

REPUBLIC OF LITHUANIA
LAW ON THE CIVIL SERVICE

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Vilnius

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall lay down the basic principles of the civil service, a civil servant's rights and duties, liability, remuneration, social and other guarantees as well as the legal basis for civil service management.

Article 2. Definitions

1. 'Head of an agency' means a civil servant recruited to direct a state or municipal institution or agency.

2. 'Career civil servant' means a civil servant recruited to a post for an indefinite period or for a term of office specified by law and having career advancement opportunities in the civil service in accordance with the procedure laid down in this Law.

3. 'Equivalent post' means a post within the same group of positions of heads of agencies and career civil servants.

4. 'Acting civil servant' means a civil servant recruited to a career civil service post until a career civil servant is recruited in accordance with the procedure laid down by this Law as well as a civil servant deputising for a civil servant temporarily unable to perform his duties.

5. 'Abuse of office' means an act (act or omission) by a civil servant where the official position is used not in the interests of the service or not in accordance with laws or other legal acts, or it is used for selfish aims (misappropriation of another's property, funds, etc. or unlawful transfer thereof to other persons) or for other personal reasons, also any actions of the civil servant exceeding the powers conferred on him or any wilful acts.

6. 'Civil servant of political (personal) confidence' means a civil servant recruited for a term of office of the state politician or collegial state institution that has selected him or for a period specified in other laws.

7. 'Statutory civil servant' means a civil servant whose service is regulated by a statute

approved by law or by the Law of the Republic of Lithuania on Diplomatic Service, which specifies conditions of recruitment to the civil service, fulfilment of the service, remuneration, social guarantees, release/dismissal, liability and other conditions related to specific features of the service.

8. 'State and municipal institutions and agencies' means representative, executive and judiciary authorities as well as the institution of the Head of the State, law enforcement institutions and agencies, institutions and agencies performing audit and exercising control (supervision), other state and municipal institutions and agencies financed from the state budget or municipal budgets and state monetary funds and upon which public administrative powers have been conferred in accordance with the procedure laid down by the Law of the Republic of Lithuania on Public Administration.

9. 'State politicians' means persons elected or appointed, in accordance with the procedure laid down by law, to the post of President of the Republic, Speaker of the Seimas, Member of the Seimas, Prime Minister, minister, municipal councillor, municipal councillor being a municipal mayor (hereinafter: 'a municipal mayor'), deputy municipal mayor.

10. 'Civil servant' means a natural person holding a post in the civil service.

11. 'Civil service' means the professional activities of the persons holding posts in state and municipal institutions and agencies when discharging public administration functions or ensuring the functioning of diplomatic service institutions or assisting the persons exercising state or local authority in discharging the functions assigned to them, with the exception of the functions of economic and/or technical nature.

Article 3. Basic principles of civil servants' conduct and official ethics

1. The basic principles of ethics of civil servants' conduct and official ethics shall be as follows:

1) responsibility. A civil servant must be responsible for consequences of his actions, the proper use and confidentiality of the information and documents used; report on his activities at the request of the head of an agency or institution;

2) openness. A civil servant must be open to a different view, positive initiatives, dialogue, cooperation, novelties;

3) efficiency. A civil servant must seek performance results at the lowest possible cost and make economical use of the resources allocated to him;

4) creativity. A civil servant must be proactive and discern, among the challenges, new opportunities for the success of the State and seek to implement them;

5) flexibility. A civil servant must be able to adapt to changing conditions of and requirements for activities, technological, technical changes, changes in work organisation and other circumstances;

6) loyalty to the State. A civil servant must act in the interest of the State, not violate its constitutional order and, where necessary, take all lawful actions necessary for the protection of this order;

7) selflessness. A civil servant must use the state and municipal assets and official information entrusted to him solely for the benefit of the public, in performing his duties, not seek benefit for himself or other persons related to him (spouse, partner (where partnership is registered in accordance with the procedure laid down by law) (hereinafter: the 'partner'), close relatives, persons related by marriage or other persons indicated in the declaration of private interests of the civil servant); serve exclusively in the public interest;

8) integrity and impartiality. A civil servant must be objective, adopt unbiased decisions; hear and provide such information as would enable the person to make the most appropriate decision; refrain from demonstrating his likes or dislikes and special attention to individuals or groups of individuals;

9) decency. A civil servant must be flawless in his conduct, refuse gifts, money or services, exceptional privileges and concessions from persons or organisations which may exert influence on him in the performance of his official duties;

10) respect for an individual person and the State. A civil servant must respect an individual person and his fundamental rights and freedoms, the State, its institutions and agencies, abide by the Constitution of the Republic of Lithuania, laws and other legal acts of the Republic of Lithuania and comply with court judgments;

11) political neutrality. A civil servant must be neutral in relation to participants in the political process; in the event of a change of political authority, he must ensure continuity of public interest (not applicable to civil servants of political (personal) confidence);

12) professionalism. A civil servant must seek to deliver the highest quality performance of official duties, perform his duties properly, continuously improve;

13) fairness. A civil servant must equally serve all persons irrespective of their nationality, race, sex, language, origin, social status, religious beliefs and political views; be fair when dealing with applications, complaints, statements, not abuse the powers conferred upon him; use his service time efficiently and solely for the purposes of the service;

14) publicity and transparency. The official conduct of a civil servant must be public and comprehensible, open for evaluation; in his conduct, the civil servant must avoid a conflict of interest specified in the Law of the Republic of Lithuania on the Adjustment of Public and

Private Interests (hereinafter: ‘a conflict of interest’). The functioning of the principle of publicity may be restricted in order to protect a person’s rights, a state, official or commercial secret.

2. The head of a state or municipal institution or agency, acting in compliance with the principles of conduct and official ethics of civil servants stipulated in this Law, shall be responsible for shaping the policy of official ethics in the state or municipal institution, agency or system of agencies and shall control the implementation of the policy of official ethics.

Article 4. Good repute of a civil servant

1. A civil servant must be of good repute.

2. A civil servant or a person applying to become a civil servant shall not be considered to be of good repute if he:

1) has been found guilty, in accordance with the procedure laid down by law, of a premeditated crime and has an unspent or unexpunged conviction or an unexpired term of bail;

2) has been found guilty, in accordance with the procedure laid down by law, of a crime against the civil service and public interest or of a corruption crime within the meaning of the Law of the Republic of Lithuania on Prevention of Corruption and has an unexpired or unexpunged conviction or an unexpired term of bail;

3) has been found guilty, in accordance with the procedure laid down by law, of a crime which incurs non-pecuniary damage to the State and has an unexpired or unexpunged conviction or an unexpired term of bail;

4) has been found guilty, in accordance with the procedure laid down by law, of a misdemeanour against the civil service and public interest or a corruption misdemeanour within the meaning of the Law on Prevention of Corruption, and less than three years have lapsed from the entry into force of a judgment of conviction or the term of bail has not expired;

5) has been dismissed from a civil service post for the gross violations referred to in points 1, 2, 3, 4, 5, 8, 9, 10 of Article 33(5) of this Law or, in the case provided for in Article 34(2) of this Law, has been found guilty of serious official misconduct for which the disciplinary penalty of dismissal should be imposed, and less than three years have lapsed from the dismissal or from the recognition of commission of the serious official misconduct;

6) has been dismissed from work, from a post or has lost the entitlement to pursue the relevant activity due to non-compliance with the requirement of good repute set out in other laws or due to a breach of conduct/ethics norms, and less than three years have lapsed from the dismissal from work, from the post or loss of the entitlement to pursue the relevant activity;

7) has been dismissed or removed from the post whereto he was appointed or elected on grounds of breaking an oath or pledge, degrading the name of the officer, and less than three years have lapsed from the dismissal or removal from the post;

8) is or was a member of an organisation prohibited in accordance with the procedure laid down by law, unless three years have lapsed from the expiry of membership.

3. A civil servant's appointing authority must ensure that only the persons meeting requirements of good repute are recruited to the civil service.

4. In complying with the duty specified in paragraph 3 of this Article, a civil servant's appointing authority shall have the right to submit to law enforcement, control and other institutions, agencies, state or municipal enterprises a reasoned written request for the supply of the information available thereto about such a person. The institutions, agencies and enterprises must supply such information not later than within seven calendar days from the receipt of the request to supply such information, unless laws stipulate otherwise.

Article 5. Scope of the Law

1. This Law shall apply without any reservations to civil servants, save for the exceptions laid down in this Article.

2. This Law shall apply without reservations to the Chancellor of the Office of the President of the Republic and the Chancellor of the Government of the Republic of Lithuania. This Law shall apply to the Secretary General of the Seimas to the extent his status is not regulated by the Statute of the Seimas of the Republic of Lithuania. Articles 4, 38 and 39 of this Law shall apply to the heads of state institutions and agencies appointed by the Seimas or the President of the Republic, other state officials appointed by the Seimas or the President of the Republic, the state officials recruited by the Government and appointed by the Prime Minister. These state officials, with the exception of those whose annual leave is regulated by special laws, shall also be subject to Article 42 of this Law.

3. Articles 4, 38 and 39 of this Law shall apply to the chairs of state (standing) commissions and councils appointed by the Seimas or the President of the Republic, deputies thereof and members of such commissions or councils as well as to the chairs and members of the commissions, councils, boards of funds established under special laws. The said state officials, except for those who attend the meetings held by the commissions, councils and boards of funds specified in this paragraph only periodically and those whose annual leave is regulated by special laws, shall also be subject to Article 42 of this Law.

4. Employees of state and municipal institutions and agencies working under employment contracts and receiving remuneration from the state budget and municipal budgets

and state monetary funds, where they hold the level A positions provided for in the Law of the Republic of Lithuania on Remuneration of Employees of State and Municipal Agencies, shall be subject to Article 4 of this Law.

5. Where special requirements of good reputation are set out in the laws regulating the conduct of the persons referred to in paragraphs 2, 3 and 4 of this Article, this Law shall apply to the extent their good reputation is not regulated by provisions of special laws.

6. This Law shall not apply to:

- 1) state politicians;
- 2) justices/judges of the Constitutional Court of the Republic of Lithuania, the Supreme Court of Lithuania, the Supreme Administrative Court of Lithuania and other courts, and prosecutors;
- 3) the Chair of the Board of the Bank of Lithuania, his deputies, members of the Board and other employees of the Bank of Lithuania;
- 4) servicemen in the professional military service;
- 5) employees of state and municipal enterprises;
- 6) employees of public establishments;
- 7) employees working under employment contracts and receiving remuneration from the state budget and municipal budgets and state monetary funds, except for the employees referred to in paragraph 4 of this Article;
- 8) intelligence officers;
- 9) officers of the Special Investigations Service;
- 10) statutory civil servants;
- 11) officers of the VIP Protection Service of the Republic of Lithuania.

7. When recruiting to the post of a warden, the provisions of this Law shall apply to the extent the conditions of recruitment to the post of a warden are not laid down by the Law of the Republic of Lithuania on Local Self-Government.

8. The head of the State Data Protection Inspectorate shall not be subject to points 5 and 7 of Article 17(1), Articles 18 and 27, Article 28(1)(2), Article 30(1), Article 31(1) and (2) and Article 51 of this Law, except for Article 51(4) and (7). The articles of this Law regulating official liability shall apply to the head of the State Data Protection Inspectorate only where he is suspected of serious official misconduct. The head of the State Data Protection Inspectorate shall be dismissed on the grounds specified in a special law or a directly applicable legal act of the European Union.

Article 6. Application of the laws regulating labour relations to civil servants and collective agreements in the civil service

1. The laws and other legal acts regulating labour relations and social guarantees shall apply to civil servants in so far as their status and social guarantees are not regulated by this Law.

2. Collective bargaining and conclusion of collective agreements in the civil service shall be subject to provisions of the Labour Code of the Republic of Lithuania.

3. A national collective agreement shall be a written agreement between the trade union organisations (association, federation, centre, etc.) representing civil servants and the Government stipulating the conditions of remuneration of civil servants, service (working) and rest time and other social and economic conditions.

4. An agency's collective agreement shall be a written agreement concluded between the head of a state or municipal institution or agency or a person authorised by him and a trade union of civil servants which represents civil servants and functions in the state or municipal institution or agency and stipulating the conditions of the service (work) of civil servants of the state or municipal institution or agency and other social and economic conditions.

CHAPTER II CIVIL SERVICE POSITIONS

Article 7. Groups of civil service positions and basic salary coefficients

1. Civil service positions shall be divided into ten groups specified in Annex 1 to this Law. The highest shall be group 1 and the lowest shall be group 10.

2. The basic salary coefficients of civil servants or ranges thereof assigned to groups of civil service positions shall be presented in Annex 1 to this Law. The basic salary coefficients of civil servants shall be set having regard to the group whereto a state or municipal institution or agency is assigned. The criteria for grouping state and municipal institutions and agencies shall be laid down in Annex 2 to this Law.

3. The Seimas shall, having regard to the criteria laid down in Annex 2 to this Law, approve a list, broken down by groups, of institutions of the Seimas, of the Office of the Seimas and institutions accountable to the Seimas, institutions of the Office of the President of the Republic and institutions accountable to the President of the Republic, institutions and agencies of the National Courts Administration, courts, the prosecution service and municipalities. Having regard to the criteria laid down in Annex 2 to this Law, the Government shall approve a list, broken down by groups, of state institutions and agencies other than those mentioned in this

paragraph.

Article 8. Number of civil servants and persons working under employment contracts and receiving remuneration from the state budget and state monetary funds, job descriptions and lists of positions thereof

1. The maximum allowable number of civil service positions and positions of persons working under employment contracts and receiving remuneration from the state budget and state monetary funds (with the exception of the persons working under employment contracts and receiving remuneration from EU structural, other EU financial support and international financial support funds (except for technical assistance funds) (hereinafter: ‘persons working under employment contracts’)) shall be approved: by the Board of the Seimas – at the Office of the Seimas and in the institutions accountable to the Seimas; by the President of the Republic or a person authorised by him – at the Office of the President of the Republic and in the institutions accountable to the President of the Republic; by the Government – at the Office of the Government, in ministries, government agencies, the agency of government representatives, state institutions and agencies not assigned to the areas of governance of ministers and the total maximum allowable number of civil service positions and positions of persons working under employment contracts in the agencies under ministries assigned to the areas of governance of the respective minister and other state institutions and agencies assigned thereto (except for the total maximum allowable number of positions of persons working under employment contracts in the Lithuanian Armed Forces); by ministers – in separate agencies under ministries assigned to their areas of governance and other state institutions and agencies assigned thereto. Ministers, when approving the maximum allowable number of civil service positions and positions of persons working under employment contracts in separate agencies under the ministries assigned to their areas of governance and in other state institutions and agencies assigned thereto, may not exceed the total maximum allowable number of civil service positions and positions of persons working under employment contracts as approved by the Government in the agencies under a ministry assigned to the areas of governance of the respective ministers and other state institutions and agencies assigned thereto. The maximum allowable number of civil service positions and positions of persons working under employment contracts in municipal institutions and agencies shall be approved by a municipal council. The maximum allowable number of civil service positions and positions of persons working under employment contracts of the National Courts Administration shall be approved by the Director of the National Courts Administration upon coordination with the institution exercising the rights and duties of the owner.

