

ADMINISTRATIVE DIRECTION NO. 2003/2

**IMPLEMENTING UNMIK REGULATION NO. 2001/36
ON THE KOSOVO CIVIL SERVICE**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under UNMIK Regulation No. 2001/36 of 22 December 2001 on the Kosovo Civil Service, and in particular sections 3 and 23 thereof,

In conformity with UNMIK Regulation No. 2001/9 of 15 May 2001 on the Constitutional Framework for Provisional Self-Government in Kosovo and UNMIK Regulation No. 2001/19 of 13 September 2001 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo,

Acting at the request of the Government and based on a proposal which was extensively discussed and subsequently endorsed by the Prime Minister and the Minister of Public Services,

For the purpose of setting out the basic conditions for the recruitment and employment of civil servants,

Hereby issues the following Administrative Direction:

**CHAPTER I
GENERAL PROVISIONS**

Section 1
Definitions

For the purposes of the present Administrative Direction:

(a) "Appeals Board" shall mean the body appointed by the employing authority to hear appeals against disciplinary penalties or grievances arising out of decisions of managers;

(b) “Employing authority” shall have the meaning set out in section 1 of UNMIK Regulation No. 2001/36;

(c) “Disciplinary Board” shall mean the body appointed by the employing authority to hear and decide serious disciplinary offences;

(d) “Board” means the Independent Oversight Board provided for under UNMIK Regulation No. 2001/36;

(e) “Civil servant” shall have the meaning set out in section 1 of UNMIK Regulation No. 2001/36;

(f) “Civil Service” shall mean the Kosovo Civil Service;

(g) “Government” shall have the meaning set out in section 1 of UNMIK Regulation No. 2001/36;

(h) “Manager” shall mean a civil servant’s immediate supervisor;

(i) “Medical Board” means a medical board for health examination of employees to be acting under the competence of the Ministry of Health;

(j) “Merit” means the principle set out in section 2.1(f) of UNMIK Regulation No. 2001/36;

(k) “Ministry” means the Ministry of Public Services;

(l) “Recognized medical practitioner” means a medical practitioner certified by the Ministry of Health; and

(m) “Personnel Manager” means the principal officer within an employing authority responsible for managing the authority’s human resources.

Section 2

Legislation Relating to Specific Categories of Civil Servants

The procedure for recruitment and the terms and conditions of employment of civil servants defined in the present Administrative Direction are general rules that shall apply subject to other provisions regulating the recruitment and conditions of employment for specific categories of civil servants. Where a provision in the present Administrative Direction is inconsistent with such legislation applicable to specific categories of civil servants, the latter shall apply provided that it does not contravene the principles defined in section 2 of UNMIK Regulation No. 2001/36.

CHAPTER II RECRUITMENT

Section 3 General Provisions

3.1 In order to be eligible for employment in Civil Service an applicant must be a habitual resident of Kosovo, or have an application or appeal for civil registration pending. If a Civil Service employee's application for civil registration is rejected after application and subsequent appeal, he or she will no longer be eligible for the Civil Service post or to continue in the Civil Service.

3.2 The minimum age for employment in the Civil Service is eighteen (18) years and the age of retirement is sixty-five (65) years.

3.3 Recruitment to the Civil Service shall be done after fair and open competition, on the basis of merit and in conformity with the principle of equitable representation of communities in Kosovo, and equitable gender representation all areas and levels according to section 5.4 of UNMIK Regulation No. 2001/19 and section 2.1(f), (g) and (h) of UNMIK Regulation No. 2001/36. This should be done in accordance with specific community representational ranges that may apply to different parts of the Civil Service, as promulgated from time to time by the Special Representative of the Secretary-General (SRSG).

Section 4 Advertisements

4.1 Civil Service job vacancies, including senior posts, shall be advertised Kosovo-wide in the relevant media in the Albanian and Serbian languages and, where deemed necessary by the employing authority, outside of Kosovo.

