

**Valid wording of amended parts of laws with changes
proposed as of 1st January 2025**

**Valid wording of amended parts of laws with changes
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**Valid wording as amended by amendments approved by the Chamber of Deputies
Amendment to Act no. 234/2014 Coll., on civil service as amended**

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PART ONE GENERAL PROVISIONS

Chapter I Subject and Scope

Section 1

- (1) This Act **incorporates the relevant European Union regulations²⁾** and regulates
- a) the legal status of civil servants responsible for public governance at public authorities,
 - b) organisational matters related to the civil service (hereinafter referred to as the ‘service’),
 - c) the service relations of civil servants,

²⁾ Council Directive of 12 June 1989 on the introduction of measures to improve the safety and health of workers at work (89/391/EEC).

Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ECOS.

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by UNICE, CEEP and the ETUC.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.

Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.

- d) the remuneration of civil servants, and
- e) proceedings relating to civil service employment.

(2) This Act shall also govern organisational matters relating to employees of administrative authorities who are employed under labour law.

Section 2

(1) This Act shall not apply to:

- a) ministers, their advisers and employees carrying out other activities for ministers, including employees of offices of ministers,
- b) the Head of the Office of the Government of the Czech Republic (hereinafter referred to as 'the Office of the Government') and employees working for the Head of the Office of the Government,
- c) deputy ministers and employees working for deputy ministers,
- d) members of the Council for Radio and Television Broadcasting,
- e) members and the chairman of the Council of the Telecommunication Office,
- f) the chairman and vice-chairman of the Office for the Protection of Competition,
- g) a member of the Board of the Energy Regulatory Office,
- h) the chairman and vice-chairman of the Office for Personal Data Protection,
- i) the chairman and members of the Office for the Supervision of Financing of Political Parties and Political Movements,
- j) the chairman and vice-chairman of the Czech Statistical Office,
- k) employees responsible for support, service and/or manual work as well as employees who solely manage, organise and supervise the performance of support, service or manual jobs in public authorities,
- l) the Director and inspectors of the Air Accidents Investigation Institute,
- m) the chairman, vice-chairman and other board members of the National Accreditation Bureau for Higher Education, and members of the Appeals Committee of the National Accreditation Bureau for Higher Education,
- n) members of the Ethics Commission for the Recognition of Participants in the Anti-Communist Opposition and Resistance,
- o) members of the Ethics Committee of the State Institute for Drug Control,

- p) social security authority physicians and non-medical healthcare professionals performing tasks assigned by the Social Security Authority in assessing health and work capacity,
- r) the chairman and vice-chairman of the National Sports Agency and members of the National Sports Agency Council,
- s) the Director of the Digital and Information Agency.

(2) This Act shall not apply to employees of the security forces, the General Staff of the Army of the Czech Republic, the Military Police, Military Intelligence, **Regional Military Headquarters**, the National Cyber and Information Security Agency, and the National Security Authority.

Chapter II Basic Provisions

Section 3

Administrative Authority

For the purposes of this Act, an administrative authority shall be understood to refer to a ministry, or any other administrative authority established by law and expressly stipulated by law as such, or as a state administration authority.

Section 4

Service Authority, Place of Civil Service Employment and Superior Service Authority

(1) For the purposes of this Act, an administrative authority shall be defined as a service authority.

(2) A service authority shall also mean a state authority or a legal entity pursuant to a special law.

(3) The place of civil service employment shall mean the municipality in which the civil servant regularly performs their duties.

(4) A superior service authority shall mean a service authority which, pursuant to a relevant law, is a superior administrative authority.

Section 5

Service and Fields of Service

(1) The service shall include:

- a) drafting legislation and carrying out related activities,
- b) drafting international, EU or other international organisations instruments,

- c) preparing draft concepts, strategies, and programmes,
- d) the management and coordination of the activities of other administrative authorities, organisational units of the state that are not administrative authorities, and public authorities that are not administrative authorities,
- e) the design, management, and maintenance of civil service information systems, apart from operational information systems, pursuant to a relevant law,
- f) central statistical service,
- g) management of the chapter of the state budget with regard to organisational units of the state and legal entities, except for the service authority in which the service is performed,
- h) protection of classified data,
- i) national defence,
- j) internal law and order,
- k) protection of the international interests of the Czech Republic and its interests within the context of its membership of the European Union and other international organisations,
- l) drafting or implementing policies on how to allocate subsidies,
- m) drafting or implementing research and development policy,
- n) preparing and implementing administrative acts, including supervision and monitoring,
- o) civil protection, crisis management, and the integrated rescue system,
- p) public procurement,
- q) auditing,
- r) ensuring service logistics, management of service relations and remuneration of civil servants,
- s) management of activities under (a) to (r),
- t) preparing and drafting expert opinions and positions in support of activities under (a) to (d), (g), (k) to (n) and (p), except for matters involving physical metering, chemical analysis, comparison or determination of technical parameters,
- u) preparing for the performance of service duties abroad.

(2) The fields of service shall be determined by the relevant government regulation.

(3) No more than three fields of service may be specified by a civil service regulation for a service post; for the post of a senior civil servant, no more than four fields of service may

be specified.

(4) Only fields of service corresponding to the predominant activities regularly performed **at this service post, as set out in paragraph 1**, may be specified for the service post; the field of service in which the most demanding **activity, as set out in paragraph 1**, is performed, shall always be specified for a service post.

Section 6

Civil Servant

A civil servant shall be a natural person, who has been appointed to the civil service and assigned to a service post, or appointed as a senior civil servant, in order to perform an activity pursuant to Section 5.

Section 7

Service Ranks of Civil Servants

(1) Civil servants classified in pay grades 6 to 9 shall be assigned the service designation ‘Administrator’, unless the service authority has assigned them a different service designation under paragraph 2. Civil servants in pay grades 10 to 16 shall be assigned the service designation ‘Officer’, unless the appointing authority has assigned them a different service designation under paragraph 3.

(2) The appointing authority may grant civil servants in pay grades 6 to 9 the service designation ‘Superior Administrator’ if they perform complex, responsible and demanding service tasks that require a higher level of knowledge and skills.

(3) The appointing authority may grant civil servants classified in pay grades 10 to 16 the service designation of:

- a) ‘Superior Officer’, if they generally perform complex, responsible and demanding official tasks that require a higher level of knowledge and skills, or
- b) ‘Officer Specialist’, if they usually perform the most complex, responsible and demanding official tasks that require the highest level of knowledge and skills, or
- c) ‘Senior Officer’, if they coordinate the most demanding activities required in their official position on a long-term basis, or
- d) ‘Specialist Coordinator’, if they have the service designation under (b) or (c) and participate in the training of civil servants under this Act.

(4) In ministries, the service designations ‘administrator’ shall be replaced by the service designation of ‘ministerial administrator’, the service designation ‘junior administrator specialist’ shall be replaced by ‘junior ministerial administrator specialist’, the service designation ‘administrator specialist’ shall be replaced by ‘ministerial administrator specialist’, the service designation of ‘senior administrator’ will be replaced

by 'senior ministerial administrator', and the service designation 'expert ministerial guarantor' shall be used instead of the service designation 'expert guarantor'. In the Office of the Government the service designation 'governmental administrator' shall be used instead of 'administrator', the service designation 'junior governmental administrator specialist' shall be used instead of 'junior administrator specialist', the service designation 'administrator specialist' shall be replaced by 'governmental administrator specialist', the service designation 'senior administrator' shall be replaced by 'senior governmental administrator', and the service designation 'expert guarantor' shall be replaced by 'expert governmental guarantor'.

(5) Service designations pursuant to paragraphs 2 or 3 shall be granted and withdrawn by the appointing authority, based on the results of the civil servant's performance appraisal, at the proposal of the immediate senior civil servant.

(6) The Chief State Secretary shall issue a service regulation establishing career rules governing the conditions for granting and withdrawing service designations.

Section 8
repealed

Section 9

Senior Civil Servant

(1) A senior civil servant is a civil servant who is authorised to manage subordinate civil servants, to assign them their service tasks, organise, manage and supervise their performance, and issue instructions in this regard. A natural person authorised by law to give orders to civil servants in the performance of their duties shall also be considered a senior civil servant; a senior civil servant may also be a member of the security forces or a professional soldier.

(2) The service posts and ranks of senior civil servants at ministries or the Office of the Government are as follows:

- a) Director General of a Section,
- b) Director of a Department,
- c) Head of a Unit.

(3) The service posts and ranks of senior civil servants at other administrative authorities are as follows:

- a) Head of a Service Authority,
- b) Director of a Section,
- c) Director of a Department,
- d) Head of a Unit.

