipt of the decision on the selection of candidates, the personnel management body shall deliver that decision to the registered candidates within five days.

Exceptionally from para. 5 and 6 of this article, when filling positions in the Assembly Service, the head of that body is obliged to make a decision on the selection of candidates within 10 days from the date of receipt of the list and after that deliver it to the candidates from the list for candidate selection within 5 days .

Records of the data of candidates who were not selected

Article 49

The human resources management authority keeps records of persons who were not selected based on a public advertisement and are on the list of candidates referred to in Article 47 of this law, based on the previously obtained consent of those persons.

The person who is on the records referred to in paragraph 1 of this article is obliged to inform the personnel management authority if he establishes an employment relationship or wishes to withdraw the consent referred to in paragraph 1 of this article.

On the day of receiving the notification from paragraph 2 of this article, the personnel management authority from the records from paragraph 1 of this article deletes the data about the person who submitted the notification.

The right to inspect and return documentation

Article 50

The candidate who applied for the advertisement has the right to review the advertisement documentation, in the presence of personnel management officials.

The personnel management body is obliged to return the submitted documentation to the candidates who were not selected, within ten days from the date of receipt of the selection decision, if no appeal has been filed against that decision.

The method of inspecting the advertisement documentation is prescribed by the Ministry.

The method of inspecting the advertisement documentation in the Assembly Service is determined by the working body of the Assembly, which approves the act on the organization and systematization of jobs in the Assembly Service.

An authorized civil servant in the Parliamentary Service, when filling positions in the Parliamentary Service, is obliged to return the submitted documentation to the candidates who were not selected, within 30 days from the date of the decision on the selection based on the reported advertisement, if the decision has not been appealed.

Decision on establishing an employment relationship, i.e. deployment

Article 51

On the basis of the executive decision from Article 48 of this law, the head of the state authority makes:

- the decision on establishing the employment relationship of a civil servant, that is, an employee who establishes an employment relationship in a state body for the first time;
- a decision on the deployment of a civil servant in case of filling a position through an internal advertisement.

Duration of the employment relationship

Article 52

As a rule, a civil servant, that is, an employee, establishes an employment relationship for an indefinite period of time.

The employment relationship can be based on a certain period of time for the purpose of:

- replacement of a temporarily absent civil servant, that is, an employee, during the absence of a civil servant, that is, an employee, for a maximum of two years;
- execution of project tasks with a certain duration, for the duration of the project, up to two years at most;
- performing a temporarily increased volume of work that cannot be performed with the existing number of civil servants and state employees, for the duration of the temporarily increased volume of work, and up to six months at most, unless otherwise prescribed by a special law.

The establishment of a fixed-term employment relationship is carried out on the basis of a public announcement, in accordance with the provisions of this law that refer to the establishment of an indefinite-term employment relationship.

Exceptionally from paragraph 3 of this article, in the cases referred to in paragraph 2 para. 1 and 3 of this article, the head of a state body may, without public announcement, issue a decision on establishing the employment relationship of a person who is on the records from Article 49 of this law, for a maximum of six months, with a previously obtained certificate of provided financial resources, unless otherwise specified by a special law prescribed.

The head of a state body, in the manner referred to in paragraph 4 of this article, can issue a decision on establishing an employment relationship with the same person only once.

Trial work

Article 53

Probationary work is mandatory for civil servants, i.e. employees who establish an employment relationship for an indefinite period in a state body for the first time.

Trial work lasts one year.

Evaluating the test work

Article 54

The probationary work of civil servants, i.e. state employees, is evaluated with the grades "satisfied with the probationary work" or "not satisfied with the probationary work", based on the prescribed criteria.

The decision on the evaluation of the probationary work of a civil servant, that is, an employee, is made by the head of a state body no later than 15 days before the end of the probationary period.

A civil servant, i.e. an employee who received a grade of "satisfied on probation" continues to work in a state body.

A civil servant, that is, an employee who received a grade of "failed on probationary period" will have his/her employment terminated by force of law.

The Ministry prescribes the criteria and method of evaluating the trial work.

2. Appointment of inspectors and authorized officials

Appointment and mandate

Article 55

The chief inspector and chief authorized official, with the consent of the Government, is appointed by the head of the state body for a period of five years.

The coordinator inspector, inspector and authorized official are appointed by the head of the state body, for a period of five years.

Filling of positions from para. 1 and 2 of this article is carried out through an internal advertisement, except for the position of inspector III and authorized official III.

If the position is not filled in the manner referred to in paragraph 3 of this article, it is filled through a public announcement.

On the basis of the executive decision from Article 48 of this law, the head of the state authority makes a decision on the appointment in accordance with para. 1 and 2 of this article.

3. The process of checking and proposing senior management personnel

Conducting a public competition for senior management staff

Article 56

A candidate who meets the requirements of a public competition for filling a position in the category of senior management staff is subject to a check of competence, knowledge and abilities.

The verification referred to in paragraph 1 of this article is carried out through a written test and a structured interview, evaluating competences, knowledge and abilities, based on the prescribed criteria.

The check referred to in paragraph 1 of this article is carried out by a committee formed by the personnel management body and consisting of the head of the personnel management body, a person from the category of senior management staff from a state body, that is, a legal entity from article 3 paragraph 2 of this law in which the position is filled and a distinguished expert in the relevant field of work.

Exceptionally from paragraph 3 of this article, the check from paragraph 1 of this article is carried out in the Assembly Service by a committee formed by the head of that body.

The distinguished expert referred to in paragraph 3 of this article is determined by the head of the personnel management authority from the list of distinguished experts, which is established by that authority.

On the verification from paragraph 1 of this article, the commission from paragraph 3 of this article, that is, the commission from paragraph 4 of this article, prepares a report.

The list for the selection of candidates is made in accordance with Article 47 para. 1 and 3 of this law and submits the report from paragraph 5 of this article to the head of the state body, that is, to the manager of the legal entity from article 3 paragraph 2 of this law.

The closer method of conducting the check from paragraph 1 of this article, the criteria and method of evaluation from paragraph 2 of this article and the method of determining the list of distinguished experts from paragraph 4 of this article shall be prescribed by the Government.

Proposing or appointing senior management staff

Article 57

The minister is obliged to propose to the Government the appointment of the secretary of the ministry, i.e. the general director in the ministry, no later than ten days from the date of receipt of the list for the selection of candidates and the report from Article 56 paragraph 7 of this law. .

The head of another administrative body or service formed by the Government is obliged to, no later than ten days from the day of receiving the list of candidates and the report from Article 56 paragraph 7 of this law, after conducting an interview with all the candidates from the list of candidates, propose to the Government the appointment assistant to the head of the administrative body, that is, the service, if not otherwise prescribed by a special regulation.

The director of the legal entity referred to in Article 3 paragraph 2 of this law, no later than within ten days from the day of receiving the list for the selection of candidates and the report from Article 56 paragraph 7 of this law, after conducting an interview with all the candidates from the list of candidates, issues a decision on the appointment of an assistant director.

4. The procedure for checking and proposing the head of the administrative body

Conducting a public competition for the head of the administrative body

Article 58

A candidate who meets the requirements of the public competition for the position of head of the administrative body is subject to a check of competence, knowledge and abilities.

The verification referred to in paragraph 1 of this article is carried out through a written test and a structured interview, evaluating competences, knowledge and abilities, based on the prescribed criteria.

The check referred to in paragraph 1 of this article is carried out by a committee formed by the personnel management authority and consisting of the head of the personnel management authority, a person from the category of senior management staff from the relevant ministry and a distinguished expert in the relevant field of work from the list of distinguished experts from article 56 paragraph 5 of this law .

The examination of the candidates from paragraph 1 of this article for the head of the personnel management authority is carried out by a commission formed by the minister responsible for administration affairs and consisting of a person from the category of senior management staff of the Ministry and two distinguished experts in the relevant field of work from the list of distinguished experts from article 56 paragraph 5 of this of the law.

On the verification from paragraph 1 of this article, the commission from paragraph 3, i.e. paragraph 4 of this article, prepares a report.

The list for the selection of candidates is made in accordance with Article 47 para. 1 and 3 of this law and submits the report from paragraph 5 of this article to the relevant minister.

The closer method of conducting the check from paragraph 1 of this article, the criteria and the method of evaluation from paragraph 2 of this article shall be prescribed by the Government.

