

REPUBLIC OF LITHUANIA
LAW ON CIVIL SERVICE

8 July 1999 No VIII-1316

Vilnius

(As amended on 23 April 2002 – No IX-855)

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall lay down the basic principles of the civil service, the status of a civil servant, responsibility, remuneration, social and other guarantees as well as the legal basis for the management of the civil service.

Article 2. Definitions

1. “**Civil service**” means an aggregate of legal relations arising from acquiring the status of a civil servant, any change or loss thereof, and also resulting from the public administrative activities of a civil servant in a state or municipal institution or agency when implementing the policy of a particular sphere of state governance, co-ordinating such implementation and the activities of institutions in a particular sphere of state governance, managing and allocating financial resources and controlling their use, carrying out audits, adopting and implementing legal acts, decisions of state and municipal institutions or agencies in the sphere of public administration, preparing or co-ordinating draft legal acts, agreements or programmes and providing conclusions thereon, managing the personnel, or having public administrative powers in respect of non-subordinate persons.

2. “**Civil servant**” means a natural person who performs duties in the civil service and carries out public administrative activities specified in paragraph 1 of this Article.

3. **“Status of a civil servant”** means the legal status of a civil servant.
4. **“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 exercising audit and control (supervision), and other state and municipal institutions and agencies financed from the state or municipal budgets and state monetary funds, upon which public administrative powers are conferred by the laws.
5. **“Career civil servant”** means a civil servant recruited for an indefinite term to office and having an opportunity to realise his right to career development in the civil service in accordance with the procedure laid down in this Law.
6. **“Statutory civil servant”** means a civil servant whose service is regulated by a statute approved by the law or by the Law on the Diplomatic Service providing for special conditions of recruitment to the civil service, performance of duties, responsibility as well as other conditions related to specific features of the service and/or having public administrative powers in respect of persons who are not subordinate to him.
7. **“Civil servant of political (personal) confidence”** means a civil servant recruited for a term of office of the appointing state politician or the appointing collegiate state institution or for a term specified in other laws.
8. **“Head of institution”** means a civil servant recruited on the basis of competition or political (personal) confidence to head a state or municipal institution or agency.
9. **“Qualification class”** means a qualification level of a civil servant of a particular category.
10. **“Acting civil servant”** means a civil servant substituting for a career civil servant temporarily unable to perform his duties.
11. **“State politicians”** means persons who are elected or appointed, in accordance with the procedure prescribed by laws, as President of the Republic, Speaker of the Seimas, Member of the Seimas, Prime Minister, minister, member of a municipal council, mayor of a municipality or a deputy mayor of a municipality.
12. **“Misconduct in office”** means nonfeasance or misfeasance of the duties of a civil servant through the fault of a civil servant.
13. **“Abuse of office”** act or failure to act by a civil servant where the official position is used not in the interests of the service or not in accordance with the laws or

other legal acts, or it is used for self-interest (unlawful appropriation of property, funds, etc. belonging to another or unlawful transfer of such property to other persons) or for other personal reasons (revenge, envy, self-advancement, unlawful provision of services, etc.), and also any acts by a civil servant exceeding the powers conferred on him or any wilful acts.

14. **“Employer”** means a state or municipal institution or agency.

Article 3. Basic Principles of Ethics for the Civil Service and Civil Servants’ Conduct

1. The civil service in the Republic of Lithuania shall be based on the principles of the rule of law, equality, loyalty, political neutrality, transparency, responsibility for the decisions taken and career development.

2. The basic principles of ethics for civil servants’ conduct shall be as follows:

1) respect for an individual person and the State. A civil servant shall respect an individual person and the fundamental human rights and freedoms, the Constitution, the State, its institutions and agencies, laws, other legal acts and court judgements;

2) justice. A civil servant shall equally serve all residents irrespective of their nationality, race, sex, language, origin, social status, religious beliefs and political views; he shall be fair when dealing with requests, not abuse the powers and authority conferred upon him;

3) selflessness. A civil servant shall observe the public interest, use state and municipal property entrusted to him and information received in the line of duty only for the welfare of the public; he shall not seek benefit for himself, his family or friends while performing the duties of a state politician or his official duties;

4) propriety. A civil servant shall be flawless and incorruptible, refuse gifts, money or services, exceptional privileges and concessions from persons or organisations, which may exert influence on him while he is performing the duties of a state politician or his official duties;

5) impartiality. A civil servant shall be objective and avoid any partiality in decision taking;

6) responsibility. A civil servant shall bear personal responsibility for his decisions and shall account for them to the public;

7) publicity. A civil servant shall ensure the publicity of the decisions and actions taken, give motivation of his decisions; he may restrict information only in the event that this is necessary in major public interest cases;

8) exemplariness. A civil servant shall duly perform his duties, constantly improve, as well as be a person of irreproachable repute, tolerant, respectful and orderly.

3. The implementation of the principles of ethics for civil servants' conduct and the responsibility for non-compliance with the said principles shall be regulated by this Law and other laws of the Republic of Lithuania.

Article 4. Scope of the Law

1. This Law shall apply to civil servants without reservation, except for statutory civil servants.

2. The provisions of this Law shall apply to statutory civil servants in so far as their status is not regulated by the statutes or the Law on the Diplomatic Service, except for the procedure of remuneration laid down in this Law.

3. Paragraph 3 of Article 33 of this Law shall apply to the heads of state institutions and agencies appointed by the Seimas or the President of the Republic as well as to other state officials appointed by the Seimas or the President of the Republic. Article 36 of this Law shall also apply to the said state officials, except for those whose annual leave is regulated by special laws. Provisions of Chapter VI of this Law shall apply to the Director General of the State Security Department, his deputies, the Director of the Special Investigation Service and his deputies as well as to the Police Commissioner General.

4. Only paragraph 3 of Article 33 of this Law shall apply to the chairmen of state (standing) commissions and councils appointed by the Seimas or the President of the Republic, their deputies and members of such commissions or councils as well as to the chairmen and members of the commissions, councils, boards of funds established under special laws. Article 36 of this Law shall also apply to the said state officials, except for those who regularly attend only the meetings held by the commissions, councils and boards of funds specified in this paragraph.

5. This Law shall not apply to:

1) state politicians;

2) 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 Chairman 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 and municipal budgets and state monetary funds.

Article 5. Application of Laws Regulating Labour Relations in respect of Civil Servants

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.

Article 5⁽¹⁾. Collective Agreements in the Civil Service

1. A collective agreement is a written agreement between the employer and the civil servants of a state or municipal institution or agency concerning service (employment) conditions as well as other social and economic conditions.

2. When concluding a collective agreement referred to in paragraph 1 of this Article, the employer shall be represented by the head of a state or municipal institution or agency or a person authorised by him, while the civil servant shall be represented by a civil servants' trade union operating at a state or municipal institution or agency.

3. The collective agreement may include the following conditions:

- 1) office (working) time and rest time of civil servants;
- 2) creating safe and healthy working conditions;
- 3) remuneration for work;
- 4) procedure for the implementation of the collective agreement;
- 5) improvement of professional qualifications;
- 6) exchange of information and consultations between the parties;
- 7) other conditions which are not contrary to the valid legal acts and do not make the position of civil servants less favourable.

4. A collective agreement may not stipulate additional conditions related to any additional funds from the state and municipal budgets and state monetary funds.

CHAPTER II

CIVIL SERVICE POSITIONS

Article 6. Civil Service Positions

Civil service positions shall be divided into the following groups:

- 1) career civil servants;
- 2) civil servants of political (personal) confidence;
- 3) heads of institutions;
- 4) acting civil servants.