4.2 Advertisements for vacancies shall include the following information:

- (a) Designation of the post(s) being advertised;
- (b) Summary job description(s);
- (c) Qualification(s) required;
- (d) Professional experience/competence required;
- (e) Salary attached to the post(s);
- (f) Period of the contract; and

(g) Closing date for applications, which shall be at least fifteen (15) days from the date of first publication. In cases when after the first application deadline a balanced pool of applicants, according to ethnic representation and gender balance, has not been achieved, the deadline shall be extended for an additional fifteen (15) days.

Section 5 Applicants with Criminal Convictions

An applicant who has been convicted, after due process in accordance with internationally accepted standards, of a crime carrying a penalty of six (6) months or more imprisonment shall not be eligible for appointment to any post in the Civil Service.

Section 6 Health Requirements

6.1 An employing authority may specify health requirements for civil servants, including a requirement for a medical assessment, where a particular condition of health or fitness is necessary for the effective performance of the work in question and there is no possibility for adapting the work required or working conditions. This provision shall not be applied in a manner that would contravene the principle of non-discrimination set out in section 2.1 of UNMIK Regulation No. 2001/36.

6.2 If after prolonged illness or disability the civil servant's medical condition has permits him or her to resume performing his or her duties, as certified by the Medical Board, the employing authority shall provide a working environment or other accommodation to enable the civil servant to do so:

(a) If the accommodation cost to the employing authority does not exceed the full value of the civil servant's contract and the cost of associated employee benefits for the contract period; or

(b) At a higher cost, to be determined at the discretion of the employing authority or its Appeals Board.

Section 7 Selection

7.1 Each candidate shall complete a standard application form and may be required to provide additional information in support of his or her application.

7.2 A multi-ethnic, gender balanced selection panel of a minimum of three (3) members in a grade level senior to the post advertised shall screen all applications and interview short-listed candidates for initial recruitment or promotion.

7.3 Provided that:

(a) In cases where the employing authority (or the officer so authorized to conduct the selection) having made good faith efforts is unable to assemble the multi-ethnic gender balanced panel, an international member shall be co-opted as a member of the panel;

(b) In cases where it is not possible to follow the option in (a) above, such panel may be constituted with at least three members;

(c) In the case of either (a) or (b) the employing authority (or the officer so authorized) shall prepare a written statement citing their reasons for non-compliance with the diversity representation requirements and the good faith efforts taken by them and obtain the written approval of the Permanent Secretary of the Ministry concerned or of the Chief Executive officer of the municipality concerned shall be obtained before the selection process commences. A copy of such statement and approval shall be sent to the Board; and

(d) Complaints from applicants about the lack of diversity in the panel shall be referred to the Board.

Section 8 Appointments

8.1 Each employing authority shall designate the personnel manager and one or more staff members under his/her supervision as alternates to serve as the appointing authority. The appointing authority shall be the sole authority authorized to make appointments for Civil Service posts within the relevant employing authority.

8.2 Following the selection process pursuant to section 7, the panel shall submit to the appointing authority a list of the selected candidate(s) in order of merit.

8.3 Appointments shall be made by the appointing authority in accordance with the panel's recommendations and given effect by a written contract that shall refer to UNMIK Regulation No. 2001/36 and subsidiary instruments issued thereunder, including the present Administrative Direction, and shall set out other relevant detailed terms and conditions of employment that may apply.

8.4 Upon appointment, the civil servant shall be provided with a copy of his or her contract in the official languages of Kosovo and shall sign the contract.

8.5 The contract term shall be set for a fixed period of up to three (3) years and may be extended.

8.6 The contract shall be signed and dated by the appointing authority, or an officer designated in writing by the appointing authority, and the civil servant and shall include the following information:

- (a) Official designation and address of the employer organization;
- (b) Normal place of work of the civil servant;
- (c) Job title of the civil servant;
- (d) Date of commencement of work;
- (e) Starting salary and hours of work;
- (f) Period of the contract;
- (g) Period of probation; and
- (h) Subject to section 9, a period of thirty (30) days notices for early termination of the contract by either party.

Section 9 Probation

The first contract of employment shall provide for an initial probation period of up to ninety (90) days from commencement of employment. During the probation period either party may terminate the employment relationship upon seven (7) days written notice. At the end of the probation period the appointment may be confirmed. Such confirmation, or a determination that the appointment is not to be confirmed, shall be based on a performance assessment in writing made by the manager and endorsed by the next higher manager.

