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CIVIL SERVICE ORGANISATION, EMPLOYMENT OF CIVIL  
SERVANTS, RIGHTS AND OBLIGATIONS OF CIVIL  
SERVANTS

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## Content:

- Position of the Civil Service System,
- Types of Civil Service Work Posts,
- Advertising Procedure of Vacant Posts,
- Temporary Employment,
- Termination of Employment,
- Rights and Duties
- Code of Ethics

## Position of the Civil Service System

- Connected to Public Administration,
- Civil Service System on the state level, in Federation of Bosnia and Herzegovina, in Republika Srpska and in Brčko District of Bosnia and Herzegovina
- Civil service systems are in theory divided into: career based, open and combined,
- Distinction of terms public servant and state (-civil) servant,
- General and special civil servant systems

## Administrative staff

In legal theory, different categories of administrative staff involve:

- a) Civil servants,
- b) Elected persons,
- c) Appointed persons.

## Specific aspects of civil servants employment

- Particularities regarding recruitment and advertisement of work posts;
- Particularities regarding rights and duties of civil servants;
- Particularities regarding disciplinary accountability;
- Particularities regarding termination of civil service.

## Legislative Framework

- Bosnia and Herzegovina- Law on Civil Service in the Institutions Of Bosnia And Herzegovina (“Official Gazette of Bosnia and Herzegovina”, no. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10 i 40/12 and 93/17).
- Federation of Bosnia and Herzegovina - Law on Civil Service in Federation of BIH (“Official Gazette of Federation of BIH”, no. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 i 04/12) and laws of the cantons
- Republika Srpska- Law On Civil Servants (“Official Gazette RS“, no. 118/08, 117/11, 37/12 i 57/16), Law on Servants and employees in local government units (“Official Gazette RS“, no. 97/16)
- Brčko District of BIH – Law on Civil Service in Public Administrative Authorities of Brčko District of BIH (“Official Gazette of Brčko District of BIH“, no. 9/14, 37/15 , 48/16 i 09/17).

# Civil Service Work Posts in the Institutions of Bosni and Herzegovina

- Managerial civil servants:
  - 1) Secretary and Secretary with special assignment;
  - 2) Assistant Minister, Assistant Director and Chief Inspector.
- Other Civil Servants:
  - 1) Head of Internal Organisation Unit;
  - 2) Expert Adviser;
  - 3) Senior Expert Associate;
  - 4) Expert associate.

# Civil Service Work Posts in the Federation of Bosni and Herzegovina

Managerial civil servants:

- 1) Director of independent administrations and independent institutions;
- 2) Secretary of a civil service authority;
- 3) Directors of administration and authorities that fall within Ministries;
- 4) Assistant Head of a civil service authority;
- 5) Main inspectors.



# Civil Service Work Posts in the Federation of Bosnia and Herzegovina

## Other Civil Servants:

- 1) Head of internal organisation unit;
- 2) Inspectors;
- 3) Expert Adviser;
- 4) Senior Expert Associate;
- 5) Expert associate.

## Civil Service Work Posts in Republika Srpska

Positions of civil servants within Republic Administrative Authorities are the following:

- a) Assistant Minister, Secretary of the Ministry, Director of Republic Administrative Authority, Director of Republic Administrative Organization,
- b) Deputy Director and Assistant Director of Republic Administrative Authority and Republic Administrative Organization, Chief Republic Inspector and Secretary of the Agency,

## Civil Service Work Posts in Republika Srpska

- c) Inspector,
- d) Internal Auditor,
- e) Expert Advisor,
- f) Head of internal organizational unit,
- g) Senior Expert Associate, and
- h) Expert Associate.

## Categories of Civil Servants in Brčko District BIH

- a) Category of managerial civil servants and employees according to Article 2, point e) of the Law;
- b) Category of managerial civil servants and employees –medium level;
- c) Category of civil servants and employees experts/specialists (civil servants and employees with high education with bachelor's of equivalent level of education);
- d) Category of civil servants -exercisers (civil servants and employees with secondary education);
- e) Category of assisting civil servants and employees (civil servants and employees with other qualifications).