2. The need for civil service positions and positions of persons working under employment contracts shall be determined in accordance with the criteria approved by the Government.

3. Civil service positions shall be described and evaluated in accordance with the Methodology for the Description and Evaluation of Civil Service Positions approved by the Government.

4. Job descriptions and lists of civil service positions shall be approved by:

1) as regards state and municipal institutions and agencies – by heads of the state and municipal institutions and agencies;

2) as regards courts – by the chancellor of the appropriate court;

3) as regards the prosecution service – by the Prosecutor General;

4) as regards persons holding the mandate of the Government and deputies of persons holding the mandate of the Government – by the Government or a minister authorised by it;

5) as regards director/deputy director of the municipal administration, municipal controller – by a municipal council;

6) as regards heads of state institutions and agencies – by the appointing authority or by the head of the appointing collegial institution.

5. Lists of civil service positions of state and municipal institutions and agencies may contain only those civil service positions which are indicated in Annex 1 to this Law or are specified under other laws. In the event that the name of a position is specified under other laws, the civil service position shall be indicated in the list of civil service positions and the job description of a civil servant of a state or municipal institution or agency under another law.

CHAPTER III

RECRUITMENT TO THE CIVIL SERVICE

Article 9. Requirements for recruitment to the civil service

1. A person recruited to the civil service must meet the following general requirements:

1) hold citizenship of the Republic of Lithuania;

2) have a command of the Lithuanian language;

3) be not less than 18 years of age and not more than 65 years of age. The requirement of being not more than 65 years of age shall not apply to civil servants of political (personal) confidence and acting civil servants;

4) hold a university or college degree.

2. The following persons may not be recruited to the civil service:

1) where, based on the information supplied in the cases and in accordance with the procedure laid down in the Law on Prevention of Corruption, from the information received from the Register indicated in Article 53 of this Law about the persons dismissed from the civil service for serious official misconduct or recognised as having committed the official misconduct for which they are to be imposed the disciplinary penalty of dismissal, based on a declaration filled in by a person seeking to become a civil servant or based on other data, it transpires that the person does not meet the requirements of good repute;

2) those who have been deprived by the court of the entitlement to hold a civil service post;

3) those with the spouse, the partner, the cohabiting partner, where he is indicated in the civil servant's declaration of private interest (hereinafter: 'the cohabiting partner'), a close relative or a person who is related to him by marriage holding a civil service post in a state or municipal institution or agency, where they would be related by direct subordination according to the posts held by them;

4) the persons who have been recognised, in accordance with the procedure laid down by law, as legally incapacitated in the area related to the functions discharged by the civil servant;

5) in cases specified by other laws.

3. A person seeking to become a civil servant must fill in a declaration following a format approved by the Government indicating his compliance with the requirements of good repute. Where it is established that a person seeking to become a civil servant or a civil servant has concealed or submitted false data regarding his compliance with the requirements of good repute, the person seeking to become a civil servant shall not be recruited to the civil service and the civil servant shall be dismissed from the civil service.

4. Persons recruited to the civil service must meet special requirements set out in legal acts or a job description. The job description may not set out any special requirements which are not necessary for discharging the functions set out in the job description. A person recruited as a career civil servant shall not be subject to the requirement of the length of service in the civil service, except for the cases provided for by law.

5. Where the job description of a civil servant sets out a special requirement to meet the requirements necessary for issuing an authorisation to handle or familiarise with classified information or the requirements necessary for granting the right to handle or familiarise with information classified 'Restricted', a candidate shall be screened prior to the person's recruitment to the civil service. The person shall be recruited to the civil service upon adopting a decision, in accordance with the procedure laid down by legal acts, that this person may be

issued an authorisation to handle or familiarise with information classified 'Restricted' or granted the right to handle or familiarise with information classified 'Restricted'.

Article 10. Recruitment to the civil service

1. Career civil servants shall be recruited:

1) as regards state and municipal institutions and agencies – by heads of those institutions and agencies;

2) as regards the Government representative at the European Court of Human Rights – by the Government;

3) as regards courts – by the chancellor of the appropriate court, and chancellor of a court – by the chairperson of the court.

2. Heads of agencies shall be recruited:

1) as regards institutions and agencies accountable to the Seimas – by the institutions and persons authorised by law;

2) as regards Chancellor of the Office of the President of the Republic – by the President of the Republic, Chancellor of the Government – by the Prime Minister;

3) *repealed as of 2 July 2019;*

4) as regards heads of government agencies – by the Government;

5) as regards Director of the National Courts Administration – by an institution or a person authorised by law;

6) as regards state institutions and agencies – by heads of the state institutions and agencies of higher ranking;

7) as regards director/deputy director of the municipal administration and municipal controller – by the municipal council.

3. Civil servants of political (personal) confidence shall be recruited:

1) as regards civil servants of political (personal) confidence of the Speaker of the Seimas – by the Speaker of the Seimas or the Secretary General of the Seimas authorised by him in accordance with the procedure laid down in Article 13 of this Law;

2) as regards other civil servants of political (personal) confidence of the Seimas – by the Secretary General of the Seimas in accordance with the procedure laid down in Article 13 of this Law;

3) as regards the Office of the President of the Republic – by the President of the Republic or a person authorised by him;

4) as regards civil servants of political (personal) confidence of the Prime Minister – by the Prime Minister or a person authorised by him;

- 5) as regards ministries – by the minister;
 - 6) as regards a person holding the mandate of the Government and his deputy – by the Government;
 - 7) as regards a municipal institution – by the municipal mayor.
4. Where other laws (except for the conditions of recruitment of chancellors/secretaries general of the Seimas, the Office of the President and the Government specified in the Statute of the Seimas, the Law of the Republic of Lithuania on Presidential Office and the Law of the Republic of Lithuania on the Government, except for the Law on Prevention of Corruption, the Law of the Republic of Lithuania on State Secrets and Official Secrets, except for the conditions of recruitment of heads of agencies specified in the Law on Self-Government, the Law of the Republic of Lithuania on Administrative Supervision of Municipalities, the Law of the Republic of Lithuania on Temporary Direct Rule on the Municipal Territory) specify other conditions of recruitment to the civil service, the provisions of this Law shall apply.
5. Employment contracts shall not be concluded with civil servants.

Article 11. Competition and results thereof

1. An agency authorised by the Government shall, according to the need of state and municipal institutions and agencies, organise on a centralised basis competitions for the posts of heads of agencies and career civil servants and selections for acting civil service posts in accordance with the procedure laid down by the Government in compliance with the approved and publicly announced evaluation methods and criteria.
2. A body authorised by the Government shall select two candidates who have been best evaluated in a centralised competition for the appointing authority of the head of an agency, deputy head of the agency and head of a division of the agency.
3. The appointing authority shall adopt the final decision as to which of the applicants referred to in paragraph 2 of this Article is to be recruited to the civil service.
4. An agency authorised by the Government shall select civil servants for the civil service posts not specified in paragraph 2 of this Article.
5. The appointing authority of a state or municipal institution or agency and/or persons authorised thereby shall participate in centralised competition procedures.
6. Representatives of the trade union or the works council functioning in a state or municipal institution or agency as well as other representatives of the public may participate in a competition in the capacity of observers in accordance with the procedure laid down by the Government.

Article 12. Recruitment of career civil servants

1. Career civil servants shall be recruited:

- 1) through competition;
- 2) without competition.

2. The persons meeting the requirements set out in Articles 4 and 9 of this Law may take part in a competition. During the competition, a person's suitability for the post of a career civil servant shall be checked, his competence and ability to discharge the functions indicated in the job description of a career civil servant shall be evaluated.

3. A competition for a vacant post of a career civil servant, where the civil servant has not been recruited in any other manner prescribed by this Law, must be published not later than within six months from the occurrence of the civil service vacancy or within three months from the establishment of a new position.

4. Persons may be recruited as career civil servants without competition in the cases and in accordance with the procedure referred to in Article 17(2), (3), (4) and (5) of this Law .

Article 13. Recruitment to posts of civil servants of political (personal) confidence

1. Civil servants of political (personal) confidence shall be recruited without competition based on choice of a state politician or a collegial state institution.

2. Compliance of the persons selected for posts of civil servants of political (personal) confidence with the requirements set out in Articles 4 and 9 of this Law must be ensured by a state politician on the basis of confidence whereof a civil servant is recruited or by the head of a collegial state institution on the basis of confidence whereof a civil servant is recruited.

3. In performing the duty specified in paragraph 2 of this Article, a state politician or the head of a collegial state institution shall exercise the right provided for in Article 4(4) of this Law.

Article 14. Recruitment to posts of heads of agencies

1. Heads of agencies shall be recruited for a term of five years through competition or, in the cases specified by law, without competition. A person may not hold the post of the head of the same state or municipal institution or agency for more than two consecutive terms, unless other laws provide otherwise. In the cases specified by law, heads of agencies shall be recruited on the basis of political (personal) confidence.

2. The persons meeting the requirements set out in Articles 4 and 9 of this Law may take part in a competition. During the competition, a person's suitability for the post of the head of an

agency shall be verified, his competence and ability to discharge the functions set out in the job description of the head of the agency shall be evaluated.

3. A competition for the post of the head of an agency shall be published not later than six months before the expiry of the term of office of the head of the agency. The competition must be completed and the results thereof must be published not later than one month before the expiry of the term of office of the head of the agency.

4. In the cases when the post of the head of an agency becomes vacant before the expiry of the term of office of the head of the agency or upon the establishment of a new position, a competition for the post of the head of the agency shall be published not later than within one month from the occurrence of the vacancy or establishment of the new position. The competition must be completed and its results published not later than within two months from the publication of the competition.

5. Without competition, the head of an agency (with the exception of the head of an agency recruited on the basis of political (personal) confidence) may be recruited in the cases and in accordance with the procedure referred to in Article 17(2), (3) and (5) of this Law.

Article 15. Recruitment of acting civil servants

1. Acting civil servants shall be recruited following publication of a competition for a career civil service post until a career civil servant is recruited in accordance with the procedure laid down by this Law but for a period not exceeding three months, also for a career civil service post or the post of a civil servant of political (personal) confidence who is temporarily unable to perform his duties until the return or release of the career civil servant or the civil servant of political (personal) confidence who was unable to perform his duties. A person recruited to an acting civil service post must meet the requirements set out in Articles 4 and 9 of this Law.

2. Persons shall be recruited to acting career civil servants posts, with the exception of an acting civil servant recruited until a career civil servant is recruited in accordance with the procedure laid down by this Law but for a period not exceeding three months, from among the persons having the entitlement to reinstate the status of a career civil servant or the head of an agency. In the absence of the persons meeting the requirements and having the entitlement to reinstate the status of a career civil servant, an acting civil servant may be selected from among other persons included in the reserve of candidates or another person may be selected. Such a person shall be recruited to an acting career civil service post upon verifying, in accordance with the procedure laid down by the Government, his ability to discharge the functions set out in the job description.

3. Persons recruited to acting career civil service posts and having the entitlement to reinstate the status of a career civil servant or the head of an agency shall not, upon the expiry of the time limits laid down in paragraph 2 of this Article, lose the entitlement to be recruited to the civil service in the cases specified in Article 12(4) and Article 14(5) of this Law. The period during which these persons held acting civil service posts shall not be included in the time limits laid down in Article 17(2), (3) and (4) of this Law.

4. Persons shall be recruited to posts of acting civil servants of political (personal) confidence in accordance with the procedure laid down in Article 13 of this Law.

CHAPTER IV

DUTIES AND RIGHTS OF CIVIL SERVANTS

Article 16. Duties of civil servants

1. Civil servants must:

- 1) abide by the Constitution, laws and other legal acts of the Republic of Lithuania;
- 2) be loyal to the State of Lithuania and its constitutional order;
- 3) respect human rights and freedoms, serve the public interest;
- 4) properly discharge the functions set out in the job description and perform the assigned tasks in a timely and quality manner;
- 5) observe with the principles and rules of civil servants' conduct and official ethics laid down in this Law and other legal acts, avoid any conflicts of interest, declare private interests in accordance with the procedure laid down by legal acts, not abuse the service;
- 6) observe the internal rules of procedure of state and municipal institutions and agencies;
- 7) provide information about their service in accordance with the procedure laid down by legal acts;
- 8) refrain from using and preclude the use of official or service-related information in a manner other than provided for by laws or other legal acts;
- 9) refrain from using state or municipal assets for non-official activities;
- 10) refrain from participating in the activities incompatible with the duties of a civil servant as referred to in Article 19 of this Law and from using service (working) time for other purposes, except for other work performed under a permission of the civil servant's appointing authority in accordance with the procedure laid down in Article 18 of this Law, provided that this does not prevent the civil servant from properly discharging the functions set out in his job description, also performing the duties of a municipal councillor and a representative of a trade union;

11) in the event of transpiration of the data due to which the civil servant is not considered to be of good repute, immediately notify thereof the recruiting person.

2. Other laws may also provide for other duties of civil servants.

Article 17. Rights of civil servants

1. Civil servants shall have the right:

1) to receive remuneration specified by law, as well as to receive a salary determined on the basis of laws and other legal acts:

a) for work in electoral, referendum committees of all levels and other committees (councils);

b) for work in performing the duties of a municipal councillor outside service (working) hours or during service (working) hours;

c) for participation in support projects financed or co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects pursuing the activities related to the mission and objectives of a state or municipal institution or agency, provided that the civil servant's remuneration is not to be paid from the state or municipal budgets for that working time;

d) other salary paid in accordance with the procedure laid down by legal acts;

2) to be granted leave provided for in this Law and other laws;

3) to receive a social insurance pension, social and other guarantees stipulated in this Law and other legal acts;

4) to strike, except for the civil servants holding the post of the head of a division in a state or municipal institution or agency or any other higher-ranking post;

5) to hold membership in trade unions, organisations or associations, also membership in political parties or organisations outside service (working) hours, except for civil servants who are municipal councillors, to participate in political activities (subject to the restrictions stipulated in this Law);

6) to be released from performance of official duties for the purpose of participating in elections to the Seimas, of the President of the Republic, to the European Parliament or municipal councils in accordance with the procedure laid down by law in the event that they are declared candidates, without receiving a remuneration during that period;

7) to be appointed (elected), by a decision of the appointing authority, to the posts related to the representation of the State or a municipality in collegial bodies of enterprises, agencies, organisations, regardless of the form of their ownership, legal form, type and character of their activities;

8) to improve qualifications with funds of the state budget and municipal budgets or with other lawful funds;

9) to career development in the civil service according to their qualifications;

10) to safe and healthy working conditions and to be provided with quality working equipment and tools and, when using personal equipment and tools, to compensation for the use thereof.