Nomination of candidates and appointment procedure

Article 59

The relevant minister is obliged to, no later than ten days from the date of receiving the list of candidates and the report from Article 58 paragraph 5 of this law, after having interviewed all the candidates from the list of candidates, propose to the Government the appointment of the head of the administrative body.

5. Termination of the mandate of the appointed or appointed person

Stop mandate

Article 60

The mandate of the appointed or appointed person ends:

- at the end of the mandate;
- at personal request;
- termination of employment;
- in the case referred to in Article 84 paragraph 5 and Article 134 of this law;
- by dismissal.

The person referred to in paragraph 1 of this article shall be dismissed if:

- was sentenced to unconditional imprisonment;
- has been convicted of a criminal offense that makes him unfit to perform duties in a state body;
- a disciplinary measure of termination of employment was imposed on him by an executive decision; and
- in other cases prescribed by a special law.

A person whose mandate has ended in terms of paragraph 1 para. 1, 2 and 4 of this article, if it is agreed, can be assigned in the same state body to a position that corresponds to his level of educational qualification and abilities.

A person whose mandate has ended in terms of paragraph 1 para. 1, 2 and 4 of this article, if it is agreed, he can be assigned to another state body in a position that corresponds to his level of educational qualification and abilities, based on a written agreement of the heads of state bodies, and if that person was the head of an administrative body, on based on the agreement of the relevant minister and the head of the state body to which that person is assigned.

The decision on deployment in the case referred to in para. 3 and 4 of this article are issued by the head of the state body.

Person from paragraph 1 para. 1, 2 and 4 of this article which is not distributed in accordance with para. 3 and 4 of this article, within one year from the date of termination of the mandate, during that time, he has the right to compensation in the amount of the salary he had in the last month of performing the duties of the workplace where he was appointed, that is, appointed, with

appropriate adjustment, and exceptionally, the right to compensation can be extended for another year, if during that time he acquires the right to a pension.

The person from paragraph 6 of this article exercises the right to compensation on the basis of a request that he submits to the competent working body of the body that elected, appointed or appointed him, within 30 days from the date of termination of his mandate.

Special cases of dismissal

Article 60a

In addition to the cases referred to in Article 60 paragraph 2 of this law, the relevant minister submits to the Government a reasoned proposal for the dismissal of the head of the administrative body, when the data from the regular annual report on the work of the administrative body and the state of the work areas for which it was established, i.e. the special report of the administrative body on the measures taken and their results, indicate irregularities in the work of that body.

The competent minister proposes to the Government the dismissal of the head of the administrative body in case of failure to submit the report from paragraph 1 of this article, in accordance with the law.

Acting officer

Article 61

In the event of the termination of the mandate of the head of the administrative body, i.e. the service or the person who performs the duties of the senior management staff, an acting officer may be appointed until the appointment or appointment in accordance with the law, for a maximum of six months.

The person performing the duty is determined by the authority responsible for the appointment, that is, the appointment of the head of the administrative body, that is, the service or the person who performs the tasks of the senior management staff.

A civil servant from a state administration body, that is, an office or a legal entity from Article 3, paragraph 2 of this law, in which the acting official is designated, or a person outside a state administration body, that is, an office or a legal entity from Article 3, paragraph 2 of this law, will be designated as the acting official. in which the incumbent is appointed, who meets the requirements prescribed for the head of the administrative body, that is, the service or for the post of high management staff for which he is appointed.

During the performance of his duties, the incumbent has the powers, rights, obligations and responsibilities of the head of the administrative body, that is, the service or the person who performs the tasks of the senior management staff.

A duty holder who has been appointed from the ranks of civil servants has the right to return to the same or another workplace at the end of the duty period in the sense of Article 63 paragraph 2 of this law.

The provisions of paragraph 1 of this article accordingly apply to the acting director of legal entities from Article 3, paragraph 2 of this law and to the person who performs the tasks of senior management in those legal entities.

The provisions of para. 1 to 6 of this article.

6. Special advisers

Rights and obligations of special advisers

Article 62

The President of Montenegro, the President of the Parliament of Montenegro and the Prime Minister may, in order to carry out tasks within the scope of their work, have advisers, heads of the cabinet and deputy heads of the cabinet, in accordance with the regulations of those bodies.

The Vice-Presidents of the Parliament of Montenegro and the Vice-Presidents of the Government may have advisers, in accordance with the regulations of those bodies.

Persons from paragraph 1 and 2 of this article, the term of office of the President of Montenegro, the President and Vice-President of the Parliament of Montenegro, the President and Vice-President of the Government ends, or upon resignation or dismissal.

Titles of persons from para. 1 and 2 of this article, the appointment of those persons, as well as their rights and obligations, are regulated by the regulations of those bodies.

Jobs in the office of the Prime Minister are filled without public advertising, in accordance with a special regulation.

IV. APPOINTMENT OF A CIVIL SERVANT, OR AN OFFICER DUE TO WORK NEEDS

Permanent deployment

Article 63

A civil servant, i.e. an employee, may, due to work needs, be permanently assigned to another suitable position in a state body, for which he meets the prescribed conditions.

An appropriate position, in the sense of paragraph 1 of this article, is considered a position for which the same level of educational qualifications and work experience of the same or longer duration are prescribed.

A civil servant, i.e. an employee, can be assigned to a higher rank if he meets the requirements from paragraph 2 of this article and was rated "excellent" in the previous year.

The head of the body, i.e. a person from the category of senior management staff authorized by him, makes a decision on deployment.

The decision from paragraph 4 of this article has a shortened explanation.

An appeal against the decision from paragraph 5 of this article does not delay the execution of the decision.

Temporary assignment to the same authority

Article 64

A civil servant or state employee may be temporarily assigned to another position in the same rank, as well as to a position in a lower rank, due to the replacement of an absent state servant or state employee or an increased workload, while retaining all the rights that belong to him in the position from which he was deployed.

The temporary assignment from paragraph 1 of this article lasts for a maximum of one year from the date of assignment, after which the civil servant or state employee has the right to return to the workplace where he worked before the assignment.

In the case of temporary assignment from paragraph 1 of this article, the consent of the civil servant, that is, the employee, is not required.

The provisions of Article 63 para. 4, 5 and 6 of this law.

As an exception to paragraph 1 of this article, in bodies that perform diplomacy, police, security, defense, security of detained and convicted persons and other tasks in the execution of custody,

prison sentences and security measures, temporary deployment can be done in a different way, in accordance with special by law.

Temporary assignment to another authority

Article 65

A civil servant, that is, an employee due to the needs of work, may be temporarily assigned to another state body, to a suitable position within the meaning of Article 63 paragraph 2 of this law, with his consent, for a maximum of six months.

The decision on temporary assignment to another body is made by the head of the state body to which the civil servant or employee is assigned, with the prior consent of the head of the state body where the civil servant or employee worked before the assignment.

Deployment Limitation

Article 66

Appointed or appointed persons from the category of senior management cannot be assigned to another position during their term of office.

A civil servant, i.e. an employee, cannot be deployed during temporary incapacity for work, pregnancy or maternity leave.

V. RIGHTS AND OBLIGATIONS

1. Rights of civil servants, that is, employees

Working conditions

Article 67

The state body in which he works provides the civil servant, that is, the state employee with the necessary technical and other conditions necessary for the performance of work and work tasks, in accordance with the rules and standards of work in the state body.

A civil servant, that is, an employee must not be exposed to any form of threat to his health or safety during work.

A civil servant, that is, an employee, has the right to protection of physical and moral integrity during work.

Salary, compensation and other income

Article 68

A civil servant, i.e. an employee, has the right to a salary, compensation and other benefits for his work, in accordance with the law regulating the salaries of employees in the public sector.

A civil servant, that is, an employee, has the right to equal pay for equal work, regardless of whether he is employed for a fixed or indefinite period of time.

Holidays and absences

Article 69

A civil servant, i.e. an employee, has the right to annual leave. Annual leave is determined according to length of service, namely:

- from one to three years, 20 working days;
- from three to seven years 21 working days;

- from seven to ten years 22 working days;
- from ten to 15 years 23 working days;
- from 15 to 20 years 24 working days;
- from 20 to 30 years 26 working days;
- over 30 years 28 working days.

A civil servant, i.e. an employee, has the right to leave from work, in accordance with the general labor regulations.

2. Obligations of civil servants, that is, employees

Obligation to execute orders

Article 70

A civil servant, i.e. an employee, is obliged to perform the tasks of the workplace to which he is assigned without a special order, as well as to perform tasks according to the order of the manager of the organizational unit to which he is assigned (hereinafter: immediate manager), in accordance with the law and other regulations, the Code of Ethics of civil servants and state employees and the rules of the profession.