## Who is not a civil servant in the Institutions of Bosnia and Herzegovina?

- Members of the Parliamentary Assembly of Bosnia and Herzegovina (hereinafter: Parliamentary Assembly), members of the Presidency of Bosnia and Herzegovina (hereinafter: Presidency), the Council of Ministers (hereinafter Council of Ministers), Ministers, Deputy Ministers, members of the Standing Board on Military Issues, Judges of the Constitutional Court of Bosnia and Herzegovina (hereinafter: Constitutional Court), Judges of the Court of Bosnia and Herzegovina (hereinafter: Court of Bosnia and Herzegovina), the Ombudsmen of Bosnia and Herzegovina, Chief Prosecutor of Bosnia and Herzegovina, Deputy Chief Prosecutors and Prosecutors of Bosnia and Herzegovina, Public Attorney and Deputy Public Attorney of Bosnia and Herzegovina, Members of High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Members of the Election Commission of Bosnia and Herzegovina, professional military persons in the Institutions of Bosnia and Herzegovina, Governors and Vice Governors of the Central Bank of Bosnia and Herzegovina (hereinafter: Central Bank)

## Who is not a civil servant in the Institutions of Bosnia and Herzegovina?

- the Auditor-General and Deputy Auditor Generals of the Supreme Audit Institution of Bosnia and Herzegovina (hereinafter: the Supreme Audit Institution), the Secretaries of the Houses of the Parliamentary Assembly of Bosnia and Herzegovina and the Secretary of the Common Services of Bosnia and Herzegovina
- Individuals employed as Advisors: to the Members of the Parliamentary Assembly, the Members of the Presidency, the Chair of the Council of Ministers, the Ministers and Deputy Ministers, the Governor and Vice Governors of the Central Bank - are not civil servants.
- The Law on Civil Service does not apply to all employees of the Central Bank and the Ombudsmen of Bosnia and Herzegovina

# General Requirements for Appointment as Civil Servant

- To be a citizen of Bosnia and Herzegovina;
- To be older than 18;
- To hold a university degree and other educational or academic qualifications of minimum level VII, namely to hold high education of the first, second or third cycle of Bologna studying system, that shall be regulated by provisions on basic activity jobs and technical assistance jobs as well as terms for their performing in the administrative bodies of BiH Institutions;
- To have health clearance stating that she/he is medically capable of performing duties assigned to this post;
- Not to be legally fit for retirement, i.e. that she/he did not exercise the right to a personal pension in any way;
- Not to have been dismissed from the civil service as a consequence of disciplinary measure at all levels of governance in Bosnia and Herzegovina, refused to take oath, voluntarily leaving the service, or, disclosure of false and incorrect data during recruitment by civil service within three years before the date of publication of vacant post;
- To have certificate stating that there is no criminal proceedings instituted against that person;
- Not to be affected by regulation 1 of the Article IX of BiH Constitution.

## Special Requirements

- Special requirements which are an integral part of every advertisement are according to Art. 20, Para. 3, points e) and f), special educational and professional requirements for the vacant work place, as well as other requirements which are appropriate for the specific work place.
- Special requirements should be regulated by the legislation on internal organisation in each institution and should contain orientation of the education – field of education, work experience, knowledge of foreign languages, special technical knowledge etc.