Article 7. Levels and Categories of Civil Service Positions, Basic Salary Coefficients

1. Civil service positions shall be divided into three levels:

- 1) Level A shall comprise positions where higher university education or equivalent education is required;
- 2) Level B shall comprise positions where higher non-university or college-level education or special secondary education completed before 1995 is required;
- 3) Level C shall comprise positions where secondary education and appropriate professional qualifications are required.

2. Civil service positions shall be divided into 20 categories with Category 20 ranking as the highest and Category 1 ranking as the lowest.

3. Each of the categories shall be assigned a basic salary coefficient under this Law (Appendix).

Article 8. Job Descriptions and Lists of Civil Service Positions

1. The Seimas shall approve by resolution, on a proposal by the Government, a list of positions of civil servants of political (personal) confidence in the Seimas and of uniform civil service positions in the Office of the Seimas and institutions accountable to the Seimas, the Office of the President of the Republic and institutions accountable to the President of the Republic, the National Courts Administration, the courts, the prosecutor's office and municipal institutions. It shall specify the levels and categories of civil service positions.

2. The Government shall approve a list of positions of civil servants of political (personal) confidence of the Prime Minister and of uniform civil service positions in the

Government's Office, ministries, and Government departments and agencies under ministries. It shall specify the levels and categories of civil service positions.

3. Job descriptions and lists of civil service positions in state and municipal institutions and agencies shall be approved:

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

2) as regards the Constitutional Court of the Republic of Lithuania, the Supreme Court of Lithuania, the Supreme Administrative Court of Lithuania and other courts – by the presidents of these courts;

3) as regards the director of a municipal administration, his deputy and municipal controller – by the municipal council;

4) as regards the system of prosecutor's offices – by the Prosecutor General;

5) as regards county governors, their deputies, Government representatives and Government authorised persons, their deputies – by the Government or a minister authorised by it;

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

4. Civil service positions shall be described in accordance with the Methodology for the Job Description and Evaluation of Civil Servants approved by the Government. A job description shall specify the level and category of a position, special requirements for a civil servant in this position, and the functions assigned to it.

5. The maximum authorised number of positions of civil servants and employees working under employment contracts and receiving remuneration from the state budget and state monetary funds shall be approved as follows: as regards the Government's Office, ministries, Government agencies and agencies under ministries, county governor administrations and services of Government representatives – by the Government; as regards the Office of the Seimas and institutions accountable to the Seimas – by the Board of the Seimas; as regards the Office of the President of the Republic and institutions accountable to the President of the Republic – by the President of the Republic or a person authorised by him. The maximum authorised number of positions of civil servants and employees working in municipal institutions and agencies under employment contracts and receiving remuneration from the municipal budget shall be approved by the municipal council.

CHAPTER III

RECRUITMENT TO THE CIVIL SERVICE

Article 9. General Requirements for Recruitment to the Civil Service

1. Any person recruited to the civil service shall meet the following general requirements:

- 1) hold citizenship of the Republic of Lithuania;
- 2) be proficient in the Lithuanian language;
- 3) be not less than 18 years of age and not more than 62 years and 6 months of age;
- 4) have the education necessary to occupy a post of that level in the civil service.

2. The requirement of being not more than 62 years and 6 months of age shall not apply to civil servants of political (personal) confidence and acting civil servants.

3. The following persons shall not be eligible for the civil service:

1) those found guilty, in accordance with the procedure prescribed by laws, of a serious or grave crime, or a criminal act against the civil service and public interest or any act comprising elements of corruptive nature, and whose conviction has not been spent or expunged;

2) those who have been deprived by the court of the right to occupy a post in the civil service;

3) those whose spouse, close relative or a person related to him by marriage performs the duties of a civil servant in a state or municipal institution or agency in the event that they would be related by direct subordination according to the posts held by them;

4) those recognised legally incapable in accordance with the procedure prescribed by laws;

5) those who are members of an organisation which is prohibited in accordance with the procedure prescribed by laws;

6) in the cases provided for by other laws.

4. A person dismissed from the civil service for serious breaches referred to in subparagraphs 1-4 of paragraph 6 of Article 29 of this Law may not be recruited to the civil service for a period of three years from the date of dismissal.

5. In addition, persons recruited to the civil service shall also meet special requirements set out in the job description.

6. The procedure of recruitment to the civil service shall be laid down in this Law,

other laws and regulations approved by the Government.

Article 10. Recruitment of Civil Servants

1. Career civil servants shall be recruited:

- 1) as regards the Office of the Seimas – by the Secretary General of the Seimas;
- 2) as regards the Office of the President of the Republic – by the Head of the Administration;
- 3) as regards the Government representative at the European Court of Human Rights – by the Government;
- 4) as regards state and municipal institutions and agencies – by heads of those institutions and agencies;
- 5) as regards the Constitutional Court of the Republic of Lithuania, the Supreme Court of Lithuania, the Supreme Administrative Court of Lithuania – by the chancellor of a court; as regards the chancellor of a court – by the president of a court;
- 6) as regards other courts – by the president of a court.

2. Heads of institutions shall be recruited:

- 1) as regards institutions and agencies accountable to the Seimas – by institutions and persons authorised by the law;
- 2) as regards the Head of Administration of the Office of the President of the Republic – by the President of the Republic;
- 3) as regards a Government representative, county governor or deputy county governor – by the Government;
- 4) as regards state institutions and agencies – by the heads of state institutions and agencies of higher ranking;
- 5) as regards the director of a municipal administration (his deputy) 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 and deputy speakers of the Seimas – by the Speaker of the Seimas, deputy speakers of the Seimas or persons authorised by them;
- 2) as regards the Office of the President of the Republic – by the President of the Republic or a person authorised by him;
- 3) as regards civil servants of political (personal) confidence of the Prime Minister – by the Prime Minister or a person authorised by him;

- 4) as regards ministries – by the minister;
- 5) as regards a Government authorised person or his deputy – by the Government;
- 6) as regards a municipal institution – by the mayor of municipality.

4. Where other laws (with the exception of the statutes, the Law on the Diplomatic Service, the Law on Administrative Supervision of Municipalities) provide for other conditions and procedure 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. Recruitment of Career Civil Servants

1. Recruitment of career civil servants shall be made:

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

2. A person recruited as a career civil servant through competition shall be examined in writing (a test) and orally (an interview). In the course of an interview, the ability of a person to perform the functions specified in the job description shall be assessed. The requirement to have a record of work in the civil service shall not apply to a person who is being recruited as a career civil servant, except for the cases provided for by other laws.

3. Persons referred to in paragraph 2 of Article 43 of this Law may be recruited as career civil servants without competition. In the event of two or more of such persons, they are examined orally (an interview).

4. A person or a collegiate state or municipal institution that appoints a civil servant to office (hereinafter referred to as the “appointing authority”) may publish a notice of competition concerning the recruitment of a career civil servant where it has submitted information about the vacant post to the agency for civil service management and has not received any information therefrom about the persons referred to in paragraph 2 of Article 43 of this Law within 7 working days after submission. The said persons have to be recruited provided that they meet the requirements set out in the job description.

Article 12. Recruitment of Civil Servants of Political (Personal) Confidence

Civil servants of political (personal) confidence shall be recruited without competition on basis of a choice made by a state politician or a collegiate state institution.

Article 13. Recruitment of Heads of Institutions

1. Heads of institutions shall be recruited through competition or on the basis of political (personal) confidence in the cases provided for in the laws.

2. A person recruited as head of an institution through competition shall be examined in writing (a test) and orally (an interview). In the course of an interview, the ability of a person to perform the functions specified in the job description shall be assessed.