(4) The head of a diplomatic mission shall also be considered a senior civil servant.

(5) The Head of a Service Authority shall be the person who chairs and manages this administrative authority pursuant to a special Act, regardless of whether they are a civil servant.

(6) The education required for a senior civil servant shall be based on the most demanding activity that they manage or perform.

(7) A relevant minister may authorise a Director General of a Section to attend Government meetings in the minister's place and represent the minister at meetings of the Chamber of Deputies' committees or commissions, including the Investigation Commission, unless the minister's presence is specifically required, or at meetings of the Senate's committees or commissions; in which case the director shall be considered deputy minister.

Section 9a

Deputy Senior Civil Servant

(1) A senior civil servant may designate one of their directly subordinated senior civil servants to act as their deputy in writing. If they have no such subordinates, or if they serve as a Head of a Service Authority, Director General of a Section or director of a department in a ministry, the Office of the Government, or Director of a Section or department in another central administrative authority, they may designate a deputy from among their directly subordinated civil servants in writing. The appointment of a deputy takes effect on the date that the written notification is delivered to the designated deputy, unless a later date is specified. The deputy shall represent the senior civil servant in all management activities, unless the senior civil servant limits the scope of representation.

(2) The appointing authority shall determine by service regulations when prior consent from the appointing authority is required for a senior civil servant to appoint a deputy. The appointing authority shall also determine the conditions for the appointment of a deputy for a senior civil servant by service regulations.

(3) In the absence of a senior civil servant, the deputy shall replace them in all management activities. If the period of substitution pursuant to the first sentence exceeds four consecutive weeks, the deputy shall be entitled to the pay that would have been paid to them if they had been appointed to the post of the senior civil servant whom they are replacing; this pay shall be payable from the first day of the senior civil servant's absence.

(4) The appointment of a deputy shall cease to have legal effect upon cancellation of the appointment by the relevant senior civil servant or the appointing authority on the date that the written notice of cancellation is delivered to the deputy, unless a later date is specified.

Chapter III

Service Related Organisational Matters and Management of Service Relations

Section 10

Appointing Authority

(1) The following entities shall be considered an ‘appointing authority’:

- a) the Government or **the Prime Minister**, empowered by the Government, with respect to the Chief State Secretary,
- b) the government or an authorised minister with respect to the Head of a Service Authority, which is a central administrative authority,
- c) the Chief State Secretary with respect to the Head of a Service Authority not supervised by a superior service authority, the Secretary-General, and the Director of Human Resources of the Civil Service Section,
- d) the Head of a Service Authority or the Secretary-General with respect to the head of a subordinate service authority,
- e) the Director of Human Resources of the Civil Service Section with respect to civil servants assigned to the Civil Service Section,
- f) the Head of a Service Authority or the Secretary-General with respect to other civil servants.

(2) The service authority shall act and make decisions relating to the civil service employment.

Service Regulation

Section 11

(1) Civil service regulations shall guide the logistical aspects of the service.

(2) Civil service regulations shall be in writing.

(3) Civil service regulations shall be binding for civil servants and for employees employed under labour law performing activities pursuant to Section 5 and individuals employed in civil service pursuant to another Act, who perform service in a service authority. The service authority shall inform these individuals of the civil service regulations and provide them with proper access to such regulations.

(4) Civil service regulations shall be issued by the Chief State Secretary, the relevant Head of a Service Authority, the Secretary-General, or the Director of Human Resources of the Civil Service Section.

(5) The Chief State Secretary may issue a civil service regulation which shall be binding for all civil servants, for employees employed under labour law who perform activities pursuant to Section 5, and for individuals in a service relationship under another Act who are assigned to perform duties in a service authority.

(6) The Head of a Service Authority or a Secretary-General may issue a civil service regulation that shall also be binding for civil servants performing duties in subordinate Service Authorities, employees employed under labour law performing activities pursuant to Section 5 in subordinate Service Authorities, and individuals performing service duties under another Act in subordinate Service Authorities, should it be necessary to have a unified regulation governing the organisation of the civil service in subordinate Service Authorities.

(7) The service authority shall keep a record of the civil service regulations in force and update it regularly.

Section 12

(1) No civil service regulation may violate any law or other civil service regulation issued by an appointing authority in a superior service authority or by the Chief State Secretary.

(2) If a civil service regulation violates a legal provision and there is a superior service authority to the relevant service authority, the appointing authority of the superior service authority shall request the relevant service authority's appointing authority to remedy the unlawful situation and suspend the effect of the civil service regulation simultaneously. The effect of the civil service regulation in question shall be suspended on the day that the relevant service authority receives the superior service authority appointing authority's decision to suspend the effect of the civil service regulation. The appointing authority of the superior service authority shall stipulate a reasonable timeframe for remedying the situation in the decision.

(3) If the relevant appointing authority introduces a remedy by the given deadline, the appointing authority of the superior service authority shall immediately recall its decision to suspend the civil service regulation upon receiving notification of the remedy from the relevant appointing authority; the notification shall outline the remedy used to correct the violation.

(4) If the relevant appointing authority fails to introduce a remedy within 30 days of receiving the request, the superior service authority's appointing authority shall revoke the civil service regulation; the decision to revoke the civil service regulation shall be sent to the relevant appointing authority.

(5) If a civil service regulation violates a legal regulation, and the superior service authority's appointing authority fails to act in accordance with paragraphs 2 to 4, or if the service authority does not have a superior service authority, the Chief State Secretary shall request the relevant appointing authority to remedy the situation and suspend the effect of the civil service regulation simultaneously. The effect of the civil service regulation shall be suspended on the day the relevant appointing authority receives the Chief State Secretary's decision to suspend the effect of the civil service regulation. In their decision, the Chief State Secretary shall stipulate a reasonable timeframe for remedying the situation.

(6) If the relevant service authority introduces a remedy by the given deadline, the Chief State Secretary shall immediately recall the decision to suspend the civil service regulation upon receiving notification from the relevant appointing authority outlining the remedy used to correct the violation.

(7) If the service authority fails to introduce a remedy by the given deadline, the Chief

State Secretary shall file a motion to the court to revoke the relevant civil service regulation no later than 30 days after the deadline expires. If the court dismisses, rejects or discontinues the proceedings on such a motion, the decision of the Chief State Secretary to suspend the effect of the civil service regulation shall be rendered null and void on the day of the court's final judgement.

Section 13

Office of the Government

(1) The Office of the Government shall:

- a) prepare a systemisation of service posts (hereinafter referred to as the 'systemisation'), in line with proposals submitted by the relevant appointing authorities, and evaluate compliance with the systemisation,
- b) coordinate the process of drafting organisational structures of service authorities, unless otherwise stipulated,
- c) coordinate the performance appraisal system for civil servants **and prepare an annual report on performance appraisals,**
- d) coordinate the education and training of civil servants and **their onboarding; prepare an annual report on civil servant training; and develop** a general framework for the education and training of civil servants,
- e) **coordinate a system** to foster work-life balance for civil servants in service authorities and **prepare annual reports on this effort,**
- f) perform other tasks specified by law.

(2) The competences of the **Office of the Government**, except for those entrusted directly to the **Head of the Office of the Government**, the Chief State Secretary, the Secretary-General, or the Director of Human Resources of the Civil Service Section, as well as the issuance of ministerial decrees, shall be executed by the Civil Service Section.

(3) The Civil Service Section forms part of the organisational structure of the **Office of the Government**.

(4) The Civil Service Section is led by the Chief State Secretary.

(5) The Civil Service Section shall establish a service post of the Director of Human Resources of the Civil Service Section. The post of the Director of Human Resources of the Civil Service Section shall be equal to that of the Director of a Department. The Chief State Secretary may authorise the Director of Human Resources of the Civil Service Section to act in their place, except when making decisions on appointment to the civil service, appointment to a senior civil servant service post, removal from a senior civil servant service post, or termination of civil service employment.

(6) If the service post of the Chief State Secretary is temporarily vacant, the Director of

Human Resources of the Civil Service Section shall act in their place. If both the service post of the Chief State Secretary and the service post of the Director of Human Resources of the Civil Service Section are vacant, the government shall appoint one of the Secretaries General to perform the duties of the Chief State Secretary until a new Chief State Secretary is appointed.

(7) The Chief State Secretary and any civil servant authorised in writing by the Chief State Secretary are authorised to monitor the service relations of civil servants at service authorities. Authorisation to perform such monitoring may be in the form of a badge, the specifications of which shall be determined by the **Office of the Government** by means of a ministerial decree. Monitoring shall be performed in line with the Control Regulations.