## Proceure of filling vacancies in civil service

1. Internal transfer,
2. Internal advertising within the institution,
3. External advertising,
4. Public advertisment,
- Additionally:
5. Direct takeover of civil servants from civil service authorities of the entities and Brčko District BIH
6. Internal or external transfer of civil servants from respective civil service authority of the entity or public advertisment, in case of establishment of new institutions based on transfer of competencies

## Internal transfer of civil servants

- Head of the Institution manages the internal transfer, with or without consent of the civil servant,
- If the transfer is done without consent there must be an explanation or reason,
- The transfer can be done to a same or similar work post,
- The transfer to a lower work post can be done just with the consent of the civil servant, except secretaries with special assignment,

## Internal transfer of civil servants

- Six levels:

- 1) Expert associate;
- 2) Senior Expert Associate;
- 3) Expert Adviser;
- 4) Head of Internal Organisation Unit;
- 5) Assistant Minister, Assistant Director and Chief Inspector;
- 6) Secretary and Secretary with special assignment;

- Diplomatic and consular service/mission:

1. Attache
2. III secretary
3. II secretary
4. I secretary and vice consul
5. Adviser and consul
6. Minister Adviser

## Internal Advertising within the institution

- Agency of Civil Affairs -Book of Rules on Terms and Method of Internal Vacancies, Internal and External Transfers of the Civil Servants in the Institutions of BIH („Official Gazette BIH“ no. 62/10, 30/14 i 38/17)
- The institution is obliged to internally advertise a vacancy and conduct an internal procedure in case when:
  1. There is a vacant post to which a civil servant could be promoted, and according to the evaluation of the institution there is at least one quality candidate for promotion,

## Internal Advertising within the institution

2. There is a vacant post, and there are civil servants who are declared redundant or are to be declared redundant
- The Internal Advertisement is conducted and published by the Agency for Civil Affairs on the institution's request, at least 8 days before the final deadline for application within the institution.

## Internal Advertisement – knowledge test

- Commission of three civil servants from the institution performs the internal advertisement procedure on prior approval of the Agency
- If necessary or on institution's request the Agency can appoint one independent expert as member of the commission
- The knowledge test consists of an interview and the candidate answers questions (maximum of 30 points and 16 points are required to pass)
- Result that the candidate achieves during the selection process is the sum of points received from every commission member divided by three

## Internal Advertisement – list of candidates

- After the interview the commission is setting up a list of successful candidates and deliver it to the head of institution.
- The institution is obliged to inform all the candidates on the achieved results by sending the results of all interviewed candidates.
- The head of institution shall forward the list of successful candidates to the Agency, with the proposed date of appointment of the most successful candidate, for further procedure

## Internal advertisement –Appointment

- The appointment is conducted in accordance with the Article 28 of the Law – the Agency appoints non-managerial/other civil servants according to the achieved result by the candidate in the selection process
- Managerial civil servants are appointed by the competent authority respectively head of institution from the list of successful candidates, after prior opinion of the Agency,



## Appointment of managerial civil servants

- The mentioned procedure of appointment of managerial civil servants raises the question: why are the advertisement results necessary if the head of institution has no obligation to appoint the most successful candidate from the list, and can appointing any successful candidate.
- In this case it is sufficient to submit the list of candidates who have more than 16 points according to the Book of Rules on Internal and External Transfers and Internal Advertisements

## External transfer

- The external transfer happens in 2 cases:

1) In case of redundancy of civil servants in an institution, while at the same time another institution provides the Agency with information on vacant posts -in this case the transfer is conducted by the Agency

## External transfer –First case

- The Agency externally transfers the civil servant who is declared redundant and appoints the civil servant at the vacant post.
- If there are more than one vacant post, the Agency estimates and appoints the civil servant at the vacant post, which is the most suitable for the specific civil servant regarding the working experience and special professional knowledge.
- If there are more vacant posts the opinion on preferences of the civil servant should be obtained - three days after the request for opinion is received by the civil servant

## External transfer –Second case

2) External transfer is possible if there is an agreement between two institutions and the civil servant to the external transfer from one to another institution (through the Agency or based on the consent –agreement between the institutions).