Article 14. Recruitment of Acting Civil Servants

1. Acting civil servants shall be recruited without competition.

2. Acting civil servants shall be recruited to the position of a career civil servant or a civil servant of political (personal) confidence, who is temporarily unable to perform his duties, and hold office until the return of the career civil servant or the civil servant of political (personal) confidence temporarily unable to perform his duties, but for a period not exceeding three years or for a periods not exceeding the term of office of a civil servant who is temporarily unable to perform the duties specified in paragraph 2 of Article 16 of this Law.

CHAPTER IV

DUTIES AND RIGHTS OF CIVIL SERVANTS

Article 15. Duties of Civil Servants

1. Civil servants shall:

1) comply with the Constitution of the Republic of Lithuania and the laws 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) duly perform the functions specified in the job description and carry out the tasks assigned in a timely manner;

5) comply with the principles and rules of ethics for civil servants' conduct laid down in this Law and other legal acts, avoid any conflict of public and private interests, not to abuse the office;

6) follow the internal regulations of state and municipal institutions and agencies;

7) provide information about his work in accordance with the procedure prescribed by legal acts;

8) study in accordance with the procedure laid down in this Law;

9) refrain from using and preclude the use official or office related information otherwise than provided for by the laws or other legal acts;

10) refrain from using state or municipal property for activities that are not related to work;

11) refrain from participating in the activities specified in Article 17 of this Law, which are incompatible with the civil service, and from using office (working) time for other purposes, except for scientific and teaching activities at higher education establishments or training institutions for civil servants as well as non-formal adult education and the performance of duties of a member of a municipal council.

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

Article 16. Rights of Civil Servants

1. Civil servants shall have the right:

1) to career development in the civil service according to their qualifications. This right shall be guaranteed only for career civil servants;

2) to receive remuneration provided for in the laws and other legal acts;

3) to training, in accordance with the procedure laid down in this Law, financed from the state budget and municipal budgets;

4) to rest leaves provided for in this Law and other laws;

5) to a state social insurance pension, social and other guarantees provided for in this Law and other legal acts;

6) to strike, except for civil servants occupying the post of the head of a department in a state or municipal institution or agency or any other senior post;

7) hold membership in trade unions, organisations or associations, also membership in political parties or organisations, and participate in political activities outside office (working) hours, except for civil servants who are members of a municipal council.

2. Where the term of appointment to the office of a state politician, state official or civil servant who is head of institution appointed on the basis of political (personal) confidence by a collegiate state institution, the term of the Seimas, the European Parliament or a municipal council expires, or where a person resigns or is dismissed from

the office of a state politician, state official or civil servant who is head of institution appointed on the basis of political (personal) confidence by a collegiate state institution before his term in office expires, the person, who before his appointment to the office of a state politician, state official or civil servant who is head of institution appointed on the basis of political (personal) confidence by a collegiate state institution or before his election to the Seimas, the European Parliament or the municipal council was a civil servant (except for civil servants of political (personal) confidence), shall have the right, in accordance with the procedure established by the Government, to restore his status of a civil servant (except for a civil servant of political (personal) confidence) within 3 months after the emergence of the conditions specified above in this paragraph, i.e. to be reinstated in the post formerly occupied by him or, if no such possibility exists, to be appointed to another post in either the same or a lower category. Within 3 months after having completed his service in an international organisation or institution, EU institution or agency, a person who had resigned from a career civil servant post before his appointment to an international organisation or institution, EU institution or agency shall have the right to restore his status of a career civil servant, i.e. to be reinstated in the post formerly occupied by him or, if no such possibility exists, to be appointed to another post in either the same or a lower category. Such a right shall be denied to persons who have been dismissed from an international organisation or institution, EU institution or agency for reasons related to misfeasance of duties or unsatisfactory performance results or for misconduct in office. A civil servant who has completed mandatory initial military service or alternative national defence service shall be ensured the right to be reinstated in the post formerly occupied by him in the same state or municipal institution or agency.

3. Civil servants, who are members of trade unions, shall have the right to take part in resolving issues related to the evaluation of civil servants, their promotion, the imposition of disciplinary penalties, as well as in organisational activities of trade unions. Up to 10 hours of office (working) time per month shall be allocated for this purpose and remuneration shall be paid for this time.

4. The laws may also provide for other rights of civil servants.

Article 17. Activities Incompatible with the Civil Service

****A civil servant cannot:***

1) be an elective (appointed) member of a body of an enterprise, except for the cases where he is elected or appointed as such a member on the basis of authorisation by

a state or municipal institution or agency, also receive remuneration or other payments for carrying out the work of member of the body of an enterprise, except for the cases provided by laws. Remuneration or other payments allocated to a civil servant who is an elected (appointed) member of a body of an enterprise shall be transferred to the state budget, if a civil servant is remunerated from the state budget, or to a municipal budget, if a civil servant is remunerated from the municipal budget;

2) conclude transactions on behalf of the state or municipal institution or agency, in which he holds office, with individual (personal) enterprises, partnerships the owner or general/limited member of which is either he himself or his spouse, close relative (relatives in the direct line up to the second degree of consanguinity inclusive (parents and children, grandparents and grandchildren) and relatives in the collateral line of the second degree of consanguinity (brothers and sisters) shall be considered to be close relatives) or a person related to this civil servant by marriage (kinship by marriage shall be considered to be a relationship between one of the spouses and the relatives of the other spouse (stepson, stepdaughter, step father, stepmother, mother-in-law, father-in-law, son-in-law, and daughter-in-law) as well as between the relatives of both spouses (the husband's brother or sister and the wife's brother or sister, the husband's father or mother and the wife's father or mother), and also conclude transactions with companies in which he or his spouse, close relative or a person related to him by marriage holds or controls under another person's power of attorney over 10 percent of the authorised capital or shares;

3) represent Lithuanian and foreign enterprises as well as foreign institutions or agencies, travel abroad or study at the expense of Lithuanian or foreign enterprises, or otherwise make use of the funds of such enterprises. The prohibition to represent foreign institutions or agencies shall not apply to civil servants transferred to those institutions or agencies in accordance with paragraph 2 of Article 19 of this Law;

****4) work as an employee, advisor, expert or consultant in private legal entities, state or municipal enterprises, public establishments, also receive remuneration other than provided for by this Law, with the exception of remuneration for work in electoral and referendum commissions of all levels and for work under contracts with electoral or referendum commissions, as well as for scientific and teaching activities at higher education establishments or training institutions for civil servants, for non-formal adult education, for drafting legal acts (provided that this function is not specified in the job description) where appointed by a resolution of the Seimas or a decision of the Board of***

the Seimas, an order of the Speaker of the Seimas, a decree of the President of the Republic, a resolution of the Government or an order of the Prime Minister to draft legal acts, and also with the exception of author's fees received for works considered to be objects of intellectual property rights as well as remuneration for performing the duties of member of a municipal council outside office (working) hours or during office (working) hours in respect of which no remuneration for the civil service is paid;

5) occupy more than one post in the civil service. Assistant secretaries of members of the Seimas shall be allowed to work as an assistant secretary to another member of the Seimas, if he belongs to the same parliamentary group, a secretary assistant to the elder of a parliamentary group or an employee working under an employment contract, but for not more than half of the total working time.

