Law of Ukraine "On Civil Service"

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LAW OF UKRAINE ON CIVIL SERVICE

(Verkhovna Rada Statement (VRS), 1993, #52, article 490)

(Enacted under Resolution of the Verkhovna Rada of Ukraine #3724-XII dated by December 16, 1993, VRS, 1993, #52, article 491)

(Changed and amended in accordance with the Laws of Ukraine #282/95-VR dated by July 11, 1995, VRS, 1995, #29, article 216;
#358/95-VR dated by October 5, 1995, VRS, 1995, #34, article 268;
#96/96-VR dated by March 22, 1996, VRS, 1996, #16, article 71)

(For the applicability of the Law also refer to: Law #280/97-VR dated by May 21, 1997,
VRS, 1997, #24, article 170)

(Changed and amended in accordance with the Laws of Ukraine #647-XIV (674-14) dated
by May 13, 1999, VRS, 1999, #24, article 208;
#2493-III (2493-14) dated by June 07, 2001, VRS, 2001, #33, article 175)

(For the applicability of the Law also refer to: Law #2493-III (2493-14) dated by June 07,
2001, VRS, 2001, #33, article 175)

(Changed and amended in accordance with the Laws of Ukraine #432-IV (432-15) dated by
January 16, 2003, VRS, 2003, #14, article 97;
#762-IV (762-15 ) dated by May 15, 2003, VRS, 2003, #30, article 247)

(For the official explanation of the Law also refer to the Decision of the Constitutional Court
of Ukraine #21-pn/2003 (v021p710-03) dated by December 25, 2003)
(Changed and amended in accordance with the Laws of Ukraine #2105-IV (2105-15) dated by October 21, 2004, VRS, 2005, #2, article 32; #2374-IV (2374-15) dated by January 20, 2005, VRS, 2005, #10, article 193)

(The Law shall apply to self-government bodies and officials in accordance with the Law #280/97-VR dated by May 21, 1997; it was invalidated in accordance with the item 5, chapter 5 of the Law # 280/97-VR dated by May 21, 1997 that was also invalidated in accordance with the Law #2493-III (2493-14) dated by June 07, 2001).

(The Law shall apply to the local self-government bodies and officials to the extent that it shouldn’t contradict the Ukrainian Law “On Local Self-Government in Ukraine” (280/97-VR), Law “On Service in Bodies of Local Self-Government” and other Ukrainian Laws that govern the activities of local self-government in accordance with the Law #2493-III (2493-14) dated by June 07, 2001).

This Law regulates relations within society embracing activities of the State in providing legal, organizational, economic, and social conditions for citizens of Ukraine to implement their right to civil service.

This Law determines the key principles of activities and the status of civil servants who do the civil service in the state bodies and apparatus thereof.

Chapter I.

GENERAL PROVISIONS

Article 1.

Civil Service and Civil Servants

Civil service in Ukraine shall be understood as the professional occupation of persons holding positions at State bodies and apparatus thereof that practically implement tasks and functions of the State for pay from state funds in return.

These persons shall be referred to as civil servants and shall have appropriate official authority.
Article 2.

Ranks [Posts] and Officials

Rank [post] shall be understood as the primary structural unit of a State body and apparatus thereof, as per table of organization, vested with authority established by normative acts.

In the context of this Law, officials shall be understood as heads and deputy heads of State bodies and apparatus [departments] thereof, as well as other civil service employees assigned organizational, executive or consulting functions under normative acts.

Article 3.

The Main Principles of Civil Service

Civil service shall be based on the following main principles:

- Service to the people of Ukraine;
- Democracy and legality;
- Humanism and social justice;
- Priority attached to the rights of man and the citizen;
- Professionalism, competence, initiative [resourcefulness], honesty, and dedication;
- Personal responsibility for professional performance and discipline;
- Observance of the rights and lawful interests of bodies of local and regional self-government;
- Observance of the rights of enterprises, institutions, organizations, and citizens' associations.