## Public Advertisement

- Book of Rules on the Character and Contents of Public Advertisements, Manner of Conducting Interviews and Forms for Conducting Interviews („Official Gazette BiH“ no. 63/16 i 21/17), Decision on the Method of Taking Public and Expert Exam („Official Gazette BiH“ no. 96/07, 43/10 i 103/12)
- Following a written request from the institution to fill a vacancy, which cannot be filled by internal or external transfer, and internal advertisement, the Agency announces vacancy

## Content of the public advertisement

- preamble, title, vacant positions, job descriptions including the status ie level of the position, special requirements for each position, information about the basic salary, number of positions, remarks indicating general legal requirements, additional conditions that may be considered as appropriate, number of committees including any specifics regarding the manner of submitting the application (when there is more than one committee), required documents and when they need to be submitted (deadline for submission of applications, that is, the name of the phase of the open call when additional documents are required for submission), full title of the regulation governing the public advertisement, deadline for submission of the application, institution to which the application are to be submitted (title and address), submission method (as a rule it is the registered mail), a warning indicating that untimely, incomplete and improper applications, candidates' application that do not meet the criteria from the advertisement and/or contain uncertified copies of documents, shall not be taken into consideration, and that the fulfilment of the conditions set by the advertisement starts on the day of submission of the application.

## Public advertisement

- Public advertisement managed by the Agency (advertised pursuant to Article 21 of the Law), shall be published by the Agency on its official webpage [www.ads.gov.ba](http://www.ads.gov.ba), having deadline not shorter than 21 days
- the institution advertising the vacancy shall publish the advertisement at three public information media available on the entire territory of Bosnia and Herzegovina
- The Agency may cancel the published advertisement upon the request of the institution until the submission of the selection process results ie list of successful candidates to the Agency, whereas identical positions cannot be advertised inside one year starting from the day of publication of the advertisement.
- Any person interested in participating in advertisement procedure need to fulfil general and special requirements

## Public advertisement

- Application form
- University diploma or certified copy of university diploma (or certificate of graduation that cannot be older than the deadline for issuing the diploma)
- Obligation to submit the addendum to diploma
- Obligation to submit certified copy of a validated diploma
- Evidence to prove knowledge of language and computer literacy



## Public advertisement

- Instruction on Temporary Identification of Faculties and scientific fields for the purposes of civil servants selection procedure conduction („Official Gazette BiH“ no. 17/17)
- In any case, if it is better for the specific candidate:
  - a) humanities means social science;
  - b) biotechnical science means technical science;
  - c) natural sciences and mathematics means natural sciences;
  - d) business, administration and law are classified as social science;

## Public advertisement

- e) tourism and pedagogics are classified as social science;
- f) engineering, technology and civil engineering are classified as technical science;
- g) agriculture, fishing and forestry are classified as technical science;
- h) biomedical science and health and health protection are classified as medical science;
- i) environmental science and environment protection are classified as natural science;

## Selection Board

- The Selection Board has five members and is appointed by the Agency
- Two members of the Selection Board are civil servants from the competent institution (advertising the vacancy) and have academic and professional experience in scientific fields covered by the public advertisement procedure,
- The other three members are selected from the list of experts conducted by the Agency
- Rules of Procedure –Selection Board

The selection process following public job advertisement consists of two part:  
a public and professional exam

- **Public exam:**
- Public exam as a part of the public advertisement is obligatory to all persons who wants to take part in the advertisement for civil servant work posts in the institution, except the persons who already have passed the public exam or have passes other kind of exam ie.other scientific or professional qualification, which substitute the public exam, according to the Decision on the Method of Taking Public and Expert Exam
- The exam contains 21 question, and 11 correct answers are needed to pass
- **Professional exam:**
- The professional exam contains of a written part and an interview
- Written part of the professional exam contains several questions prepared by the Seletion Board
- Candidates who pass the written exam (at least 75 points) take part in the interview
- Candidate who has achieved 16 points at the interview has passed the professional exam

## Public exam

- the basics of BiH Constitutional system;
- the basics of the state administration system of BiH;
- administrative procedure and administrative dispute;
- the basics of employment affairs;
- office management in the administrative bodies;
- financing of the institutions of BiH;
- the basics of European integration.