* **Note.** The following provision of **Article 17** of the Law on Civil Service of the Republic of Lithuania (wording of 13 July 2004), which reads: “**A civil servant cannot:** <...> **4)** work as an employee, advisor, expert or consultant in private legal entities, state or municipal enterprises, public establishments, or receive remuneration other than provided for by this Law, with the exception of remuneration for work in electoral and referendum commissions of all levels and for work under contracts with electoral or referendum commissions, as well as for scientific and teaching activities at higher education establishments or training institutions for civil servants, for non-formal adult education, for drafting legal acts (provided that this function is not specified in the job description) where appointed by a resolution of the Seimas or a decision of the Board of the Seimas, an order of the Speaker of the Seimas, a decree of the President of the Republic, a resolution of the Government or an order of the Prime Minister to draft legal acts, and also with the exception of author's fees received for works considered to be objects of intellectual property rights” **is in conflict with paragraph 1 of Article 48 of the Constitution of the Republic of Lithuania as well as with the constitutional principle of the rule of law.**

CHAPTER V

CAREER DEVELOPMENT OF CIVIL SERVANTS

Article 18. Promotion of Career Civil Servants and Their Temporary Transfer to Another Civil Service Post

1. A career civil servant may be promoted without competition by a decision of

the appointing authority only if the career civil servant is evaluated by the civil servants' evaluation commission (hereinafter referred to as the "evaluation commission").

2. In case of official necessity, the appointing authority shall have the right to temporarily transfer a career civil servant to another career civil service post at the same state or municipal institution or agency situated in the same or any other place of residence.

3. In case of official necessity and after the matter has been coordinated between the heads of institutions or agencies, the appointing authority shall have the right to temporarily transfer a career civil servant to another career civil service post at another state or municipal institution or agency situated in the same or any other place of residence.

4. A temporary transfer of a career civil servant to another post shall be possible only with his written consent, except in cases of the state of war or emergency or in extraordinary situations.

5. A career civil servant may not be transferred to another post on a temporary basis for a period exceeding one year in any five years of his employment in the service.

6. Remuneration paid to a career civil servant transferred to another post on a temporary basis shall be not less than his remuneration before the transfer.

Article 19. Transfer of Career Civil Servants to Another Post at a Lithuanian Diplomatic Mission, Consular Post or Mission to an International Organisation as well as to an International Organisation or Institution, EU Institution or Agency

1. A career civil servant may, with his written consent, be transferred to another post at a Lithuanian diplomatic mission, consular post or mission to an international organisation.

2. A career civil servant may, with his written consent, be transferred to another post at an international organisation or institution, EU institution or agency. Candidates for such temporary postings shall be selected in accordance with the procedure established by the Government.

3. Usually, a career civil servant transferred pursuant to paragraph 1 or 2 of this Article may occupy another post for a period not exceeding three years, unless otherwise provided by an international treaty or EU legal acts.

4. A career civil servant may be transferred to another post at a Lithuanian diplomatic mission, consular post or mission to an international organisation where he meets the special requirements set out in the job description of the position he is transferred to.

5. 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 during the service abroad shall be set out in the laws and other legal acts.

Article 20. Horizontal Mobility of Career 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 post in the same or another state or municipal institution or agency of either the same or a lower category.

2. The posts of two career civil servants of the same category may be interchanged at their request.

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

Article 21. Qualification Classes of Civil Servants

1. There are three qualification classes of civil servants, the first qualification class being the highest one and the third qualification class being the lowest one.

2. Where civil servants are recruited, they may be assigned, through evaluation, the third qualification class. In this case, a term of 20 working days for notification referred to in paragraph 5 of Article 22 shall not apply.

Article 22. Evaluation of Civil Servants and their Performance Appraisal

1. The evaluation of a civil servant and the appraisal of his performance shall have the purpose of evaluating the performance results and qualification of the head of an institution or a career civil servant.

2. The performance of a career civil servant during a calendar year shall be evaluated by his immediate superior, while the performance of the head of an institution shall be evaluated by the appointing authority or a person authorised by the appointing authority. At the end of each calendar year, the immediate superior of a civil servant or the appointing authority or a person authorised by the appointing authority shall evaluate

the performance of a civil servant as excellent, good or unsatisfactory. If the performance of a civil servant is evaluated as excellent or unsatisfactory, the civil servant shall be evaluated by an evaluation commission.

3. A career civil servant shall be evaluated by an evaluation commission set up by the head of a state or municipal institution or agency. Heads of institutions, heads and auditors of internal audits, members of an evaluation commission and civil servants in categories 18-20 shall be evaluated by an evaluation commission set up by the head of the agency for civil service management. The head of the agency for civil service management shall set up an evaluation commission comprised of civil servants from different state or municipal institutions or agencies. The director of a municipal administration (his deputy), municipal controller and members of the evaluation commission of civil servants of municipal institutions or agencies shall be evaluated by the evaluation commission set up by a municipal council.

4. An evaluation commission shall be set up for 2 years. It shall comprise 5 or 7 civil servants. Where there is a trade union at a state or municipal institution or agency, one member of the evaluation commission shall be a representative of the trade union operating at the state or municipal institution or agency.

5. The appointing authority shall notify a civil servant and the agency for civil service management about the forthcoming civil servant's evaluation not later than 10 working days prior to the beginning of evaluation. The head of the agency for civil service management or a civil servant authorised by him may participate in the work of the evaluation commission of a state or municipal institution or agency as member of this commission.

6. A civil servant may be evaluated in excellent, good or unsatisfactory terms by the evaluation commission. The evaluation commission shall have the right to invite the immediate superior of the civil servant under evaluation to attend its meeting.

7. If the evaluation commission gives an excellent evaluation to a civil servant, it shall provide the appointing authority with one of the following proposals:

- 1) to assign qualification class 3 or a higher qualification class to the civil servant;
- 2) to promote a career civil servant;
- 3) to retain the same (highest) qualification class and the bonus assigned to the qualification class where promotion is not possible within the relevant state or municipal institution or agency.

8. If the evaluation commission gives an unsatisfactory evaluation to a civil

servant, it shall provide the appointing authority with one of the following proposals:

- 1) to improve professional qualifications of the civil servant;
- 2) to assign a lower qualification class to the civil servant or revoke qualification class 3;
- 3) to demote a career civil servant;
- 4) to dismiss the civil servant from office, if his performance was evaluated as unsatisfactory for two consecutive times.

9. The proposals submitted by the evaluation commission, envisaged in subparagraph 1 of paragraph 7 and subparagraphs 1, 2 and 4 of paragraph 8 of this Article, shall be binding on appointing authority. If the evaluation commission proposes that the appointing authority should decide as provided for in subparagraph 2 of paragraph 7 of this Article, it may also propose to assign a qualification class to a civil servant.

10. A civil servant whose performance has been evaluated as good by his immediate superior shall retain the same qualification class. If the performance of a civil servant was evaluated by his immediate superior as good for two consecutive years, the civil servant shall be evaluated only at his request.

11. If the performance of a civil servant has been evaluated by his immediate superior as excellent but the evaluation commission gives a different appraisal of his performance, the civil servant shall retain the same qualification class.

12. If the evaluation commission gives an excellent evaluation to the head of an institution, it shall submit the proposal envisaged in subparagraph 1 of paragraph 7 of this Article, while in the event that it gives an unsatisfactory evaluation to the head of an institution, it shall submit the proposals envisaged in subparagraphs 1, 2 or 4 of paragraph 8 of this Article.

13. Where any doubt arises concerning the performance of the head of an institution or a career civil servant or where a civil servant requests in writing to be promoted, an extraordinary evaluation of a civil servant may be carried out on a reasoned written proposal from his immediate superior and by the decision (order) of the appointing authority. In addition, an extraordinary evaluation of a civil servant may also be conducted on the proposal from his immediate superior to assign qualification class 3 or a higher qualification class to the civil servant. An extraordinary evaluation of a civil servant may be carried not earlier than 6 months after the date of his regular evaluation.