Article 4.
The Right to do Civil Service

The right to do civil service shall be vested for Ukrainian citizens regardless of origin, social or property status, racial or national belonging, sex, political affiliation, creed, place of residence, provided that they have an appropriate education and professional training, and are selected in keeping with due competitive or other procedures stipulated by the Cabinet of Ministers of Ukraine.

Article 5.

Code of Ethics of Civil Servants

A civil servant has to:

- Carry out professional duties with diligence;
- Treat other citizens, executives, and colleagues with respect and show cultured conduct;
- Prevent others' actions that may damage the interests of civil service or blemish a civil servant's reputation.

Chapter II.

NATIONAL POLICY IN THE SPHERE OF THE CIVIL SERVICE

Article 6.

National Policy Guidelines in the Sphere of Civil Service

The national policy in the sphere of civil service shall be determined by the Verkhovna Rada of Ukraine.

The main guidelines of national policy in the sphere of civil service are: determination of key targets, tasks and principles of civil service institution functioning, securing of effective operation of all state bodies in the frameworks of their competence. The Main Department
of Civil Service of Ukraine shall be set up under the Cabinet of Ministers of Ukraine for performance of the unified national policy and civil service functional management. Issues related to civil service functions in other state bodies (the legal status of those is governed by special laws) are to be solved by these bodies.

**Article 7. The Body of Civil Service Management**

The Main Department of Civil Service of Ukraine under the Cabinet of Ministers of Ukraine is the body of Civil Service management in state bodies and apparatus thereof.

The Main Department of Civil Service of Ukraine under the Cabinet of Ministers of Ukraine carries out the next functions:

- plans and forecasts the personnel requirements of state bodies and apparatus thereof;
- in cooperation with other state bodies provides implementation of general trends of the civil service policy sphere in state bodies and apparatus thereof;
- develops and introduces to the Cabinet of Ministers of Ukraine drafts of normative acts related to civil service in the state bodies and apparatus thereof;
- develops, coordinates and monitors implementation of measures aimed to bettering civil service efficiency in state bodies and apparatus thereof;
- performs the methods of competitive selection of civil servants in the state bodies and apparatus thereof;
- organizes general and professional training of civil servants in state bodies and their office;
- monitors the adherence of the citizens’ right for doing civil service determined by this law;
- arranges, coordinates and provides the necessary conditions for scientific research development related to civil service.

**Article 8. Coordinating Council for Civil Service**
Coordinating Council for Civil Service in state bodies shall be set up as an inter-ministerial consultative body with the aim of determination of means, methods and forms of implementation of main national policy guidelines and coordination of all efforts for improvement of civil service efficiency.

The Cabinet of Ministers of Ukraine adopts the Regulations concerning the Coordinating Council for Civil Service in state bodies.

Chapter III.

THE LEGAL STATUS OF CIVIL SERVANTS IN STATE BODIES AND APPARATUS THEREOF

Article 9. Peculiarities of Regulation of the Legal Status of Civil Servants in State Bodies and Apparatus Thereof

The legal status of the President of Ukraine, the Head of Verkhovna Rada and his deputies, Heads of Permanent Commissions of Verkhovna Rada of Ukraine and their deputies, people’s deputies of Ukraine, the Prime-Minister of Ukraine, members of Cabinet of Ministers of Ukraine, the Heads and members of Constitutional Court of Ukraine, the Head and judges of Supreme Court of Ukraine, the Head and judges of highest specialized court of Ukraine, Prosecutor General of Ukraine and his deputies is governed by the Constitution (888-09) and special Ukrainian laws. (The first part of article 9 is changed and amended in accordance with the Law # 762-IV (762-15) dated by May 15, 2003).

The legal status of civil servants that are employed to the bodies of the prosecutor's apparatus, diplomatic missions, customs authorities, Security Service, internal affairs and other services shall be determined in accordance with this Law, unless otherwise is envisaged by the Ukrainian Laws.