(8) If this Act stipulates tasks for an appointing authority, the Secretary-General shall be responsible for implementing them at the **Office of the Government**.

Section 14

Head of a Service Authority

(1) The Head of a Service Authority shall oversee activities relating to organisational aspects of the civil service, the management of service relations and the remuneration of civil servants and heads of subordinate service authorities.

(2) The Head of a Service Authority shall develop and implement a strategy for the sustainable development of the service authority.

(3) They shall also be responsible for tasks relating to the employment of service authority employees under employment law.

(4) The Head of a Service Authority may delegate their powers to their deputy.

(5) In the event of the Head of a Service Authority's absence, their deputy shall act in their place.

(6) Decisions on matters that are not subject to civil service proceedings under this Act may be delegated by the Head of a Service Authority to senior civil servants via a service regulation.

Section 15

Secretary-General

(1) A Secretary-General service post shall be established in ministries and the Office of the Government. The position of Secretary-General shall be equivalent to that of Director General of a Section.

(2) The Secretary-General shall oversee organisational aspects of the civil service, management of service relations and the remuneration of civil servants and heads of service authorities subordinate to the ministry.

(3) In cooperation with the relevant government minister or Head of the Office of

the Government, the Secretary-General shall draw up and implement a sustainable development strategy for the ministry or the Office of the Government. To this end, they shall ensure the creation of organisational, personnel, economic, material and technical conditions in cooperation with civil servants.

(4) The Secretary-General shall also be responsible for tasks relating to the employment of public authority employees under labour law.

(5) In matters relating to the appointment of senior civil servants, except for the appointment of heads of units, the Secretary-General shall consult the relevant minister or the Head of the Office of the Government.

(6) The Secretary-General may delegate their deputy to act in their place.

(7) In the event of the Secretary-General's absence, their deputy shall perform all their duties.

(8) The Secretary-General may delegate decisions on matters that are not subject to civil service proceedings under this Act to senior civil servants via a service regulation.

Section 16

Special Provisions for Some Tasks Performed by Service Authorities

The superior service authority shall perform tasks related to organisational matters of the civil service, as well as overseeing service and employment relationships of civil servants and employees in the following administrative authorities:

- a) the District Mining Authority,**
- b) the District Social Security Authority,**
- c) the Health Assessment Institute,**
- d) the Regional Labour Inspectorate,**
- e) the Appellate Financial Directorate,**
- f) the tax Authority, or**
- g) a service authority not listed in points a) to f) with fewer than 25 civil service posts, posts for members of the security forces or professional soldiers, or positions for employees employed under labour law.**

Chapter IV

Systemisation and Organisational Structure of a Service Authority

Section 17

Systemisation

(1) **Systemisation is a set of data on the number of civil service posts classified by pay grade, as well as the amount of funds allocated to pay civil servants and employees working in civil service posts.** Based on binding rules relating to the organisation of service authorities, systemisation ensures the proper performance of their duties and specifies the following for each service authority:

- a) the number of service posts held by civil servants, who are not senior civil servants, classified according to their pay grade,
- b) the number of service posts of senior civil servants, classified according to their pay grade,
- c) financial resources for the pay of civil servants and employees working in civil service posts,
- d) the number of service posts whose holders are prohibited, after the termination of their civil service employment, from directly or indirectly engaging in business or any other entrepreneurial activity; from being a partner or a member of a company in a field identical to that under their responsibility during their time in the civil service; or from being employed by, or in a similar relationship with, a business in such a field (hereinafter referred to as the ‘non-competition clause’).

(2) The draft systemisation plan shall be prepared by the **Office of the Government** in consultation with the Ministry of Finance, based on proposals from the relevant appointing authorities, who shall submit these proposals to the **Office of the Government** via the relevant central administrative authorities by the deadline stipulated by the **Office of the Government**. When drafting a systemisation plan for a ministry or a subordinate service authority, consultation with the relevant minister shall take place; in the case of systemisation of the Office of the Government, consultation with the Head of the Office of the Government shall take place, **except for the part of the systemisation plan concerning civil servants assigned to a unit subordinate to a minister. In this case the procedure shall be carried out in cooperation with that minister. The same procedure shall be befollowed for the part of the systematisation concerning civil servants assigned to the Civil Service Section, in cooperation with the Chief State Secretary.**

(3) The government shall adopt systemisation for the following calendar year. The draft systemisation shall be submitted to the government by the **Prime Minister**. In the context of the process of adopting the systemisation, the government is authorised to modify the organisational structure of the relevant service authority.

(4) If systemisation is not approved prior to 31 December of the given year, the current systemisation shall be used for the following calendar year.

(5) Service posts and financial resources allocated for civil servants’ pay according to the approved systemisation must not be used for any other purpose.

Section 18

Modifications to the Systemisation

(1) Any modification to the systemisation shall refer to a modification of the parameters specified in Section 17(1) after the systemisation came into force.

(2) Any modification to the systemisation that leads to a change in the number of service posts or the amount of financial resources available for the civil servants' pay or the salaries of employees working in service posts, or a change in a pay grade relevant to a particular service post of more than one class down, or two classes up, shall only be admissible, if the competences of a service authority change or if there has been a substantial change in the conditions, under which the systemisation was adopted.

(3) Any modification to the systemisation must be approved by the Ministry of the Interior, based on proposals submitted by the relevant appointing authorities via the relevant central administrative authorities, before the deadline set by the Ministry of the Interior. The provisions of Section 17(2) regarding the drafting of a systemisation for a ministry or subordinate service authority shall apply mutatis mutandis.

(3) Any modification to the systemisation must be approved by the **Office of the Government**, based on proposals submitted by the relevant appointing authorities via the relevant central administrative authorities, before the deadline set by the **Office of the Government**. The provisions of Section 17(2) regarding the drafting of a systemisation for a ministry or subordinate service authority shall apply mutatis mutandis.

(4) If the proposed modification to the systemisation requires a request to be submitted to the Ministry of Finance for a budgetary measure or to change employment regulation limits, the relevant appointing authority shall only submit a proposal for the modification after the Ministry of Finance has approved the request. If the Ministry of Finance rejects the request but the relevant central administrative authority insists on the modification, the authority shall submit the proposed modification to the Ministry of the Interior; within 15 days of receiving the modification from the relevant central administrative authority, the Minister of the Interior shall submit the modification to the government for a decision.

(4) If the proposed modification to the systemisation requires a request to be submitted to the Ministry of Finance for a budgetary measure or to change employment regulation limits, the relevant appointing authority shall only submit a proposal for the modification after the Ministry of Finance has approved the request. If the Ministry of Finance rejects the request but the relevant central administrative authority insists on the modification, the authority shall submit the proposed modification to the **Office of the Government**; within 15 days of receiving the modification from the relevant central administrative authority, the **Prime Minister** shall submit the modification to the government for a decision.

(5) If the Ministry of the Interior does not approve the modification to the systemisation, but the relevant central administrative authority insists on it, the Minister of the Interior shall submit the proposed modification to the government for a decision within 15 days of receiving the relevant central administrative authority's opinion.

(5) If the **Office of the Government** does not approve the modification to the systemisation, but the relevant central administrative authority insists on it, the **Prime Minister**

shall submit the proposed modification to the government for a decision within 15 days of receiving the relevant central administrative authority's opinion.

Section 19

Organisational Structure of Service Authorities

(1) In line with the systemisation, the appointing authority shall draw up a draft organisational structure for a service authority, or propose modifications to it; the draft shall be submitted to **the Office of the Government** for opinion through the relevant central administrative authority. If **the Office of the Government** fails to provide an opinion within 30 days of submission, the draft shall be considered adopted. If the appointing authority does not take **the Office of the Government's** opinion into account, **the Prime Minister** may submit the draft to the government for a decision. Otherwise, the draft will be considered adopted 15 days after the the opinion is provided.

(2) Unless the adoption of the organisational structure or its modifications results in the termination of a civil servant's civil service employment or removal of a senior civil servant from a service post, the Secretary-General or the appointing authority of the superior service authority shall approve the organisational structure or modifications to it. If there is no superior service authority, the Head of the Service Authority shall approve the modifications.

(3) If there is a risk of delay and the implementation of a court decision or international institution's decision is necessary, the appointing authority may proceed temporarily as if the service authority's organisational structure or modification had been adopted prior to its approval, until the organisational change or a modification is approved. This shall not apply should the procedure result in the termination of civil service employment. If the proposed organisational structure or its modification is not approved, the temporary changes shall be nullified, and the original service relations arrangement shall apply.