14. Pregnant or breast-feeding civil servants shall be evaluated by the evaluation commission only at their request.

15. Decisions of the appointing authority adopted on the proposals from the evaluation commission may be appealed against in accordance with the procedure laid down in the Law on Administrative Proceedings.

16. The procedure for assigning qualification classes to civil servants, the criteria for performance appraisal and the procedure of evaluation of civil servants shall be established by the Government.

CHAPTER VI

REMUNERATION

Article 23. Remuneration

1. Remuneration of a civil servant shall comprise:

- 1) basic salary;
- 2) bonuses;
- 3) additional pays.

2. The amount of bonuses and additional pays may not exceed 70 percent of the basic salary.

Article 24. Basic Salary

1. The basic salary shall be determined for the category of the position and shall be the same for all positions in the same category.

2. The amount of the basic salary shall be calculated according to the basic salary coefficient. The coefficients applicable to positions in each category shall be set forth in this Law (Appendix). The basic salary coefficient unit shall amount to the minimum monthly salary (hereinafter referred to as “MMS”) as approved by the Government. The amount of the basic salary shall be calculated by multiplying the appropriate basic salary coefficient by MMS. The basic salary shall be rounded in such a way that the last digit is either 0 or 5.

3. For civil servants who have worked not all of the working days of a month or who work part time, remuneration shall be calculated in the following manner: the amount of the basic salary shall be divided by the number of working hours or working days of the respective month according to the work schedule of a civil servant or a state or municipal institution or agency; the calculated pay for a working hour or a working day shall be multiplied by the number of hours or days worked by the civil servant.

Article 25. Bonuses

1. Civil servants shall be paid the following bonuses:

- 1) for the length of service to the State of Lithuania (hereinafter referred to as the “length of service”);
- 2) for the qualification class or qualification category;
- 3) for the grade or official rank;
- 4) for the diplomatic rank.

2. Bonuses for the length of service shall be 3 percent of the basic salary for every three years of service for the State of Lithuania. The total amount of this bonus may not exceed 30 percent of the basic salary.

3. A bonus for the third qualification class shall be 15 percent, for the second qualification class – 30 percent, and for the first qualification class – 50 percent of the basic salary.

4. (Repealed)

5. The bonus specified in subparagraph 2 of paragraph 1 of this Article shall not be paid to civil servants of political (personal) confidence.

6. Bonuses for the grade or official rank or qualification category may only be paid to statutory civil servants in accordance with the procedure laid down in the statutes. Statutory civil servants shall not be paid a bonus for the qualification class, except for civil servants whose service is regulated by the Law on the Diplomatic Service.

7. Bonuses referred to in subparagraph 2, 3 and 4 of paragraph 1 of this Article shall not exceed 55 percent of the basic salary.

Article 26. Additional Pays

1. Civil servants shall be paid the following additional pays:

- 1) for work on rest days, holidays and at night;
- 2) for work in harmful, highly harmful and hazardous conditions;
- 3) for activities which exceed the usual workload or for performing additional assignments beyond the established working hours. Additional assignments for a civil servant shall be formulated in writing.

2. The additional pay specified in subparagraph 3 of paragraph 1 of this Article may not be paid for a period exceeding one year after it was granted, except for civil servants of political (personal) confidence. If a civil servant has to work in the conditions

referred to in subparagraph 3 of paragraph 1 of this Article for more than one year, such conditions shall be considered to have become permanent. In this case, the issue of amending the job description shall have to be settled.

3. The additional pays specified in subparagraphs 1, 2 and 3 of paragraph 1 of this Article shall not exceed 60 percent of the basic salary.

CHAPTER VII

INCENTIVES FOR CIVIL SERVANTS AND THEIR RESPONSIBILITY

Article 27. Incentives and Awards

1. The appointing authority may provide civil servants with incentives for irreproachable 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) note of acknowledgement;
- 2) personal gift;
- 3) payment of a lump sum in accordance with the procedure established by the Government.

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

4. Incentives and state awards given to a civil servant shall be entered in his personal file.

Article 28. Responsibility of Civil Servants

Misconduct in office shall make a civil servant liable to disciplinary action. Civil servants shall incur material liability for any material damage caused to a state or municipal institution or agency.

Article 29. Disciplinary Penalties

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

2. A disciplinary penalty shall be imposed taking into account the fault, causes, circumstances and consequences of misconduct in office, the performance of a civil servant before the misconduct was committed and the information provided in the cases

and according to the procedure referred to in the Law on the Prevention of Corruption.

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

- 1) note of warning;
- 2) reprimand;
- 3) severe reprimand;
- 4) dismissal from office.

4. Dismissal from office as a disciplinary penalty may be imposed for serious misconduct in office as well as for any other misconduct in office where the civil servant has received a severe reprimand at least once over the past 12 months.

5. Serious misconduct in office shall mean misconduct which results in a serious breach of the laws or other regulatory provisions governing the civil service and the activities of civil servants or which adversely affects the duties of a civil servant or the principles of ethics for civil servants' conduct.

6. The following shall be considered to be a serious breach:

- 1) a civil servant's conduct which discredits the civil service or undermines human dignity, or any other action which directly violates the constitutional rights of a person;
- 2) disclosure of a state, business or commercial secret;
- 3) any act comprising elements of corruptive nature even if it did not incur criminal or disciplinary liability in respect of the civil servant;
- 4) abuse of office and non-compliance with the requirements of the Law on the Coordination of Public and Private Interests in the Civil Service;
- 5) involvement in activities which are incompatible with the civil service;
- 6) unjustified absence from office (work) for one or several working days;
- 7) being intoxicated with alcohol, drugs or toxic substances during office (work) hours, provided that the conduct of a civil servant insults human dignity or discredits the authority of a state or municipal institution or agency;
- 8) other cases of misconduct which adversely affects the duties of a civil servant or the principles of ethics for civil servants.

Article 30. Imposition of Disciplinary Penalties

1. A disciplinary penalty shall be imposed not later than within one month after the day of disclosure of misconduct in office, excluding the period of absence from work by a civil servant because of sickness, business trip or rest leave, while criminal

proceedings are initiated or in the event of official inspection or any other inspection by a competent institution, a disciplinary penalty shall be imposed not later than two months after the discontinuation of criminal proceedings or after the day when a court judgement comes into effect or the day when an official inspection or any other inspection by a competent institution is concluded. Investigation into misconduct in office shall be started at the initiative of the appointing authority or where the appointing authority receives official information about a civil servant's misconduct in office. A disciplinary penalty may not be imposed if a period of 6 months has expired from the day of misconduct in office, except for the cases where misconduct is disclosed during an audit, an examination (inventory) of monetary funds or any other valuables or an official inspection or any other inspection by a competent institution. In such cases, a disciplinary penalty must be imposed not later than within 3 years after the day of misconduct.

2. (Repealed)

3. A single case of misconduct in office shall not give rise to more than one disciplinary penalty.

4. Where it emerges that misconduct in office comprises elements of a criminal act or administrative offence, the investigation of misconduct shall be suspended and the material of such investigation shall be referred to an institution which is competent to investigate the case in question. Where criminal or administrative proceedings are dismissed or where a person is exempt from criminal or administrative liability, the investigation of misconduct in office shall be continued and a disciplinary penalty shall be imposed subject to the terms and procedure referred to in paragraph 1 of this Article.

5. Disciplinary penalties shall be imposed by the appointing authority.

6. A decision to impose a disciplinary penalty may be appealed against in accordance with the procedure laid down in the Law on Administrative Proceedings.

7. The procedure for imposing disciplinary penalties on civil servants shall be set forth by the Government.

Article 31. Expiry of Disciplinary Penalty

1. A civil servant shall be deemed not to have incurred a disciplinary penalty after the expiry of a one-year period from the date of its imposition.