A civil servant, i.e. an employee, is obliged to warn the immediate manager if the order received from him is against the law, other regulations, as well as the Code of Ethics for civil servants and employees, or if its execution could cause damage, constitute a criminal offense or a misdemeanor.

A civil servant, that is, an employee who, despite the warning from paragraph 2 of this article, has been ordered to execute the order, has the right to request a written order from the immediate manager.

In the event that a civil servant or state employee receives a written order from paragraph 3 of this article, he is obliged to execute that order, unless its execution would constitute a criminal offense or a misdemeanor.

A civil servant, i.e. an employee, is not liable for damage caused by the execution of an order, if he acted in accordance with para. 2, 3 and 4 of this article.

Obligation to keep and protect secret data and personal data

Article 71

A civil servant, i.e. an employee, is obliged to provide free access to information in his work, in accordance with the law and other regulations.

A civil servant, i.e. an employee, is obliged to ensure the protection and storage of confidential and personal data in accordance with the law, regardless of the way in which he obtained such data.

A civil servant, that is, an employee, is obliged to keep secret data even after the termination of employment in a state body, in accordance with the law regulating the confidentiality of data.

The head of a state body can release a state employee, that is, an employee from the obligation to keep data from para. 2 and 3 of this article in a court proceeding if it is about data without which it is not possible to determine the factual situation and make a legal decision in that proceeding.

Respect for working hours

Article 72

A civil servant, i.e. an employee, is obliged to respect working hours.

In the case of being prevented from coming to work, the civil servant, i.e. the employee, is obliged to inform the immediate manager of the reasons for the inability, no later than within 24 hours of the occurrence of the circumstances that are the reason for the inability, unless this is not possible for objective reasons.

Emergency situations and circumstances

Article 73

A civil servant, i.e. an employee, is obliged to, in case of force majeure, natural and other accidents and in other emergency situations and circumstances, perform tasks outside the job description or that do not correspond to his level of educational qualifications or outside of working hours.

The obligation of a civil servant, that is, an employee referred to in paragraph 1 of this article, lasts as long as the circumstances for which it was imposed last, for a maximum of three months.

During the period referred to in paragraph 2 of this article, a civil servant, that is, an employee, has the same rights as he has in the performance of regular work.

Ethical codex

Article 74

The code of ethics for civil servants and state employees is prescribed by the Government.

3. Conflict of interest and limitations

Avoiding conflicts of interest

Article 75

A civil servant, i.e. an employee, is obliged to avoid situations in which private interest affects or can affect the impartial and objective performance of his/her workplace.

Under private interest is understood ownership and other material or non-material interest of a civil servant, that is, an employee.

Obligation to report a possible conflict of interest

Article 76

A civil servant, i.e. an employee, is obliged to inform his immediate supervisor in writing about:

- the private interest that he or a person related to him may have in connection with activities within the jurisdiction of the state body in which he participates;
- ownership of shares and bonds or financial and other interests in companies according to which the state body in which he works performs administrative tasks within his jurisdiction;
- natural and legal persons with whom he had a contractual or business relationship two years before his employment in a state body, and for whom the state body in which he works performs administrative tasks within its jurisdiction.

A related person, in the sense of this law, is a relative of a civil servant, that is, an employee in the direct and collateral line up to the second degree of kinship, a relative by in-laws up to the first degree of kinship, conjugal and common-law spouse, adopter and adoptee.

In the event of the circumstances referred to in paragraph 1 of this article, the head of the state body will make a decision on the exemption of the civil servant, that is, the state employee from working in certain jobs, in accordance with the law regulating administrative procedure.

Prohibition of abuse of work in a state body and use of property

Article 77

A civil servant, that is, an employee may not use his work in a state body to influence the realization of his private interest or the interest of another natural or legal person connected to him.

A civil servant, that is, an employee, may not, for the purpose of realizing his private interest or the interest of another natural or legal person connected with him, use state property and data at his disposal in the performance of his duties.

Prohibition of receiving gifts

Article 78

A civil servant, i.e. an employee, may not receive money, securities or precious metal, regardless of their value, in connection with the performance of their duties.

A civil servant, that is, an employee in connection with the performance of his duties may not receive gifts, except for occasional gifts of lesser value.

A special gift from paragraph 2 of this article is considered a gift with a value of up to 50 euros.

If a civil servant or state employee receives several special gifts from the same donor during one year, the total value of these gifts may not exceed the amount of EUR 50, and if during that time he receives special gifts from several donors, the value of these gifts may not exceed the amount of 100 euros.

Additional work

Article 79

A civil servant, i.e. an employee, outside of working hours, with the prior written approval of the head of the state body, may perform tasks or provide services to a natural or legal person, only if the state body in which he works does not supervise these activities or work, or if such work is not prohibited by a special law and does not represent a conflict of interest or an obstacle to the orderly performance of regular tasks, i.e. does not harm the reputation of a state body.

A civil servant, i.e. an employee, may, with prior notification to the head of the state body, perform work in scientific - research, pedagogical and humanitarian activities, publish professional works and perform the duties of a lecturer at professional seminars and consultations.

Limitation of membership in corporate bodies

Article 80

A civil servant, i.e. an employee cannot be the president or member of the management or supervisory body of a company.

A civil servant, i.e. an employee may be the president or member of the management body or supervisory body of a public company, public institution or other legal entity in which the state or municipality is the owner, as well as the management body and supervisory body of scientific, humanitarian and sports organizations, if by special law not otherwise prescribed.

YOU. Gradeing

Evaluation criteria

Article 81

In order to monitor the work and make proper decisions about the movement in the service, the evaluation of the work of civil servants, i.e. employees, is carried out according to the following criteria:

- 1) fulfilling work tasks;
- 2) work results in terms of quality and quantity;
- 3) scope and timeliness in the performance of duties of the workplace;
- 4) other abilities and skills that he demonstrates in the performance of his duties.

In bodies that perform diplomatic, police, security, defense, security of detained and convicted persons and other tasks in the execution of custody, prison sentences and security measures, evaluation can be done in a different way, in accordance with a special law.

Work evaluations

Article 82

A civil servant, i.e. an employee receives a performance evaluation:

- 1) "stands out" if he fulfilled work tasks with above-average results and achieved work results better than those foreseen for the position to which he was assigned;
- 2) "good" if he fulfilled work tasks with average results and achieved work results that provide acceptable work quality standards, with negligible work errors;
- 3) "does not satisfy" if he did not fulfill work tasks with average results in accordance with the requirements of the workplace, and the immediate manager had objections to his work and warned him about omissions and irregularities in work.

A civil servant, i.e. an employee whose work has been graded as "unsatisfactory", is obliged to receive professional training for the tasks of the workplace to which he is assigned, according to the appropriate program from Article 87 of this law, by order of the manager.

Evaluation of work is done once a year, no later than January 31 of the current year for the previous year.

A civil servant, that is, an employee who worked for less than six months in a calendar year, regardless of the reasons, is not evaluated.

Evaluation procedure

Article 83

The evaluation of the work of a civil servant, i.e. an employee, is given by decision by the head of the organizational unit from the category of senior management staff, on the proposal of the immediate manager.

Before determining the proposal for performance evaluation, the immediate manager is obliged to inform the civil servant, that is, the employee, about the proposal for evaluation and allow him to express himself.

In the event that the head of an organizational unit from the category of senior management staff directly manages that organizational unit, he is obliged to fill out the form from paragraph 4 of this article before giving an evaluation of the work of a civil servant, i.e. an employee, familiarize the civil servant, i.e. an employee with the evaluation and enable him to declare.

The evaluation of the work of civil servants, i.e. employees, is proposed on the form determined by the personnel management authority.

The evaluation of the work of civil servants, i.e. employees, is entered in the Central Personnel Records.

A civil servant, i.e. an employee whose work has been rated "unsatisfactory" twice in a row, will have his employment terminated on the day the evaluation decision becomes enforceable.

More detailed criteria, method and procedure for evaluating the work of civil servants, i.e. state employees, are prescribed by the Government.

More detailed criteria, method and procedure for evaluating the work of civil servants, i.e. employees in the Assembly Service, as well as the evaluation form, are determined by the working body of the Assembly, which approves the act on the organization and systematization of jobs in the Assembly Service.