2. The entitlement to reinstate the status of a career civil servant, that is, the entitlement to return, in accordance with the procedure laid down by the Government, to the post formerly held by him or, if there is no possibility, to another equivalent or lower-ranking career civil service post in the same or another state or municipal institution or agency, and the entitlement to reinstate the status of the head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence or for a term of office specified by law), that is, the entitlement to return, in accordance with the procedure laid down by the Government, to the former post or, where there is no possibility, to another equivalent or lower-ranking post of the head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence or for a term of office specified by law) in another state or municipal institution or agency, shall be granted to persons who have voluntarily resigned from the post of a career civil servant or the head of an agency for the following reasons:

1) for the reason of appointment or election to the post of a state politician, Member of the European Parliament, the head of a state institution or agency appointed by the Seimas or by the President of the Republic, another state official appointed by the Seimas or by the President of the Republic, the chair of a state (permanent) commission or council appointed by the Seimas or by the President of the Republic, deputy or member thereof, also the chair or member of a commission established under a special law, council, fund board, a civil servant of political (personal) confidence, the head of an agency having the status of a civil servant and recruited for a term of office specified by law – within three months after the expiry of the period of appointment (election) to this post or upon otherwise terminating their powers; the persons whose powers to hold the post referred to in this point have been terminated for the reasons related to unsatisfactory performance or on the grounds of official misconduct shall not have this entitlement;

2) for the reason of taking up of employment in the area of public administration with an international organisation or institution, an institution or agency of the European Union, an institution established by the European Commission or by the Council, an organisation (consortium) established jointly by the European Commission and the European Union Member States, a civilian international organisation or mission (hereinafter: ‘an international institution’)

or a foreign institution – within three months from termination of employment with the international institution or the foreign institution; the persons who have been dismissed from the international institution or the foreign institution for the reasons related to unsatisfactory performance or on the grounds of official misconduct shall not have this entitlement;

3) for the reason of departure together with the spouse recruited, transferred, appointed or elected for employment abroad in accordance with this Law and other legal acts (with the exception of the spouse having the status of a diplomat) – within three months after the expiry of the spouse's recruitment, transfer or appointment period or within three months from the submission of an application for reinstatement of the status of a career civil servant or the head of an agency, where such an application is submitted before the expiry of the spouse's transfer period.

3. The entitlement to reinstate the status of a career civil servant, that is, the entitlement to return, in accordance with the procedure laid down by the Government, to the post formerly held by him or, if there is no possibility, to another equivalent career civil service post in the same or another state or municipal institution or agency, and the entitlement to reinstate the status of the head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence or for a term of office specified by law), that is, the entitlement to return, in accordance with the procedure laid down by the Government, to the post formerly held by him or, where there is no possibility, to another equivalent post of the head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence or for a term of office specified by law) in another state or municipal institution or agency, shall be granted to:

1) spouses of diplomats who have resigned voluntarily from the post of a career civil servant or head of an agency for the reason of their departure together with the spouse appointed to employment abroad – within three months after the expiry of the spouse's transfer period or within three months from the submission of an application for reinstatement of the status of a career civil servant or the status of the head of an agency, if such an application is submitted before the expiry of the spouse's transfer period;

2) persons who have resigned voluntarily from the post of a career civil servant or the head of an agency for the reason of conclusion of a fixed-term diplomatic service contract in accordance with Article 28(2), (3) and (4) of the Law on the Diplomatic Service – within three months from the expiry of the fixed-term diplomatic service contract.

4. Where it is impossible to reinstate the status of the head of an agency in respect of the persons referred to in paragraphs 2 and 3 of this Article who have the entitlement to reinstate the status of the head of an agency (with the exception of the head of an agency recruited on the

basis of political (personal) confidence or for a term of office specified by law), equivalent or lower-ranking career civil service posts shall be offered in the same or another state or municipal institution or agency for three months from the emergence of the circumstances referred to in paragraph 2 of this Article in accordance with the procedure laid down by the Government, and equivalent career civil service posts shall be offered in the same or another state or municipal institution or agency for three months from the emergence of the circumstances referred to in paragraph 3 of this Article in accordance with the procedure laid down by the Government.

5. The persons referred to in paragraphs 2, 3 and 4 of this Article shall be recruited to a civil service post, provided they meet the general requirements set out for a person recruited to the civil service and the special requirements set out in the job description for the position offered to them. Persons seeking reinstatement of the status of the head of an agency or a career civil servant may, in accordance with the procedure laid down by the Government, be recruited to this post in a state or municipal institution or agency in which the post is offered upon verification of their ability to discharge the functions set out in the job description. Persons referred to in paragraphs 2, 3 and 4 of this Article who have been recruited for a term of office specified by law shall be recruited to posts under this paragraph for a period not exceeding the remainder of the term of office.

6. The civil servants who are representatives of trade unions shall have the right to participate in resolving the issues of performance appraisal of civil servants, imposition of disciplinary penalties, as well as in organisational activities of the trade unions. Up to 16 hours of service (working) time per month shall be allotted for this purpose and remuneration shall be paid for this time, however, the total number of hours of service (working) time per year may not exceed 100 hours. A higher number of hours of service (working) time may be agreed in collective agreements.

7. The reserve of candidates consisting of the persons who have the entitlement to reinstate the status of a civil servant in accordance with the procedure laid down in paragraphs 2 and 3 of this Article, the persons who have failed a centralised competition but have performed well, the acting civil servants who were released after the expiry of the recruitment period and who held the post uninterruptedly for not less than two years and the civil servants released due to cancellation of the position shall be administered by an agency authorised by the Government. The persons included in the reserve of candidates, with the exception of those listed in paragraphs 2 and 3 of this Article, shall have the right to participate in centralised competitions in accordance with the simplified procedure laid down by the Government for a period of six months from the emergence of the circumstances specified in this paragraph. The persons, with the exception of those listed in paragraphs 2 and 3 of this Article, shall be included in the reserve

of candidates at their own request.

8. Other laws may provide for other rights of civil servants.

Article 18. Right of civil servants to engage in other work

1. Civil servants shall be permitted to work in enterprises, agencies, organisations, regardless of the form of their ownership, legal form, type and character of their activities, and receive a remuneration or salary for such work (hereinafter: 'engage in other work'), unless this causes a conflict of interest in the civil service, allows to use the civil service in the private interest, discredits the authority of the civil service, prevents a person holding a civil service post from properly discharging the functions set out in his job description, also unless this is work in enterprises, agencies or organisations with regard to which a civil servant has powers of management or controls, supervises their activities or adopts any other decisions with regard to that enterprise, agency or organisation, and unless there are other circumstances due to which civil servants may not engage in other work and receive a remuneration or salary for such work.

2. A decision concerning the permission for a civil servant to engage in other work under an employment contract shall be adopted by the appointing authority at the request of the civil servant. Applications of civil servants for the permission to engage in other work under an employment contract shall be examined in accordance with the procedure laid down by the Government or an institution authorised by it.

3. A decision concerning the permission for a civil servant to engage in other work under an employment contract shall be valid for as long as the person is engaged in this work. Where such a decision has been adopted in respect of the civil servant's other work in support projects financed or co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects, the permission shall be valid until the end of a project. Where the civil servant is transferred to another post, where the functions set out in his job description have changed, the appointing authority shall, without a separate application of the civil servant, evaluate the circumstances referred to in paragraph 1 of this Article and adopt a decision concerning the permission for the civil servant to engage in other work under an employment contract.

4. Where there emerge the circumstances, as indicated in paragraph 1 of this Article, due to which a civil servant could not have been issued a permission to engage in other work under an employment contract, the person who has adopted the decision concerning the permission for the civil servant to engage in other work under the employment contract shall revoke the decision. Decisions concerning the permission for a civil servant to engage in other work under

an employment contract shall be revoked in accordance with the procedure laid down by the Government or an institution authorised by it.

5. A decision prohibiting a civil servant from engaging in other work under an employment contract as well as a decision referred to in paragraph 4 of this Article may be appealed against in court in accordance with the procedure laid down by law.

Article 19. Activities incompatible with the civil service

1. A civil servant may not:

1) engage in any activity resulting in a conflict of interest in the civil service;

2) hold more than one civil service post, work under an employment contract in a state or municipal institution or agency in which he holds the civil service post, as well as receive from the state or municipal institution or agency in which he holds the civil service post income other than his remuneration and the benefits, compensation payments and allowances specified in this Law. An adviser to a Member of the Seimas and an assistant of a Member of the Seimas (hereinafter: a ‘civil servant of political (personal) confidence of a Member of the Seimas’) may hold more than one post of a civil servant of political (personal) confidence of a Member of the Seimas with the same Member of the Seimas or different Members of the Seimas belonging to the same parliamentary group or hold the post of an aide of a Seimas parliamentary group to which the Member of the Seimas belongs, however his working time in all these posts may not exceed 60 hours per week.

Version of point 2 as of 1 January 2021:

2) hold more than one civil service post, work under an employment contract in a state or municipal institution or agency in which he holds the civil service post, as well as receive from the state or municipal institution or agency in which he holds the civil service post income other than his remuneration and the benefits, compensation payments and allowances specified in this Law. An adviser to a Member of the Seimas and an assistant of a Member of the Seimas (hereinafter: a ‘civil servant of political (personal) confidence of a Member of the Seimas’) may hold more than one post of a civil servant of political (personal) confidence of a Member of the Seimas with different Members of the Seimas belonging to the same parliamentary group or hold the post of an aide of a Seimas parliamentary group to which the Member of the Seimas belongs, however his working time in all these posts may not exceed 40 hours per week.

2. Other laws may also provide for other cases of activities incompatible with the civil service.

Article 20. Improvement of qualifications and financing of civil servants

1. Civil servants must improve their qualifications. Priorities of and a procedure for improving the qualifications of civil servants shall be laid down by the Government.

2. In implementing the priorities of qualification improvement set by the Government or objectives and tasks set for a state or municipal institution or agency in which a civil servant holds a post, in the event of the need for the civil servant to acquire new knowledge or competences, financing of the improvement of qualifications of civil servants shall be ensured from the state budget appropriations allocated to the state or municipal institution or agency or other lawful funds. In other cases, upon coordination with the appointing authority, the improvement of qualifications of civil servants may be financed from the state budget appropriations allocated to the state or municipal institution or agency or other lawful funds and/or funds of the civil servant.

CHAPTER V

CAREER DEVELOPMENT OF CIVIL SERVANTS

Article 21. Transfer of career civil servants to another civil service post upon winning a competition, transfer to a higher-ranking career civil service post following the performance appraisal of career civil servants and temporary transfer to other civil service posts, temporary transfer of diplomats to career civil service posts

1. A career civil servant who has won a competition for another career civil service post in the same state or municipal institution or agency and has submitted an application for transfer not later than within five working days from the entry into force of the results of the competition shall be transferred to this post by a decision of the appointing authority not later than within 14 calendar days from the submission of the application for transfer to the post he has won. A career civil servant who has won a competition for the post of the head of an agency in the same state or municipal institution or agency shall, not later than within 14 calendar days from the submission of an application for transfer to the post he has won to the appointing authority of the head of the agency, be transferred to the post he has won by a decision of this appointing authority.

2. A career civil servant who has won a competition for another civil service post in another state or municipal institution or agency shall be recruited to the post by the appointing authority of this institution or agency upon receipt from a state or municipal institution or agency in which the career civil servant held a post of a decision on the transfer of the civil servant to the state or municipal institution or agency in which the civil servant has won the competition. The decision referred to in this paragraph shall be adopted by the state or municipal institution or

agency in which the career civil servant held the post not later than within 14 calendar days from the submission to this institution or agency of the career civil servant's application for transfer to the post he has won. The career civil servant must submit the application not later than within five working days from the entry into force of the results of the competition.

3. A career civil servant shall, with his written consent, be transferred to the post of a special attaché in accordance with the procedure laid down in the Regulations of Special Attachés of the Republic of Lithuania approved by the Government.

4. In the event of official necessity, a career civil servant's appointing authority shall have the right to temporarily transfer the civil servant to another career civil service post in the same state or municipal institution, agency or agency of the system of agencies situated in the same or any other residential area.

5. A career civil servant's appointing authority shall have the right to temporarily transfer him to another career civil service post in another state or municipal institution or agency situated in the same or any other residential area, provided there is official necessity and the matter has been coordinated between heads of the institutions or agencies.

6. In the event of official necessity, a career civil servant may be temporarily transferred to the post of the head of an agency (with the exception of the head of an agency recruited on the basis of political (personal) confidence) in the same state or municipal institution, agency or agency of the system of agencies by a decision of the appointing authority.

7. A career civil servant may be temporarily transferred to another post only with his written consent, with the exception of the cases of a state of war, a state of emergency, emergency events or emergencies.

8. A civil servant may be transferred to a higher-ranking career civil service post without competition, with the exception of a civil servant recruited for a term of office, by a decision of the appointing authority only where the performance of the career civil servant is appraised as very good and meets the special requirements set out in the job description for that position.

9. A career civil servant shall be transferred, in the cases and under the conditions referred to in paragraphs 1-8 of this Article, to a post whose job description includes the special requirement to meet the requirements necessary for issuing an authorisation to handle or familiarise with classified information only in the presence of a conclusion of a competent state institution stating that the person may be issued an authorisation to handle or familiarise with classified information.

10. A career civil servant may be transferred to the post of another career civil servant or the head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence) who is temporarily unable to perform his duties until the civil servant

who is unable to perform his duties returns to the office. In other cases, a career civil servant may not be temporarily transferred to another post for a period exceeding one year in any five years of his service. This requirement shall not apply in the cases of a temporary transfer of a civil servant, where he is prohibited from handling or familiarising with classified information. A career civil servant recruited for a term of office may be transferred to another career civil service post not longer than until the expiry of his term of office.

11. In the event of official necessity and upon coordination of such a possibility between heads of respective institutions, a diplomat may, in accordance with the procedure and under the conditions laid down by the Law on the Diplomatic Service, be temporarily transferred from the Ministry of Foreign Affairs to a career civil service post in another state institution or agency.

12. In the event of official necessity and upon coordination of such a possibility between heads of respective institutions, an intelligence officer may, in accordance with the procedure and under the conditions laid down by the Law of the Republic of Lithuania on Intelligence, be temporarily transferred from an intelligence institution to a career civil service post in another state institution or agency.

13. In the event of official necessity and upon coordination of such a possibility between heads of respective institutions, a serviceman in professional military service may, in accordance with the procedure and under the conditions laid down by the Law of the Republic of Lithuania on the Organisation of the National Defence System and Military Service, be temporarily transferred to a career civil service post in another state institution or agency.

14. In the event of official necessity and upon coordination of such a possibility between heads of respective institutions, an officer of the internal service system may, in accordance with the procedure and under the conditions laid down by the Statute of the Internal Service of the Republic of Lithuania, be temporarily transferred to a career civil service post in another state institution or agency.

Article 22. Transfer of an acting civil servant to another civil service post upon winning a selection or competition

1. An acting civil servant who has won a competition for a career civil service post in the same state or municipal institution or agency shall be transferred to this post by a decision of the recruiting person not later than within 14 calendar days from the submission of an application for transfer to the post he has won.

2. An acting civil servant who has been selected for a higher-ranking acting civil service post in the same state or municipal institution or agency shall be transferred to this post by a decision of the appointing authority not later than within 14 calendar days from the submission

of an application for transfer to the post.