Section 10 Fair Representation in Civil Service

10.1 All employing authorities shall monitor and implement procedures to ensure multi-ethnic representation and gender balance within their ministry, municipality or executive agency, in accordance with section 3.3 and may utilize the following affirmative action measures as needed:

(a) Active recruitment: making special efforts to identify and solicit job applications from under-represented populations, especially internally displaced persons and refugees;

(b) Addressing results of long-term discrimination: developing on-the-job-training programs for commonly disadvantaged populations to enhance their ability to apply and compete for promotions; and

(c) Addressing discrimination by ensuring that personnel understand anti-discrimination policies and have access to adequate grievance procedures.

10.2 Other affirmative measures may be made provided that they are compliant with European and international standards, and that:

(a) They do not reduce minimum professional standards for job eligibility solely to facilitate the greater representation of commonly disadvantaged populations in Civil Service;

(b) They do not exclude specific ethnicities or genders from the open and meritorious competition for specific position(s) that do not have a legitimate ethnic or gender criteria as a qualification for the post; and

(c) Ethnicity will be self-determined by the employees themselves.

10.3 The Ministry will develop an administrative instruction containing further criteria and procedures for implementing and monitoring fair representation in the Civil Service at all levels.

CHAPTER III CAREER DEVELOPMENT

Section 11 Mobility

11.1 Where the needs of the Civil Service so require, civil servants may be reassigned to a different post at the same level and salary rate by the employing authority, provided the new post is appropriate to their qualifications and competence. Such reassignments may involve a move to a different location, provided that reasonable allowance is made for personal circumstances.

11.2 Civil servants may request a transfer to another post.

Section 12
Performance Evaluation

Every civil servant shall be given appropriate instructions and guidance with respect to the duties he or she is employed to perform. The performance evaluation of every civil servant shall be subject to a formal discussion with and assessment by his or her manager on an annual basis and subsequent endorsement by the next higher manager in accordance with performance assessment procedures to be set out by the Ministry. The assessment shall be provided to the civil servant in writing before it is forwarded for endorsement to the next higher manager.

Section 13
Training

Employing authorities shall provide appropriate training to civil servants, who shall undertake such training with the approval of their managers. Training shall be offered for any areas where a need has been identified by the employing authority, including on the basis of performance evaluation. Selection of training participants shall ensure that training is offered equally to civil servants of all ethnicities and both genders. Civil servants may be provided with opportunities to apply for training in which they may be interested. Training shall be considered as one criteria of career development and promotion of civil servants. The posts and emoluments of civil servants undergoing training shall be protected.

Section 14
Promotion

14.1 All promotions shall be based on an objective and considered decision as to the suitability of the civil servant, based on merit and other relevant criteria, to undertake the duties of a higher level post. Such decisions shall be taken by multi-ethnic and gender-balanced panels constituted in accordance with the provisions of sections 7.2 and 7.3.

14.2 Promotion opportunities shall be widely advertised and candidates shall be selected following an open and competitive process. Any departures from this principle in exceptional cases must be justified in writing and approved by the Permanent Secretary and subject to his or her approval.

CHAPTER IV PERSONNEL RECORDS

Section 15 Personnel Records

15.1 Each employing authority shall maintain individual personnel records for every civil servant. Such records shall include copies of documents that attest to the civil servants age, educational and professional qualifications and residence. They shall also include a copy of the employment contract and other documents relevant to the civil servant's employment, including his or her job application and supplementary materials, assignment to posts, leave and attendance, annual performance evaluations, emoluments, training and details of any disciplinary action. They will also include records of training attendance and achievement.

15.2 Every civil servant has the right to inspect his or her personnel record whether on paper or in electronic form, and to request the correction of any inaccuracies. Civil servants have the right to a copy of their personnel record upon leaving the Civil Service.

15.3 Individual personnel records shall be confidential and access to them shall be restricted to the civil servant, personnel manager and his or her staff solely for the purposes of carrying out their official duties.

15.4 Members of promotion panels, Disciplinary and Appeals Boards, and the Board may have access to copies of such documents held in individual personnel records as are necessary for the performance of their official duties, subject to the clearance of such access by the employing authority on a case by case basis.