Evaluation of persons who perform tasks of high management staff

Article 84

A person who performs the tasks of a senior management staff receives a performance evaluation:

- "stands out" if he has shown exceptional abilities in the organization of work and management, in cooperation and communication with other authorities, that is, employees and other abilities in order to effectively realize work tasks;
- "good" if he has demonstrated average abilities in work organization and management, in cooperation and communication with other authorities, ie employees and other abilities in order to effectively realize work tasks;
- "does not satisfy" if he did not demonstrate average abilities in work organization and management, nor average abilities in cooperation and communication with other bodies, i.e. employees, as well as other abilities for efficient implementation of work tasks.

The evaluation of the work of a person who performs the duties of a senior management staff in a state body is carried out twice a year, on which a report is drawn up.

The report from paragraph 2 of this article is made on the evaluation form established by the human resources management authority.

The evaluation of the work of the person who performs the tasks of the senior management staff is given by the head of the state body by decision.

In the event that the work of the person referred to in paragraph 1 of this article is rated "unsatisfactory" twice in a row, the head of the state body, based on the executive decision on work evaluation, submits a proposal to the Government for the termination of the mandate of that person.

More detailed criteria, method and procedure for evaluating the work of persons referred to in paragraph 1 of this article shall be prescribed by the Government.

Evaluation of the work of the head of the administrative body

Article 85

The assessment of the work of the head of the administrative body is given by the relevant minister.

The evaluation of the work of the head of the administrative body is carried out in accordance with Article 84 of this law.

VII. PROFESSIONAL TRAINING AND DEVELOPMENT OF CIVIL OFFICERS, I.E. OFFICERS AND INTERNSHIPS

1. Professional training and development

The right and obligation of professional training and development

Article 86

A civil servant, that is, an employee, has the right and obligation to receive professional training and improvement in order to improve his knowledge and skills, that is, his ability to perform the tasks of his workplace.

The manager is obliged to enable the civil servant, that is, the employee, to receive professional training and development for performing the tasks of the workplace, in accordance with the professional training and development programs established by this law.

Types of professional training and development programs

Article 87

The professional training and development of civil servants, i.e. state employees, is carried out on the basis of the professional training and development program, namely:

- 1) a general program intended for acquiring or improving basic knowledge and skills for working in state bodies;
- 2) specific programs that are intended for acquiring or improving knowledge and skills for the performance of specific jobs;
- 3) special programs intended for professional training in certain state bodies, in accordance with a special law.

The general program from paragraph 1 point 1 of this article is adopted by the personnel management authority. Specific programs from paragraph 1 point 2 of this article are adopted by the personnel management authority, unless otherwise prescribed by a special law.

Funds for the implementation of general and specific professional training and development programs are provided in the budget of Montenegro, at the expense of the personnel management authority.

The method of preparation of the professional training and development program from paragraph 1 point. 1 and 2 of this article, the basic elements of the content of the program, the method of implementation of the program, as well as other matters of importance for professional training and improvement are prescribed by the Government, on the proposal of the personnel management authority.

The detailed content, method of preparation and adoption of the program of professional training and improvement of the Assembly Service is determined by the working body of the Assembly, which approves the act on the organization and systematization of jobs in the Assembly Service.

Additional education, i.e. special professional training

Article 88

Civil servants can be referred to additional education, i.e. special professional training in the country or abroad, in accordance with the needs of the work of the state body.

The rights and obligations of a civil servant who has acquired the right to additional education, i.e. special professional training, are regulated by a contract between the head of the state body and the civil servant.

A civil servant who concluded a contract from paragraph 2 of this article is obliged to remain at work in a state body for at least twice as long as the additional education or special professional training lasted, unless otherwise specified in the contract.

In the event that a civil servant does not spend the time referred to in paragraph 3 of this article at work in a state body, he is obliged to compensate the costs of additional education, i.e. special

professional training and other costs incurred during the additional education, i.e. special professional training in accordance with the contract.

2. Trainees

Term

Article 89

An intern is a person who for the first time establishes an employment relationship in a state body at a certain level of educational qualification, for the purpose of training for independent performance of work.

The intern establishes an employment relationship on the basis of a public advertisement, which is published and implemented by the personnel management authority in accordance with this law, unless otherwise prescribed by a separate law.

On the basis of complete and orderly documentation that was submitted in a timely manner, the personnel management authority compiles a list of candidates who meet the conditions of the advertisement and submits it within three days to the head of the state authority who makes a decision on the selection of candidates.

Duration of internship

Article 90

The traineeship lasts 12 months, unless otherwise prescribed by a special law. An intern who, for justified reasons, is absent from work for more than one month, the internship is extended for the duration of the absence.

Trainee training program

Article 91

The trainee is trained according to the program determined by the state body in which he is trained.

The program from paragraph 1 of this article is drawn up in accordance with the methodology established by the personnel management authority.

Practical teaching in state bodies

Article 92

The state body can organize practical classes for students, in accordance with the law regulating higher education.

VIII. THE RESPONSIBILITY OF THE CIVIL OFFICER, THAT IS, THE OFFICIAL

1. Disciplinary responsibility of civil servants, i.e. employees

The basis of disciplinary responsibility

Article 93

A civil servant, i.e. an employee, is disciplinary responsible for violations of official duty from the employment relationship, which may be minor or serious.

Liability for a criminal offense or misdemeanor does not exclude disciplinary liability.

Minor violations of official duty

Article 94

Minor violations of official duty are:

- 1) failure to respect working hours;
- 2) irregular storage of official files or data;
- 3) unjustified absence from work for up to three working days during the calendar year;
- 4) not wearing an official suit, i.e. a badge with a personal name;
- 5) failure to notify the immediate manager of failures related to occupational safety;
- 6) failure to notify the immediate manager of the inability to come to work within 24 hours, without justified reasons;
- 7) unjustified absence from professional training and development to which the civil servant or state employee was referred;
- 8) violation of the rules and standards established by the Code of Ethics of civil servants and state employees;
- 9) other violations established by law as minor violations of official duties.

Serious violations of official duty

Article 95

Serious violations of official duty are:

- 1) non-performance or negligent or untimely or negligent performance of official duties;
- 2) refusal to execute an order or work assignment;
- 3) improper use and disposal of entrusted funds;
- 4) abuse of position or exceeding authority in the service;
- 5) any omission or action that prevents a citizen or legal entity from exercising the rights that belong to them by law;
- 6) unjustified absence from work for three consecutive working days;
- 7) disclosure of confidential information;
- 8) expression of political beliefs in the performance of duties;
- 9) violent, inappropriate or offensive behavior towards the head of a state body, civil servants, employees and parties or showing any form of intolerance;
- 10) coming to work in a drunken state, getting drunk during work or using narcotic drugs;
- 11) giving incorrect data that is of influence for making a decision;
- 12) repetition of minor violations of official duties two or more times, within one year;
- 13) violation of work obligations that resulted in more serious consequences for the party or state body;
- 14) violation of the prohibition from Article 78 and Article 80, paragraph 1 of this law;
- 15) performance of work or provision of services outside working hours without prior written approval of the head of the state authority in the sense of Article 79 of this law;

16) limiting or denying the rights of a civil servant, that is, an employee who submits a report for a criminal offense against official duty or a criminal offense or an act with features of corruption;

17) failure to submit a proposal for initiation of disciplinary proceedings in the case referred to in Article 97, paragraph 3 of this law;

18) other violations established by law as serious violations of official duties.

Disciplinary measures

Article 96

Disciplinary measures for minor violations of official duty are:

1) written warning;

2) a fine imposed for one month, in the amount of up to 20% of the salary paid for the month in which a minor violation of official duty was committed.

Disciplinary measures for serious violations of official duty are:

1) fine for a period of two to six months, in the amount of 20% to 40% of the salary paid for the month in which the serious violation of official duty was committed;

2) termination of employment.

Initiation of disciplinary proceedings

Article 97

Disciplinary proceedings are initiated by the head of the state body on his own initiative or at the suggestion of the immediate manager.

Disciplinary proceedings are initiated by a decision.

The immediate manager is obliged to submit the proposal from paragraph 1 of this article if there are facts and circumstances that indicate a violation of official duty.

The decision to initiate disciplinary proceedings for a minor violation of official duty shall be submitted to the authorized person for conducting disciplinary proceedings from Article 98 of this law and to the civil servant, that is, the employee whose disciplinary responsibility is determined.