Article 10. Main Responsibilities of Civil Servants
The main responsibilities of civil servants are:

- Observance of the Constitution of Ukraine and other Ukrainian legislative acts;
- Support of effective work and implementation of tasks assigned by state bodies in accordance with their competence;
- Prevention of violation of the rights and freedoms of man and citizen;
- Direct implementation of official authorities vested in civil servants, timely and definite fulfilment of decisions of state bodies or officials, directives and instructions of their immediate superiors;
- **Preservation of state secret**, information about citizens that civil servants may get in the line of duty and other information that can not be made public in accordance with the laws currently in effect;
- Constant improvement of civil service and increase the level of professional skills;
- Diligent performance of the official authorities, initiative and creativity in work.

Civil servant has to act in the frameworks of one’s authorities. When given the task conflicting with the existing legislation, civil servant has forthwith to notify the instructing official about it in written form; if insisted to perform, the higher official should be informed.

**Article 11. The Main Rights of Civil servants.**

Civil servants have the right:

- To enjoy the rights and freedoms guaranteed to citizens of Ukraine by the Constitution and Laws of Ukraine;
- To participate in solving problems and making decisions in the frameworks of their authorities;
- To get information pertinent to issues that are in the frameworks of their competence from the state bodies, enterprises, agencies, organizations and bodies of regional and self-government administrations;
- For respect of personal dignity, fair and respectful attitude by executives, colleagues and citizens;
• To call for determination of clear instructions of the official authorities by executive in accordance with the position of the civil servant;
• To be paid salaries and bonuses as per rank, position, quality, work experience and length of service;
• To have free access to materials that are concerned with the official duties of civil servant and perforce submit individual explanations;
• To be promoted taking into account the skills and abilities, diligent performance of duties, participation in competitions to occupy higher position;
• To call for official investigation to be acquitted of what one considers groundless accusations or suspicions;
• To have healthy, safe and appropriate working conditions to provide efficient work;
• Social and legal protection as per status of public servant;
• To protect one’s rights and interests in superior bodies and due course of law.

Specific duties and rights of civil servants are determined on the basis of job description and are reflected in standard service references and instructions adopted by the executive of the corresponding state body within the frameworks of law and their competence.


The following persons can not be chosen as civil servants to the state body and apparatus therefore:

• When proclaimed to be incapable in accordance with the established procedure;
• Having a criminal record that is incompatible with holding up a civil service rank;
• Subordinated directly when employed to the Civil Service to individuals that are close relatives or relatives in-law;
• Other cases determined by the Ukrainian Laws.

Applicants for positions of civil servants of 3-7 category as per article 25 of this Law has to submit tax returns and documents testifying to liabilities, including liabilities abroad in regard to themselves and their dependents.

Claimants to positions of civil servants of 1st and 2nd categories as per article 25 of this Law have to submit the information about the movable and immovable property owned by them and their families, bank accounts and securities.

This information is submitted by the civil servants annually.

Procedure of presentation, storage and use of this information is adopted by the Cabinet of Ministers of Ukraine.


Disciplinary punishment is applied to the civil servant in case of non-performance or improper performance of official authorities, abuse of authority, violation of restrictions concerned with the civil service and also for action that blemishes the reputation of civil servants or discredits the state body where the civil servant is employed.

In addition to disciplinary punishments provided by the Ukrainian labour legislation, the following penalties shall be set for the civil servants:

- Forewarning about incomplete official correspondence;
- Delay for up to one year in giving the next rank or in appointment for a higher post.

Chapter IV. CIVIL SERVICE IN STATE BODIES AND APPARATUS THEREOF

Article 15. Appointment to the Civil Service.

Appointment to 3-7 categories of civil servants shall be on competitive basis as per article 25 of this Law, except when otherwise is not stipulated by the Ukrainian Laws.
The procedure of appointment contest is governed by the Regulations adopted by the Cabinet of Ministers of Ukraine. Information on civil service vacancies shall be published and promulgated by mass media at least one month prior to the contest. It is forbidden to demand from applicants the information and documents that are not envisaged by legislation of Ukraine.