(4) The organisational structure of the Office of the Council for Radio and Television Broadcasting, the Czech Telecommunication Office, the Energy Regulatory Office, the Office for the Protection of Competition, the Office for Personal Data Protection, the Office for the Supervision of Financing of Political Parties and Political Movements, the Czech Statistical Office, and the State Office for Nuclear Safety shall be approved by their respective directors. The provisions of paragraphs 1 to 3 shall not apply.

(5) Appointing authorities shall establish the organisational rules of service authorities in a service regulation, in accordance with the approved organisational structure; the organisational rules of ministries or the Office of the Government shall be laid down by Secretaries-General, in cooperation with the relevant minister or Head of the Office of the Government. The organisational rules of service authorities shall specify the powers of the organisational units and their mutual relations, in particular.

(6) Appointing authorities shall draw up written descriptions of service posts and the activities required for them in cooperation with senior civil servants heading the organisational units in which the service posts are classified. The description of the service posts may also include the duties associated with performing the required activities.

PART TWO

CIVIL SERVICE EMPLOYMENT

Chapter I

Employment of Civil Servants for an Indefinite or Fixed Term

Section 20

A person shall perform the civil service either for an indefinite or fixed term.

Section 21

(1) Civil servants are usually assigned to the civil service for an indefinite period.

(2) A person may be hired on a temporary basis to replace an employee who is temporarily absent.

(3) In other cases, where the nature of the service is such that a person may be accepted into service for a fixed term, this shall be determined by the government by regulation.

Chapter II

Establishment and Duration of Civil Service Employment

Section 22

Basic Requirements for Admission to the Civil Service

A person may be appointed to the civil service if they are assumed to adhere to the democratic principles of the Czech Republic's constitutional order and perform their duties properly.

Section 23

Appointment to the Civil Service, Assignment to a Service Post, and Appointment to the Service Post of a Senior Civil Servant

(1) An individual shall be appointed to a civil service post by an appointing authority. At the time of appointment, the appointing authority shall also decide on the civil servant's assignment to a service post or appointment to a senior civil servant service post.

(2) No person may claim to be appointed to the civil service, assigned to a service post or appointed to a senior civil servant service post.

Selection Process for Filling a Vacant Civil Service Post

Section 24

(1) A selection process shall be held to fill a vacant civil service post.

(2) A civil servant or other person may participate in the selection process under the conditions laid down in this Act.

(3) In order to participate in the selection process, a civil servant must submit an application for assignment to a civil service post or appointment to a senior civil servant service post to be filled through a selection process to the appointing authority.

(4) Other individuals who wish to participate in the selection process must submit an application for admission to the civil service to the appointing authority. This application must also include an application for assignment to a civil service post or appointment to a senior civil servant's post that will be filled through a selection process.

(5) Pursuant to paragraph 1, no selection process shall be held if the authorities proceed in accordance with Sections 47, 49(2-4), 61, 67, 70 or 75(2). There shall be no selection process if a service post becomes vacant due to another civil servant being assigned to perform their duties abroad, unless the post is that of a senior civil servant. No selection process shall be organised if the vacant service post is filled through a procedure pursuant to a different act.

(6) The appointing authority shall announce the selection process on the official notice board and publish it in the Civil Service Information System. Publication on the official notice board shall have legal effect. The selection process will usually be completed within 60 days of the application deadline.

(7) The announcement of the selection process must contain information on:

- a) the conditions and requirements pursuant to Section 25,
- b) the service post to be filled through the selection process,
- c) the field of service for the post being filled through the selection process,
- d) whether the civil service post is permanent or temporary; if temporary, the fixed-term duration must also be stated,
- e) any prohibition of competition, in case it is required for the given post,
- f) information on the pay grade,
- g) information on when applications for civil service employment must be submitted to the appointing authority or, if the applicant is already a civil servant, when applications for assignment to the relevant service post or appointment to the service post of a senior civil servant must be submitted.

(8) The Chief State Secretary shall issue a civil service regulation specifying the details of the vacant service post to be filled through the selection process pursuant to paragraph 7(b), as well as other information that must be included in the selection process announcement, which

the appointing authority must publish in a way that allows remote access, namely:

- a) a description of the activities that are to be performed in the post,
- b) the standard amount of pay components received by civil servants performing the same or similar service, or a service of an equal value, and
- c) the conditions for performing the service.

(9) Applications pursuant to paragraphs 3 and 4 must be submitted in writing and in the Czech language. **They may also be submitted via an electronic communication tool for service matters (hereinafter referred to as the ‘electronic communication tool’), if specified by the appointing authority in the selection process announcement. If an applicant does not have a data box (‘datová schránka’), they must indicate the e-mail address to which documents from the selection process should be delivered in their application. Applications and other actions in the selection process sent by e-mail do not need to be signed by the applicant. The Ministry of the Interior will publish application form templates on its website.**

(9) Applications pursuant to paragraphs 3 and 4 must be submitted in writing and in the Czech language. They may also be submitted via an electronic communication tool for service matters (hereinafter referred to as the ‘electronic communication tool’), if specified by the appointing authority in the selection process announcement. If an applicant does not have a data box (‘datová schránka’), they must indicate the e-mail address to which documents from the selection process should be delivered in their application. Applications and other actions in the selection process sent by e-mail do not need to be signed by the applicant. The **Office of the Government** will publish application form templates on its website.

(10) The deadline for submitting applications under paragraphs 3 and 4 shall be no less than 7 days; missing the application deadline cannot be waived and no changes to applications can be made after the deadline. An application under paragraphs 3 and 4 shall be considered submitted by the deadline if it is delivered to the appointing authority by the deadline.

(11) Unless a document in the selection process is addressed to an applicant who is neither a civil servant nor an employee performing activities pursuant to paragraph 5, it shall be delivered via a data box (‘datová schránka’). If an applicant who is neither a civil servant nor an employee performing activities pursuant to paragraph 5 does not have a data box (‘datová schránka’), the documents shall be delivered to the e-mail address provided in the application in the selection process.

(12) Documents pertaining to the selection process delivered to the electronic data box (‘datová schránka’) shall be considered delivered on the last day of the five-day period if the applicant did not log into the electronic data box within five days of the delivery. Documents pertaining to the selection process delivered to an applicant’s e-mail address are considered delivered once delivery is confirmed by the recipient. If the applicant does not confirm receipt of a document within five days of it being emailed to them, it shall be considered delivered on the last day of the five-day period. Sentences two and three shall not apply if delivery of a document fails due to an undeliverable message. In this case, another attempt to deliver the document in the same way shall be made. If this second attempt also fails, the document shall be delivered by other appropriate means. In this case, the document will be considered delivered

five days after it was sent. **Requests to invalidate the document delivery or the time at which the document was delivered are not admissible. A note informing applicants of the relevant delivery methods and effects for the selection process shall be included in the announcement for the vacant service post.**

(13) It is not possible to view applications of other applicants when inspecting the file.

Section 25

(1) An individual seeking appointment to the civil service must:

- a) be a citizen of the Czech Republic, a citizen of another EU Member State, or a citizen of a country being a party to the Agreement on the European Economic Area,
- b) be at least 18 years old,
- c) have full legal capacity,
- d) have no previous criminal record,
- e) have completed the education specified by this Act,
- f) be of good health, and
- g) have the necessary knowledge of the Czech language, unless they are citizens of the Czech Republic.

(2) A person who has been finally sentenced for an intentional crime or a crime against public law and order due to negligence shall not be acknowledged as having no previous criminal record, unless the sentence has been nullified or the perpetrator has been acquitted;

(3) The appointing authority may stipulate the requirements necessary for performing service at a service post by a civil service regulation, particularly the requirement of:

- a) Czech citizenship, if it is necessary for the protection of the legitimate interests of the Czech Republic that the activities required for the service post be performed by a Czech citizen,**
- b) field or specialisation of professional education,**
- c) a certain level of command of a foreign language,**
- d) eligibility to have access to classified information, in accordance with the legal regulations governing the protection of classified information, or**
- e) duration of performance of activities pursuant to Section 5 or similar activities in the past.**

Section 25a

Education Requirements

(1) Except for the post of a senior civil servant, an appointing authority may, by civil service regulation, determine a service post that, in exceptional cases, may be filled by a civil servant or a person who has attained a lower level of education than that specified by this Act as a prerequisite for the said post. The minimum education required of a civil servant or the aforementioned person is secondary education completed with a final examination ('maturita').

(2) For the purposes of this Act, university education, higher vocational education, and secondary education completed with a final examination ('maturita') shall also include those obtained through studies at universities, higher vocational schools, and secondary schools in European Union Member States, European Economic Area contracting states, the **Swiss Confederation, and the United Kingdom of Great Britain and Northern Ireland**. The government may designate other universities whose degrees are considered degrees specified by this Act by regulation.