The decision to initiate disciplinary proceedings for a serious breach of official duty shall be submitted to the disciplinary commission referred to in Article 105 of this law (hereinafter: Disciplinary Commission) and to the civil servant, that is, the employee whose disciplinary responsibility is determined.

Against the decision from para. 4 and 5 of this article, no appeal is allowed.

Disciplinary procedure for minor violation of official duty

Article 98

Disciplinary proceedings for a minor breach of official duty against a civil servant, i.e. an employee, are conducted by a civil servant in a state body authorized by the head of that state body or a person designated by the head of the state body from the list from Article 99 of this law (hereinafter: authorized person for conducting disciplinary proceedings).

The person authorized to conduct the disciplinary procedure is obliged to enable the civil servant, that is, the employee against whom the disciplinary procedure is being conducted for a minor violation of official duty, to participate in the procedure and to make a statement about the violation that he was charged with.

If a civil servant, i.e. an employee against whom disciplinary proceedings are being conducted, was properly summoned, but he did not respond to the summons, nor did he justify his absence, and the person authorized to conduct disciplinary proceedings assesses that the responsibility of the official, i.e. employee can be determined based on the evidence conducted, will carry out the procedure without the participation of that civil servant, that is, the employee.

On the basis of the conducted procedure from para. 2 and 3 of this article, the person authorized to conduct the disciplinary procedure determines the proposed decision and submits it to the head of the state body.

In the process of deciding on disciplinary liability, the person authorized to conduct disciplinary proceedings shall apply the law regulating administrative proceedings, unless otherwise regulated by this or another law.

Disciplinary measures for a minor violation of official duty against a civil servant, i.e. an employee, upon the proposal of a person authorized to conduct disciplinary proceedings, shall be imposed by the decision of the head of the state body, within ten days from the date of delivery of the proposed decision to the head.

Against the decision from paragraph 6 of this article, the civil servant or state employee has the right to appeal.

List of persons for conducting disciplinary proceedings for minor violation of official duty

Article 99

The list of persons to conduct disciplinary proceedings for minor violations of official duty is determined by the personnel management authority, for each calendar year, based on a public call.

Persons who have the VII1 level of education qualification in the field of legal sciences and at least five years of work experience in that field can apply for the public invitation.

The method and procedure for compiling the list from paragraph 1 of this article shall be prescribed by the Ministry.

Disciplinary procedure for serious violation of official duty

Article 100

Disciplinary proceedings for a serious breach of official duty against a civil servant, i.e. an employee, are conducted by the Disciplinary Commission.

In the disciplinary procedure, a hearing must be held at which the civil servant, that is, the employee, has the right to defend himself. A civil servant, i.e. an employee, can defend himself or herself or through a lawyer, representative or union representative.

Exceptionally, the hearing can be held without the presence of a civil servant, i.e. an employee against whom disciplinary proceedings are being conducted, if the civil servant, i.e. an employee was duly invited, but did not respond to the invitation, nor did he justify his absence, and the Disciplinary Commission estimates that based on of the conducted evidence can determine the responsibility of the civil servant, that is, the employee for which he is charged.

When deciding on the disciplinary responsibility of a civil servant, that is, an employee, the Disciplinary Commission is not bound by the legal qualification of the breach of official duty specified in the decision to initiate disciplinary proceedings.

In the process of deciding on disciplinary liability, the Disciplinary Commission shall apply the law regulating the administrative procedure, unless otherwise regulated by this or another law.

Imposing a more severe disciplinary measure

Article 101

The Disciplinary Commission imposes a disciplinary measure for a serious breach of official duty against a civil servant, i.e. an employee.

When choosing a disciplinary measure, the severity of the violation of official duty, the resulting consequences, the degree of responsibility, the circumstances in which the violation of official duty was committed, and mitigating and aggravating circumstances are taken into account.

An administrative dispute can be initiated against the decision of the Disciplinary Commission.

Disciplinary proceedings against persons who perform the duties of senior management staff and heads of administrative bodies

Article 102

Disciplinary proceedings for violation of official duty against a person who performs the duties of a senior management staff are initiated by the head of a state body.

Disciplinary proceedings for breach of official duty against the head of the administrative body are initiated by the relevant minister.

Disciplinary proceedings against persons from para. 1 and 2 of this article and disciplinary measures are administered by the Disciplinary Commission.

Obsolescence

Article 103

The initiation of a disciplinary procedure for a minor violation of official duty expires within six months from the day of learning about a minor violation of official duty, and no later than within one year from the day the violation was committed.

The initiation of disciplinary proceedings for a serious breach of official duty becomes time-barred within one year from the day of learning about a serious breach of official duty, and no later than within four years from the day the breach was committed.

In the case referred to in Article 95 paragraph 1 point 12 of this law, the initiation of disciplinary proceedings expires within six months from the day when the last disciplinary decision became enforceable.

Conduct of disciplinary proceedings becomes time-barred when twice the time prescribed by law for the initiation of disciplinary proceedings expires.

If a disciplinary violation entails criminal liability, disciplinary proceedings may be initiated until the expiration of the statute of limitations for criminal prosecution.

The statute of limitations does not run during the time when disciplinary proceedings cannot be initiated or conducted.

The execution of a disciplinary measure expires within one year from the date of finality of the decision by which the disciplinary measure was imposed.

Entry and deletion of disciplinary measure

Article 104

The disciplinary measure is entered in the Central Personnel Records.

If a civil servant, i.e. an employee, within two years from the effective date of the decision imposing a disciplinary measure for a minor violation of official duty, i.e. within five years from the effective date of the decision imposing a disciplinary measure for a serious violation of official duty, except for the measure termination of employment, does not commit a new violation of

official duties, the disciplinary measure is deleted from the Central Personnel Records and it is considered that the civil servant, i.e. the state employee, was not disciplined.

Disciplinary Committee

Article 105

The Disciplinary Commission has a president and four members.

The president and members of the Disciplinary Commission are appointed and dismissed by the Government, on the proposal of the Ministry, after a public competition.

The president and members of the Disciplinary Commission are appointed for a period of five years and perform their duties professionally.

The president and members of the Disciplinary Commission have the right to earn in accordance with the law regulating the wages of employees in the public sector.

The Disciplinary Commission adopts the Rules of Procedure, which regulate the way of work and decision-making.

The Disciplinary Commission has a seal, in accordance with the regulation governing the seal of state bodies.

Conditions for appointing the president and members of the Disciplinary Commission

Article 106

The chairman of the Disciplinary Commission is appointed a civil servant who has the VII1 level of educational qualification, law school, passed the bar exam and at least ten years of work experience in the field of law.

A member of the Disciplinary Commission is appointed a person who has the VII1 level of education qualification in the field of legal sciences and at least seven years of work experience in that field.

Report on the work of the Disciplinary Commission

Article 107

The Disciplinary Commission submits a work report to the Government once a year.

Termination of the mandate of the Disciplinary Commission

Article 108

The term of office of the president or member of the Disciplinary Commission ends:

- 1) at the end of the period for which he was appointed;
- 2) at personal request;
- 3) by dismissal.

The president, or a member of the Disciplinary Commission, is dismissed from office, if:

- 1) was sentenced to unconditional imprisonment;
- 2) has been convicted of a criminal offense that makes him unfit to work in a state body;
- 3) performs duties unprofessionally or negligently.

President and member of the Disciplinary Commission whose mandate has ended in terms of paragraph 1 point. 1 and 2 of this article exercises the rights from article 60 para. 3, 4 and 6 of this law.

Professional and administrative tasks for the needs of the Disciplinary Commission

Article 109

Professional and administrative tasks for the needs of the Disciplinary Commission are performed by the personnel management authority.

Work equipment

Article 110

Funds for the work of the Disciplinary Commission are provided in the budget of Montenegro, at the expense of the personnel management authority.

2. Temporary restriction of performance of duty

Basis for temporary restriction of duties

Article 111

A civil servant, i.e. an employee against whom criminal proceedings have been initiated, i.e. disciplinary proceedings for a serious breach of official duties, if his presence would harm the interests of the state body, may be restricted from performing his duties until the end of the said proceedings in such a way that:

- limit or withdraw the given authorizations;
- determine the measure of temporary assignment to another workplace;
- prohibit the performance of work in a state body (suspension).

Deciding on the temporary restriction of the performance of duties

Article 112

The head of the state body decides on the temporary restriction of the performance of duties by means of a decision made in abbreviated procedure.

When making a decision from paragraph 1 of this article, the head of the state body will take into account which form of temporary restriction on the performance of duties will most effectively ensure the interest of the state body.