## Appointment of civil servants

- The Agency shall appoint the most successful candidate at the relevant work post.
- If the candidate is selected to several work posts, priority is given to the highest level work post, except the candidate does not give his consent or asks for another work post
- Managerial civil servant is appointed by the competent institution according to previously obtained opinion of the Agency from the list of successful candidates who have been selected during public advertisement, submitted by the Agency

## Recruitment of Civil Servants in Case of Establishment of a New Institution Based on Transfer or Takeover of Competencies

- Institutions shall decide whether the position shall be filled in via an internal or external transfer of a civil servant or via public advertisement
- The most important specifics of the candidate selection are prescribed by the Book of Rules on
- Najvažnije specifičnosti izbora kandidata uređene Pravilnikom o prenosu ili preuzimanju nadležnosti se odnose na: sadržaj oglasa, komisiju za izbor, te na sadržaj pismenog dijela stručnog ispita.

## Direct transfer of civil servants from institutions and administrative bodies of the entities and Brčko District BiH

- Civil servants may, without advertising or open competition by any basis, be directly transferred to an Institution of Bosnia and Herzegovina, or vice versa from an institution of Bosnia and Herzegovina to an institution or administrative body of the entities or Brčko District BiH
- The precondition is the existence of an agreement signed between the Institution of Bosnia and Herzegovina, where civil servant shall be transferred, and entity (and Brčko District BiH) civil service body, i.e. administration where civil servant is transferred from, with prior agreement given by the civil servant.
- The Agency and the competent entity (Brčko District BiH) agency are giving their consent as well



## Temporary Employment

- If a vacant post needs to be filled urgently to meet the work needs, except managerial civil servants
- Work for definite time may last nine months, except in cases when a person is on sick leave or maternity leave but not longer than two years
- Temporary employed persons do not have civil servant status, and can be appointed without open competition/public advertisement

## Federation of Bosnia and Herzegovina

- Internal transfer – with the consent of the civil servant, exceptionally forced transfer
- Agreed transfer of civil servants from another institution/state authority
- Appointment of vacant posts from the list of redundant declared civil servants

## Public advertisement

- Vacant post and its description
- General requirements according to Art. 25 of the Law,
- Special requirements foreseen by the Rulebook on internal organisation
- the list of required documents, deadline and place for their submission;
  
- Seletion Board - two civil servants from the respective institution
- General and Experts exam
- A civil servant from the Agency supervises the competition procedure

# Appointment

- Head of the institution appoints the civil servant from the list of successful candidates who passed the public advertisement, upon prior opinion of the Agency
- The appointment is made by an administrative decision
- Civil servants assume duty by taking oath of loyalty in the front of the head of the institution

## Termination of Employment –institutions of Bosnia and Herzegovina

- voluntary withdrawal from civil service (agreement, unilateral termination)
- when person reaches 65 years of life and minimum of 20 years of service or 40 years of service regardless of age;
- in a case of permanent work inability;
- in a case of cancelation of nationality of BiH;
- in a case of obtaining another country nationality that is contrary to the Constitution of Bosnia and Herzegovina and its laws;
- redundancy;
- in case of expiration of mandate period as civil servant for the secretary with a special assignment where he has not been civil servant before his appointment as secretary;

## Termination of Employment –institutions of Bosnia and Herzegovina

- Refuse taking oath and/or signing of text of oath;
- in a case of failing to meet probationary period;
- in a case of two successive negative performance reports;
- in case of being indicted for crime offence where he was sentenced to imprisonment longer than six months;
- based on the pronounced disciplinary measure of termination of contract with civil service;
- unjustified absence from work for longer than five successive days;
- should it be established that at the very start of employment an employee gave false data that served as evidence in the employment procedure and based on which employee was appointed, or, should it be established that employee meanwhile ceased to meet criteria stipulated by this law.