15.5 In addition to maintaining regular individual personnel records, each employing authority shall keep confidential personnel records concerning recruitment, promotion and disciplinary actions, internal review and appeals hearings. Such confidential records may be made available on request to Disciplinary and Appeals Boards, and the Board by the employing authority together with such other documents as may be relevant and necessary for the Board to carry out its official duties.

15.6 Other personnel records to be kept may be as specified by the Ministry.

15.7 Personnel records may be destroyed fifteen (15) years after the individual leaves the Civil Service.

CHAPTER V CONDITIONS OF EMPLOYMENT

Section 16 Salary

The Ministry shall, following consultations with the Ministry of Finance and Economy, recommend to the Government and upon approval of the Government shall issue the classification standards and salary rates applicable to positions in the Civil Service. Salary rates may be reviewed from time to time by the Ministry in consultation with the Ministry for Finance and Economy and may be revised by the Ministry following approval by the Government. Classification standards shall be reviewed from time to time and at least every five (5) years.

Section 17 Working Hours

17.1 The standard hours of work for civil servants are forty (40) hours per week, excluding rest breaks.

17.2 Every civil servant is entitled to a one (1) hour break per eight (8) hour work day and, in addition, a weekly rest period of at least forty-eight (48) hours.

17.3 Where shift work is required, shift patterns shall be established by the employing authority in accordance with administrative instructions to be issued by the Ministry of Public Services.

Section 18 Part-time Work

Civil servants may work part-time as agreed with the employing authority. The Ministry shall issue administrative instructions setting out procedures concerning the terms and conditions of part-time work.

Section 19 Overtime

A manager may require an employee to work overtime but this shall not exceed twenty (20) hours per week or forty (40) hours per month. The employee shall be compensated with time off at the rate of one and one-half (1.5) hours off per hour worked overtime worked within the following month or, if mutually agreed to between the manager and the employee, in the subsequent month, or, at the option of the

employing authority, payment for the overtime worked at the civil servant's normal hourly rate.

Section 20 Annual Leave

20.1 Civil servants are entitled to eighteen (18) working days of paid annual leave during each calendar year, earned at the rate of one and one-half (1.5) days for each completed calendar month of employment. Such leave may be taken with the approval of the manager, taking into account the exigencies of the employing authority concerned.

20.2 Annual leave shall normally be taken within the calendar year in which it is earned. With the approval of the manager, a civil servant may carry forward a maximum of twelve (12) working days of unused annual leave to the following year.

20.3 On leaving the Civil Service, a civil servant shall receive the current daily rate of salary for each unused day of annual leave.

Section 21 Official Holidays

A civil servant shall not normally be required to work on official holidays. When a civil servant is required to work on official holidays he or she is entitled to a day off in lieu of each official holiday worked.

Section 22 Sick Leave

22.1 Civil servants are entitled to a maximum of fifteen (15) days of paid sick leave in any calendar year plus any sick leave due to occupational accidents or occupational illnesses. If employment commences after the beginning of the year, the sick leave entitlement shall be proportionate to the period of employment in the year.

22.2 Sick leave due to occupational accidents or occupational illnesses may be granted with full pay for a period of three (3) months and on half-pay for a subsequent period of three (3) months, subject to a recommendation for such leave by a recognized medical practitioner.

22.3 When a civil servant is absent due to illness or injury for more than two (2) consecutive workdays, he or she shall provide to his or her manager a medical certificate obtained for such absence from a recognized medical practitioner.

22.4 Unpaid sick leave may be granted by the employing authority for an extended period not exceeding one (1) year, and, in any case, not exceeding the period of contract of employment, on the recommendation of a recognized medical practitioner. Such unpaid sick leave shall not extend the duration of the contract employment.

22.5 Sick leave shall be used for the purpose for which it is intended and cannot be accumulated or commuted to cash in part or in whole.

Section 23
Parental Leave

23.1 Female civil servants are entitled to twelve (12) weeks paid maternity leave on the birth of each child, paid at the normal rate of salary, on the maternity being certified by a recognized medical practitioner. At the request of the civil servant, additional unpaid maternity leave may be granted, at the discretion of the employing authority, subject to a maximum of an additional forty (40) weeks.