An appeal against the decision from paragraph 1 of this article does not delay the execution of the decision.

Rights in the event of a ban on performing duties in a state body

Article 113

During the duration of the ban referred to in Article 111, paragraph 1, indent 3 of this law, the civil servant, that is, the state employee, is paid compensation in the amount of 60% of the salary paid in the month preceding the imposition of the ban.

The unpaid part of the salary will be returned to the civil servant, i.e. the employee, with default interest, if:

- criminal or disciplinary proceedings are suspended;
- the criminal or disciplinary procedure expires;
- in the disciplinary procedure, it is determined that he did not violate his official duty, which is why he is prohibited from performing work in a state body.

3. Material responsibility of civil servants, that is, employees and the state

Material liability

Article 114

A civil servant, i.e. an employee, is materially responsible for the damage caused to a state body illegally, intentionally or through gross negligence at work or in connection with work.

The state is responsible for damage caused by a civil servant, i.e. an employee at work or in connection with work to a third party. A third party can request compensation from the civil servant, that is, the employee who caused the damage, if the damage was done intentionally.

The procedure for determining material liability

Article 115

The provisions of this law governing disciplinary proceedings shall be applied in the decision-making process on material responsibility for damage to civil servants, i.e. employees.

Compensation for damages can also be decided in disciplinary proceedings if the damage was caused by a breach of official duty.

Compensation for damages in court

Article 116

In the event that it is established that a civil servant or state employee is materially responsible for the damage, and does not compensate for the damage, the state body can exercise its rights before the competent court.

Written agreement and flat-rate compensation for damages

Article 117

The amount and method of compensation can be concluded in a written agreement between the head of the state body and the state employee, that is, the employee.

The written agreement from paragraph 1 of this article is an enforceable document.

If determining the amount of damage would cause disproportionate costs, compensation for damage can be assessed in a lump sum.

Exemption from damages

Article 118

If the civil servant or state employee is not responsible for damage in the sense of Article 70 paragraph 5 of this law, the responsibility for the damage shall be borne by the direct manager who issued the written order.

Damage caused to a third party

Article 119

The state has the right to a recourse claim against the civil servant or employee in the amount of the total amount for the paid amount of compensation for damage that the civil servant or state employee intentionally caused to a third party at work or in connection with work.

The state has the right to a recourse claim against the civil servant or employee in the amount of the total or part of the amount for the paid amount of damages that the civil servant, i.e. state employee at work or in connection with work, caused to a third party due to gross negligence.

The provisions of Art. 115 to 118 of this law.

Material responsibility of the state

Article 120

The state is responsible for damage caused to a civil servant, i.e. an employee at work or in connection with work in accordance with the law governing contractual obligations.

The amount and method of compensation can be concluded in a written agreement between the head of the state body and the civil servant, i.e. the employee to whom the damage was caused.

The written agreement from paragraph 2 of this article is an enforceable document.

IX. TERMINATION OF EMPLOYMENT

Grounds for termination of employment

Article 121

The employment relationship of a civil servant, i.e. an employee, ends:

- by force of law;
- in case of absence from work referred to in Article 123 of this law;
- resignation given by a civil servant, that is, an employee;
- by an agreement between the head of a state body and a state employee, that is, an employee;
- at the end of the time on which the employment relationship was based.

Termination of employment by force of law

Article 122

The employment relationship of a civil servant, i.e. an employee, ends by force of law:

- when he reaches the age of 67 and has at least 15 years of insurance experience - on the day the decision is made;
- due to the loss of working capacity - on the day of delivery of the legally binding decision establishing the loss of working capacity;
- if he does not pass the professional exam for work in a state body within one year from the date of establishment of the employment relationship;
- if it is established that he provided false information when establishing the employment relationship - on the day of delivery of the legally binding decision;
- in the case referred to in Article 132, paragraph 3 and Article 133, paragraph 1 of this law - on the date of adoption of the decision on termination of employment;
- if he does not pass the probationary period - on the date of execution of the decision on the evaluation of the probationary period;
- if he receives a work evaluation of "not satisfactory" twice - on the day of execution of the work evaluation decision;
- if a measure of termination of employment was imposed on him in the disciplinary procedure - on the day of execution of the decision on the imposition of that disciplinary measure;
- if he does not start work at the workplace to which he is assigned - on the day of execution of the assignment decision;

- if in accordance with the law, by a final decision of a court or other authority, he is prohibited from performing certain tasks, and cannot be assigned to other tasks - on the day of delivery of the final decision;
- if he was sentenced to an unconditional prison sentence of at least six months by a final judgment - on the day of delivery of the final judgment to the authority;
- if a security measure or a protective measure has been imposed on him for a duration longer than six months, for which he has to be absent from work - on the day of the start of the application of that measure;
- by death.

Termination of employment due to absence from work

Article 123

The employment relationship of a civil servant or state employee ends if he is absent from work for five consecutive working days without justification.

In the case referred to in paragraph 1 of this article, the employment of a civil servant or state employee ends on the date of execution of the decision on termination of employment.

Resignation given by a civil servant, that is, an employee

Article 124

A civil servant, i.e. an employee, can submit his resignation, in writing, at least 30 days before the day he stated as the day of termination of employment.

Consensual termination of the employment relationship

Article 125

The head of a state body and a civil servant, that is, an employee, can conclude a written agreement on the termination of the employment relationship.

The civil servant, i.e. state employee, shall terminate his employment in the state body on the basis of the agreement referred to in paragraph 1 of this article, on the date specified in the agreement.

Termination of the employment relationship at the end of the period on which it was based

Article 126

A fixed-term employment relationship ends at the end of the period for which the civil servant or state employee established the employment relationship or upon completion of the work for which he established the fixed-term employment relationship.

Decision on termination of employment

Article 127

The head of the state authority issues a decision on the termination of the employment relationship, except in the case referred to in Article 122 paragraph 1 para. 5 and 8 and Article 125 of this law.

X. TERMINATION OF AUTHORITIES, REGARDING BUSINESS AND REORGANIZATION

Termination of a state body or part of the work taken over by another state body

Article 128

In the event of the abolition of a state body or part of its work, the state body whose scope of work is transferred takes over the civil servants, i.e. employees who worked on those jobs, based on the decision of the head of that body.

A civil servant, i.e. an employee taken over in accordance with paragraph 1 of this article, until he is assigned to a position in accordance with the act on internal organization and systematization of the state body that took him over, performs the tasks that he performed according to the decision on the assignment of the state body from whose scope they are jobs taken over and other jobs by order of the head of the authority to which he was taken over and keeps the earnings he received until the takeover.

A civil servant, that is, an employee who is not assigned in accordance with paragraph 2 of this article, because there are no vacancies for which he meets the conditions, is placed at the disposal of the personnel management authority for the needs of the internal labor market, based on the decision of the head of the authority.

The decision on deployment, that is, the decision on making available, is made by the head of the state body that took over the tasks from paragraph 1 of this article, no later than two months from the date of the adoption of the act on the internal organization and systematization of that body.

On the basis of the decision on making available from paragraph 4 of this article, the personnel management authority issues a decision on the rights and obligations of the civil servant, that is, the employee at his disposal.

Termination of a state body or part of the work that is not taken over by another state body

Article 129

A civil servant, i.e. an employee whose position is terminated due to the termination of a state body, is made available by decision of the personnel management body for the needs of the internal labor market.

A civil servant, i.e. an employee whose position is terminated due to the termination of a part of work that does not fall under the purview of another state body, is placed at the disposal of the personnel management body for the needs of the internal labor market by the decision of the head of that body.

The rights and obligations of civil servants, i.e. state employees at their disposal from para. 1 and 2 of this article shall be determined by decision of the authority for personnel management *ex officio*.

Reorganization

Article 130

When, due to changes in the internal organization of a state body, a new or amendment to the existing act on internal organization and systematization is made, the assignment of civil servants, i.e. employees, is made to jobs that correspond to their level of educational qualifications and for which they meet other prescribed conditions, taking into account the tasks on which they had previously worked.

In the event that there is no workplace within the meaning of paragraph 1 of this article to which a civil servant, that is, an employee, can be assigned, it is placed, by decision of the head of that authority, at the disposal of the personnel management authority for the needs of the internal labor market and determining the possibility of its appropriate assignment.

A civil servant, i.e. an employee, cannot be deployed during temporary incapacity for work, during pregnancy or maternity leave.