President of Ukraine, Head of the Verkhovna Rada of Ukraine, members of the Government of Ukraine, heads of Local State Administrations have the right to select and appoint their deputies, heads of the press service, consultants and secretaries as per table of organization and the category corresponding to rank (patronage service). Civil service employment terms are determined by the relevant authorities.

**Article 16. Restrictions Concerned with the Civil Service Employment.**

The civil servant has no right to perform actions envisaged by the articles 1 and 5 of the Ukrainian Law “On Fight against Corruption” (356/95-VR). *(Paragraph 1, article 16 in the wording of the Law #358/95-VR dated by October 05, 1995).*

The civil servants have no right to take part in strikes and to perform other actions that prevent normal functioning of state body adopted only by Ukrainian legislative acts.

**Article 17. The Oath of Civil Servant.**

Ukrainian citizens who do the civil service for the first time shall swear the following Oath of Civil Servant:

“In full awareness of my high responsibility I do solemnly swear that I will serve to Ukrainian people, strictly adhere to the Ukrainian Constitution and Ukrainian Laws, contribute to their realization, strengthen their authority, protect the rights, freedoms and lawful interests of citizens, be worthy of my noble position, and diligently perform my authorities”.
Civil servant signs the text of Oath that is kept in the place of employment. An appropriate record about the Oath will be made in the service record.

**Article 18. Trial Period.**

Newly employed civil servants can be subjected to a trial period up to 6 months.

**Article 19. On-the Job Training.**

In order to gain the practical experience, test one’s professional skills and professional qualities, an applicant for civil service employment may have to take course on-the job training in the appropriate state body for up to 2 months while on the payroll at the regular place of work.

**Article 20. Working Time.**

Civil servants working time is determined in accordance with the Ukrainian labour legislation with taking into account all the peculiarities set forth by this Law.

In order to perform top priority and emergency assignments the civil servants shall be under the obligation to report for work on days off, holidays and other nonworking days in accordance with the decree of the executive of the body where they are employed; for this work they shall be rewarded in keeping with existing labour legislation.

In accordance with the decision of the executive of the body civil servants may be recalled from annual or additional leave.

The remained part of leave shall be given to the civil servant at any other time of the year or can be added to the next year’s leave.

**Article 21. Business Secondments**
The expenditures of civil servants for official secondments are reimbursed; also other compensations are paid in accordance with the Ukrainian labour legislation.

During the secondment the civil servants have the right for hotel reservation, the right for booking tickets for all types of transport and also get tickets on a top-priority base.

On arriving at the place of destination the civil servants are given the place for work, possibility to use communication, transport, copy machines and other technical services.

**Article 22. Suspension of Duty.**

A civil servant guilty in non-performance of official authorities that caused human victims or essential financial or moral harm to citizens, state, enterprises, agencies and bodies or citizens’ union shall [temporarily] relinquish authority while remaining on the payroll.

The decision about the suspension of civil servant from performance of duties is taken by the executive of the state body where the civil servant is employed.

Such suspension shall not exceed the time of official investigation.

The official investigation is carried for up to 2 months in accordance with the procedure established by the cabinet of Ministers of Ukraine.

If the lawfulness of decision on suspension is not proved by the results of the official investigation, this decision is rescinded.

**Article 23. Limit Age of doing Civil Service.**

Limit age of doing civil service is 60 years old for men and 55 years old for women. If it is necessary, the state body executive by coordination with the Head of the Main Department of the Civil Service of Ukraine under the Cabinet of Ministers of Ukraine can continue postpone the limit age, but not longer than for 5 years. (Paragraph 1, the article 23 changed and amended in accordance with the Laws # 647/XIV (647-14) dated by May 13, 1999 and #2493-III (2493-14) dated by June 07, 2001).
As an exception the civil servants can keep doing the civil service but only as adviser or consultant after the end of this term in accordance with the decision of the executive of the relevant state body.

(For the official explanation of article provisions also refer to the Decision of the Constitutional Court of Ukraine #21-pn/2003 (v021p710-03) of 25.12.2003)

Chapter V.

THE OFFICIAL CAREER

Article 24. Doing the Service.