(3) For the purposes of this Act, university education obtained by studying at the Political College of the Central Committee of the Communist Party of Czechoslovakia, the Klement Gottwald Military Political Academy, higher political and security schools and training centres in the former Union of Soviet Socialist Republics, or at the faculties of any of these higher education institutions shall not be considered, unless the education was obtained by studying at the Moscow State Institute of International Relations (MGIMO).

Section 26

(1) The applicant must prove that they meet the conditions specified in Section 25(1)(a), (b) and (e), as well as the requirements in Section 25(3), by submitting the necessary documents. When submitting the application, the applicant may demonstrate compliance with the aforementioned conditions and requirements as set out in the first sentence, as well as any other requirements necessary for performing the civil service at the designated service post, by providing a copy of the original document or affidavit. The original document must be submitted by the applicant at a later date, but no later than before the interview, as outlined in Section 27(3).

(2) The applicant must prove that they meet the requirement under Section 25(1)(c) with an affidavit.

(3) **To demonstrate compliance with the requirement under Section 25(1)(d), an applicant must provide an extract from their criminal record; the appointing authority will request this extract from the criminal record from the Ministry of Justice. If an applicant has resided in another country for more than six months without interruption within the last three years, they must prove compliance with this requirement by providing a document similar to an extract from that country's criminal record. Non-Czech citizens must prove their compliance with a document similar to an extract from**

the criminal record issued by their country of citizenship. Instead of such a document, an applicant may submit an extract from the criminal record with an appendix containing information from relevant countries' criminal records. If another country does not issue a document similar to an extract from the criminal record, the applicant must prove their compliance with the requirement by means of a written affidavit. This document must not be older than three months.

(4) According to Section 25(1)(f), the applicant must demonstrate their compliance with this requirement by submitting a written affidavit. The appointing authority shall verify that applicants selected under Section 28(2) or (3) have complied with this requirement, as specified in Section 28(5).

(5) According to Section 25(1)(g), applicants must demonstrate their compliance with this requirement by submitting a written affidavit. According to Section 27(3), a selection committee, or according to Section 28(a), the senior civil servant who is the applicant's immediate superior shall verify compliance with this requirement during the interview.

~~(5)~~ (6) Compliance with the requirement under Section 25(3)(c) may be verified during an interview, as outlined in Section 27(3), third sentence. However, if the appointing authority has specified otherwise, compliance with this requirement must be documented by a relevant document.

~~(4)~~ ~~(6)~~ ~~(5)~~ ~~(6)~~ (7) Furthermore, the applicant must submit their CV indicating their previous experience, professional knowledge, and skills relevant to the particular service post.

Section 27

(1) The selection process is open only to individuals who meet the legal requirements and those set forth in Section 25(3) **(a), (b), (c) and (e)**.

(2) The appointing authority shall reject an application pursuant to Sections 24(3) and (4), if

a) it fails to include all the necessary information and data required by law or if it is submitted after the deadline,

b) the application is incomprehensible, if it is unclear who filed the application or what is the purpose of the application, or

c) the applicant fails to comply with the requirements laid down by law and Section 25 (3)**(a), (b), (c) and (e) or if they become 71 years old or older in the calendar year when they should be appointed to service;** the applicant shall be informed accordingly.

(3) Applicants whose applications were not dismissed pursuant to paragraph 2 shall be invited for an interview with the relevant selection committee. The interview will focus on the required field of service and other professional requirements. Interviews with applicants who are not Czech citizens shall include verification of their Czech language skills. The interview may also include verification of foreign language skills, if required. **Furthermore, applicant's skills and personal qualities required for the service post may be tested, including through third parties. The appointing authority shall indicate this in the announcement of the**

selection process.

(4) The interview may be supplemented with a written test. If there are at least five applicants whose applications have not been rejected under paragraph 2 and if the interview is to be supplemented with a written test to be held prior to the interview, the selection committee shall interview at least three applicants who scored the highest on the test.

(5) Should any of the applicants properly excuse themselves from their participation in the interview, the selection committee may hold the interview on an alternative date provided that the applicant requests it and the appointing authority grants permission. The appointing authority may grant permission only if the alternative date does not conflict with the performance of the service authority's duties. In the announcement of the competition to fill the vacant service post, the appointing authority may exclude granting permission pursuant to the previous sentence or determine that permission is not required; alternatively, the appointing authority may require permission only for applicants unable to participate in the interview on an alternative date due to force majeure who will not be able to accomplish the selection process within the period laid down in Section 24(6). In this case and with the appointing authority's consent, the selection committee may set a retake date after the force majeure ceases.

(6) An applicant may withdraw from the competition at any time during the selection process. If the applicant fails to notify the appointing authority or the selection committee in writing of their withdrawal, a record of withdrawal will be made in the applicant's file. The applicant will also be deemed to have withdrawn if they:

- a) failed to participate in the scheduled interview without a valid excuse,
- b) failed to participate in the scheduled interview without requesting an alternative date for the interview,
- c) failed to participate in the scheduled interview and the appointing authority does not agree to an alternative date, or if granting of such agreement has been excluded,
- d) failed to participate in the interview on an alternative date,
- e) failed to cooperate with the selection process as needed, despite being notified or
- f) behaved in a way that clearly indicates that they are no longer interested in participating in the selection process.

Section 28

(1) The selection committee shall have three members. At ministries and the Office of the Government, the Secretary-General shall appoint and remove its members. Two of the members shall be appointed or removed as proposed by the Director of the relevant department. At other Service Authorities, the Head of the Service Authority shall appoint or remove members of the selection committee. The appointing authority may issue a civil service regulation establishing rules of procedure for selection committees appointed within the service authority.

(2) The selection committee will choose the three best applicants from among those who

succeeded in the selection process and will make a list of all other successful applicants in order of their performance in the selection process, as well as a list of applicants who failed the selection process. In the case of the procedure under Section 27(4), second sentence, applicants not invited to the interview shall be considered applicants who failed the selection process. The appointing authority shall select one winning candidate from the three best applicants, along with the senior civil servant who is to be the applicant's immediate superior; this agreement shall be recorded in writing.

(3) If there are fewer than three successful applicants, the appointing authority will select one candidate from all those who succeeded, in concert with the immediate superior. If all three of the top candidates withdraw from the selection process, the appointing authority shall select the next successful candidate from the list of applicants who have successfully completed the competition, in concert with the immediate superior. The agreement between the appointing authority and the immediate superior pursuant to this paragraph, shall be recorded in writing.

(4) A report of the selection process shall be made; the applicant may request to see the report. The report must contain the following information: the name of the appointing authority, the field of service and service post for which the selection process was announced, the first and last names of the selection committee members, the selection process outcome listing the top-ranked applicants in alphabetical order, the ranking of other successful applicants, and a list of unsuccessful applicants. The report shall also detail the date of issuance and include the signatures of all selection committee members.

(5) After reaching an agreement under paragraphs 2 or 3, the appointing authority shall arrange for the health examination of the selected applicant pursuant to the Act on Specific Medical Services. If the selected applicant does not meet the required health conditions, the agreement under paragraphs 2 or 3 shall be considered void from the beginning.

(6) With the consent of the second most suitable applicant selected in accordance with paragraphs 2 or 3, the appointing authority may assign this applicant to another suitable service post. This assignment must be agreed upon in writing by the appointing authority and the senior civil servant who will be the applicant's immediate superior. According to Section 25(3), applicant may be assigned to another suitable service post within the same or lower pay grade, field of service, and with the same or different requirements, as long as they meet the qualifications for the service post; however, the requirement outlined in Section 25(3)(d) must be complied with, and the applicant must not be 71 years of age or older in the calendar year in which they should be accepted into service. The applicant may be assigned to another suitable post no later than one year after being notified in the selection process that another applicant was selected for the service post.