Protection of civil servants, that is, employees who are available

Article 131

A civil servant, that is, an employee, while he is available on the basis of the decision from Article 128 paragraph 4, Article 129 paragraph. 1 and 2 and Article 130, paragraph 2 of this law, has the right to salary compensation in the amount of the salary paid in the month preceding the placement, until the provision of appropriate deployment, and no longer than six months from the date of placement.

A civil servant, i.e. an employee who, before being made available, worked or had the right to work half-time due to the care of a child with severe developmental disabilities, or is a single parent with a child up to the age of seven or is the parent of a child with a severe disability, is available is located until appropriate allocation, and no longer than one year from the day of making it available.

Means for exercising rights from para. 1 and 2 of this article are provided in the budget of Montenegro, at the expense of the state body that made the state employee, that is, the employee, available.

Deployment of civil servants, i.e. employees who are available

Article 132

The head of the state body is obliged to check with the personnel management body whether there is a civil servant available, that is, an employee who meets the conditions for being assigned to the position to be filled, before issuing an internal advertisement.

If it is determined that the personnel management authority has a civil servant available, i.e. an employee who meets the requirements of the position to be filled, the personnel management authority is obliged to invite him to participate in the verification referred to in Article 46 of this law.

To a civil servant, i.e. an employee who refuses to participate in the verification referred to in paragraph 2 of this article, i.e. refuses to start work at the position to which he is selected, the personnel management authority issues a decision on the termination of the employment relationship.

Termination of employment and the right to severance pay

Article 133

A civil servant, that is, an employee referred to in Article 131 paragraphs 1 and 2 of this law, who is not assigned during the time he is available, upon the expiration of that time, the employment relationship ends by force of law.

A civil servant, that is, an employee whose employment relationship is terminated in accordance with paragraph 1 of this article, has the right to severance pay in accordance with the law regulating the salaries of employees in the public sector.

A civil servant, that is, an employee who has exercised the right to severance pay in accordance with paragraph 2 of this article, cannot establish an employment relationship in a state body or legal entity from Article 3, paragraph 2 of this law, within a period of one year from the date of payment of severance pay.

The restriction from paragraph 3 of this article does not apply to a person who returns the entire amount of severance pay.

The decision on the termination of the employment relationship referred to in paragraph 1 of this article is made by the head of the personnel management body.

Termination of the mandate of the person who performs the tasks of senior management staff

Article 134

The mandate of a person who performs the duties of a senior management staff ends if the state body is abolished or if a part of the work that does not fall under the purview of another state body is abolished or if his position is abolished by adopting a new or amending the existing act on internal organization and systematization.

In the case referred to in paragraph 1 of this article, the person who performs the tasks of senior management exercises the rights referred to in article 60 paragraph. 3, 4 and 6 of this law.

XI. PROTECTION OF THE RIGHTS OF CIVIL OFFICIALS, THAT IS, OFFICIALS

1. Procedure

Authority to decide

Article 135

The rights and obligations of civil servants, i.e. state employees, are decided by the head of the state body, i.e. the person who performs the duties of the senior management staff authorized by him, unless otherwise prescribed by this law.

The authorization from paragraph 1 of this article may be limited in time and scope.

Complaint

Article 136

An appeal can be filed against the decision that decided on the rights, obligations and responsibilities of civil servants, i.e. employees and the decision on the election of civil servants, i.e. employees, within eight days from the date of receipt of the decision, i.e. the decision.

Jurisdiction to decide

Article 137

Appeals against decisions on the rights, obligations and responsibilities of civil servants and employees and appeals against decisions on the selection of civil servants and employees are decided by the Appeals Committee.

Decision on the appeal

Article 138

The Appeals Committee decides on the appeal no later than within 30 days from the date of receipt of the appeal. Exceptionally from paragraph 1 of this article, on the appeal against the decision on temporary restriction of performance

duties, the Appeals Commission decides within 15 days.

When deciding on an appeal from paragraph 1 of this article, the Appeals Commission may reject the appeal, cancel the decision in whole or in part or amend it.

When the nature of the administrative matter allows it, the Appeals Commission resolves the administrative matter itself. If the Appeals Commission cancels the first-instance decision and sends the case back for a new trial

the head of the body is obliged to act according to the decision of the Appeals Commission and, without delay, and at the latest within 20 days from the date of receipt of the Appeals Commission's decision, issue a new decision.

In the process of deciding on an appeal, the Appeals Commission applies the law regulating administrative proceedings, unless otherwise regulated by this law.

Court protection

Article 139

An administrative dispute can be initiated against the decision of the Appeals Commission.

Peaceful resolution of the labor dispute

Article 140

A civil servant, i.e. an employee who believes that he has been harmed by a violation of his work-related rights, before starting a dispute before the competent court, is obliged to submit a proposal for a peaceful resolution of the labor dispute before the competent authority.

In the case referred to in paragraph 1 of this article, the state body is obliged to accept the procedure for peaceful resolution of the labor dispute.

If the labor dispute is not resolved in the manner referred to in paragraph 1 of this article, the civil servant, that is, the state employee, may file a lawsuit before the competent court.

2. Appeals Commission

Appointment of the Appeals Commission

Article 141

The appeals commission has a president and four members.

The President and members of the Appeals Commission are appointed and dismissed by the Government, at the proposal of the Ministry, after a public competition.

The president and members of the Appeals Commission are appointed for a period of five years and perform this function professionally.

The president and members of the Appeals Commission have the right to earn in accordance with the law regulating the wages of employees in the public sector.

Terms of appointment

Article 142

A person who has the VII1 level of educational qualification, law school, passed the bar exam and at least ten years of work experience in the field of law is appointed as the president of the Appeals Commission.

A person with a VII1 level of education qualification, a law school and at least seven years of work experience in the field of law is appointed as a member of the Appeals Commission.

Work of the Appeals Commission

Article 143

The appeals commission is independent and autonomous in its work.

The appeals committee adopts the rules of procedure, which regulate the way of work and decision-making. The Appeals Commission has a seal in accordance with the regulation governing the seal of state bodies.

Report on the work of the Appeals Commission

Article 144

The Appeals Committee submits a report on its work to the Government once a year.

Termination of the mandate of the Appeals Commission

Article 145

The term of office of the president or member of the Appeals Commission ends:

- 1) at the end of the period for which he was appointed;
- 2) at personal request;
- 3) by dismissal.

The president, that is, a member of the Appeals Commission, is dismissed from office, if:

- 1) was sentenced to unconditional imprisonment;
- 2) has been convicted of a criminal offense that makes him unfit to work in a state body;
- 3) performs duties unprofessionally or negligently.

President and member of the Appeals Commission whose term of office has expired in terms of paragraph 1 point. 1 and 2 of this article exercises the rights from article 60 para. 3, 4 and 6 of this law.

Professional and administrative tasks for the needs of the Appeals Commission

Article 146

Professional and administrative tasks for the needs of the Appeals Commission are performed by the personnel management authority.

Work equipment

Article 147

Funds for the work of the Appeals Commission are provided in the budget of Montenegro, at the expense of the personnel management authority.

XII. PERSONNEL MANAGEMENT IN STATE BODIES

Kadrovski plan

Article 148

In order to manage personnel in state bodies, a personnel plan is adopted, which plans the number of employees, changes in the personnel structure and other strategic issues of personnel management in accordance with the budget and strategic planning of the Government's work.

Passing the personnel plan

Article 149

The personnel plan for state administration bodies and government services is adopted by the government.

The personnel plan for another state body is adopted by the head of that body, after obtaining the consent of the ministry responsible for financial affairs, which is not obtained for the Assembly, the state prosecution and judicial authorities, unless otherwise prescribed by a special law.

The personnel plan is adopted for the calendar year, within 30 days of the adoption of the law on the budget, and contains projections for the next two years.

The content, procedure and method of preparing and amending the personnel plan for state administration bodies and government services are prescribed by the Government.

Responsibility for the implementation of the personnel plan

Article 150

The head of the state body is responsible for the implementation of the personnel plan.