23.2 A civil servant shall maintain her seniority rank while on paid or unpaid maternity leave, and such civil servant shall have the right to be re-instated in her former position of employment or in an equivalent position and paid at the same rate of pay.

23.3 After resumption of work, subsequent to paid or unpaid maternity leave, a female civil servant may be granted a total of two (2) paid hours reduction of working hours daily during the first six (6) months for breast feeding and one hour daily thereafter until the end of the ninth month after childbirth.

23.4 Male civil servants are entitled to two (2) days paternity leave on the birth of each child. At the request of the male civil servant, additional unpaid paternity leave may be granted, at the discretion of the employing authority, subject to a maximum of an additional five (5) days.

23.5 Parental leave shall be used for the purpose for which it is intended and cannot be accumulated or commuted to cash in part or in whole.

Section 24
Compassionate Leave

24.1 Special and compassionate leave with pay shall be granted as follows:

(a) Marriage: five (5) days (with proof of official registration of marriage);
or

(b) Death of a close relative (father, mother, sister, brother, wife, husband or child): up to a total of five (5) days in a year.

24.2 Special and compassionate leave thus granted shall be used for the purpose for which it is intended and cannot be accumulated or commuted to cash in part or in whole.

Section 25
Extraordinary Unpaid Leave

At the discretion of the employing authority, a civil servant may be permitted to take unpaid leave for a period not exceeding six (6) months, during the period covered by the contract of employment. This unpaid leave may be taken in addition to the maternity leave specified in section 23.1. Such unpaid leave shall not extend the duration of the contract of employment.

Section 26
Travel Expenses

A civil servant who is required by his or her manager to travel in the exercise of his or her official functions, or who is required by the employing authority to relocate his or her residence on being transferred to another post, shall be reimbursed for the expenses incurred thereby in accordance with administrative instructions to be issued by the Ministry of Finance and Economy in consultation with the Ministry.

CHAPTER VI
CONDUCT AND DISCIPLINE

Section 27
The Civil Service Code of Conduct

The Civil Service Code of Conduct set out in the Annex to UNMIK Regulation No. 2001/36 defines the minimum standards of integrity and conduct expected of civil servants.

Section 28
Political Activities

28.1 Civil servants may be members of political parties and other political organizations, but shall not be actively involved in political activity, which shall be

understood as holding leadership or paid positions at any level of a party or political organization.

28.2 A civil servant may not hold any elected public office, except that, subject to section 34.7 of UNMIK Regulation No. 2000/45, eligible civil servants may also serve as members of municipal assemblies.

28.3 Permanent secretaries, chief executive officers and heads of departments shall resign if they intend to participate as a candidate in an election for public office.

28.4 Civil servants other than permanent secretaries, chief executive officers and heads of departments may stand for elected public office, but they shall take unpaid leave from the Civil Service with effect from the date they publicly announce their candidacies. A civil servant elected for a public post shall resign, effective from the date that he or she takes the oath or confirms acceptance of the elected post. If not elected, the civil servant shall be entitled to return to his or her duties in the Civil Service within one (1) week from the date on which the results of the election are formally declared.

Section 29 Conflicts of Interest

29.1 A civil servant shall avoid any conflicts of interest that may adversely influence his or her performance of official duties and shall declare any such actual or potential conflicts of interest to the employing authority:

- (a) At the time of recruitment; and
- (b) As such actual or potential conflicts of interest arise or become evident.

29.2 Conflicts of interest for the purposes of this section may arise from personal or financial interests and from official dealings with, or decisions with respect to, individuals who are closely connected with or share a civil servant's personal or financial interests.

29.3 A civil servant shall declare, and shall be excluded from any discussions or decisions relating to any matter in which he or she, or an immediate family member, has a significant personal or financial interest.