Employment, promotion, bonuses and other civil service procedures are carried out in accordance with the job categories and with the ranks that are given to the civil servants.

Article 25. Categorization of Jobs.

The principal criteria of jobs categorization are organizational and legal status of the employing state body, character of duties, competence and the position’s role and place in the structure of this body.

There are instituted the following job categories:

1st category – positions of the heads of state committees, that are not the members of the government; the heads of other central executive agencies under the Cabinet of Ministers of Ukraine; the President’s of Ukraine Permanent Representative in the Autonomous Republic of Crimea; representatives of the President of Ukraine in oblasts, cities Kyiv and Sevastopol; first deputies of the ministers; first deputies of the heads of state committees, that form the part of the government; heads of the President’s of Ukraine Administration; the Secretariat of the Verkhovna Rada and other similar positions;
2nd category – positions of deputies of the head of the President’s of Ukraine Administration; deputies of head of the Secretariat of the Verkhovna Rada; deputies of the head of the Cabinet of Ministers of Ukraine Office; heads of organization departments of the Secretariat of the Verkhovna Rada, secretariats of the permanent commissions of Ukraine, the President’s of Ukraine Administration, the Cabinet of Ministers of Ukraine Office; advisors and assistants of the President of Ukraine, deputies of the ministers; deputies of heads of state committees that form the part of the government; first deputies, deputies of heads of committees and other central executive agencies under the Cabinet of Ministers of Ukraine, first deputy of the Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, first deputies of heads of Oblast State Administrations, Kyiv and Sevastopil City State Administrations and other similar positions;

3rd category – positions of deputies of heads of organization departments, heads of sections, chief specialists, experts, advisors to the President’s of Ukraine Administration; the Secretariat of the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine Office; deputies of the Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea; deputies of heads of Oblast State Administrations, Kyiv and Sevastopil City State Administrations, representatives of the President of Ukraine in regions, Kyiv and Sevastopil regions; heads of departments, independent units in staff of ministries, other central executive bodies and other similar positions;

4th category – positions of specialists of the President’s of Ukraine Administration; the Secretariat of the Verkhovna Rada and the Cabinet of Ministers of Ukraine Office; deputies of heads of departments, independent units (divisions) of the ministries and other central executive agencies; heads of departments, units, services of oblast public administration, Kyiv and Sevastopil local public administrations and other equated positions;

5th category – positions of specialists of the ministries, other central executive agencies; deputies of the President’s of Ukraine representatives in regions, Kyiv and Sevastopil regions; deputies of heads of departments, units, services of Oblast State Administrations, Kyiv and Sevastopil City State Administrations; specialists of apparatus of these administrations and other similar positions;

6th category – positions of heads of departments, services of Regional State Administrations, Regional State Administrations in Kyiv and Sevastopil, specialists of
departments, units, services of Oblast State Administrations, Kyiv and Sevastopol City State Administrations and other similar positions;

7th category – positions of the specialists of Regional State Administrations, Regional State Administrations in Kyiv and Sevastopol, departments and units of these administrations and other similar positions.

Categorization of the existing and newly instituted positions of civil servants that are not listed in this article is carried out by the Cabinet of Ministers of Ukraine in coordination with the relevant state body.

Article 26. The Ranks of Civil Servants.

There are instituted the following ranks of civil servants:

- Civil servants that occupy positions corresponding to the 1st category are given 3, 2 and 1 rank;
- Civil servants that occupy positions corresponding to the 2nd category are given 5, 4 and 3 rank;
- Civil servants that occupy positions corresponding to the 3rd category are given 7, 6 and 5 rank;
- Civil servants that occupy positions corresponding to the 4th category are given 9, 8 and 7 rank;
- Civil servants that occupy positions corresponding to the 5th category are given 11, 10 and 9 rank;
- Civil servants that occupy positions corresponding to the 6th category are given 13, 12 and 11 rank;
- Civil servants that occupy positions corresponding to the 7th category are given 15, 14 and 13 rank.