Section 28a

(1) With the exception of a senior civil servant service post, and prior to announcing the selection process, an appointing authority may decide not to require applicants to participate in interviews with the selection committee for service posts categorised in **pay grades 6 to 12**; the appointing authority shall specify this in the selection process announcement. In order to assess the suitability of applicants, an interview with a senior civil servant who is to become the immediate superior or a written test before the future immediate superior may be conducted. If

an applicant is not a Czech citizen, their future superior will test their knowledge of the Czech language. In the selection processes conducted pursuant to the first, second and third sentence of this paragraph, the most suitable applicant shall be selected by the appointing authority in consultation with the senior civil servant who will become their immediate superior, from among applicants whose applications were not rejected. The agreement between the appointing authority and the senior civil servant who will become the immediate superior shall be in writing. **The selected applicant who demonstrated compliance with Section 25(1)(a),(b) and (e) and 25(3) conditions and requirements only by affidavits and copies of documents shall submit the original documents immediately after being requested to do so by the appointing authority; if the selected applicant fails to submit the original documents, the agreement pursuant to the fifth sentence shall be deemed invalid from the outset.**

(2) After assessing the suitability of applicants in accordance with paragraph 1, another suitable applicant may also be accepted into service and assigned to another suitable post, with the consent of the applicant selected, if agreed upon in writing by the appointing authority and the senior civil servant who will be the applicant's immediate superior. According to Section 25(3), applicant may be assigned to another suitable post within the same or lower pay grade, field of service, and with the same or different requirements, as long as they meet the qualifications for the post; however, the requirement outlined in Section 25(3)(d) must be complied with, and the applicant must not be 71 years of age or older in the calendar year in which they should be accepted into service. The procedure outlined in the last sentence of paragraph 1 shall be followed to document compliance with the conditions and requirements. The applicant may be assigned to another suitable service post no later than one year after being notified in the selection process that another applicant was selected for the service post.

Section 28b

(1) The selection process shall be cancelled, if

- a) no applications have been submitted,
- b) all submitted applications have been rejected,
- c) all applicants withdrew from the selection process,
- d) none of the applicants has succeeded in the selection process, or
- e) the appointing authority has not selected any applicants pursuant to Section 28(2), (3), or Section 28(a)(1).

(2) A record of the cancellation shall be made in the relevant file.

Section 28c

The appointing authority shall promptly notify unsuccessful applicants, as well as successful applicants who were not selected for appointment to the civil service and assigned to a service post, or appointed to a senior civil servant's post by the appointing authority, and that the appointing authority decided to accept another applicant to the civil service and assign

them to the civil service post or to appoint them to the post of a senior civil servant, or that the selection process was cancelled for the reasons specified in Section 28b (1)(d) or (e).

Section 29

Probationary period

(1) Upon entering the civil service, civil servants shall be given a six-month probationary period. This period shall be extended by the duration of any full-day impediments to service or leave during which the civil servant is absent from work.

(2) A civil servant shall not be granted a probationary period under paragraph 1 if they are assigned to a civil service post in which they were employed as employees under Labour Law pursuant to Section 178 on the day immediately preceding the commencement of civil service, and if their probationary period, as determined pursuant to Section 178(3), has already expired. If the probationary period of such a civil servant has not yet expired, a shorter probationary period shall be set in accordance with paragraph 1, corresponding to the length of the probationary period that has not yet expired in the employment relationship.

(3) The appointing authority may proceed in the same manner as paragraph 2 in the case of a civil servant who, on the day immediately preceding the commencement of the service relationship, performed work under an employment relationship pursuant to Section 178 in the same service authority, but in a different service post.

Section 30

**Decision on Appointment to the Civil Service, Decision on Assignment to a Service Post,
Decision on Appointment to the Senior Civil Servant's Post**

(1) The decision on the appointment to the civil service shall, apart from general provisions laid down in the Rules of Administrative Procedure, include the following:

- a) the name(s) and surname, and academic degree(s) (if applicable),**
- b) the date and place of birth,**
- c) the field of service,**
- d) the service post,**
- e) the date of appointment to the civil service and the date of commencement of the service,**
- f) information on whether the civil servant shall be appointed to the civil service post for an indefinite or fixed term. Duration of the fixed term will also be specified,**
- g) the service authority, in which the civil servant shall perform civil service duties, and the place of civil service employment,**
- h) the service rank,**

- i) the probationary period, **if specified**,
- j) the pay grade and the amount of individual pay components,
- k) shortened working time, if agreed upon.

(2) The decision on assignment to a service post and the decision on appointment to the senior civil servant's service post shall, apart from general provisions laid down in the Rules of Administrative Procedure, include the following:

- a) the name or names and surname, and academic titles (if applicable),
- b) the date and place of birth,
- c) the field of service,
- d) the service post,
- e) the date of commencement of the service in a service post,
- f) information on whether the civil servant shall be appointed to the civil service post for an indefinite or fixed term. Duration of the fixed term will also be specified,
- g) whether and how the duration of the civil service changes when a civil servant who has been previously appointed for a fixed term is reappointed,
- h) the service authority, where the civil servant shall perform their duties, and the place of civil service employment,
- i) the service rank,
- j) the pay grade and the amount of individual pay components,
- k) shortened working time, if agreed permitted.

Section 30a

Providing Information Regarding the Civil Service Employment

(1) The appointing authority shall inform the person to be admitted to service and assigned to a service post or appointed to a senior civil servant's post in writing of the following no later than when a decision on admission to service and assignment to a service post or assignment to a senior civil servant's post is issued:

- a) the service post and the activities required to be performed in the post,
- b) the place of regular service in the service authority (hereinafter referred to as the 'place of work'),

- c) the duration and conditions of the probationary period,
- d) the method of remuneration, the due date of the pay, pay day and the payment method,
- e) the specified weekly working hours, the manner of scheduling working hours, including the duration of the compensatory period, and the extent of overtime,
- f) the minimum uninterrupted daily and weekly rest periods as well as breaks for meals and rest or reasonable time for rest and meals,
- g) the number of annual leave days and the method of scheduling the annual leave days,
- h) the conditions for termination of civil service employment and the procedure to be followed by the appointing authority and the civil servant upon termination of service,
- i) the obligation to pass civil service examination,
- j) the professional development of civil servants provided by the service authority,
- k) collective agreements governing the conditions of service and the names of the parties to such collective agreements,
- l) the social security authority to which the service authority pays social security contributions in connection with the civil service of civil servants.

(2) **The information referred to in paragraph 1(a) shall be provided by the appointing authority in the form of a job description.** The information in paragraphs 1(c) to (j) and (l) may be replaced by a reference to the relevant legislation, service regulation or collective agreement in which it is contained.

(3) The appointing authority shall inform the civil servant in writing of any changes to the facts referred to in paragraph 1 without undue delay and no later than the effective date of the change. This obligation does not apply to changes in facts referred to in the relevant legislation, service regulations and collective agreements.

(4) The appointing authority shall provide evidence of providing the information. If the information is provided electronically, it must be accessible so that the person referred to in paragraph 1 or the civil servant can save or print it.

Section 31

Commencement of the Civil Service Employment

(1) Civil service employment shall begin on the date specified in the appointment decision.

(2) If civil servant fails to start their service on the date stipulated in the decision on admission to civil service without due cause or without notifying the appointing authority of such cause within seven days, the appointing authority shall revoke the appointment decision

with effect from the commencement date of the civil service employment.

Section 32

Oath of Service

(1) On the first day of their service, civil servants shall take an oath of service.

(2) The oath shall be as follows: “I do solemnly affirm that I will carry out my civil service duties in accordance with legal and service regulations, as well as orders issued by senior civil servants. I will fulfil my duties to the best of my ability and remain impartial, dutiful, and professional. I will defend the interests of the Czech Republic, not abuse my status as a civil servant, and act in a manner that maintains public trust in the civil service.”

(3) The oath of service shall be taken in the presence of the appointing authority.

(4) The oath of service shall be considered taken should the civil servant pronounce, reading the text of the oath, “So I swear!” and sign an official record of the oath. The official record of the oath taken shall bear the date and place of the oath. It shall be filed in the civil servant’s personal file.

(5) Should a civil servant refuse to take the oath or take it with reservations, their employment in the civil service shall be considered invalid from the beginning of the process.

Section 33

Impediments to the Appointment to or Performance of Civil Service

(1) The following persons shall not be appointed to the civil service:

- a) a court nominee-in-waiting or an attorney-in-waiting,
- b) a Deputy of the Chamber of Deputies or a Senator,
- c) a member of the European Parliament,
- d) the President of the Republic,
- ~~g)~~ e) judges of the Constitutional Court,
- ~~h)~~ f) assistants to judges of the Constitutional Court,
- ~~i)~~ g) assistants to judges or public prosecutors,
- ~~j)~~ h) the President or Vice-Presidents of the Supreme Audit Office,
- ~~k)~~ i) the Chairman and members of the National Budget Board,
- ~~l)~~ j) the Governor, Vice-Governors, and members of the Bank Board of the Czech National

Bank,

~~m)~~ k) the Public Defender of Rights and/or their deputies,

~~n)~~ l) assistants to the Public Defender of Rights,

a) ~~v)~~ ~~t)~~ m) elected representatives of self-governing territorial units councils who have been released from their duties on a long-term basis in order to perform their function (hereinafter referred to as the ‘disengaged elected council representative’),

~~w)~~ ~~u)~~ n) an individual engaged in the military manoeuvres, service in an operational deployment, or a special service,

o) another person performing activities under Section (2)(1)(a) to (j), (l), (r), or (s).