# Duties of civil servant

## Duties:

- Civil servants perform tasks determined in the job description, apply and ensure compliance with the constitutional and legal order in Bosnia and Herzegovina.
- Should the civil servant receive an alleged illegitimate order, she or he shall undertake the following steps:
  - a) He shall draw attention of the order issuer to its illegitimacy;
  - b) Should the order issuer resubmit the same order, civil servant shall request a written confirmation where issuer's identity will be indicated as well as detailed content of the order;
  - c) Should the order be confirmed, civil servant shall inform immediate supervisor on the order and issuer of order and be compelled to execute it unless the order represents a criminal offence. In such a case, civil servant shall refuse to execute it and report this case to the competent authority.

# Duties of civil servant

Civil servant is impartial and in particular:

- a) Refrains from activities or omissions that prevent his professional performance of duties and violate or is incompatible with duties established by this Law and refrains from publicly manifesting his political beliefs;
- b) do not ask for, or, accept any gain, benefit and advantage in money, services or similar for himself or for his relatives other than authorised by this Law.

A civil servant is guided by the public interest in the performance of his duties and in particular:

- a) serve and assist the public;
- b) provide the public, interested parties and public institutions with requested information as enacted by the Law.

A civil servant is obliged to abide by and act upon the Civil Servant Code of Conduct that is adopted by the Council of Ministers upon proposal of the Agency.

Civil servant shall perform other duties as enacted by the Law.



## Rights of civil servant

1. Civil servant shall have a right to:

- a) a permanent tenure of office until requirements for retirement are met, unless otherwise regulated by this Law;
- b) a leave of absence, as stipulated by the Law, and continuation of work at the same or similar work post once leave ends;
- c) be awarded according to his duties and work results as enacted by the Chapter 5 of this Law;
- d) be entitled to salary and compensation as enacted by a special law;
- e) be supported and encouraged in advancing education and professional development in order to progress in career through trainings and in other ways;
- f) be protected in his physical and moral integrity by the state where performing his official duties;
- g) be treated by his superiors with respect to his human dignity;
- h) be entitled to found or join, but not be obliged to join as member of Trade Union or a professional association in accordance with the Law;
- i) go on strike in accordance with the Law.

## Rights of civil servant

2. A civil servant has a right to fair and just treatment in all aspects of personnel policy, regardless of the nationality, social origin, entity, citizenship, place of residence, religion, political or other beliefs, sex, race, birth, marital status, age, property, handicap or other status.

3. Council of Ministers enacts regulation that regulates terms and ways of physical protection and moral integrity of civil servant in performance of his duties including regulation of misdemeanors in case of breach of this regulation.

## Incompatibilities with Duties of Civil Servant

- Civil servant shall not perform a duty, activity or hold a post that constitutes conflict of interest with his official duties and in particular:
  - a) A civil servant shall not perform any additional remunerative activity, unless when authorized by his Minister or Head of Institution. By-laws shall regulate the cases when an authorization may be given;
  - b) A civil servant who has been dismissed from office cannot, within two years from the date of dismissal, be employed by employer over whom, or join a company over which he conducted regular supervision. He shall also not receive any income from such employer or company within two years from the date of dismissal;

## Incompatibilities with Duties of Civil Servant

- A Civil servant shall not be member of governing and other boards of political parties and shall not follow instructions given by political parties.
- When appointed as a civil servant, the civil servant shall, in accordance with the Law, disclose all information on properties at his disposal and at the disposal of his close family members as well as activities and functions that he and members of his close family perform.
- All data shall be kept in the Civil Service Register as enacted by the regulations on data protection that are in force in Bosnia and Herzegovina.