The Regulations on Civil Servants Ranks are adopted by the Cabinet of Ministers of Ukraine.
Civil servant is given a rank in accordance with the position occupied, level of professional skills and results of work.

Ranks that are corresponding to the positions of the 1st category are given by the President of Ukraine. Ranks that are corresponding to the positions of the 2nd category are given by the Cabinet of Ministers of Ukraine, except ranks that are assigned to civil servants that are employed to the Apparatus of the Verkhovna Rada of Ukraine.

Ranks that are corresponding to the positions of the 2nd category (civil servants that are employed to the Apparatus of the Verkhovna Rada of Ukraine) are given by the Head of the Verkhovna Rada of Ukraine.

(Paragraph 5, article 26 changed and amended in accordance with the Law #2374-IV (2374-15) dated by January 20, 2005).

Ranks that are corresponding to the 3rd, 4th, 5th and 7th categories are assigned by the head of state body where the civil servant is employed.

Newly employed civil servant is assigned the rank in the frameworks of relevant job category.

Civil servant must successfully perform his duties on the occupied position during 2 years to be assigned the next rank in the frameworks of relevant job category.

Civil servant can be assigned the next rank ahead of term in the frameworks of relevant job category for performance of especial importance tasks.

Retiring civil servant can be given the next rank outside the frameworks of relevant job category for diligent performance of duties.

Civil servant can be deprived of rank only in accordance with the court decision.

(Paragraph 10, article 26 in the wording of the Law #282/95-VR dated by July 11, 1995).

If civil servant demoted to the position of lower category, retired or returned to service, his latest rank shall be retained.
People’s deputies who did the civil service prior to election shall have their term in Parliament entered into their civil service employment record.

A note shall be made in the service record of civil servant attesting to each promotion, demotion or other changes in professional status.

**Article 27. Promotion.**

Civil servant shall be promoted occupation of higher position on competitive basis, except cases when otherwise provided by Ukrainian Laws or the Cabinet of Ministers of Ukraine and when assigned the higher rank.

Civil servant has the right to participate in a vacancy contests. The priority right for promotion shall be vested in civil servants, who achieved better results in work, showed initiative, permanently improved professional skills and those were included in the personnel reserve.

**Article 28. Personnel Reserve of the Civil Service.**

Personnel reserve is formed for filling in vacancies of civil servants and promotion in state bodies.

Personnel reserve is formed of:

- Specialists of local and regional self-government, industrial, social-cultural, scientific and other spheres, graduates from educational institutions with appropriate majors;
- Civil servants who have taken advanced or on-the job training courses of training in the presence of appropriate references.

Formation procedure and organization of work with personnel reserve are governed by the Regulations on Civil Service Personnel Reserve, adopted by the Cabinet of Ministers of Ukraine.
Article 29. Training and Advanced Training Courses.

Civil servants are provided with conditions for training and improvement of professional skills in relevant educational institutions (and faculties) and by means of self-education.

Civil servants constantly improve their professional skills, including studying in relevant educational institutions, as a rule, at least once per every 5 years. The results of training and professional skills improvement considered to be the main grounds for promotion.

Chapter VI.

STOPPING OF THE CIVIL SERVICE

Article 30. Grounds for Stopping the Civil Service.

Except the general grounds envisaged by the Labour Code of Ukraine the civil service can be stopped in the following cases:

- Violation of right to do the civil service (article 4 hereinbefore);
- Non-observance of requirements concerned with doing the civil service envisaged by the article 16 hereinbefore;
- Reaching by civil servant of limit age of doing civil service (article 23 hereinbefore);
- retirement of civil servants that occupy positions of the 1<sup>st</sup> or 2<sup>nd</sup> category (article 31 hereinbefore);
- Detection and emergence of circumstances that prevent civil servant from performing his/her duties (article 12 hereinbefore);
- Refusal of civil servant to swear the Oath envisaged by article 17 hereinbefore or its violation;
- Not giving or giving by civil servant of false information concerning his income, envisaged by article 13 hereinbefore.