3. An acting civil servant who has won a competition or selection for another civil service post in another state or municipal institution or agency shall be recruited to the post by the appointing authority of this institution or agency upon receipt from a state or municipal institution or agency in which the acting civil servant held a post of a decision on the transfer of the acting civil servant to the state or municipal institution or agency in which the civil servant has won the competition or the selection. The decision referred to in this paragraph shall be adopted by the state or municipal institution or agency in which the acting civil servant held the post not later than within 14 calendar days from the submission to this institution or agency of the acting civil servant's application for transfer to the post he has won.

4. An application for transfer to the posts referred to in paragraphs 1, 2 and 3 of this Article must be submitted by an acting civil servant not later than within five working days from the entry into force of the results of the respective competition.

Article 23. Transfer of civil servants of political (personal) confidence to other posts of civil servants of political (personal) confidence

At the written request of a civil servant of political (personal) confidence or an acting civil servant of political (personal) confidence coordinated with the state politician or collegial state institution that has selected him, he may be transferred to another post of a civil servant of political (personal) confidence or an acting civil servant of political (personal) confidence in the same state or municipal institution or agency by a decision of the appointing authority, provided that the applicant meets the special requirements set out in the job description.

Article 24. Temporary transfer of a civil servant to another civil service post upon prohibiting from handling or familiarising with classified information

1. Where a civil servant whose job description includes the special requirement to meet the requirements necessary for issuing an authorisation to handle or familiarise with classified information, upon prohibiting from handling or familiarising with classified information and where the head of an entity of secrets or a person authorised by him decides that the civil servant is unable to discharge the assigned functions without accessing classified information, this civil servant may be temporarily transferred to another civil service post whose job description does not provide for the special requirement to meet the requirements necessary for issuing an authorisation to handle or familiarise with classified information:

- 1) a career civil servant – to an equivalent or lower-ranking career civil service post;

2) a civil servant of political (personal) confidence – to an equivalent or lower-ranking post of a civil servant of political (personal) confidence;

3) the head of an agency (with the exception of heads of political (personal) confidence) – to an equivalent or lower-ranking career civil service.

2. A civil servant may be temporarily transferred to another post, provided he meets the special requirements set out in the job description of another post.

3. A civil servant may be temporarily transferred to another post in the same state or municipal institution or agency.

4. A civil servant shall be temporarily transferred to another post by a decision of the appointing authority.

5. A civil servant may be temporarily transferred to another post only with his written consent, with the exception of the cases of a state of war, a state of emergency, emergency events or emergencies. If a civil servant refuses in writing to be transferred to another post, he shall be suspended in accordance with the procedure laid down by this Law.

6. A civil servant shall be temporarily transferred to another post for a period not longer than the period of screening of a candidate laid down in Article 18(8) of the Law on State Secrets and Official Secrets or shall be suspended for this period.

Article 25. Transfer of civil servants to other posts at Republic of Lithuania diplomatic missions, consular posts and missions to international organisations, also to posts at international organisations and institutions of the European Union or foreign institutions as well as transfer for work in special missions

1. A career civil servant may, with his written consent, be transferred to another post at Republic of Lithuania diplomatic missions, consular posts and missions to international organisations, also transferred for work in special missions.

2. A career civil servant shall be transferred to a post, as referred to in paragraph 1 of this Article, whose job description includes the special requirement to meet the requirements necessary for issuing an authorisation to handle or familiarise with classified information only in the presence of a conclusion of a competent state institution stating that the person may be issued an authorisation to handle or familiarise with classified information.

3. Having regard to the legal acts regulating delegation to international institutions and institutions of the European Union or foreign institutions, a career civil servant may, with his written consent, be transferred on a temporary basis to a post at an international institution or an institution of the European Union or a foreign institution. Civil servants applying for temporary transfer to this post shall be selected in accordance with the procedure laid down by the Law of

the Republic of Lithuania on Secondment of Persons to International and EU Institutions or Foreign Institutions and by the Government.

4. As a rule, a civil servant transferred in accordance with paragraph 1 or 3 of this Article may hold another post for a period not exceeding three years, unless an international treaty or legal acts of the European Union provide otherwise, and a transferred career civil servant who has been recruited for a term of office may hold another post not longer than until the expiry of his term of office.

5. A career civil servant may be transferred to another post at Republic of Lithuania diplomatic missions, consular posts and missions to international organisations where he meets the special requirements set out in the job description for the position he is transferred to.

6. The procedure for transferring career civil servants to, and recalling from, the posts specified in paragraph 1 of this Article as well as the characteristics of social guarantees and of their service abroad shall be set out by law.

Article 26. Mobility of civil servants

1. In the event of a vacant career civil service post, a career civil servant may, at his request, be transferred to another equivalent or lower-ranking post in the same or another state or municipal institution or agency. Equivalent posts of two career civil servants may be exchanged at their request. The provisions of this paragraph shall not apply to career civil servants recruited for a term of office.

2. An acting career civil servant, with the exception of an acting career civil servant recruited to a post until a career civil servant is recruited to the post in accordance with the procedure laid down by this Law but for a period not exceeding three months, may be transferred, at his request, to another equivalent or lower-ranking post of a career civil servant temporarily unable to hold the post in the same state or municipal institution or agency.

3. A career civil servant may be transferred to another post in the cases referred to in paragraphs 1 and 2 of this Article, provided that he meets special requirements set out in the job description for another post.

4. A civil servant shall be transferred to a post, as referred to in paragraphs 1 and 2 of this Article, whose job description includes the special requirement to meet the requirements necessary for issuing an authorisation to handle or familiarise with classified information only in the presence of a conclusion of a competent state institution stating that the person may be issued an authorisation to handle or familiarise with classified information.

5. The procedure for transferring a civil servant to another civil service post on the basis of mobility shall be laid down by the Government.

Article 27. Performance appraisal of civil servants

1. Appraisal shall cover the performance of heads of agencies (with the exception of heads of agencies recruited on the basis of political (personal) confidence), career civil servants and acting civil servants recruited to career civil service posts.

2. The purpose of performance appraisal of the head of an agency and a career civil servant holding the post of the head of the administration or division of a state or municipal institution or agency (hereinafter: 'the head of a division of an agency') shall be to annually assess, in accordance with the specified procedure, his qualification and ability to discharge the functions set out in the job description and the results attained in performing the tasks formulated for the state or municipal institution or agency or the division of the agency directed by him, respectively.

3. The purpose of performance appraisal of a career civil servant (with the exception of the head of a division of an agency) and of an acting civil servant shall be to annually assess, in accordance with the specified procedure, his qualification and ability to discharge the functions set out in the job description and the results attained in performing the tasks formulated therefor.

4. The performance of a civil servant shall be appraised annually, provided the civil servant has held a post in the state or municipal institution or agency in which his performance is to be appraised for not less than six months during a calendar year.

5. The performance of the head of an agency shall be appraised by this civil servant's appointing authority or, where the head of an agency is recruited by a collegial institution, by the head of this institution. The performance of a career civil servant and the performance of an acting civil servant shall be appraised by their immediate superior. A civil servant shall have the right to invite a representative of the entities implementing the representation of employees of a budgetary institution to participate in his appraisal carried out by his immediate superior.

6. The appointing authority of the head of an agency or, where the head of an agency is recruited by a collegial institution, the head of this institution, the immediate superior of a career civil servant or an acting civil servant (hereinafter: 'the immediate superior') shall appraise the performance of the civil servant as:

- 1) very good;
- 2) good;
- 3) unsatisfactory.

7. Where the performance of a civil servant is appraised as good, his legal status shall not change and the performance appraisal of the civil servant shall be completed, except for the

cases when the civil servant does not agree with the performance appraisal by the immediate superior.

8. Where the performance of a civil servant is appraised as very good, on a written reasoned proposal of the immediate superior and by a decision of the civil servant's appointing authority:

1) a higher basic salary may be determined for the civil servant by applying a coefficient not less than 0.5 and not more than 1.5 higher than the basic salary coefficient set for him prior to the performance appraisal, but not exceeding the maximum coefficient set for that position, or

2) the civil servant may be provided with incentives specified in points 1, 2, 3, 4 and 6 of Article 31(2) of this Law, or

3) a career civil servant, with the exception of a civil servant recruited for a term of office, may be transferred to a higher-ranking career civil service post, with the exception of the post for which a term of office is specified by law, in the same state or municipal institution or agency.

9. Where the performance of a civil servant is appraised as unsatisfactory, on a written reasoned proposal of the immediate superior and by a decision of the civil servant's appointing authority:

1) the civil servant may be determined a lower basic salary within the range of the basic salary coefficients of the position by applying a coefficient 0.5 lower than the basic salary coefficient set for him prior to the performance appraisal, but not falling below the minimum coefficient set for that position, or

2) the civil servant may be temporarily transferred to a lower-ranking post in the same state or municipal institution or agency;

3) the civil servant may be dismissed (with the exception of the heads of government and municipal agencies whose independence in the course of discharge of the statutory functions and adopting decisions must be ensured in compliance with European Union and national legal acts);

4) the civil servant shall be dismissed upon the expiry of the period of a plan for the improvement of his performance following appraisal of the civil servant's performance as unsatisfactory during an extraordinary appraisal.

10. After the performance appraisal of a civil servant as unsatisfactory and the determination of a smaller basic salary within the range of basic salary coefficients of the position, a plan for the improvement of his performance may be drawn up for a period not shorter than two months and not longer than six months.

11. An extraordinary performance appraisal of a civil servant shall be carried out by a decision of the civil servant's appointing authority or by the head of a collegial institution recruiting the head of an agency in the following cases:

- 1) on a written reasoned proposal of the immediate superior related to the civil servant's qualification and ability to discharge the functions set out in the job description;
- 2) at the request of the civil servant to determine for him a higher basic salary within the range of basic salary coefficients of the position;
- 3) at the request of the civil servant to transfer him to a higher-ranking post;
- 4) if during an annual appraisal the performance of the civil servant was appraised as unsatisfactory and a plan for the improvement of his performance was drawn up.

12. An extraordinary performance appraisal of a civil servant shall be carried out not more than once per calendar year where at least six months have lapsed since the annual performance appraisal of the civil servant, except for the cases where a shorter period of the plan for the improvement of performance is determined or where the civil servant has held a post in the state or municipal institution or agency in which his performance is appraised for less than six months in the calendar year.

13. Appraisal commissions shall be set up at state and municipal institutions and agencies and, at the request of the appointing authority or on receipt of a motion of a civil servant who does not agree with the performance appraisal by the immediate superior, shall submit to the appointing authority a conclusion on the performance appraisal of civil servants. This conclusion shall not be binding on the civil servant's appointing authority.

14. At the request of the appointing authority or of a civil servant, a representative of an agency authorised by the Government may be invited or may, on his own initiative, participate in the work of the appraisal commission of a state or municipal institution or agency in the capacity of a member of this commission. A representative of the National Audit Office and/or the Ministry of Finance of the Republic of Lithuania, a representative of the organisations representing municipal controllers may be invited to participate in the work of the commission for appraisal of heads of municipal agencies whose independence in the course of discharge of the statutory functions and adopting decisions must be ensured in compliance with national legal acts in the capacity of a member of this commission.

15. Where a trade union is established at a state or municipal institution or agency and the civil servant subject to performance appraisal is a member of the trade union, one member of the appraisal commission must be a representative of this trade union. In other cases, a representative of a works council shall participate in the appraisal commission in the capacity of an observer.

16. The procedure for appraising civil servants' performance shall be laid down by the Government.

CHAPTER VI

REMUNERATION

Article 28. Remuneration

1. Remuneration of a civil servant shall comprise:

- 1) basic salary;
- 2) additional pays;
- 3) a supplement for the length of service to the State of Lithuania (hereinafter: 'the length of service');
- 4) payment for work on rest days and public holidays, for work at night and overtime work and on-call duty.

2. Work on rest days and public holidays, for work at night, overtime work and on-call duty shall be remunerated in accordance with the procedure laid down by the Labour Code. A civil servant shall be remunerated for work on rest days and public holidays, for work at night and overtime work consisting of the portions of remuneration paid to the civil servant, as referred to in points 1 and 3 of paragraph 1 of this Article.

3. A civil servant may be remunerated for participation in the projects implemented by his agency or by another agency as well as in the activities carried out under the cooperation agreements concluded by the agency with international institutions or institutions established by EU legal acts (hereinafter: 'activities under cooperation agreements') which pursue specific and measurable objectives compatible with the agency's mission and objectives for which a time limit for implementation has been set and a separate budget has been provided. Participation in support projects financed or co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects or activities under cooperation agreements shall be remunerated from funds of the European Union, the international organisations, the foreign states under the terms and according to the rates specified by the projects or in the cooperation agreements. Where the terms and rates are not specified, the rates of payment for participation in project activities or activities under the cooperation agreements shall be specified by the head of an agency, but not exceeding double the basic salary of the civil servant concerned. The civil servant shall not be paid the remuneration specified in paragraph 1 of this Article from funds of the state or municipal budget for the time during which

he participates in the projects or in activities under the cooperation agreements and for which he is paid.

Article 29. Basic salary

1. The basic salary of a civil servant shall be determined according to a basic salary coefficient set for the civil servant's position in Annex 1 to this Law or from the range of basic salary coefficients set for the position. Where the basic salary is determined from the range of basic salary coefficients set for the position, the basic salary shall be determined by the civil servant's appointing authority.

2. The unit of a basic salary coefficient shall be the base amount (hereinafter: the 'base amount') of the basic salary (remuneration) of state politicians, judges, state officials, civil servants, employees of state and municipal budgetary institutions of the Republic of Lithuania approved by the Seimas of the Republic of Lithuania for a respective year. The basic salary shall be calculated by multiplying the appropriate coefficient of the basic salary by the base amount. The base amount of the next financial year, taking into account the average annual inflation rate of the previous year (by calculating the national consumer price index), the minimum monthly wage rate and the impact of other factors affecting the amount of and changes in earnings in the public sector, shall be fixed in a national collective agreement. The base amount agreed upon in the national collective agreement shall be approved by the Seimas before the end of the spring session of the Seimas. If the national collective agreement is not concluded or amended by 1 June of the current year, the base amount of the next financial year shall, on a recommendation of the Government and taking into account the circumstances provided for in this paragraph 3, be approved by the Seimas before the end of the spring session of the Seimas. The new base amount to be approved may not be below the existing base amount, with the exception of the cases when exceptional circumstances are established and declared in accordance with the procedure laid down by the Constitutional Law of the Republic of Lithuania on the Implementation of the Fiscal Treaty.

3. Prior to publishing a centralised competition or selection for a civil service post, the basic salary shall be determined within the range of basic salary coefficients set for a civil service position in Annex 1 to this Law or according to the basic salary coefficient set for the civil service position in Annex 1 to this Law. The basic salary coefficient set for the civil servant position shall be published in accordance with the procedure laid down by the Government.