(2) Neither the following persons shall be appointed to the civil service:

a) judges,

b) public prosecutors,

c) members or auditors of the Supreme Audit Office,

d) senior court officials or senior officials of the public prosecution,

e) military professionals,

f) members of security forces.

(3) Should the selection process result in the selection of a person pursuant to paragraphs 1 or 2, the selected person shall immediately take legal actions to remove the impediments pursuant to paragraphs 1 or 2.

~~(5)~~ (4) A person who encounters an impediment to performing civil service under paragraphs 1 or 2 must notify the appointing authority in writing without delay. In the case of a civil servant, the notification must be filed in their personal file.

Section 34

Loss of Prerequisites for **Continuing** Civil Service Employment

~~(1)~~ (4) A civil servant must comply with the requirements of Section 25 (1) throughout their service; they must promptly report to the service authority that they no longer meet these conditions.

Section 34a

Cooperation Between the Court and the Public Prosecutor

A court that initially decides to restrict the legal capacity of a civil servant, convicts

them of an intentional criminal offence or a criminal offence against public law and order through negligence, or imposes an unconditional prison sentence or a sentence prohibiting the performance of service, and a court or public prosecutor that discontinues criminal proceedings for an intentional criminal offence or a criminal offence against public law and order committed through negligence, or approves a settlement and discontinues criminal proceedings, shall notify the service authority in which the civil servant performs their duties without undue delay after the decision becomes final.

Chapter III

Civil Service Examination

Section 35

Obligation to Take a Civil Service Examination

(1) A civil servant is required to pass the civil service examination consisting of general and special parts.

(2) A civil servant must pass the general part of the examination within nine months of starting service.

(3) A civil servant must pass the special part of the examination in their field of service no later than

a) 18 months of the start date of the civil service employment, or

b) 18 months of the date when the civil servant, who had previously passed the special part of the examination pursuant to paragraph (a), began performing duties in another or additional field of service, in which case, the time frame will be extended by the number of days the civil servant was unable to perform their duties.

Section 36

Purpose, Form, and Organisation of the Civil Service Examination

(1) The general part of the civil service examination tests whether the civil servant has the necessary knowledge regarding the organisation and activities of public administration; the rights, duties and ethical rules of civil servants; legal regulations generally affecting public administration activities; and European Union law.

(2) The general part of the civil service examination shall take the form of a written test and shall be organised by the service authority in which the civil servant performs their duties.

(3) The special part of the civil service examination verifies that the civil servant has the necessary knowledge and is sufficiently prepared to perform their duties in their field of service. The special part of the examination takes place after the general part is successfully completed.

(4) The special part of the civil service examination is an oral test before an examination panel. It is organised for each field of service by the service authority that is the central administrative authority (hereinafter referred to as the 'field of service guarantor'). The field of service guarantor shall ensure that the special part of the examination is conducted in cooperation with the service authority in which the civil servant performs their duties.

(5) Registration for the civil service examination and other organisational matters related to the examination shall be carried out through the examination registration portal.

Section 37

General Part of the Civil Service Examination

The Ministry of the Interior shall define the content and scope of the general part of the civil service examination by publishing examination questions on the civil service examination portal. The Ministry of the Interior shall publish the following on the portal:

- a) A list of professional literature, international treaties, legal regulations, government resolutions, service regulations, and other documents from which the questions were drawn; and
- b) A textbook providing systematic, structured information necessary for the general part of the examination.

Section 37

General Part of the Civil Service Examination

The Office of the Government shall define the content and scope of the general part of the civil service examination by publishing examination questions on the civil service examination portal. The Office of the Government shall publish the following on the portal:

- a) A list of professional literature, international treaties, legal regulations, government resolutions, service regulations, and other documents from which the questions were drawn; and
- b) A textbook providing systematic, structured information necessary for the general part of the examination.

Section 38

Special Part of the Civil Service Examination

(1) The content and scope of the special part of the civil service examination are defined by the examination topics published by the guarantor of the field of service

through the Ministry of the Interior on the portal for civil service examination registration. The guarantor of the field of service shall publish the following information on the portal through the Ministry of the Interior:

- a) A list of professional literature, international treaties, legal regulations, government resolutions, service regulations, and other documents based on which the examination topics are based;
- b) A textbook providing systematic and structured information on each examination topic necessary for the special part of the civil service examination.

(2) If the field of service falls under the jurisdiction of another central administrative authority, the guarantor of the field of service will prepare the list mentioned in paragraph 1(a) and the textbook mentioned in paragraph 1(b) in collaboration with that central administrative authority.

Section 38

Special Part of the Civil Service Examination

(1) The content and scope of the special part of the civil service examination are defined by the examination topics published by the guarantor of the field of service through the **Office of the Government** on the portal for civil service examination registration. The guarantor of the field of service shall publish the following information on the portal through the **Office of the Government**:

- a) A list of professional literature, international treaties, legal regulations, government resolutions, service regulations, and other documents based on which the examination topics are based;
- b) A textbook providing systematic and structured information on each examination topic necessary for the special part of the civil service examination.

(2) If the field of service falls under the jurisdiction of another central administrative authority, the guarantor of the field of service will prepare the list mentioned in paragraph 1(a) and the textbook mentioned in paragraph 1(b) in collaboration with that central administrative authority.

Section 39

Examination panel

(1) The guarantor of the field of service shall establish an examination panel. If the field of service falls within the competence of another central administrative authority, the guarantor and the authority shall agree on the organisational conditions to ensure the special part of the civil service examination and the method to appoint the examination panel members.

(2) Members of the examination panel shall be appointed from among civil servants and other experts by the appointing authority of the guarantor of the field of service. The examination panel shall have three members, at least two of whom shall be civil servants.

(3) The examination panel shall have the quorum, if all its members are present, decisions shall be adopted by majority of votes. Members of the examination panel shall not be bound by the instructions of their superiors or other persons when performing their duties on the examination panel. Members of the examination panel may not abstain from voting on the assessment of the results of the special part of the civil service examination. The examination panel's decision on this matter shall be 'pass' or 'fail'.

(4) The appointing authority of the guarantor of the field of service shall issue service regulations governing the rules of procedure of the examination panels appointed in the service authority.

Section 40

Participation in the Civil Service Examination

(1) The service authority shall allow a civil servant to take general and special parts of the civil service examination at their request.

(2) In the case of the general part of the examination, the appointing authority, and in the case of the special part of the examination, the appointing authority together with the field of service guarantor shall notify the civil servant in writing of the date and place of the examination at least 15 days before the examination date. The request of the civil servant shall be taken into account when setting the date.

(3) If a civil servant cannot take the examination on the scheduled date due to impediments to service on their part, an alternative date shall be set.

(4) The civil service examination shall be conducted based on examination questions and topics, as well as a list of professional literature, international treaties, legal regulations, government resolutions, service regulations, and other documents from which the questions and topics were drawn, and textbooks pursuant to Sections 37 and 38, published at least 15 days before the examination date.

Section 41

Retake of the Civil Service Examination

(1) If a civil servant fails any part of the examination, the appointing authority shall allow them to retake the examination upon written request. Each part of the examination may be retaken only once at the service authority's expense.

(2) The repeated part of the examination may not be held earlier than 21 days after the previous unsuccessful attempt. The provisions of Section 40(2) shall apply mutatis mutandis.

(3) A member of the examination panel for a repeated special part of the civil service examination may not be a person who was a member of the examination panel for the special part of the civil service examination that the civil servant failed.

Section 42

Civil Service Examination - Special Cases

(1) At the request of a civil servant, the service authority shall allow them to take a special part of the civil service examination in a field of service other than the the civil servant's specialisation, including the repeat at the authority's expense, but in no more than two fields of service in a calendar year. Participation in the civil service examination shall be considered performance of service.

(2) The Ministry of the Interior in respect of the general part of the examination and the field of service guarantor in respect of the special part of the examination shall allow an individual who meets the conditions for admission to civil service under Section 25(1)(a) and (b) to take the civil service examination; such individuals shall cover their costs of taking the examination themselves. The same shall apply to:

a) a civil servant who takes the special part of the civil service examination in other field of service than that in which they specialise, or if they have repeatedly failed the examination pursuant to paragraph 1; and

b) an employee referred to in Section 178(5) in case they take the special part of the civil service examination in other field of service than that specified for the service post they occupy,

c) an employee referred to in Section 178(5) if they have repeatedly failed the general or special part of the examination in the field of service specified for their service post.