(For the official explanations of regulations refer to item 3, paragraph 1, article 30 of the Decision of the Constitutional Court #21pn/2003 (v021p710-03) dated by December 25, 2003).
A change in leadership or in the structure of the state bodies can not be the ground for stopping the civil service of civil servant on the initiative of the recently appointed heads, except civil servants that do the patronage service.

Civil servants that occupied positions of the 1st category for at least 3 years and were retired because of changes in the structure of the body where they were employed shall have their monthly average salary retained for the period of employment but not longer than 1 year.

Article 31. Resignation of Public Servant.

Resignation of civil servant that occupies position of the 1st or 2nd category is stopping the civil service in accordance with his written application.

The grounds for resignation are:

- Principal disagreement with decision of state body or official and ethical obstacles for doing the civil service;
- When civil servant is pressed to perform the decision of state body or official which contradicts with the existing legislation and may cause sufficient material or moral damage to the state, enterprises, agencies, organizations or unions of citizens and citizen itself;
- Health problems that prevent from performance of official authorities (if there is a medical certificate).

The resignation is accepted or refused (stating the reasons) by the state body or the official who employed the civil servant. The decision on accepting resignation or refusing it shall be adopted within a month. In case of refusal civil servant must continue to perform his official authorities, shall have the right to retire in accordance with the procedure envisaged by the Labour Code of Ukraine.

In case of resignation of civil servant, who didn’t reach the limit age, but has sufficient length of service for pension allowance (25 years for men and 20 years for women) and occupied positions of 1st or 2nd category for at least 5 years, civil servant should be paid
85% of his basic pay, taking into account flat rate addition for rank and for the length of service till reaching the limit age.

When retired civil servant reaches the limit age, he receives the pension as civil servant.

In case if limit age pension is assigned, also in case of new employment or imprisonment all the payments, envisaged by section 4 hereinabove are stopped.

Article 32. Appeal Against the Decision about Stopping the Civil Service.

Decision about stopping the civil service may be appealed by civil servant directly in the Court.

Chapter VII.

MATERIAL AND SOCIAL EVERYDAY PROVISION OF CIVIL SERVANTS

Article 33. Payment for Labour

Civil servants shall receive payment for labour to provide independent performance of official authorities; assist state bodies with competent and experienced staff, stimulate their diligent and initiative work.

Salaries of civil servants shall consist of basic payments, bonuses, flat rate additions for ranks, additions for length of service and other supplements.

Basic payments are assigned depending on complexity and responsibility level of performed official authorities. Flat rate additions for rank are depending on the rank of civil servant.

Supplement for the length of service is assigned monthly as percentage of basic payment, taking into account flat rate additions for rank and depending on the length of service, specifically:
Civil servants can be paid supplements for high achievements, for especially important work, for filling in for other employees and other supplements, also aid in solving of social everyday problems.

Conditions of labour payment, size of basic payments, additional flat rates, supplements and aid are determined by the Cabinet of Ministers of Ukraine.

Salary funds of civil servants are raised at the expense of the State Budget of Ukraine and other finance sources determined by regulations on State Executive Bodies that are adopted by Decrees of the President of Ukraine and resolutions of the Cabinet of Ministers of Ukraine (Paragraph 8, article 33 in the wording of the Law #96/96-VR dated by March 22, 1996).

Budget reductions can not be the ground for cutting basic payments, supplements and financing of other guarantees, bonuses and compensations envisaged by this Law.

**Article 34. Incentives for Diligent Work**

Civil servants are awarded premiums for diligent and uninterrupted work in the state bodies, exemplary performance of official authorities; its amount and payment procedure is established by the Cabinet of Ministers of Ukraine.

Civil servants are recommended for government awards and honourable ranks in recognition of special merits.

**Article 35. Annual and Additional Leaves for Civil servants**
Civil servants are provided with annual leave for a period of 30 calendar days unless longer leave is envisaged by legislation; additional sums for rehabilitation aid in the amount of one basic payment are paid.