4. In cases other than specified in paragraph 3 of this Article, the basic salary of a civil servant shall be determined in the following manner:

1) for the civil servant transferred to a higher-ranking post, the basic salary within the

range of the basic salary coefficients of a position shall be determined by applying a coefficient which is 0.5 higher than the basic salary coefficient set for him prior to the transfer, but not exceeding the maximum coefficient set for that position and not lower than the minimum coefficient set for that position;

2) for the civil servant temporarily transferred to an equivalent or lower-ranking post, the basic salary previously paid shall be determined;

3) for the civil servant transferred or having his status reinstated to an equivalent post, the basic salary previously paid shall be determined;

4) for the civil servant transferred or having his status reinstated to a lower-ranking post, the basic salary within the range of the basic salary coefficients of a position shall be determined by applying a coefficient which is 0.5 lower than the basic salary coefficient set for him prior to the transfer, but not exceeding the maximum coefficient set for that position and not lower than the minimum coefficient set for that position;

5) upon appraisal of the civil servant's performance as very good or unsatisfactory in accordance with the procedure laid down in Article 27(8) and (9) of this Law;

6) the basic salary of a civil servant of political (personal) confidence of a Member of the Seimas shall be determined within the range of the basic salary coefficients set for this position, however the aggregate amount of the basic salary coefficients set for all positions of a civil servant of political (personal) confidence established for the Member of the Seimas may not exceed the sum of the averages of the range of the coefficients of the positions of a civil servant of political (personal) confidence established for the Member of the Seimas;

7) for the head of an agency – the maximum basic salary coefficient specified in Annex 1 to this Law shall be determined for the head of the State Data Protection Inspectorate within the range of the basic salary coefficients set for that position.

5. The basic salary of civil servants who have worked not all of the working days of a month or who work part-time, the basic salary shall be calculated as follows: the amount of the basic salary shall be divided by the number of working hours or days of that month according to the working time norm set for a civil servant and the calculated pay for a working hour or a working day shall be multiplied by the number of hours or days actually worked by the civil servant.

Article 30. Additional pays and bonus for the length of service

1. A civil servant may be granted one of the following additional pays for a period not exceeding six months per calendar year:

1) for deputising, where the civil servant is assigned in writing the temporary discharge of the functions set for the position of another civil servant. The amount of the additional pay for deputising shall be determined by the civil servant's appointing authority, however such additional pay may not be less than 10 per cent and not more than 40 per cent of the basic salary;

2) for performing additional tasks formulated in writing where this results in an excess of the normal workload or where the functions not provided for in the job description are discharge. The amount of the additional pay for performing additional tasks shall be determined by the the civil servant's appointing authority, however such additional pay may not be less than 10 per cent and not more than 40 per cent of the basic salary. Where such additional pay is granted for participation in the implementation of projects financed with EU structural, other EU financial support and international financial support funds and having the duration of more than six months, the restriction referred to in this paragraph regarding the granting of an additional pay for a period not exceeding six months per calendar year shall not apply and the additional pay provided for in this point may be granted until the completion of the project.

2. Bonuses for the length of service shall be 1 per cent of the basic salary for every year of service to the State of Lithuania. The total amount of this bonus may not exceed 30 per cent of the basic salary.

CHAPTER VII

INCENTIVES FOR CIVIL SERVANTS AND THEIR LIABILITY

Article 31. Incentives and awards

1. The appointing authority or, where a civil servant is recruited by the Government or a municipal council, the Government on a recommendation of the minister of the appropriate area or the municipal mayor, respectively, may provide with incentives for excellent performance of official duties in accordance with the procedure laid down in this Law and other legal acts.

2. Civil servants shall be provided with the following incentives:

- 1) a note of appreciation;
- 2) a personal gift;
- 3) a cash payment in the amount from one to two basic salaries for a personal exceptional contribution to the achievement of the goals set for the agency or the attained results and the implemented tasks (but not more than twice per calendar year);
- 4) granting of up to five paid rest days (but not more than ten working days per year) or reduction of working time accordingly;

5) a lump-sum cash payment in accordance with the procedure laid down by the Government;

6) financing of the improvement of qualifications not exceeding the amount of one basic salary of a civil servant per year.

3. Civil servants may be recommended for state awards for their outstanding merits to the civil service.

4. References to a civil servant's incentives and state awards shall be inserted in his personal file.

Article 32. Liability of civil servants

1. Official misconduct, with the exception of minor official misconduct, shall render civil servants subject to official liability. Nonfeasance or misfeasance of the duties of a civil servant through the fault of a civil servant shall be considered as official misconduct.

2. Minor official misconduct shall be a case of official misconduct the investigation whereof has established that it is of a formal nature, has not caused any negative consequences, and the imposition of a disciplinary penalty would be disproportionate to the seriousness of the official misconduct.

3. Civil servants shall incur pecuniary liability for any pecuniary damage caused to state and municipal institutions and agencies.

4. Disputes over the official and pecuniary liability of civil servants shall be examined in accordance with the procedure laid down in the Law of the Republic of Lithuania on Administrative Proceedings.

Article 33. Disciplinary penalties

1. Disciplinary penalties prescribed in this Law shall be imposed for official misconduct.

2. A disciplinary penalty shall be imposed taking into account the fault, as well as the causes, circumstances and consequences of official misconduct, the performance of a civil servant before the commission of the misconduct, the circumstances mitigating and aggravating official liability.

3. One of the following disciplinary penalties may be imposed on a civil servant for official misconduct:

- 1) a warning;
- 2) a reprimand;
- 3) a severe reprimand;
- 4) dismissal.

4. The disciplinary penalty of dismissal may be imposed for serious official misconduct as well as for any other official misconduct where the civil servant concerned has been imposed the disciplinary penalty of a severe reprimand at least once over the past 12 months.

5. The following shall be considered as serious official misconduct:

1) the conduct of a civil servant, as related to the performance of official duties, which discredits the civil service, damages the repute of an agency or the civil servant himself, degrades human dignity or other actions which directly violate the constitutional rights of persons;

2) disclosure of a state secret or official secret;

3) criminal acts of corruptive nature, as defined in the Law on Prevention of Corruption, related to the performance of the official's duties, even though this act did not incur criminal or administrative liability for the civil servant concerned;

4) abuse of office;

5) a serious infringement of provisions of the Law on the Adjustment of Public and Private Interests;

6) involvement in activities which are incompatible with the civil service;

7) unjustified absence from service (work) for one or more working days;

8) being under the influence of alcohol or intoxicated with narcotic, psychotropic or other psychoactive substances during service (working) hours, also outside service (working) hours in a public place, where the conduct of a civil servant undermines human dignity or discredits the authority of a state or municipal institution or agency;

9) a breach of accounting of state or municipal funds and assets which has had significant influence on the correctness of the data of sets of financial statements and reports on implementation of the budget, sets of consolidated statements and/or data of other statements of a state or municipal institution or agency, or a gross violation of legitimacy of management, use and disposal of state or municipal funds and assets established by a decision of the Auditor General or his deputy or the municipal controller;

10) non-compliance with the effective court judgments related to the duties of a civil servant and their performance.

Article 33¹. Rights of persons in respect of whom an investigation of official misconduct has been launched

A civil servant or a former civil servant in respect whereof an investigation of official misconduct has been launched shall have the right:

1) to be informed in writing about the launch of the investigation of official misconduct and, at his request, to access the non-classified data available to a state or municipal institution or agency about the official misconduct allegedly committed by him or to obtain such data;

2) to provide explanations, evidence, requests or other information concerning the official misconduct allegedly committed by him;

3) to participate in the on-the-spot verification of the factual data related to the official misconduct allegedly committed by him;

4) to file a reasoned motion for suspension of the persons authorised to investigate the official misconduct due to their possible partiality, appeal against the acts or omissions of these persons;

5) upon completion of the investigation of the official misconduct, to obtain the adopted decision, at his request, to access the unclassified material of the investigation of the official misconduct or to obtain a copy thereof;

6) to have a representative. The representative shall have the same rights as the person whom he represents;

7) to appeal against decisions on the imposition of a disciplinary penalty or the recognition of commission of official misconduct by a former civil servant and the determination of a disciplinary penalty to be imposed upon him.

Article 34. Imposition of disciplinary penalties

1. A disciplinary penalty must be imposed not later than within one month from the transpiration of official misconduct, excluding the period of a civil servant's absence from work due to sickness, business trip or leave, and where criminal proceedings have been initiated or in the event of an investigation by the Seimas Ombudsman, also in the event of inspection of official misconduct or any other inspection by a competent authority, investigation of official misconduct in the case provided for in point 1 of paragraph 2 of this Article, a disciplinary penalty must be imposed not later than within two months from the discontinuation of the criminal proceedings or the entry into force of a judgment, the drawing up of a statement by the Seimas Ombudsman, the completion of the inspection of official misconduct or any other inspection by the competent authority, the drawing up of a reasoned conclusion on the investigation in the case provided for in point 1 of paragraph 2 of this Article. A civil servant's appointing authority or, where the civil servant is recruited by the Seimas, the Government or a municipal council, the Speaker of the Seimas, the Prime Minister and the municipal mayor, respectively, shall launch investigation of official misconduct by his own decision or on receipt of official information about the civil servant's official misconduct. Where the effective court

judgment states that a state or municipal institution or agency has infringed laws or other legal acts, investigation of official misconduct by civil servants through the alleged fault whereof the infringements of laws or other legal acts stated in the effective court judgment have been committed must be launched in this state or municipal institution or agency. A disciplinary penalty shall not be imposed if six months have lapsed from the commission of the misconduct, except for the cases when the official misconduct is established in the course of audit, inventory-taking of monetary or other valuables or in the event of investigation by the Seimas Ombudsman, also in the event of inspection of official misconduct or any other inspection by the competent authority or in the event of infringement of provisions of the Law on the Adjustment of Public and Private Interests. In such cases, the disciplinary penalty shall be imposed not later than within three years from the commission of the misconduct.

2. Upon receipt of official information about an alleged case of official misconduct by a civil servant, investigation of the official misconduct shall be launched, the previously launched investigation of the official misconduct shall be continued and an appropriate decision on the recognition of commission of the official misconduct and imposition of a disciplinary penalty shall be adopted also:

1) where the civil servant in respect of the alleged misconduct whereof official information has been received or in respect whereof the investigation of the official misconduct has been launched is transferred to a civil service post in another state or municipal institution or agency. In this case, a person who launches the investigation of the official misconduct shall, in accordance with the procedure laid down by the Government or an institution authorised by it, forward a reasoned conclusion on the investigation stating that the civil servant has committed the official misconduct and proposing a disciplinary penalty to be imposed upon him to the head of the institution or agency whereto the civil servant has been transferred, the register specified in Article 53 of this Law and the civil servant who has been found guilty of the official misconduct. A decision on the imposition of the disciplinary penalty upon the civil servant shall be adopted by the head of the institution or agency to which the civil servant has been transferred, having regard to the requirements set out in paragraph 1 of this Article;

2) where the civil servant in respect of the alleged misconduct whereof official information has been received or in respect whereof the investigation of the official misconduct has been launched is released/dismissed. A decision on the recognition of commission of the official misconduct by a former civil servant and imposition of a disciplinary penalty upon him shall be adopted by the person who launched the investigation of the official misconduct, having regard to the requirements set out in paragraph 1 of this Article. This decision shall, in

accordance with the procedure laid down by the Government or an institution authorised by it, be forwarded to the register referred to in Article 53 of this Law and to the former civil servant.

3. Only one disciplinary penalty may be imposed for every single case of official misconduct.

4. Where it transpires that a case of official misconduct has elements of a criminal act or an administrative offence, the investigation of this official misconduct shall be suspended and the material of the inspection of official misconduct shall be referred to an institution competent to investigate and examine relevant cases. In the event of refusal to open a pre-trial investigation or to initiate administrative proceedings or where the person is released from criminal or administrative liability, the investigation of the official misconduct shall be continued and a disciplinary penalty must be imposed in accordance with the procedure and within the time limits laid down in paragraph 1 of this Article. Where the act of the civil servant has elements of official misconduct of an independent nature, according to which it is possible to distinguish this official misconduct from a criminal act or an administrative offence, the investigation of the official misconduct shall continue regardless of the course of criminal proceedings or administrative proceedings.

5. A disciplinary penalty shall be imposed or a decision on the recognition of commission of official misconduct by a former civil servant and a decision on a disciplinary penalty to be imposed upon him shall be adopted by the civil servant's appointing authority.

6. A decision on the imposition of a disciplinary penalty or on the recognition of commission of official misconduct by a former civil servant and the determination of a disciplinary penalty to be imposed upon him may be appealed against in court.

7. The Government shall lay down time limits and a procedure for adopting decisions on the imposition of disciplinary penalties upon civil servants and decisions on the recognition of commission of official misconduct by former civil servants and decisions concerning the disciplinary penalties to be imposed upon them, also time limits and a procedure for transferring to the relevant persons the reasoned conclusions on the investigation referred to in paragraph 2 of this Article and the adopted decisions on the recognition of commission of official misconduct by the former civil servants.

Article 35. Circumstances mitigating and aggravating official liability

1. The following shall be considered as circumstances mitigating official liability:

1) the civil servant himself has reported without delay the commission of official misconduct;

2) the civil servant has assisted in disclosing the official misconduct;

3) having committed the official misconduct, the civil servant has prevented the harmful consequences of the official misconduct;

4) having committed the official misconduct, the civil servant has voluntarily compensated for losses or eliminated the damage caused;

5) the official misconduct has been committed as a result of mental or physical coercion;

6) the official misconduct has been committed by a pregnant civil servant, where this circumstance has influenced the commission of the misconduct;

7) the official misconduct has been committed in a state of extreme agitation caused by unlawful actions of another person.

2. A civil servant's appointing authority may recognise as circumstances mitigating official liability also the circumstances other than indicated in paragraph 1 of this Article.

3. The following shall be considered as circumstances aggravating official liability:

1) the official misconduct has been committed by a group of civil servants acting in concert;

2) the official misconduct has been committed by taking advantage of an emergency or circumstances thereof;

3) another misconduct has been committed within one year from the imposition of a disciplinary penalty;

4) the official misconduct has been committed by a civil servant under the influence of alcohol or intoxicated with narcotic, psychotropic or other psychoactive substances;

5) the official misconduct has been committed for mercenary reasons.

4. Other laws may also provide for other circumstances mitigating and aggravating official liability.

Article 36. Expiry of a disciplinary penalty

1. A civil servant shall be deemed not to have incurred a disciplinary penalty after the lapse of one year from the imposition thereof.

2. A disciplinary penalty may be lifted by a reasoned decision of the person who has imposed it before the expiry of the term specified in paragraph 1 of this Article or where the civil servant receives a state award.

Article 37. Liability for an unlawful decision prohibiting a civil servant from engaging in other work under an employment contract or an unlawful decision permitting a civil servant to engage in other work

1. A state or municipal institution or agency must compensate a civil servant for the

damage caused by its unlawful decision prohibiting the civil servant from engaging in other work under an employment contract. Damage incurred as a result of such a decision shall be compensated for in accordance with the procedure laid down in the Civil Code.

2. A state or municipal institution or agency which has compensated for the damage caused by a person who has adopted a decision shall have the right of recourse against the person who has adopted the decision to claim compensation for damage in the amount paid by it, but not in excess of nine amounts of the average remuneration of that person. Damages shall be recovered from the remuneration of the person who has adopted the decision and may not exceed 20 percent of the remuneration payable to that person per month. Disputes concerning compensation for damage shall be settled by court.