Jurisdiction of the personnel management body

Article 151

The personnel management authority performs tasks related to:

- implementing advertisements for the needs of the state body and informing the competent inspection body about possible illegalities and irregularities;
- adoption and implementation of professional training and development programs, monitoring and evaluation of the results of professional training and development;
- giving an opinion on the act on the internal organization and systematization of the state body and legal entity from Article 3 paragraph 2 of this law;
- participation in the preparation of proposals for personnel plans for state administration bodies and the Government service;
- participation in the preparation of professional bases for drafting regulations and strategic documents in the field of civil service relations, as well as initiating changes and amendments to regulations related to or related to civil service relations;
- management of the Central personnel records and records of the internal labor market;
- providing assistance to state bodies in the implementation of personnel policy, training and development of personnel;
- determining the rights and obligations of civil servants, that is, state employees at their disposal and examining the possibility of their assignment to unfilled positions in the state body;
- other jobs in the field of personnel development and management, in accordance with the law.

The Human Resources Management Authority submits a work report to the Government once a year, in accordance with the law.

On particularly significant issues related to the civil service system, the personnel management authority can submit a special report to the Government, with proposed measures.

Central personnel records and records of the internal labor market

Article 152

The central personnel record includes data on: the state body, the act on the internal organization and systematization of the state body, civil servants and employees, unfilled positions, trainees, as well as data on the basis of which the calculation of employees' wages and other data of importance for personnel management will be carried out .

The records of the internal labor market include data on civil servants, i.e. employees who are available, as well as other necessary data.

The central personnel records are connected to the information system for calculating wages in accordance with the regulations governing electronic business.

Data from records from para. 1 and 2 of this article shall be deleted by the personnel management authority within five years from the date of termination of employment of the civil servant, i.e. state employee.

The detailed content and method of keeping the Central personnel records and records of the internal labor market, as well as the way in which access to and insight into the data from those records and their deletion is enabled, is prescribed by the Ministry.

Data entry and use

Article 153

The entry of data into the Central Personnel Records is performed by a civil servant determined by the act on internal organization and systematization, within 15 days from the date of occurrence or change of the circumstances on which records are kept.

Data from the Central Personnel Records and the records of the internal labor market may be available to the civil servant, i.e. the employee to whom the data refer, the head of the state body, or another body that decides on the rights and obligations of the civil servant, i.e. the employee, in accordance with the law.

Data from the Central Personnel Records and internal labor market records can be made available to a third party only with the consent of the civil servant, that is, the employee to whom the data relates.

XIII. CONTROL

Supervisory Authority

Article 154

Supervision over the implementation of this law and regulations adopted on the basis of this law is carried out by the Ministry.

Inspection supervision is carried out by the Ministry, through the administrative inspection.

Administrative inspector

Article 155

The administrative inspector, in supervising the implementation of this law, has the right to inspect the documentation and records of civil servants, i.e. state employees.

The administrative inspector supervises, in particular, in relation to:

- procedure, adoption and implementation of personnel plan;
- regularity and timeliness of data submission to the Central Personnel Records and management of the collection of documents related to the personnel records;
- timeliness of adoption and submission of individual acts;
- filling of positions in state bodies;
- advertising procedure;
- the procedure for evaluating the work of civil servants and employees and the assignment procedure;

- the procedure for carrying out the reorganization;
- other issues related to the rights and obligations of civil servants and state employees.

Measures of the administrative inspector

Article 156

The administrative inspector is obliged to act on every submission or initiative within his jurisdiction, and to notify the applicant of the outcome of the action on the submission or initiative.

If, during the inspection, the administrative inspector finds illegalities and irregularities, he will draw up a report and order the elimination of the illegalities and irregularities, in accordance with the law, and inform the Complaints Commission of the illegalities and irregularities.

If the head of the state body does not remove the established illegalities and irregularities from paragraph 2 of this article within the time limit, the administrative inspector may propose to the Appeals Commission to cancel the illegal decision in accordance with the law governing administrative procedure.

XIV. PENAL PROVISIONS

Offense actions

Article 157

A fine in the amount of EUR 30 to EUR 2,000 will be imposed on the responsible person in the state body, i.e. the head of the body, if:

- 1) does not make a decision on the selection of candidates and does not submit it to the personnel management authority within ten days from the date of receipt of the selection list (Article 48 paragraph 5);
- 2) makes a decision on the establishment of a fixed-term employment relationship contrary to Article 52 para. 2 to 5 of this law;
- 3) schedules of civil servants, i.e. state employees contrary to Art. 63, 64 and 65 of this law;
- 4) does not determine the length of annual leave in accordance with Article 69 of this law;
- 5) fails to pass a decision on the evaluation of the work of officials, that is, employees, by January 31 of the current year for the previous year (Articles 82 and 83);
- 6) does not issue a new decision within 20 days from the date of receipt of the decision of the Appeals Commission (Article 138 paragraph 5);
- 7) fails to enter data into the Central Personnel Records (Article 153 paragraph 1);
- 8) enable a third party to access data from the Central Personnel Records without the consent of the civil servant, that is, the employee to whom the data refers (Article 153 paragraph 3).

XV. TRANSITIONAL AND FINAL PROVISIONS

Article 158

By-laws for the implementation of this law will be adopted by July 1, 2018.

Within the period referred to in paragraph 1 of this article, the Code of Ethics for civil servants and state employees will be adopted.

Article 159

The Act on Internal Organization and Systematization of State Bodies and Legal Entities from Article 3, Paragraph 2 of this Law shall be harmonized with this Law within 60 days from the date of application of this Law.

Article 159a

The Act on Internal Organization and Systematization of State Bodies and Legal Entities from Article 3, Paragraph 2 of this Law shall be harmonized with this Law within 60 days from the date of entry into force of this Law.

Article 160

Civil servants, i.e. state employees who, on the date of application of this law, find themselves working in a state body, continue to work in the titles they have acquired according to the previous regulations, until the decision on deployment is made in accordance with the act from Article 159 of this law.

Article 161

A person who completed an internship with a III or IV1 level of education qualification in accordance with the Law on Civil Servants and State Employees ("Official Gazette of Montenegro", no. 39/11, 66/12 and 34/14), acquired work experience for the duration of six months is recognized as work experience lasting 12 months.

Article 162

Elders of administrative bodies, as well as persons who perform the tasks of senior management staff, who were appointed or appointed before the date of application of this law, continue their work until the end of the period for which they were appointed or appointed.

Persons appointed as acting heads of administrative bodies and senior management personnel continue to work until the end of the period for which they were appointed as acting officers.

Article 163

Inspectors, i.e. authorized persons who have been appointed in accordance with the Law on Civil Servants and State Employees ("Official Gazette of Montenegro", no. 39/11, 66/12 and 34/14) until the date of application of this law, continue their work until the expiry the times at which they are set.

Article 164

The appointment of the president and members of the Appeals Commission in accordance with this law shall be carried out within 60 days from the date of application of this law.

The president and members of the Appeals Commission, who were appointed in accordance with the Law on Civil Servants and State Employees ("Official Gazette of Montenegro", no. 39/11, 66/12 and 34/14), continue to work until the appointment of the president and members of the Appeals Commission appeals in accordance with this law.

Article 165

The appointment of the president and members of the Disciplinary Commission in accordance with this law shall be carried out within 60 days from the date of application of this law.

Until the appointment of the president and members of the Disciplinary Commission in accordance with this law, disciplinary proceedings against persons who perform the duties of senior management personnel, as well as disciplinary proceedings for serious violations of official duties against civil servants and employees, shall be initiated, conducted and decided on disciplinary liability in accordance with By the Law on Civil Servants and Employees ("Official Gazette of Montenegro", no. 39/11, 66/12 and 34/14).

Article 166

The decision-making process on the rights, obligations and responsibilities of civil servants, i.e. state employees, as well as the selection process based on an advertisement, which has not been legally concluded by the date of application of this law, will be concluded according to the Law on Civil Servants and State Employees ("Official Gazette of Montenegro", No. 39 /11, 66/12 and 34/14).

Article 167

(deleted)

Article 168

A civil servant, that is, an employee who has acquired certain rights from the employment relationship under the Law on Civil Servants and Employees ("Official Gazette of Montenegro", no. 39/11, 66/12 and 34/14) and other regulations adopted on the basis of that law continues to use those rights until the expiration of the time determined on the basis of those regulations.

Article 169

On the day this law begins to apply, the Law on Civil Servants and Employees ("Official Gazette of Montenegro", no. 39/11, 66/12 and 34/14) ceases to be valid.

Article 170

This law enters into force on the eighth day from the day of publication in the "Official Gazette of Montenegro", and will be applied from July 1, 2018.

An independent member of the Law on Amendments to the Law on Civil Servants and State Employees

("Sl. list CG", br. 34/2019)

Article 11

This law enters into force on the eighth day from the day of its publication in the "Official Gazette of Montenegro".