CHAPTER VII
VIOLATIONS AS TO CONDUCT, PENALTIES AND
DISCIPLINARY PROCEEDINGS

Section 30
Violations as to Conduct and Penalties

30.1 Violations as to conduct shall be classified as follows:

(a) Breach of the Civil Service Code of Conduct in the Annex of UNMIK Regulation No. 2001/36;

(b) Neglect of duty;

(c) Failure to obey a reasonable instruction from a manager or employing authority;

(d) Unauthorized absence from work;

(e) Fraud or theft;

(f) Discrimination against or harassment of another civil servant or member of the public direct or indirect, on grounds of sex, race, color, language, religion, residency, political opinion, national, ethnic or social origin, association with a national community, property, birth status, disability, family status, pregnancy, sexual orientation or age;

(g) Sexual harassment of another civil servant, defined as, any physical or verbal conduct of a sexual nature infringing the dignity of women and men at work that is unwanted by or offensive to the recipient, which is made a condition of employment or which creates a hostile, threatening or intimidating working environment for that person;

(h) Behavior outside the workplace that is incompatible with status as a civil servant and which may bring the Civil Service into disrepute, including the association with individuals or establishments engaged in prostitution, trafficking in human beings or organized crime;

(i) Failure to declare or making a false declaration in relation to conflict of interest; and

(j) Violent, threatening or abusive behaviour or language at the work place.

30.2 Penalties for violations as to conduct set out in section 30.1 may consist of any of the following:

- (a) Oral warning;
- (b) Written warning;
- (c) Withholding of salary increases for up to one (1) year;
- (d) Demotion;
- (e) Ban on promotion up to three (3) years; or
- (f) Termination of employment.

Section 31
Disciplinary Proceedings

31.1 Where a civil servant is suspected or accused of having committed a violation of the Code of Conduct, the facts of the case shall be reported to the personnel manager of the employing authority or staff member authorized by him or her.

31.2 The personnel manager shall investigate the alleged offence to determine whether an offence has been committed and if so, whether it is of a minor or serious nature. Such investigation shall include interviews with the alleged offender and the person who has made the original allegation.

31.3 Allegations of minor disciplinary offences shall be addressed by the personnel manager in consultation with the alleged offender's manager and after giving the alleged offender an opportunity to state his or her views about the case.

31.4 Minor offences confirmed by the personnel manager may be penalized by an oral or written warning. A brief record of the case including the penalty imposed shall be made by the personnel manager and placed in the civil servant's personnel record.

31.5 In serious cases a civil servant may be suspended with pay, while the investigation and/or disciplinary proceedings are being conducted. An order of suspension with pay shall be made only by the personnel manager of the employing authority.

31.6 When a civil servant is remanded to police or judicial custody for a period of more than forty-eight (48) hours in a case of an alleged criminal offence, he or she shall be suspended with pay.

31.7 The Ministry shall issue instructions to facilitate implementation of this section.

Section 32
Disciplinary Board Constitution, Functions and Powers

32.1 Each employing authority shall establish one or more standing Disciplinary Boards to conduct disciplinary proceedings in the case of serious offences. Each Disciplinary Board shall be multi-ethnic, gender-balanced and composed of two (2) permanent members and a third member who shall be appointed separately for each case by the employing authority. The members shall be senior civil servants of the employing authority. One (1) of the two (2) permanent members shall be designated to chair the board. The provisions of section 7.3 shall *mutatis mutandis* be followed in all cases where an exception to the diversity principle is sought to be made.

32.2 Where the result of the investigation referred to in section 31 prima facie shows that a serious offence has been committed, the case shall be referred by the personnel manager to the Disciplinary Board.

32.3 Any member of the Disciplinary Board who may have a conflict of interest in a particular case shall recuse himself or herself and the employing authority shall appoint another member for that specific case.

32.4 The Disciplinary Board shall have the following functions:

- (a) To hear evidence in relation to the alleged offence;
- (b) To determine whether, on the basis of the evidence, an offence has been committed; and
- (c) When the Board determines that an offence has been committed, to prescribe the penalty to be imposed.

32.5 The Disciplinary Board shall, as far as possible, complete the hearings of a case and give its decision within sixty (60) days of its receipt.