2. A disciplinary penalty may be revoked by a reasoned decision of the person who has imposed it before the term specified in paragraph 1 of this Article expires or in

the event that the civil servant is given a state award.

Article 32. Material Liability and Procedure of Compensation for Damage

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

2. A civil servant shall compensate in full for the damage referred to in paragraph 1 of this Article, provided that he caused it when performing internal administrative work, but the amount of the damage to be compensated may not exceed 6 average salaries of the civil servant.

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

4. If a civil servant has not compensated, in good faith and by mutual agreement, for damage in kind or in cash, compensation for the damage caused may be deducted, by a decision of the appointing authority, from the civil servant's remuneration, but not in excess of his average salary. A decision on compensation for damage shall be taken not later than within one month after the day of disclosure of damage. The portion of damage which has not been compensated shall be recovered by bringing legal action to court.

5. In the event of compensation for damage, the amount to be recovered may not exceed 20 percent of the salary to be paid to the civil servant per month.

6. A civil servant who objects to the decision of an appointing authority concerning compensation for the damage caused to a state or municipal institution or agency, shall be entitled to apply to court. An application to court shall suspend the recovery of compensation for damage.

Article 33. Right of Recourse of State and Municipal Institutions and Agencies against a Civil Servant who Caused Damage

1. Any damage resulting from the illegal actions of a state or municipal institution or agency shall be compensated in accordance with the procedure set out in the Civil Code.

2. A state or municipal institution or agency which has compensated for the damage caused by a civil servant shall have the right of recourse against the said civil servant to the amount paid by it, but not in excess of 9 average salaries of the civil servant. Compensation for damage shall be recovered from the remuneration of the civil servant and may not exceed 20 percent of the salary to be paid to the civil servant per month .

3. The head and members of a collegiate state or municipal institution shall jointly and severally compensate a state or municipal institution or agency for the damage caused by the decisions of this collegiate institution that have been taken in violation of the laws and other legal acts of the Republic of Lithuania. Those persons who voted against such a decision or were not present at a meeting where this decision was taken and who submitted a written statement to the head of the institution within 7 days after they had learned or had to learn about such a decision shall be released from the obligation to compensate for damage. The resigning or recalling from office of the head or member of a collegiate state or municipal institution shall not release him from the obligation to compensate for the damage caused through his fault. Disputes concerning compensation for damage shall be settled by court.

Article 34. Removal from Office

1. A civil servant who arrived to office (work) being intoxicated with alcohol, drugs or toxic substances may be prohibited from working that day and the payment of his remuneration may be suspended by his immediate superior. In other cases, a civil servant may be removed from office by his immediate superior only on the grounds established by laws.

2. The immediate superior of a civil servant shall remove a civil servant from office and suspend the payment of remuneration on the basis of a written request by officials or a state or municipal institution or agency which under the law have the right to removal. This request shall indicate the term of removal from office of a civil servant as well as the reasons and legal grounds for such removal.

3. A civil servant removed from office may, with his consent, be transferred to a lower post, provided that it is not contrary to the purpose of removal.

4. At the expiry of the term of removal, a civil servant shall be reinstated in the post formerly occupied by him, provided that the removal has not given grounds for his dismissal.

5. A civil servant who, at the written request of his immediate superior or authorised state or municipal institutions or agencies or officials, has been removed from office without due grounds shall have the right to request compensation for damage in accordance with the procedure prescribed by laws.

CHAPTER VIII

SOCIAL AND OTHER GUARANTEES FOR CIVIL SERVANTS

Article 35. Leave of Civil Servants

Types of leave of civil servants, its minimum duration, the procedure and conditions for granting leave and paying for it shall be regulated by this Law and other laws.

Article 36. Annual Leave

1. A civil servant shall be granted a 28-calendar day annual leave.
2. A civil servant with a length of service of more than five years shall be granted additional 3 calendar days of the annual leave for each subsequent three-year period of service, however the total duration of the annual leave may not exceed 42 calendar days.
3. A civil servant shall usually be granted an annual leave for the first year in the service after 6 months of service with a specific state or municipal institution or agency.

Article 37. Unpaid Leave

1. An unpaid leave for a period not exceeding 3 months may be granted, for family reasons or in other circumstances, by agreement between the appointing authority and the civil servant.
2. An unpaid leave to participate in the elections of members of the Seimas, the President of the Republic or municipal councils shall be granted in accordance with the procedure prescribed by laws.

Article 38. Leave for Improvement of Qualifications

1. A career civil servant with a length of service of more than 3 months in a specific 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, a career civil servant shall retain the post formerly occupied by him, but shall not receive the established remuneration.
2. A career civil servant may avail him of the leave specified in this Article not more than once in five years.

Article 39. Leave due to Transfer of a Career Civil Servant to Another Post

1. A career civil servant shall be granted a leave of up to 5 working days for resettlement in relation to his transfer to another post in a new place of residence as

specified in Article 18 of this Law as well as in relation to his transfer to another post at a Lithuanian diplomatic mission, consular post or mission to an international organisation as well as to an international organisation or institution, EU institution or agency as specified in Article 19. For this period a career civil servant shall be paid his monthly average salary calculated in accordance with the procedure established by the Government.

2. Resettlement expenses incurred by transfer to another post in a new place of residence, as specified in Article 18, shall be reimbursed by the state or municipal institution or agency whereto a civil servant has been transferred. Resettlement expenses incurred by transfer to another position, as specified in Article 19, shall be reimbursed by the state or municipal institution or agency wherefrom a civil servant has been transferred. Resettlement expenses shall be reimbursed in accordance with the procedure established by the Government.

Article 40. State Social Insurance, Health Insurance and Pensions

1. Civil servants shall be covered by compulsory state social insurance and compulsory health insurance subject to the procedure and conditions set out in the Law on State Social Insurance and other laws regulating different types of state social insurance as well as the Law on Health Insurance.

2. Civil servants shall be granted and paid state social insurance pensions in accordance with the Law on State Social Insurance Pensions.

3. Contributions under the state social insurance pension scheme in respect of a spouse of a civil servant working abroad at a Lithuanian diplomatic mission, consular post or mission to an international organisation shall be paid for the period spent together with the civil servant working at a Lithuanian diplomatic mission, consular post or mission to an international organisation subject to the procedure and conditions set out in the Law on State Social Insurance and other laws or legal acts. This provision shall not apply where the spouse of the civil servant is employed or where he/she has reached retirement age.

4. The period spent by a spouse living abroad together with a civil servant working at a diplomatic mission or consular post of the Republic of Lithuania shall be included into the spouse's period of service covered by the state social insurance, provided that the contributions fixed under the state social insurance scheme of the Republic of Lithuania have been paid for the said period.

Article 41. Severance Pays and Reimbursements

1. A civil servant dismissed from office for reasons specified in subparagraphs 12 and 13 of paragraph 1 of Article 44 of this Law shall be paid on the day of his dismissal a severance pay equal to twice the amount of his monthly average salary. A civil servant of political (personal) confidence dismissed from office for the reason specified in subparagraph 6 of paragraph 1 of Article 44 of this Law shall be paid on the day of his dismissal a severance pay equal to the amount of his monthly average salary.

2. A civil servant dismissed from office pursuant to subparagraph 9 of paragraph 1 of Article 44 of this Law shall be paid a severance pay equal to the amount of the average salary he received until the position was cancelled, taking into account the length of service of the civil servant in a state or municipal institution or agency (the length of service in 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 18, 19 and 20 of this Law as well as in the cases specified in paragraph 1 of Article 43 where the civil servant was transferred before the position was cancelled):

- 1) up to five years – equal to twice the amount of his average salary;
- 2) from five to ten years – equal to three times the amount of his average salary;
- 3) from ten to twenty years – equal to four times the amount of his average salary;
- 4) over twenty years – equal to six times the amount of his average salary.