3. The appointing authority of the head of an agency shall have the right to request the annulment of an unlawful decision permitting a civil servant to engage in other work under an employment contract and to decide on the liability of the head of the agency.

Article 38. Conditions of pecuniary liability and the procedure for compensating for damage

1. A civil servant must compensate for direct pecuniary damage caused by his guilty act to a state or municipal institution or agency.

2. A civil servant shall compensate in full for damage referred to in paragraph 1 of this Article if he has caused it by carrying out public administration activities and/or assisting the persons exercising state or local authority in the discharge of the functions assigned to them, however the amount of compensation to be paid may not exceed six amounts of the average remuneration of the civil servant, unless the damage has been committed intentionally.

3. A civil servant may voluntarily compensate for the damage caused to a state or municipal institution or agency.

4. Where a civil servant has not compensated for damage in kind or in cash in good faith by agreement between the parties, damages shall be deducted from the remuneration of the civil servant by a decision of the civil servant's appointing authority or, where the civil servant is recruited by the Seimas, the Government or a municipal council, by a decision of the Board of the Seimas, the Prime Minister or the municipal mayor, respectively. Extrajudicial deductions of damages may not exceed one month's average remuneration of the civil servant who has caused the damage even if greater damage has been caused. In the case of monthly extrajudicial deductions, the amount to be deducted may not exceed 20 percent of the remuneration payable to the civil servant per month. A decision on the compensation for damage must be adopted not later than within three months from the transpiration of such damage.

5. The portion of the damage to be compensated for by a civil servant pursuant to paragraph 2 of this Article which has not been compensated for after the deduction of the compensation for damage in accordance with the procedure laid down in paragraph 4 of this Article shall be recovered upon bringing an action in court.

6. A civil servant who objects to a decision of his appointing authority or, where the civil servant is recruited by the Seimas, the Government or a municipal council, to a decision of the Board of the Seimas, the Prime Minister or the municipal mayor, respectively, concerning compensation for the damage caused to a state or municipal institution or agency shall have the right to refer to court. A referral to court shall suspend the recovery of damages pursuant to paragraph 4 of this Article.

7. Dismissal/release of a civil servant from a civil service post or transfer or recruitment of a civil servant to a civil service post in another state or municipal institution or agency shall not release him from compensation for the damage caused through his fault.

Article 39. Right of recourse of state and municipal institutions and agencies against a civil servant who has caused damage

1. Any damage resulting from the unlawful actions of a state or municipal institution or agency shall be compensated for in accordance with the procedure laid down in the Civil Code.

2. A state or municipal institution or agency which has compensated for damage caused by a civil servant or, where damage results from unlawful actions of the head of the agency, the appointing authority of the head of the agency shall have the right of recourse against the said civil servant in the amount paid by it, but not in excess of nine amounts of the average remuneration of the civil servant. Where the civil servant has caused damage intentionally, the state or municipal institution or agency shall have the right of recourse against the civil servant who has caused damage in the amount paid by it in compensation for damage. Damage shall be compensated for according to the procedure laid down in Article 38(3), (4), (5), (6) and (7) of this Law.

3. The head and members of a collegial state or municipal institution must jointly and severally compensate a state or municipal institution or agency for the damage caused by the decisions of the collegial institution which have been adopted by infringing laws and other legal acts of the Republic of Lithuania. The persons who voted against a decision or who did not attend the meeting whereat the decision was adopted shall be exempt from the obligation to pay compensation. The resignation or recalling of the head or a member of the collegial state or municipal institution shall not release him from the obligation to compensate for the damage caused through his fault.

Article 40. Suspension of a civil servant

1. A civil servant must be suspended in the following cases:

1) if the civil servant is under the influence of alcohol or intoxicated with narcotic, psychotropic or other psychoactive substances at the workplace. In this event, the civil servant shall be suspended the remainder of the working time of that day (shift);

2) if there is no post to which the civil servant may be transferred after he has been prohibited from handling or familiarising himself with classified information in accordance with the procedure laid down by the Law on State Secrets and Official Secrets or if the civil servant does not agree to be transferred to another post. In this event, the civil servant shall be suspended for the period of screening carried out in accordance with the procedure laid down by the Law on State Secrets and Official Secrets;

3) if the persons referred to in paragraph 3 of this Article are informed that the civil servant is suspected or accused of having committed a premeditated serious or grave crime, or is suspected or accused of having committed a crime or a misdemeanour against the civil service or public interest. In this event, the civil servant shall be suspended until the end of criminal proceedings;

4) by a decision of entities specified by other laws under the conditions and according to the procedure laid down by these laws.

2. A civil servant may be suspended if:

1) investigation of official misconduct or inspection of official misconduct in respect of the civil servant has been launched and the civil servant, by continuing in office, impedes, or attempts to affect, the course or results of the investigation of official misconduct or the inspection of official misconduct. In this event, the civil servant shall be suspended for a period of investigation of official misconduct or inspection of official misconduct (this term shall not include the period of civil servant's temporary incapacity for work or leave);

2) investigation of official misconduct or inspection of official misconduct is conducted in respect of the activities for which the civil servant may be dismissed. In this event, the civil servant shall be suspended for a period of investigation of official misconduct or inspection of official misconduct (this term shall not include the period of civil servant's temporary incapacity for work or leave).

3. A civil servant shall be suspended by a decision of the appointing authority or a person authorised thereby, and where the civil servant's appointing authority is the Seimas, the Government, a municipal council, he shall be suspended by a decision of the Speaker of the Seimas, the Prime Minister, the municipal mayor, respectively.

4. A decision to suspend a civil servant must specify a period during which the civil servant is suspended, the reasons for and the legal basis of his suspension as well as the procedure and the time limits for appealing against the decision.

Article 41. Legal consequences of suspension of a civil servant

1. After the expiry of the term of suspension, a civil servant shall be reinstated in the post formerly held by him, unless there are grounds to dismiss him after the suspension.

2. A civil servant shall not be paid remuneration for a period of suspension. Where a civil servant has been suspended unduly or where the circumstances which caused the suspension have proved unfounded, he shall be reinstated in the post formerly held by him and shall, within ten working days from resuming his duties, be paid the remuneration for the period during which he was suspended, together with late payment interest the amount of which is fixed by the Minister of Social Security and Labour of the Republic of Lithuania. Late payment interest shall not be paid if the damage caused to the civil servant has been compensated for in accordance with the procedure laid down by other laws. The amount of late payment interest shall be approved by the Minister of Social Security and Labour by 1 February each year on the basis of the consumer price index published by Statistics Lithuania in the last calendar year (comparing December of the last year with December of the year before last).

3. A civil servant suspended at the request of the entity who has adopted a decision to suspend the civil servant shall return a civil service certificate, all the means he has been entrusted with regard to the performance of his duties and the documents in his possession.

CHAPTER VIII

LEAVE OF AND GUARANTEES FOR CIVIL SERVANTS

Article 42. Annual leave

1. A civil servant shall be granted the minimum annual leave of 22 working days. A civil servant who is alone raising a child (adopted child) under the age of 14 or a disabled child (adopted child) under the age of 18 as well as a civil servant who has been recognised as disabled shall be granted the minimum annual leave of 27 working days.

2. A civil servant shall be granted three working days of additional annual leave for every five years of service, however the total duration of annual leave may not exceed 37 working days.

3. A civil servant shall usually be granted annual leave for the first year in the service after six months of service with a particular state or municipal institution or agency.

Article 43. Leave for the improvement of qualifications

1. A civil servant with a length of service of at least three months with a particular state or municipal institution or agency may be granted, by agreement between him and the appointing authority, a leave of up to one year for the improvement of qualifications. In this case, the civil servant shall retain the post formerly held by him, but shall not be paid the specified remuneration.

2. A civil servant may avail himself of the leave specified in this Article not more than once in five years.

Article 44. Leave for transfer of a civil servant to another post

1. A career civil servant shall be granted leave for resettlement of up to five working days due to his transfer to another post in another residential area as specified in Article 21 of this Law (except for the transfer to another post specified in paragraphs 1 and 2 of Article 21 of this Law) and due to his transfer to another post in diplomatic missions, consular posts or missions to international organisations of the Republic of Lithuania or the transfer to special missions as well as the temporary transfer to an international institution or an institution of a foreign state as specified in Article 25 of this Law. For the above-mentioned period of time the civil servant shall be paid his average monthly remuneration calculated in accordance with the procedure laid down by the Government.

2. Resettlement costs involved in transferring a civil servant to another post in another residential area as specified in Article 21 of this Law (except for the transfer specified in Article 21(1) and (2) of this Law) shall be reimbursed by a state or municipal institution or agency whereto the civil servant has been transferred. Resettlement costs involved in transferring a civil servant to another post as specified in Article 25(1) of this Law shall be reimbursed by a state or municipal institution or agency from which the civil servant has been transferred. Resettlement costs shall be reimbursed in accordance with the procedure laid down by the Government.

Article 45. Unpaid leave

1. Unpaid leave for a period not exceeding three months per year of employment may be granted to civil servant for family reasons or in other circumstances by agreement between the appointing authority and the civil servant.

2. Unpaid leave may be granted to a civil servant at the request of the civil servant in the cases provided for in the Labour Code.

Article 46. Leave for participation in support projects financed or co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects

1. A civil servant may, by agreement between the civil servant and the appointing authority, be granted leave for participation in support projects financed or co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects pursuing the activities in a foreign state which are not related to the mission and strategic goals of a state or municipal institution or agency.

2. In this case, the civil servant shall retain the post formerly held by him, but shall not be paid the specified remuneration.

Article 47. Length of service

1. Pursuant to this Law, the length of service shall consist of the number of years served for the State of Lithuania from 11 March 1990 in the civil service, including the posts indicated in Article 5(2) and (3) and in points 1, 2, 3, 4, 8, 9 and 10 of Article 5(6) of this Law (except for municipal councillors who were not a mayor or a deputy mayor). The length of service to the State of Lithuania shall also include a period of the performance of the duties specified in Article 33(3) of the Law on Civil Service (version of Law No IX-525 of 27 September 2001). The length of service shall be calculated from the beginning of the service (employment) of a civil servant with state and municipal institutions and agencies or from the day of appointment (election) to a civil service post in accordance with the procedure laid down in this Law and other laws. The length of service (employment) with state and municipal institutions and agencies at different periods shall be added up. The length of service shall also include the periods of annual, maternity, paternity, child care leave, periods of exemption from the official duties in order to participate in elections to the Seimas, presidential elections, elections to the European Parliament or municipal councils according to Article 17(1)(6) of this Law, periods of transfer to a post in an international institution or an institution of a foreign state according to Article 25(3) of this Law, periods of employment with an international institution or an institution of a foreign state, periods of participation in projects at an institution of a foreign state which are financed by the European Union or an international organisation, leave for participation in support projects financed or co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects, educational leave, duration of leave granted under Articles 43, 44 and 45 of this Law, periods of receipt of sickness benefits. The amount of a bonus referred to in Article 30(2) of this Law and

the duration of additional annual leave referred to in Article 42(2) of this Law shall be specified taking into account the length of service.

2. The period of suspension of a civil servant shall not be included in the length of service, except for the cases where it is recognised that the civil servant has been suspended unduly or where the circumstances which caused the suspension have proved unfounded.

3. The procedure for calculating the length of service shall be laid down by the Government.

Article 48. Severance pays and reimbursements

1. A civil servant released for reasons specified in Article 51(1)(12) of this Law shall be paid on the day of his release a severance pay equal to the amount of his average remuneration of one month. A civil servant released for reasons specified in Article 51(1)(13) of this Law shall be paid on the day of his release a severance pay equal to the amount of his average remuneration of two months. A civil servant of political (personal) confidence released for reasons specified in Article 51(1)(6) of this Law (upon the expiry of the term of office of a state politician or a collegial state institution who selected the civil servant of political (personal) confidence) shall be paid a severance pay equal to the amount of the average remuneration of one month if he held his post for at least half of the statutory term of office of the state politician or collegial state institution who selected him. The severance pay shall be paid to the civil servant of political (personal) confidence after the lapse of one month from his release. If prior to the payment of this severance pay the person assumed a civil service post or took up employment with a state or municipal agency maintained from the state or municipal budget, the State Social Insurance Fund budget or other state-established funds, or with a state or municipal enterprise or a public establishment owned by the State or a municipality, or with the Bank of Lithuania, a severance pay shall be paid only for a period before the person's assuming the civil service post or taking up employment with the state or municipal agency maintained from the state or municipal budget, the State Social Insurance Fund budget or other state-established funds, or with the state or municipal enterprise or the public establishment owned by the State or the municipality, or with the Bank of Lithuania.

2. A civil servant released according to Article 51(1)(9) of this Law shall be paid a severance pay equal to the amount of the average remuneration he received prior to the cancellation of the position, taking into account the length of service of the civil servant with a state or municipal institution or agency (the length of service with a state or municipal institution or agency shall also include the period during which the civil servant was transferred to another post in the cases specified in Articles 21, 25 and 26 of this Law as well as in the cases specified

Article 49(1) of this Law where the civil servant was transferred prior to the cancellation of the position):

- 1) up to one year – one month's average remuneration;
- 2) from one to five years – two months' average remuneration;
- 3) from five to ten years – three months' average remuneration;
- 4) from ten to twenty years – four months' average remuneration;
- 5) over twenty years – five months' average remuneration.

3. Severance pays specified in paragraph 2 of this Article shall be paid by a state or municipal institution or agency the head of which has adopted a decision to cancel the position. Where the position is cancelled by a decision of the Seimas or the Government, severance pays shall be paid by an institution or agency authorised by law or the Government.

4. Payment of a severance pay specified in paragraph 2 of this Article shall begin after one month from the release of a civil servant and shall be paid every month in equal instalments. Payment of this severance pay shall be terminated if the person assumes a civil service post or takes up employment with a state or municipal agency maintained from the state or municipal budget, the State Social Insurance Fund budget or other state-established funds, or with a state or municipal enterprise or a public establishment owned by the State or a municipality, or with the Bank of Lithuania. If the person assumes a civil service post not on the first day of a month, a severance pay shall be paid only for the days of that month prior to the recruitment in the state or municipal agency maintained from the state or municipal budget, the State Social Insurance Fund budget or other state-established funds, or in the state or municipal enterprise or the public establishment owned by the State or a municipality, or in the Bank of Lithuania. Upon a person's death, the portion of the severance pay which is due to the person for the month in which he died but which was not paid before the person's death shall be paid to a heir who has submitted the inheritance documents.

5. A civil servant who is released on the grounds specified in Article 51(1) of this Law or who is transferred to another state or municipal institution or agency pursuant to Article 21(2), Article 22(3) or Article 26(1) of this Law shall, on the day of his release/transfer, be paid all the sums due to him, with the exception of the severance pay specified in paragraph 1 of this Article which is paid to civil servants of political (personal) confidence, as well as the severance pay specified in paragraph 2 of this Article.

6. The head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence) and a career civil servant released on the grounds specified in Article 51(1)(18) of this Law may be paid compensation which does not exceed the severance pay referred to in paragraph 2 of this Article and which is paid to such a civil servant on the day

of his release.