Civil servants with length of service more than 10 years are entitled to additional paid leave of 15 calendar days. The procedure and conditions of additional paid leaves are established by the Cabinet of Ministers of Ukraine.

**Article 36. Social Everyday Provision of Civil Servants**

Civil servants are provided with housing from the state fund in accordance with the established procedure. Civil servants that occupy positions of the 1\textsuperscript{st}, 2\textsuperscript{nd}, 3\textsuperscript{rd} and 4\textsuperscript{th} categories have the right for immediate installation of house telephone.

Civil servants that need better living conditions determined as per existing legislation shall be allocated plots and interest-free loan for a term of up to 20 years for individual and cooperative housing, for obtaining of apartments or individual dwelling.

Credit conditions are determined by the Cabinet of Ministers of Ukraine.

Civil servants and members of their families living with them have free medical service at government-run institutions of public health in accordance with the established procedure. After retirement they shall be served by the same institutions.

**Article 37. Pension Insurance and Monetary Support of Civil Servants**

*(Paragraph 1, article 37 - excluded on the basis of the Law #2105-IV (2105-15) dated by October 21, 2004).*

Civil servants, who attained the limit age determined by legislation, including general length of service of at least 25 years for men and at least 20 years for women (the length of civil service must be at least 10 years) and who worked at civil servants positions as of the time
of attainment of the limit age, as well as individuals, who have served at least 20 years on
positions included into the civil servant position category, regardless of place of work at the
time of attainment of the limit age shall be eligible for the civil servants’ pensions.

The civil servants’ pension shall amount to 80% percents of their basic payment; the tax on
mandatory state pension insurance is charged from the basic payment without limitation of
the pension amount; in case of individuals that who were not civil servants at the time of
application for pension, such pension shall amount to 80% of the basic pay of working civil
servant of the appropriate position and rank at the last place of employment on the civil
service.

(Paragraph 2, article 37 in the wording of the Law #432-IV (432-15) dated by January 16,
2003).

The civil servants’ pension is paid at the expense of the Pension Fund of Ukraine.

(Article 37 is changed and amended in accordance with the Law #2105-IV (2105-15) dated
by October 21, 2004).

Civil servant should be paid pension in full size, regardless of his income after retirement.

For each full year of work over 10 years on the civil service, the pension is increased for 1
percent of income, but not more than 90 percents of basic payment without restriction of
the minimum pension amount.

(Paragraph 4, article 37 changed and amended in accordance with the Law # 432-IV (432-

Civil servant retired from the civil service due to imprisonment for a premeditated criminal
offence or in [proven] charges of corruption shall be denied pension on conditions envisaged
hereinabove.

In such cases pension to civil servant is assigned on the general grounds.

(Paragraph 5 added to Article 37 in accordance with the Law #358/95/VR dated by October
05, 1995).
Civil servant retiring with at least 10 years’ length of service shall be issued monetary support in the amount of 10 monthly basic payments according to post/rank.

Civil servant retiring with at least 10 years’ length of service shall be entitled to communal and housing benefits envisaged by this.

**Article 37-1. Procedure and Conditions of Recalculation of Pensions of Civil Servants**

In case of increase in basic payment of working civil servants as well as in connection with an individual’s becoming eligible for the civil servants’ pension hereunder, the pensions granted earlier shall be recalculated appropriately.

Pension is recalculated on the basis of salary amounts; the tax on mandatory state pension insurance of working civil servants of corresponding position and ranks is charged from the basic payment at the moment of attaining the right for pension recalculation.

(Article 37-1 is added to the Law in accordance with the Law # 432-IV (432-15) dated by January 16, 2003).

**Chapter VIII**

**RESPONSIBILITY FOR VIOLATION OF THE CIVIL SERVICE LEGISLATION**

**Article 38. Responsibility for Violation of the Civil Service Legislation**

Individuals guilty in violation of the civil service legislation are the subjects to civil, administrative or criminal liability in accordance with the existing legislation.

The President of Ukraine

Leonyd Kravchuk

Kyiv, 16th of December, 1993
#3723-XII