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

4. The payment of the severance pay specified in paragraph 2 of this Article shall begin after one month from the day of dismissal of a civil servant and shall be paid every month in equal portions. Its payment shall be terminated if a person assumes office in the civil service. If a person assumes office not on the first day of a month, severance pay shall be paid only for the days before his recruitment to the civil service.

5. Civil servants assigned to a Lithuanian diplomatic mission or consular post or transferred to another post at a Lithuanian diplomatic mission, consular post or mission to an international organisation as well as to a foreign or international institution shall, in accordance with the procedure established by the Government, receive reimbursement for the expenses related to their work abroad and reimbursement for the maintenance

costs of their spouses and children (adopted children) living abroad together with them.

6. Civil servants may be paid an allowance in the amount fixed by the Government for the use of a non-staff car for official business needs.

Article 42. 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 specified in paragraphs 3, 4 and in subparagraphs 1-4 of paragraph 5 of Article 4 of this Law (except for members of municipal councils who were not a mayor and deputy mayor). The length of service shall be calculated from the beginning of the service (work) of a civil servant in 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 (work) at different periods in state and municipal institutions and agencies shall be added up. The length of service shall also include the periods of annual, maternity and parental leave (to care for a child under three years of age), periods of transfer to international organisations or institutions, EU institutions or agencies pursuant to paragraph 2 of Article 19 of this Law, periods of service at international organisations or institutions, EU institutions or agencies, periods of leave for educational training, periods of leave granted under Articles 37, 38 and 39 of this Law as well as periods of receipt of sickness benefits. Taking into account the length of service, the amount of the bonus specified in subparagraph 1 of paragraph 1 of Article 25 of this Law and the duration of the annual leave specified in Article 36 of this Law shall be determined.

2. The procedure for calculating the length of service shall be established by the Government.

Article 43. Other Guarantees

1. A career civil servant, whose position is cancelled, shall be appointed to another career civil service post of the same level and category or, if there is no such post and the servant gives his consent, to a post in a lower category. If a career civil servant is not appointed to another post before his position is cancelled, he shall be dismissed from office. Not later than 2 months before the position is cancelled, a career civil servant shall be notified in writing thereof. Disabled persons, pregnant women (where a state or municipal institution or agency is liquidated), women and/or men raising children (a child)

under 14 years of age as well as persons entitled to a full old age pension in not more than five years shall be notified in writing about the cancellation of the position 4 months in advance.

2. A former career civil servant (except for career civil servants who have reached the age of 62 years and 6 months) dismissed from office because his position was cancelled shall be offered a vacant career civil service post in either the same or a lower category within 6 months from the day of his dismissal in accordance with the procedure established by the Government, provided that the said person meets the requirements set out in Article 9 of this Law.

3. A civil servant who died while performing his duties or for reasons related to the performance of his duties shall be buried at the expense of the State. Expenses related to the transportation to Lithuania of the body of a civil servant who died abroad while performing his duties shall be covered by the State in accordance with the procedure prescribed by legal acts. The description of burial expenses covered by the State shall be drawn up by the Government or an institution authorised by it. A lump sum equal to the amount of an annual average salary of a civil servant who has died shall be paid to his family (spouse, child/children, adopted child/adopted children under 18 years of age or if they have not completed secondary education – under 20 years of age, dependants (irrespective of their age) who lived together with the civil servant (persons incapable of working due to their age or disability who were maintained by the civil servant shall be considered as dependants), full aged child/children, full aged adopted child/adopted children, parents/adoptive parents. The procedure of transportation to Lithuania of the body of a civil servant who died abroad for reasons unrelated to the performance of his duties shall be established by the Government. A lump sum equal to the amount of a monthly average salary of a civil servant who has died shall be paid to his family, full aged child/children, full aged adopted child/children, and parents/adoptive parents. Such allowances shall be paid irrespective of the funeral grants paid in accordance with other laws.

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

1) where civil servants are sent by a decision of the head of a state or municipal institution or agency for training provided for by this Law;

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

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

4) where civil servants are summoned to a conscription commission;

5) where civil servants are called up for military training, exercises or duty assignments under the Law on Military Conscription. Where a civil servant is in mandatory initial military service or alternative national defence service, he shall be guaranteed only the post held by him;

6) in the event of the death of their close relative (parent/adoptive parent, child/adoptive child, brother, sister, grandparent and grandchild), the spouse's parent, child/adopted child, brother and sister – up to 3 working days;

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

8) where civil servants, with the consent of their immediate superior, go to a health care establishment or to a state or municipality institution or agency – up to one working day;

9) where civil servants, in accordance with paragraph 2 of Article 19 of this Law, are temporarily transferred to another post at an international organisation or institution, EU institution or agency. The salary fixed in respect of a civil servant shall not be paid where he is remunerated by the institution, agency or organisation whereto he is transferred.

5. The post held by a career civil servant shall be guaranteed where he is unable to perform his duties by reason of mandatory initial military service or alternative national defence service, leave for the improvement of qualifications, maternity or parental leave (to care for a child under three years of age), temporary transfer to another post, transfer to another post at a Lithuanian diplomatic mission, consular post or mission to an international organisation. Spouses of career civil servants accompanying career civil servants transferred to another post at a Lithuanian diplomatic mission, consular post or mission to an international organisation as well as to an EU institution or agency shall be guaranteed the post formerly occupied by them, provided that they were career civil servants before their leave.

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

7. The head of an institution or a career civil servant who has reached the age of 62 years and 6 months may have his civil service extended. The service of a civil servant who

has reached this age may be extended by the appointing authority. He must notify the agency for civil service management thereof not later than 10 calendar days prior to the extension of the service. The head of an institution or a career civil servant may have his term of service extended for up to one year but the total term of extended service may not exceed five years.

8. Civil servants in a difficult financial position by reason of their sickness, the sickness or death of family members, natural disaster or loss of property may be granted an allowance in the amount of up to 5 MMS. An allowance shall be granted by the appointing authority from the funds allocated to a state or municipal institution or agency for remuneration. The head of an institution shall be granted allowances from the funds allocated for remuneration at his institution.

9. The amounts awarded by court to a civil servant as well as other amounts relating to the service shall be awarded in respect of not more than three years.

10. 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.

11. The head of an institution may be transferred, based on the results of his performance appraisal or at his request, to another post in either the same or a lower category.