7. Civil servants whose place of work is abroad shall be paid, according to the procedure laid down by the Government, the reimbursement of expenses related to their work abroad as well as the reimbursement of the maintenance of the civil servants' spouses and children (adopted children) who have accompanied the civil servants abroad, where such reimbursement is specified by laws and other legal acts.

Article 49. Other guarantees

1. A career civil servant whose position is cancelled shall be appointed, subject to his consent, to another equivalent position of a career civil servant or, if there is no such post and subject to the civil servant's consent, to a lower-ranking post. If a career civil servant is not appointed to another post before his position is cancelled, he shall be released. A career civil servant must be notified in writing of the cancellation of his position not later than one month before the position is cancelled. This period of notice shall be doubled for a person with less than five years before he reaches pensionable age and tripled for a disabled person, a woman and/or a man raising a child (adopted child) under 14 years of age, a woman and/or a man raising a disabled child (adopted child) under 18 years of age, or a person with less than two years before he reaches pensionable age. A pregnant woman must be notified in writing about cancellation of her position (when a state or municipal institution or agency is liquidated) not later than four months prior to the cancellation of the position.

2. A civil servant who perished while carrying out his duties or died for reasons related to the performance of his duties shall be buried at the expense of the State. A civil servant shall be deemed to have perished while performing his duties or to have died for reasons related to the performance of his duties if the incident being the cause of the civil servant's perishing (death), occurred while discharging the functions set out in his job description or because of the discharge of the said functions, except for the cases where the civil servant perished (died) in the course of committing a premeditated criminal act or any other offence, also where the civil servant's perishing (death) was caused by intoxication with alcohol, narcotic, psychotropic or toxic substances or if the civil servant committed suicide for reasons unrelated to the service. The procedure for recognising the civil servant as having perished while performing his duties or having died for reasons related to the performance of his duties shall be laid down by the Government. A description of the burial-related expenses covered by the State shall be approved by the Government or an institution authorised by it. Expenses of transportation to Lithuania of the body of a civil servant who has perished or died abroad while performing his duties shall be reimbursed by the State in accordance with the procedure laid down by the Government. The

procedure for providing support when a civil servant has perished or died for reasons unrelated to the performance of his duties and for providing support for the transportation of the body of the civil servant to Lithuania shall be laid down by the Government. Family members of a civil servant (except the civil servants who were insured with state funds in accordance with the procedure laid down by the Government) who has perished while performing his duties or who has died for reasons related to the performance of his duties (spouse, partner, cohabitee, minor children (adopted children) until they reach the age of 18 as well as older children (adopted children) if they study under a general education programme or a formal vocational training programme for acquisition of the first qualification or if they study at a higher education institution under a full-time study programme (including the period of an academic leave) until they reach the age of 24 years, the deceased's children (adopted children) over 18 years of age, if they have been recognised as disabled (before 1 July 2005 – as invalids) before reaching 18 years of age, the deceased's children born after his death, father (adoptive father), mother (adoptive mother)) shall be paid a lump sum compensation in the amount equal to his average monthly remuneration for 9.31 months, and family members of a civil servant who has perished while performing his duties or who has died for reasons related to the performance of his duties in a foreign state in which an armed conflict takes place or as a result of a terrorist act carried out in the foreign state shall be paid a lump sum compensation in the amount equal to his average monthly remuneration for 77.58 months. A civil servant who has been injured while performing his duties or who has been suffering from a serious illness for reasons related to with the performance of his duties in a foreign state in which an armed conflict takes place or as a result of a terrorist act carried out in the foreign state, shall, in accordance with the procedure laid down by the Government, be paid a lump sum compensation in the amount equal to his average remuneration for 23.28-38.79 months, depending on the degree of his health impairment. In all cases, the total sum of the compensation paid upon the death of a civil servant while performing his duties or for reasons related to the performance of his duties may not exceed EUR 101 370. The compensation may be paid in instalments, but not longer than within three years. A state or municipal institution or agency which has paid the compensation shall acquire the right of recourse against legal and natural persons who have caused damage. The compensation shall be included in the amount of damages subject to compensation. When the amount of the damage is smaller than the compensation paid, a state or municipal institution or agency may claim by recourse from the person who has caused damage that portion of the compensation by which the damage has been compensated. Family members of a deceased civil servant, except for a civil servant who has perished while performing his duties or who has died for reasons related to the performance of his duties, shall be paid a compensation in the amount of his one month's

average remuneration. Such compensation shall be paid irrespective of the allowances and benefits specified by other laws.

3. Civil servants shall be guaranteed the posts held by them and the specified remuneration in the following cases:

1) where the civil servants are sent on a business trip – for the period of working days during the business trip and the duration of travelling during the business trip;

2) where the civil servants are summoned or invited to court, law enforcement institutions or controlling (supervising) authorities;

3) where the civil servants depart upon the instruction of a national defence system institution administrating military conscription;

4) where the civil servants fulfil the mandatory military service, voluntary non-continuous military service or alternative national defence service, they are guaranteed only the post held by them;

5) up to three working days in the event of death of close relatives (parents/adoptive parents, children/adopted children, brothers/adoptive brothers, sisters/adoptive sisters, grandparents, grandchildren), the spouses, their parents/adoptive parents, children/adoptive children, brothers/adoptive brothers, sisters/adoptive sisters, the partners, the cohabitees, their parents/adoptive parents, children/adopted, brothers/adoptive brothers and sisters/adoptive sisters;

6) in respect of medical donors – for those working days given as days off in accordance with the procedure prescribed by legal acts;

7) up to two working days per month where the civil servants leave, with the obtained consent (including the one obtained electronically) of his immediate superior, to a healthcare institution or to a state or municipal institution or agency;

8) where the civil servants are temporarily transferred in accordance with Article 25(3) of this Law to posts at international institutions or institutions of foreign states. The remuneration specified in respect of the civil servants shall not be paid where they are paid the remuneration by the institutions, agencies or organisations whereto they are transferred;

9) where the civil servants improve qualifications in the cases provided for in this Law;

10) where the civil servants share special professional knowledge free of charge with other civil servants or employees of the public sector.

4. Career civil servants transferred to another post according to Article 25(1) of this Law shall be guaranteed the posts held by them or other equivalent posts in the same state or municipal institution or agency. Career civil servants transferred according to Article 25(1) of

this Law, where they have been recruited for a term of office, shall enjoy this guarantee not longer than until the expiry of the term of office.

5. The post held shall be guaranteed for a civil servant where he is unable to hold office due to his fulfilling of the mandatory military service, voluntary non-continuous military service or alternative national defence service or participation in projects financed by the European Union or an international organisation at an institution of a foreign state (as well as because of leave for participation in support projects co-financed by the European Union, international organisations, foreign states, Lithuania and/or in Lithuania's development cooperation projects), as well as for a career civil servant where he is unable to hold office because of leave for improvement of qualifications, maternity leave or child care leave, temporary transfer to another post under Article 21 of this Law. The career civil servant shall enjoy this guarantee not longer than until the expiry of the term of office.

6. A civil servant shall have the right to be reimbursed for expenses related to his business trip in accordance with the procedure laid down by the Government.

7. A fixed-term employment contract for mentoring (transfer of the acquired experience) for a period not exceeding two years may be concluded with the head of an agency or a career civil servant who has reached the age of 65 and is released under Article 51(1)(6) of this Law.

8. An allowance in the amount of five monthly minimum wages may be granted to civil servants in cases of serious hardship because of illness or death of the civil servants themselves, close relatives, spouses, partners, cohabitees, their parents, children/adopted children, brothers/adoptive brothers, sisters/adoptive sisters as well as the dependants where the civil servants are appointed in accordance with the procedure laid down by law a guardian or curator of such dependants, as well as in cases of natural disasters or loss of property. The allowance shall be granted by the appointing authority or, where the civil servant is recruited by the Government or a municipal council, by the Prime Minister or the municipal mayor from the funds appropriated to a state or municipal institution or agency. The head of an agency shall be granted the allowance from the funds allocated for the agency directed by him.

9. Civil servants sent by a state or municipal institution or agency on a foreign business trip shall be covered by accident insurance and sickness insurance. Insurance expenses shall be covered by a state or municipal institution or agency sending a civil servant on a foreign business trip from its budget funds.

10. Other laws may also provide for other guarantees.

Article 50. Teleworking

1. Teleworking shall be a form of work organisation or a method of performance of work where a civil servant, upon coordination with his immediate superior, discharges remotely all the functions or a part thereof assigned to him during his working hours or a part thereof in accordance with the procedure laid down by the Government, i.e. at an agreed place other than his workplace, as well as by using information technologies.

2. In the case of teleworking, the time worked shall be calculated in accordance with the procedure laid down by the head of an agency. A civil servant shall distribute his working time at his own discretion, without prejudice to the requirements for maximum work and minimum rest periods.

3. Teleworking shall not lead to restrictions on calculation of the length of service or other service-related restrictions and shall not limit or restrict the rights of a civil servant.

4. The head of an agency must provide conditions for civil servants engaged in teleworking to communicate with other civil servants and employees of the agency and to obtain information necessary for the discharge of their functions.

CHAPTER IX

RELEASE OR DISMISSAL OF CIVIL SERVANTS

Article 51. Release or dismissal of civil servants

1. A civil servant shall be released or dismissed when:

- 1) the civil servant resigns;
- 2) a municipal controller, the civil servant of the municipal controller's office or the civil servant of the municipal administration assumes the office of a member of the council of the same municipality;
- 3) the civil servant loses citizenship of the Republic of Lithuania;
- 4) the civil servant does not obtain the education required for the post held by him within the time limit laid down by law;
- 5) the term of office of the head of an agency or a career civil servant expires in the cases provided for by law;
- 6) upon the expiry of the recruitment of the acting civil servant or the civil servant reaches the age of 65 or the powers of a state politician or a collegial state institution that has selected the civil servant of political (personal) confidence expire;
- 7) the civil servant of political (personal) confidence or the head of an agency recruited on the basis of political (personal) confidence loses the confidence of a state politician or a collegial state or a municipal institution that has selected him, or upon the expiry of his term of office;

8) it emerges that, when entering the civil service, he submitted falsified documents or concealed or presented false data, which render him ineligible for the civil service;

9) his civil service position is cancelled;

10) a decision is made following the performance appraisal of the civil servant to dismiss the civil servant (with the exception of the heads of government and municipal agencies whose independence in the course of discharge of the statutory functions and adopting decisions must be ensured in compliance with European Union and national legal acts);

11) the civil servant discharged from the mandatory initial military service or alternative national defence service does not return for over two months to the post formerly held by him;

12) the civil servant is reinstated by a court judgment in the post formerly held by him or it emerges that the requirements set out in this Law were violated when recruiting the civil servant and these violations cannot be remedied;

13) it is determined in accordance with the procedure laid down by legal acts that the civil servant is unable to perform his duties because of his disability or loss of working capacity;

14) the civil servant is deprived, in accordance with the procedure laid down by law, of the special right related to the performance of his direct duties;

15) the disciplinary penalty of dismissal is imposed on him;

16) a court judgment imposing a punishment upon him for committing a serious or grave crime or a criminal act against the civil service and the public interest, or a criminal act of corruptive nature, or a punishment barring him from performing his duties comes into effect;

17) it transpires, from the information submitted in the cases and in accordance with the procedure laid down in the Law on Prevention of Corruption, from the information received from the Register indicated in Article 53 of this Law about the persons dismissed from the civil service for serious official misconduct or recognised as having committed the official misconduct for which they are to be imposed the disciplinary penalty of dismissal or from other data, that the civil servant does not meet the requirements of good repute and therefore cannot continue to perform his duties;

18) an agreement is concluded between the parties regarding release of the head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence) or a career civil servant.

2. The head of an agency (except for the head of an agency recruited on the basis of political (personal) confidence) or a career civil servant may submit a written proposal to the appointing authority and the appointing authority may submit a written proposal to the head of the agency (except for the head of the agency recruited on the basis of political (personal) confidence) or to the career civil servant regarding release by agreement between the parties. If

upon the receipt of such a proposal the party agrees with the proposal, it must, within five working days, notify thereof the party which has submitted such proposal. If upon the receipt of the proposal the party fails, within five working days, to notify that it agrees with the proposal, it shall be deemed that the proposal has been rejected. When the parties come to an agreement regarding release of a civil servant from office by agreement between the parties, a written agreement shall be drawn up specifying the date from which the civil servant will be released, agreeing on the amount of the severance pay, granting of unused leave; other conditions may also be agreed upon.

3. A civil servant of political (personal) confidence shall be released on the last day of the mandate of the state politician who has selected him or at the first meeting of a newly formed collegial state institution.

4. A civil servant intending to resign must give a notice to the appointing authority not later than 14 calendar days in advance. The civil servant may be released even earlier subject to the consent of the appointing authority. The civil servant shall have the right to revoke his request for resignation not later than within three working days from the submission of the request. Later he may revoke his request only with the consent of the appointing authority.

5. A civil servant may not be released or dismissed during the period of his temporary working incapacity and leave, except for the cases specified in points 1, 3, 5, 6, 7, 8, 9, 13, 14, 16 and 18 of paragraph 1 of this Article.

6. A pregnant civil servant as well as a civil servant raising a child/children or adopted child/adopted children under 3 years of age may not be released or dismissed from office on the grounds specified in points 4, 9 (except for the cases when a state or municipal institution or agency is liquidated), 10, 12, 15 and 18 (except for the cases where the civil servant submits a proposal to the appointing authority regarding release by agreement between the parties) of paragraph 1 of this Article.

7. Disputes over the release or dismissal of a civil servant shall be examined in accordance with the procedure laid down in the Law of the Republic of Lithuania on Administrative Proceedings.

CHAPTER X

CIVIL SERVICE MANAGEMENT

Article 52. General management of the civil service

1. The general management of the civil service shall be performed by:
 - 1) the Government;

2) the Minister of the Interior.

2. The Government shall:

1) develop a civil service policy;

2) discharge other functions of the general management of the civil service set out in this Law and other legal acts.

3. The Minister of the Interior shall:

1) shape state policy in the area of civil service management assigned to the Minister and submit to the Government draft legal acts related to the civil service;

2) discharge other functions in the area of civil service management set out in this Law and other legal acts.

Article 53. Register of Civil Servants

1. The following data shall be accumulated in the Register of Civil Servants, which is set up by the Government in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Information Resources Management, the Law of the Republic of Lithuania on Legal Protection of Personal Data and other legal acts:

1) on the structures of state and municipal institutions and agencies, vacant and occupied civil service positions and positions of employees receiving remuneration from the state budget, municipal budgets and state monetary funds;

2) on civil servants and their remuneration;

3) persons dismissed from a civil service post or a statutory civil service post for serious official misconduct or for discrediting the name of the officer;

4) persons who, in cases provided for by law, have been recognised as having committed official misconduct for which there are grounds for imposing the disciplinary penalty of dismissal;

5) on employees of state and municipal institutions and agencies receiving remuneration from the state budget, municipal budgets and state monetary funds, as well as on their remuneration.