Code of Conduct for Civil Servants  
in the Institutions of Bosnia and Herzegovina  
(„Official Gazette BiH“ no. 49/13)

- The Code of Conduct for Civil Servants in the Institutions of Bosnia and Herzegovina regulates the rules and principles of good behaviour of civil servants in the institutions of Bosnia and Herzegovina in the performance of the civil service based on the Constitution, ratified and published international treaties, laws and other regulations in Bosnia and Herzegovina.
- This Code contains the rules and principles of good behaviour of civil servants towards citizens and civil servants' internal relations, as well as acquainting citizens with behaviour that they have the right to expect from civil servants.

## Code of Conduct for Civil Servants in the Institutions of Bosnia and Herzegovina

- A civil servant undertakes stipulated actions and measures, avoids and refrains from actions which are not permitted or are prohibited.
- Any order issued by a superior in the exercise of discretionary powers shall be clear, meaningful and possible with established reasonable time limits for execution and with a specific or determinable subject, and based on laws, by-laws, plans and programs of work, or other rulings governing the competences and activities of the institution.

## Preserving Institution Reputation

- A civil servant shall be obliged to take into account that by behaviour in public and in public outreach he should not diminish personal reputation, reputation of the institution and citizens' trust with the civil service.
- In the execution of private affairs, a civil servant shall not use the official signs or authority of a work post in the civil service.

## Public Interest Protection

When making decisions and exercising discretionary powers, a civil servant is obliged to take into account the public interest and relevant facts and shall not act in a manner that places him in the position of being obliged to return the service to a person/natural or legal entity.



## Prevention of Conflict of Interest

- In execution of his duties, a civil servant shall not allow his private interest to come into conflict with the public interest.
- He is obliged to take account of a real or potential conflict of interest and take all measures envisaged by the Law to avoid conflicts of interest.

## Dealing with Entrusted Assets and Use of Institution Property for Private Purposes

- A civil servant is obliged to purposefully, economically and efficiently use the material and financial means entrusted to him in the performance of duties and solely for business purpose and not for private purposes.
- The civil servant is not allowed to use the property of an institution for private purposes, and in particular the use of property of the institution contrary to the civil service interests.

## Information Handling

- In the performance of his or her duties, a civil servant may not require access to information that is not necessary for the performance of his duties and information that are available to him are used in the stipulated manner.
- A civil servant shall not reveal to an unauthorized person any information he has obtained in execution of his duties or provide information to others if this is contrary to the Law, other regulation or rules and procedures of the institution.
- In the execution of private affairs, a civil servant must not use information that are officially available to him in order to obtain benefits for himself or his relatives.

## Political Neutrality

- A civil servant shall adhere to political neutrality in the exercise of his duty.
- A civil servant shall not bear the symbols of political parties or their propaganda material in the premises of institution, and shall not publicly express his beliefs regarding political parties and their activities.
- A civil servant shall not influence the political affiliation of other civil servants

## Protection of Conduct Standards

- A civil servant who finds that he or another civil servant request him to act in a manner contrary to this Code, shall notify the manager of the administrative body or other institution about it in writing
- A civil servant therefore must not be in a disadvantageous position with respect to other civil servants, nor be exposed to harassment while performing his duties and exercising his rights in the institution.

## Complaints for Failing to Adhere to Code of Conduct

- Citizens and civil servants may address the institution manager a complaint about the conduct of a civil servant that is found to be contrary to the provisions of the Code.
- The complaint shall be considered by the head of the institution and if necessary, he shall launch a request for disciplinary action in accordance with the Law on Civil Service in the Institutions of Bosnia and Herzegovina, which stipulates that breach of this Code, represents a breach of official duty.

## Disciplinary responsibility -term

- The responsibility for violation of defined working duties for which disciplinary measures shall be pronounced by competent bodies in accordance with the procedure, or as special responsibility of the employee for violation of defined working discipline (working duties), for which certain measures can be taken by the employer, against the employee
- Disciplinary responsibility is a specific aspect of legal responsibility, because it applies just for persons/natural entities in employment, that is in civil service to civil servants.
- Vlatković M. Brković R. & Urdarević B., Službeničko pravo, Dosije studio, Beograd 2013. page 179.