12. Other laws may also provide for other guarantees.

CHAPTER IX

DISMISSAL FROM CIVIL SERVICE

Article 44. Dismissal from Civil Service

1. A civil servant shall be dismissed from office if:

1) he resigns;

2) a municipal controller, a civil servant of the municipal controller's office or a civil servant of the municipal administration assumes the office of member of the council of the same municipality, or a county governor, his deputy or a representative of the Government assumes the office of member of the council of the municipality;

3) he loses the citizenship of the Republic of Lithuania;

4) he has not completed the education necessary to occupy his post within the

period set in the Law Implementing the Law Amending the Law on Civil Service;

5) the term of office of the head of an institution expires in the cases provided for in the laws;

6) the term of appointment of an acting civil servant to the post of a career civil servant or a civil servant of political (personal) confidence temporarily unable to perform his duties expires, or a civil servant reaches the age of 62 years and 6 months, or the term of extension of his service expires, or the mandate of the state politician or collegiate state institution that has recruited a civil servant of political (personal) confidence to office, expires;

7) a civil servant of political (personal) confidence loses the confidence of the state politician or collegiate state institution that has recruited him to office, or the term of his appointment expires;

8) it emerges that, when entering the civil service, he submitted falsified documents or presented false data which made him not eligible for the civil service;

9) the civil service position is cancelled;

10) the evaluation commission evaluated a civil servant's performance as unsatisfactory for two consecutive times and has recommended dismissal;

11) a civil servant dismissed from mandatory initial military service or alternative national defence service does not return to the post formerly occupies by him in the civil service for over 2 months;

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

13) he is absent from work due to temporary incapacity for more than 120 calendar days in succession or more than 140 days during the last twelve months, unless the laws provide that in the case of certain illnesses the post shall be retained for a longer period, or when a civil servant is unable to perform his duties pursuant to the conclusions of a medical or disability commission;

14) a civil servant is deprived, in accordance with the procedure prescribed by laws, of special rights related to the performance of his direct duties;

15) a disciplinary penalty, dismissal from office, is imposed;

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

17) he refuses to conclude an employment contract if the position is not assigned to the civil service.

2. A civil servant of political (personal) confidence shall be dismissed from office on the last day of the mandate of the state politician who has recruited him to office or at the first meeting of a newly formed collegiate state institution.

3. A civil servant intending to resign must notify the appointing authority thereof not later than 14 calendar days in advance.

4. A civil servant may not be dismissed from office during his temporary incapacity and leave, except for the cases specified in subparagraphs 1, 6, 8, 13, 14 and 16 of paragraph 1 as well as in paragraph 2 of this Article.

5. A pregnant civil servant as well as a civil servant during his/her leave to care for a child under three years of age may not be dismissed from office for the reasons specified in subparagraphs 4, 9 (except for the cases where a state or municipal institution or agency is liquidated), 10, 12, 13 and 15 of paragraph 1 of this Article.

6. Disputes over the dismissal of a civil servant shall be examined in accordance with the procedure laid down in the Law on Administrative Proceedings.

CHAPTER X

TRAINING OF CIVIL SERVANTS

Article 45. Types of Training for Civil Servants

1. The following types of training shall be provided for civil servants:

1) initial training, i.e. the acquisition of knowledge and the development of skills of civil servants recruited to the career civil service. Initial training shall consist of training according to programmes the content of which are common to all civil servants of the same category. General initial training is obligatory for career civil servants within the first year of appointment, if they have not previously undergone such training;

2) improvement of qualifications (in-service training), i.e. continuous studies, development of special professional knowledge and improvement of administrative skills and abilities at the initiative of the civil servant or a state or municipal institution or agency during the entire term of office or where seeking promotion in the civil service. Civil servants, on assuming a post in categories 18-20, shall complete the approved training programmes for civil servants of categories 18-20 within two years after their appointment.

2. Training programmes for civil servants shall be developed in compliance with the requirements prescribed by the Minister of the Interior for the content of such programmes. General in-service training programmes in the areas of integration into the European Union and human resources management as well as training programmes for civil servants of categories 18-20 shall be developed and the training of civil servants according to these programmes shall be carried out by the Lithuanian Institute of Public Administration. Other training programmes shall be developed and the training of civil servants according to these programmes shall be carried out by training institutions for civil servants approved in accordance with the procedure established by the Minister of the Interior.

Article 46. Funding of Training for Civil Servants

1. The training of civil servants in state and municipal institutions and agencies shall be financed from the funds allocated for this purpose in the state budget and municipal budgets. Such funds shall account for not less than 1 percent and not more than 5 percent of total allocations for the remuneration of civil servants.

2. If the duration of a training course exceeds 3 months and training is funded from the state budget or municipal budgets, a contract shall be concluded with a civil servant concerning the repayment of the funds allocated for training. The contract shall provide that the funds will be repaid by a civil servant if:

1) he resigns from the civil service less than one year after completing the training course;

2) he is dismissed from office due to a disciplinary penalty.

3. A person dismissed from the civil service with whom a contract for the repayment of the funds allocated for training has been concluded must within 6 months after dismissal refund the training-related expenses incurred by a state or municipal institution or agency to the relevant state or municipal institution or agency. If a person fails to refund the expenses related to his training, the state or municipal institution or agency shall apply to court for the recovery of such funds.

4. The training of civil servants seeking to improve their qualifications may be financed from the funds other than specified in part 1 of this Article.

Article 47. Organisation of Training for Civil Servants

1. The priority objectives of training for civil servants and the priority training

groups shall be set out in the strategy for the training of civil servants approved by the Government.

2. The training of civil servants in state and municipal institutions and agencies shall be organised by the appointing authority which shall bear responsibility for such training.

3. The procedure for organising the training of civil servants shall be established by the Minister of the Interior.

CHAPTER XI

MANAGEMENT OF THE CIVIL SERVICE

Article 48. 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) implements civil service policies;
- 2) perform other functions of general civil service management set out in this

Law and other legal acts.

3. The Minister of the Interior shall:

- 1) submit to the Government draft legal acts related to the civil service;
- 2) co-ordinate control over the implementation of this Law and related legal acts;
- 3) perform other functions of general civil service management set out in this

Law and other legal acts.

Article 49. Agency for Civil Service Management

1. The agency for civil service management shall be an agency under the ministry.

2. The agency for civil service management shall:

- 1) exercise control over the implementation of this Law and related legal acts;
- 2) manage the register of civil servants;
- 3) draft legal acts related to the civil service;
- 4) ensure a uniform system for personnel management and career advancement of

civil servants;

- 5) approve training programmes for civil servants;

- 6) co-ordinate the implementation of the strategy for the training of civil servants;
- 7) examine disputes related to the status of civil servants and submit conclusions and proposals on these issues to state and municipal institutions and agencies;
- 8) prepare information about the civil service and submit it to state and municipal institutions and agencies;
- 9) perform other functions set out in this Law.

3. The agency for civil service management shall have the right to request and receive information necessary to perform its functions from state and municipal institutions and agencies.

Article 50. Register of Civil Servants

1. The Register of Civil Servants shall be a public register. It shall be set up and managed in accordance with the procedure laid down in the Law on State Registers, the Law on Legal Protection of Personal Data, and other legal acts.

2. The Register of Civil Servants shall store data on:

- 1) structures, vacant and occupied civil service posts in state and municipal institutions and agencies;
- 2) civil servants and their remuneration;
- 3) persons working in state and municipal institutions and agencies under employment contracts and receiving remuneration from the state budget, municipal budgets and state monetary funds, and also their remuneration;
- 4) persons with higher education in the field of public administration;
- 5) persons who have been deprived by the court the right to occupy a post in the civil service.

3. State and municipal institutions and agencies as well as higher schools shall submit data concerning persons who have acquired higher education in the field of public administration to the Register of Civil Servants.

Article 51. Civil Servant Certificate

1. The appointing authority shall issue a civil servant certificate to the person recruited to the civil service.

2. Civil servant certificates shall be issued on the basis of data from the Register of Civil Servants.

3. The Minister of the Interior shall approve the format and the procedure of issue

of a civil servant certificate.

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

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

**CATEGORIES OF CIVIL SERVICE POSITIONS IN THE REPUBLIC OF
LITHUANIA AND BASIC SALARY COEFFICIENTS**

In MMS

CATEGORIES	BASIC SALARY COEFFICIENTS
1	2,35
2	2,55
3	2,75
4	2,95
5	3,2
6	3,5
7	3,8
8	4,1
9	4,4
10	4,8
11	5,2
12	5,7
13	6,3
14	7,0
15	7,8
16	8,7
17	9,7
18	10,8
19	11,9
20	13,0