6) on state politicians, state officials and servicemen in the professional military service to the extent necessary to produce their official identification cards or other means intended for signing electronically or to carry out performance appraisal of civil servants subordinate to them and to describe and evaluate positions;

7) on the structure of budgetary institutions, vacant and occupied positions and employees to the extent necessary to discharge on a centralised basis the functions of personnel

administration and accounting management of the budgetary institutions in accordance with the procedure laid down by the Government.

2. The data controller of the state register referred to in paragraph 1 of this Article shall be the Ministry of the Interior.

3. Data ascribed to the category of a state secret or an official secret shall not be furnished to the state register referred to in paragraph 1 of this Article.

4. State and municipal institutions and agencies as well as other budgetary institutions shall process the data in the state register referred to paragraph 1 of this Article in accordance with the procedure laid down by legal acts.

Article 54. Civil Service Management Information System

The Civil Service Information System shall be intended for the adoption of decisions regarding personnel management and/or administration of the civil service at state and municipal institutions and agencies, budgetary institutions whose personnel administration and accounting management functions are discharged on a centralised basis in accordance with the procedure laid down by the Government and for the implementation of other functions referred to in this Law and the legal acts related thereto.

Article 55. Civil servant certificate

1. A civil servant certificate shall be issued to a person recruited to the civil service by this person's appointing authority.

2. Civil servant certificates shall be issued based on the data of the state register referred to in Article 53 of this Law.

3. The Minister of the Interior shall prescribe the format of a civil servant certificate and the procedure for issuing it|.

4. A civil servant who has lost his civil servant certificate must cover the costs of production of a new civil servant certificate, except for the cases where the civil servant certificate has been lost through no fault of his. The costs of production of a new civil servant certificate shall be covered by the civil servant by paying to the state budget a fixed amount of money or that amount shall be deducted from the civil servant's remuneration.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

Annex 1 to
the Republic of Lithuania
Law on the Civil Service

**BASIC SALARY COEFICIENTS OF CIVIL SERVICE POSITIONS
OF THE REPUBLIC OF LITHUANIA**

Serial No	Group of positions or position of heads of agencies and career civil servants	Positions of civil servants of political (personal) confidence	Basic salary coefficient (in base amounts)		
			Group I of agencies	Group II of agencies	Group III of agencies
1.	Secretary General of the Seimas	Chancellor of the Government, Chancellor of the Office of the President of the Republic	22		
2.	head of a government agency, Head, Director of the National Courts Administration (applicable to the head of an agency, where the agency functions within the entire territory of the State), chancellor of a court	vice-minister, First Deputy Chancellor of the Government, Head of the Secretariat of the Speaker of the Seimas, Head of the Bureau of the Prime Minister, chancellor of a ministry	19.5-21.5	18.5-21	17-19.5
2.1.		chief adviser to the President of the Republic	19.5-21		
3.	deputy chancellor of the Government, director (applicable to the head of an agency, where the agency functions within the entire territory of the State)		18.7-20.5	17.9-20	16.2-19

Serial No	Group of positions or position of heads of agencies and career civil servants	Positions of civil servants of political (personal) confidence	Basic salary coefficient (in base amounts)		
			Group I of agencies	Group II of agencies	Group III of agencies
3.1.		adviser to the President of the Republic, adviser to the Speaker of the Seimas, adviser to the Prime Minister	18.7-20		
4.	deputy director (applicable to the deputy head of an agency), chancellor of the prosecution service, director of a department (at the Office of the Seimas), head of a group (at the Office of the Seimas), municipal controller	person holding the mandate of the Government, director of the municipal administration	17.8-19	16.2-18.5	14.5-17.5
5.	director of a department, chairperson of the board; head of a group, director of a commission's administration, director of a council's administration, chancellor of an agency under a ministry, head of the office of a committee of the Seimas (at the Office of the Seimas), head of the secretariat (at the Office of the Seimas), head of a unit which is not within another division (at the Office of the Seimas), deputy municipal controller	deputy director of the municipal administration, deputy of the person holding the mandate of the Government	11.5-18.5	10.5-18	9.5-17
5.1.	Defence Policy Director of the ministry, general inspector, chief adviser, adviser to the chairperson of a court, Government Representative at the European Court of Human Rights, defence counsellor, senior adviser (at the Office of the Seimas)	adviser to a Deputy Speaker of the Seimas, adviser to the Leader of the Opposition	11.5-18	10.5-17.5	9.5-16.5

Serial No	Group of positions or position of heads of agencies and career civil servants	Positions of civil servants of political (personal) confidence	Basic salary coefficient (in base amounts)		
			Group I of agencies	Group II of agencies	Group III of agencies
6.	head of a unit which is not within another division head of a commission's secretariat, head of a council's secretariat, warden, head of a unit which is within another division (at the Office of the Seimas)		11-16.5	9-16	8.1-15
6.1.	senior adviser, adviser (at the Office of the Seimas)	adviser to a minister	11-16	9-15.5	8.1-14.5
7.	head of a unit which is within another division, head of the office, head of a subunit (at public administration agencies of municipalities), deputy head of a unit which is not within another division (at public administration agencies of municipalities), deputy warden		9.2-15.5	8.3-15	7.4-14
7.1.	adviser, principal auditor, assistant of a chief prosecutor, assistant of the chairperson of a court, adviser to the chairperson of a court division, senior judicial assistant, deputy defence counsellor, Permanent Representative of the Seimas to the European Union, special attaché, chief specialist (at the Office of the Seimas)	Spokesperson for the President of the Republic, Spokesperson for the Speaker of the Seimas, Spokesperson for the Prime Minister, spokesperson for a minister	9.2-15	8.3-14.5	7.4-13.5

Serial No	Group of positions or position of heads of agencies and career civil servants	Positions of civil servants of political (personal) confidence	Basic salary coefficient (in base amounts)		
			Group I of agencies	Group II of agencies	Group III of agencies
8.	chief specialist, deputy special attaché, Deputy Permanent Representative of the Seimas to the European Union, senior auditor, assistant of a prosecutor, judicial assistant, court consultant, assistant (of the Office of the Seimas), senior specialist (at the Office of the Seimas)	secretary of a municipal council, adviser to a mayor, rapporteur to the President of the Republic, assistant of the Speaker of the Seimas; assistant of the Prime Minister; aide of a parliamentary group of the Seimas	7.7-13.5	7.1-13	6.4-12
9.	senior specialist, auditor, specialist (at the Office of the Seimas)	adviser to a Member of the Seimas, assistant to a Member of the Seimas, assistant of a minister, assistant of a mayor	6.7-12	6.3-11.5	5.8-10.5
10.	specialist, secretary of the court administration, assistant auditor, court reporter		5.6-11	5.3-10.5	5-9.5

Annex 2 to
the Republic of Lithuania
Law on the Civil Service

CRITERIA FOR GROUPING STATE AND MUNICIPAL INSTITUTIONS AND AGENCIES

Serial No	Agencies providing services to the Seimas, the President of the Republic, the Government and institutions of judicial self-governance	Institutions accountable to the Seimas and/or the President of the Republic	Courts and the prosecution service	Other state institutions and agencies	Municipal institutions and agencies	Points
1.	Nature of activities of state or municipal institutions or agencies:					

Serial No	Agencies providing services to the Seimas, the President of the Republic, the Government and institutions of judicial self-governance	Institutions accountable to the Seimas and/or the President of the Republic	Courts and the prosecution service	Other state institutions and agencies	Municipal institutions and agencies	Points
1.1.	<p>assistance in discharging the functions of the Seimas</p> <p><i>or</i></p> <p>assistance in discharging the functions of the President of the Republic</p> <p><i>or</i></p> <p>assistance in discharging the functions of the Government and the Prime Minister</p> <p><i>or</i></p> <p>providing services to institutions of judicial self-governance</p>	<p>discharge of public audit functions</p> <p><i>or</i></p> <p>participation in the shaping of state policy in the area of national security, and its implementation</p>	—	shaping and implementation of state policy in several areas of governance	—	100
1.2.	—	<p>examination of complaints relating to acts or omissions of officials and other persons likely to result in violation of a person's rights, freedoms or legitimate interests</p> <p><i>or</i></p> <p>participation in the shaping of</p>	—	<p>participation in the shaping of state policy in more than one area of governance, and its implementation</p> <p><i>or</i></p> <p>shaping and implementation of state policy in one area of governance</p> <p><i>or</i></p> <p>discharge of</p>	—	80

Serial No	Agencies providing services to the Seimas, the President of the Republic, the Government and institutions of judicial self-governance	Institutions accountable to the Seimas and/or the President of the Republic	Courts and the prosecution service	Other state institutions and agencies	Municipal institutions and agencies	Points
		state policy in more than one area of governance, and its implementation		functions of administration and control of EU structural and investment funds		
1.3.	–	participation in the shaping of state policy in one area of governance, and its implementation <i>or</i> implementation of state policy in the area of protection of classified information	–	participation in the shaping of state policy in one area of governance, and its implementation <i>or</i> implementation of state policy in more than one area of governance <i>or</i> discharge of functions of an institution carrying out extra-judicial dispute hearing <i>or</i> discharge of functions of administrative supervision of municipalities	–	60
1.4.	–	implementation of state policy in one area of governance	–	implementation of state policy in one area of governance	–	40
1.5.	–	providing services in the course of shaping or implementation of state policy	–	providing services in the course of shaping or implementation of state policy	–	20
2.	Limits of activities and validity of decisions of a state or municipal institution or					

Serial No	Agencies providing services to the Seimas, the President of the Republic, the Government and institutions of judicial self-governance	Institutions accountable to the Seimas and/or the President of the Republic	Courts and the prosecution service	Other state institutions and agencies	Municipal institutions and agencies	Points
	agency:					
2.1.	–	entire territory of the Republic of Lithuania	entire territory of the Republic of Lithuania	entire territory of the Republic of Lithuania	–	100
2.2.	–	territory with the number of residents exceeding 500 000	region	Territory with the number of residents exceeding 500 000	Territory with the number of residents exceeding 500 000	80
2.3.	–	territory with the number of residents ranging between 100 000 and 500 000	district	territory with the number of residents ranging between 100 000 and 500 000	territory with the number of residents ranging between 100 000 and 500 000	60
2.4.	–	territory with the number of residents ranging between 50 000 and 100 000	–	territory with the number of residents ranging between 50 000 and 100 000	territory with the number of residents ranging between 50 000 and 100 000	40
2.5.	–	territory with the number of residents not exceeding 50 000 <i>or</i> with a single system of agencies	–	territory with the number of residents not exceeding 50 000 <i>or</i> with a single system of agencies	territory with the number of residents not exceeding 50 000	20
3.	Relations of a state or municipal institution or agency with subordinate and non-subordinate entities:					
3.1.	–	–	–	vertical management where a state institution or agency is in	–	100

Serial No	Agencies providing services to the Seimas, the President of the Republic, the Government and institutions of judicial self-governance	Institutions accountable to the Seimas and/or the President of the Republic	Courts and the prosecution service	Other state institutions and agencies	Municipal institutions and agencies	Points
				charge of a system of subordinate entities of at least three levels <i>or</i> functional management in several areas of governance		
3.2.	–	–	–	vertical management where a state institution or agency is in charge of a system of subordinate entities of two levels	–	80
3.3.	–	–	–	vertical management where a state institution or agency is in charge of a system of subordinate entities of one level <i>or</i> functional management in one area of governance	–	60
3.4.	–	–	–	Partial functional management	–	40
3.5.	–	–	–	a state institution or agency has no subordinate entities	–	20
4.	Ratio of points collected by state and municipal institutions and agencies to a group of state and municipal institutions and agencies:					

Serial No	Agencies providing services to the Seimas, the President of the Republic, the Government and institutions of judicial self-governance	Institutions accountable to the Seimas and/or the President of the Republic	Courts and the prosecution service	Other state institutions and agencies	Municipal institutions and agencies	Points
	Group I where the agency has received 100 points	Group I where the agency has received 200 points Group II where the agency has received 180 points Group III where the agency has received 160 or less points	Group I where the agency has received 100 points Group II where the agency has received 80 points Group III where the agency has received 60 points	Group I where the agency has received 260 or more points ($x \geq 260$) Group II where the agency has received from 200 to 260 points ($260 > x \geq 200$) Group III where the agency has received less than 200 points ($200 > x$)	Group II where the agency has received from 60 to 80 points Group III where the agency has received from 20 to 40 points	

Note. The number of the residents in each municipality shall be determined according to the accountancy data on persons who have declared their place of residence and persons who do not have a place of residence where such data are for 1 January of the calendar year preceding the calendar year in which regular elections to municipal councils must be held and where such data are published on the website of the data processor of the Register of Legal Entities of the Republic of Lithuania in accordance with the procedure and within the time limits laid down in the regulations of this processor. The determined number of the residents of a particular municipality shall be taken into account until 1 January of the calendar year in which the next regular elections to municipal councils are to be held.

Interpretation of the wording used in this Annex

1. The shaping of state policy shall be interpreted as the activity of state institutions and agencies which includes direct drawing up and submission to the Seimas or the Government of draft decisions of the Seimas and the Government (draft laws, draft resolutions of the Seimas, draft resolutions of the Government) determining public administration entities and their

structures, public administration processes, regulating public relations in separate areas of governance.

2. The implementation of state policy shall be interpreted as the executive activity of state institutions and agencies (planning, organisation, coordination, regulation, evaluation and control (supervision)) carried out in the implementation of state policy specified by legal acts in separate areas of governance.

3. Participation in the shaping of state policy shall be interpreted as the activity of state institutions and agencies carried out by exerting an impact on the quality of draft decisions which are being drawn up, discharging one or more clearly defined functions related to the drawing-up of draft decisions:

- 1) submission of proposals regarding the drawing-up of draft decisions (or regulation of separate processes);
- 2) coordination (adjustment and/or supplementing) of draft decisions;
- 3) complex or partial examination of drawn-up draft decisions;
- 4) formulation of conclusions on the drawn-up draft decisions.

4. Provision of services in the course of shaping and implementation of state policy shall be interpreted as specialised activities of state institutions and agencies carried out according to a specific linear, functional, programme-based assignment or according to a specific instruction with a clear intended material result, which is identified and evaluated by the assigning entity (material accumulation, registration, systematisation, information procurement or other technical works, organisation of seminars, discussions, organisation and execution of expert examinations, as well as discharge of other functions related to the provision of services).

5. Vertical management shall be interpreted as the activities of state institutions and agencies in the course of which an impact is exerted on subordinate entities (state institutions, agencies or territorial structural divisions).

6. Functional management shall be interpreted as the activities of state institutions and agencies carried out in respect of non-subordinate entities (state institutions or agencies) in a certain area of governance, covering the planning of activities of non-subordinate state institutions or agencies, methodological assistance, coordination and control (supervision).

7. Partial functional management shall be interpreted as the activities of state institutions and agencies carried out in respect of non-subordinate entities (state institutions or agencies) in a certain area of governance, covering at least one of the following functions: planning of activities of non-subordinate state institutions or agencies, methodological assistance, coordination or control (supervision).

8. A single system of agencies shall be interpreted as the totality of agencies within the area of governance of a ministry or another state institution or agency.