## Disciplinary responsibility of civil servants –legislative framework

- Book of Rules on Disciplinary Responsibility of the Civil Servants in the Institutions of Bosnia And Herzegovina („Official Gazette BiH“ no. 20/03 and 94/10)
- Regulation on Disciplinary Procedure Rules for Disciplinary Responsibility of Civil Servants in institutions of Federation of BiH („Official Gazette FBiH“ no. 72/04 and 75/09)
- Regulation on Disciplinary and Material Responsibility in Republic institutions of Republika Srpska („Official Gazette RS“ no. 104/09 and 77/12)



## Disciplinary responsibility of civil servants in institutions of Bosnia and Herzegovina

- **Regulation subject:** regulates issues of disciplinary responsibility, disciplinary measures, disciplinary proceedings and execution of disciplinary measures for civil servants in the institutions of Bosnia and Herzegovina
- Book of Rules **does not apply** to persons who are not civil servants in accordance with the Law, as well as civil servants for whom a different disciplinary procedure is established by the Law.
- **Offence:** A civil servant is accountable for breach of official duty caused by his offence.

## Criminal offence

1. A civil servant who commits a criminal offence of corruption or a criminal offence against official and other accountable duties that damages reputation of the civil service renders the civil servant ineligible for work in the civil service whereby the civil servant's status has not ceased by the force of law, shall be punished by the measure of termination of employment.
2. A civil servant who commits another offence that damages the reputation of the civil service or commits an offence in the performance of his official duty, shall be imposed a penalty of reduction of the salary of 15 to 30% for a period of three to six months or a demotion measure to a lower work post.

## Principles

- *Nullum crimen, nulla poena sine lege,*
- the Presumption of Innocence
- *In dubio pro reo*
- *Ne bis in idem*
- Principle of the public,
- The principle of urgency,
- Principle of economy,
- Right to defence,
- The right to appeal,
- Language and script

## Statute of Limitations

- Submission of a request for conducting disciplinary proceeding.  
Subjective limination period –three month, absolute limination –six month,
- The statute of limination is interrupted in case a criminal proceeding is initiated based on the same facts
- Statute of limitations for the execution of the disciplinary measure commences six months after the date of the final decision where execution was declared.

## Disciplinary offences

- the discharge of secrets, or, violations of regulations on keeping these secrets;
- abuses and overruns of the official authorisations;
- failure to perform or mislead and negligent execution of entrusted duties and tasks;
- refusal to execute legitimate orders of the superior;
- deliberate violation of regulations of this Law or other regulations;
- engaging activities or work that is contrary with the civil service interests;
- causing greater material damage;
- unjustified absence from work;
- violation of the work discipline rules in the civil service;
- inappropriate behavior;
- Discrimination;

## Disciplinary Measures

- written warning;
- written reprimand;
- reduction of salary up to 10% for one to three months;
- degrading to a lower category/level within the same work post;
- suspension of the right to apply for civil service vacancies in the institutions of Bosnia and Herzegovina for a period not exceeding two years
- reduction of salary of 15 to 30% for a period of three to six months;
- degrading to a immediate lower work post;
- termination of employment in the civil service

## Disciplinary Proceedings

- Civil servants and employees of institutions shall have the right, to submit a request for disciplinary action to the competent institution against a civil servant, who is suspected of violating official duty

## *In summa*

- Instead of an unique system of civil service in Bosnia and Herzegovina, there are four parallel systems according to the constitutional setup
- Even separated these systems are very similar regarding the civil service organisation, the working posts and the recruitment requirements.
- Such complex system does not contribute to effective administration of the state, especially having in mind the need for public administration reform in the EU integration process



Thank you for your attention!