32.6 The Ministry may issue necessary instructions to facilitate the functioning of the Disciplinary Board.

Section 33
Appeals Board

33.1 Each employing authority shall establish an Appeals Board to hear civil servant appeals against a decision of the Disciplinary Board and claims against management's:

- (a) Disciplinary decisions regarding a civil servant;

- (b) Non-disclosure of his or her personnel record for review or correction;
- (c) Inclusion of inaccurate or discriminatory material in his or her personnel record;
- (d) Assignment or reassignment of a civil servant;
- (e) Performance evaluation of a civil servant;
- (f) Denial of promotion of a civil servant;
- (g) Termination of a civil servant's employment;
- (h) Discrimination or harassment; and
- (i) Other grievances about management practices or internal operations of the employing authority brought to the attention of the Appeals Board by a civil servant.

33.2 The Appeals Board shall be multi-ethnic, gender-balanced and composed of two (2) permanent members and a third member who shall be appointed by the employing authority separately for each case by the employing authority. The members shall be senior civil servants of the employing authority. One (1) of the two (2) permanent members shall be designated to chair the board. The provisions of section 7.3 of this direction shall, mutus mutandis be followed in all cases where an exception to the diversity principle is sought to be made

33.3 A member of the Appeals Board shall not be a member of the Disciplinary Board of the employing authority.

33.4 Any member of the Appeals Board who may have a conflict of interest in a particular case shall reclude himself or herself and the employing authority shall appoint another member for that specific case.

33.5 The Appeals Board shall have the following functions:

- (a) In the case of appeals against decisions of the disciplinary board:
 - (i) To decide whether there are prima facie grounds to admit an appeal against a decision of a disciplinary board;
 - (ii) If an appeal is admitted, to decide whether it is justified or not after going through the evidence and hearing the parties concerned; and

- (iii) In case the appeal is held to be justified to pass orders for providing appropriate relief to the appellant; and
- (b) In the case of other types of appeals referred to in section 33.1:
 - (i) To give an opportunity for the production of evidence and hearing of the parties;
 - (ii) To decide whether the appeal is justified or not; and
 - (iii) In case the appeal is held to be justified to decide on the remedy to be provided and by whom.

33.6 The Appeals Board shall as far as possible complete the hearings of a case within thirty (30) days of its receipt.

33.7 The Ministry shall issue necessary instructions to facilitate the functioning of the Appeals Board.

CHAPTER VIII OCCUPATIONAL HEALTH AND WELFARE

Section 34 Working Environment

Each employing authority shall ensure that civil servants have a safe and healthy working environment. Claims or grievances about the working environment shall be directed to the personnel manager of the employing authority, and appealed to the Appeals Board.

CHAPTER IX TERMINATION OF EMPLOYMENT

Section 35 Termination of Employment

35.1 Employment in the Civil Service terminates automatically:

- (a) On the death or retirement of the civil servant. The mandatory retirement age for civil servants is sixty-five (65);
- (b) On the expiry of the civil servant's contract of employment;

(c) On the written resignation of the civil servant submitted to the employing authority's personnel manager. A civil servant shall give thirty (30) calendar days notice of resignation. The period of notice may be shortened or waived if the civil servant and personnel manager of the employing authority so agree. At the end of the period of notice of resignation the employment of the civil servant shall be terminated; or

(d) When the continued employment of the civil servant is not confirmed at the conclusion of the probation period.

35.2 Employment in the Civil Service may be terminated by the employing authority at its discretion:

(a) As a disciplinary measure for a serious violation of the Code of Conduct pursuant to Chapter VII; and

(b) On medical grounds where a civil servant is unable to perform his or her duties because of prolonged illness or disability, as certified by the Medical Board, and the duties cannot be adjusted to reasonably accommodate the civil servant's change in health or fitness.

Section 36
Certificate of Employment

When employment is terminated, the employing authority shall provide the civil servant, at the latter's request, a certificate that specifies the name of the civil servant, the nature or type of work in which he or she was engaged, the period of employment, the basic salary and any salary supplements. In addition, if the civil servant specifically requests it, the certificate shall include an evaluation of his or her performance.

CHAPTER X
FINAL PROVISIONS

Section 37
Instructions and Guidelines

The Ministry may issue administrative instructions for the implementation of the provisions of the present Administrative Direction.

Section 38
Entry into Force

The present Administrative Direction shall enter into force on 25 January 2003.

Michael Steiner
Special Representative of the Secretary-General