(3) A civil servant who had successfully passed the civil service examination before entering civil service, as referenced in paragraph 2, is entitled to reimbursement for the examination costs in the field of service to which they were assigned or appointed. The service authority in which the civil servant performs their service shall provide the reimbursement of costs after the probationary period expires, on the closest regular pay date determined by the service authority.

(4) The Ministry of the Interior shall determine the amount of the lump sum for reimbursing the costs of taking the civil service examination by decree.

Section 42

Civil Service Examination - Special Cases

(1) At the request of a civil servant, the service authority shall allow them to take a special part of the civil service examination in a field of service other than the the civil servant's specialisation, including the repeat at the authority's expense, but in no more than two fields of service in a calendar year. Participation in the civil service shall be considered performance of

service.

(2) The **Office of the Government** in respect of the general part of the examination and the field of service guarantor in respect of the special part of the examination shall allow an individual who meets the conditions for admission to civil service under Section 25(1)(a) and (b) to take the civil service examination; such individuals shall cover their costs of taking the examination themselves. The same shall apply to:

a) a civil servant who takes the special part of the civil service examination in other field of service than that in which they specialise, or if they have repeatedly failed the examination pursuant to paragraph 1; and

b) an employee referred to in Section 178(5) in case they take the special part of the civil service examination in other field of service than that specified for the service post they occupy,

c) an employee referred to in Section 178(5) if they have repeatedly failed the general or special part of the examination in the field of service specified for their service post.

(3) A civil servant who had successfully passed the civil service examination before entering civil service, as referenced in paragraph 2, is entitled to reimbursement for the examination costs in the field of service to which they were assigned or appointed. The service authority in which the civil servant performs their service shall provide the reimbursement of costs after the probationary period expires, on the closest regular pay date determined by the service authority.

(4) The **Office of the Government** shall determine the amount of the lump sum for reimbursing the costs of taking the civil service examination by decree.

Section 42a

Equivalence to the Civil Service Examination

(1) The examination that officials of self-governing territorial units take to complete their initial training shall be considered equivalent to the general part of the civil service examination.

(2) The Government stipulates, by means of a regulation, that the following shall be considered equivalent to the special part of the civil service examination for the relevant fields of service:

a) an examination of special professional competence authorising an official of a self-governing territorial unit to perform specific administrative activities, or

b) an examination under another law,

if the content and scope of the examination are comparable to the special part of the civil service examination.

(3) When changing fields of service, the government may stipulate by regulation

that the special part of the civil service examination that was successfully completed for the existing field of service is considered the special part of the civil service examination that needs to be completed for the new field of service.

Section 42b

Documents Related to the Civil Service Examination

(1) Upon successfully completing the general part of the civil service examination, or upon recognising the equivalence of the general or special part, the appointing authority shall issue a certificate to the civil servant or employee of the service authority. The certificate shall be issued in two copies. One copy shall be given to the civil servant or employee in person, and the other copy shall be filed in their personnel file. The Ministry of the Interior shall issue a certificate of successful completion of the general part of the civil service examination, or a certificate recognising the equivalence of the general part, to individuals permitted to take civil service examination pursuant to Section 42(2) for the purposes of registering for the special part of the examination.

(2) The appointing authority shall issue a written report on failing the general part of the civil service examination to the civil servant or employee of a service authority. The report shall be issued in two copies. One copy shall be given to the civil servant or employee in person, and the other copy shall be filed in their personnel file. The Ministry of the Interior shall issue a written report on failing the general part of the civil service examination to individuals permitted to take the civil service examination pursuant to Section 42(2).

(3) The examination panel shall issue a certificate of successful completion of the special part of the civil service examination to a civil servant or employee of a service authority. The examination panel shall issue two copies of the certificate. One copy shall be given to the civil servant or employee in a service authority in person. The other copy shall be filed in their personnel file.

(4) The examination panel shall issue a written report on failing the special part of the civil service examination to a civil servant or employee of a service authority. The examination panel shall issue two copies of the written report. One copy shall be given to the civil servant or employee in a service authority in person, and the other shall be filed in their personnel file.

(5) The guarantor of the field of service shall keep a record of the certificates issued by the examination panels appointed by them.

Section 42b

Documents Related to the Civil Service Examination

(1) Upon successfully completing the general part of the civil service examination, or upon recognising the equivalence of the general or special part, the appointing authority shall issue a certificate to the civil servant or employee of the service authority. The certificate shall be issued in two copies. One copy shall be given to the civil servant or employee in person, and

the other copy shall be filed in their personnel file. The **Office of the Government** shall issue a certificate of successful completion of the general part of the civil service examination, or a certificate recognising the equivalence of the general part, to individuals permitted to take civil service examination pursuant to Section 42(2) for the purposes of registering for the special part of the examination.

(2) The appointing authority shall issue a written report on failing the general part of the civil service examination to the civil servant or employee of a service authority. The report shall be issued in two copies. One copy shall be given to the civil servant or employee in person, and the other copy shall be filed in their personnel file. The **Office of the Government** shall issue a written report on failing the general part of the civil service examination to individuals permitted to take the civil service examination pursuant to Section 42(2).

(3) The examination panel shall issue a certificate of successful completion of the special part of the civil service examination to a civil servant or employee of a service authority. The examination panel shall issue two copies of the certificate. One copy shall be given to the civil servant or employee in a service authority in person. The other copy shall be filed in their personnel file.

(4) The examination panel shall issue a written report on failing the special part of the civil service examination to a civil servant or employee of a service authority. The examination panel shall issue two copies of the written report. One copy shall be given to the civil servant or employee in a service authority in person, and the other shall be filed in their personnel file.

(5) The guarantor of the field of service shall keep a record of the certificates issued by the examination panels appointed by them.

Section 42c

The Ministry of the Interior shall issue a decree specifying how to conduct, evaluate, and record the general and special parts of the civil service examination, as well as the templates for related documents.

Section 42c

The **Office of the Government** shall issue a decree specifying how to conduct, evaluate, and record the general and special parts of the civil service examination, as well as the templates for related documents.

Chapter III IV

Assignment of Civil Servant to a Service Post in Respect of Their Family or Similar Relations

Section 43

(1) Civil servants who are close family members shall not be assigned to service posts in which they would be directly subordinate to or under the financial control or audit of one another.

(2) An applicant for the civil service employment must report all facts pursuant to paragraph 1 to the appointing authority. A civil servant must report to the appointing authority without any undue delay any facts pursuant to paragraph 1 that originate after commencement of their civil service employment.

(3) Should facts pursuant to paragraph 1 above occur after the commencement of civil service employment, the appointing authority shall change the respective civil servants' subordination with respect to the performed service activities so that it differs from the organisational setup of the public authority.

Chapter ~~IV~~ V Changes in the Civil Service Employment

Section 44

Types of Changes in the Civil Service Employment

The change in the civil service employment shall be in the form of:

- a) being sent to an official business trip,
- b) transfer,
- c) dismissal from service,
- d) assignment to a service post,
- e) alteration in the duration of civil service employment,
- f) appointment to the service post of a senior civil servant,
- g) dismissal from the post of a senior civil servant **and termination of service in said post upon request**,
- h) transfer to another service post,
- i) temporary non-active status due to organisational reasons,
- j) substitution,
- k) secondment to service abroad and assignment to a service post after termination of such a service,
- l) secondment to a body or institution of the European Union, an international organisation, a peace or rescue operation, or a humanitarian aid operation abroad (hereinafter referred to as an 'international organisation');
- m) permission to work **shorter working hours**,
- n) suspended performance of civil service.

Travelling on Official Business

Section 45

(1) A civil servant may be required to travel on official business for any necessary period, even without their consent. When a civil servant is required to travel on official business,

the starting point, destination, termination point, duration, means of transportation, lodging, and other conditions shall be determined.

(2) When sending a civil servant to travel on official business to another country for more than four consecutive weeks, the service authority must inform the civil servant in writing, in advance, of the currency in which their pay will be paid, any monetary or material benefits provided by the service authority in connection with performance of their duties, and whether and under what conditions the civil servant's return will be ensured. The provisions of Section 30a(3) and (4) shall apply mutatis mutandis.

(3) When requesting a civil servant to travel on official business, their health condition, personal, and family circumstances shall be taken into consideration.

(4) Pregnant civil servants, **civil servants with disabilities or serious health reasons**, and civil servants caring for children **who have not yet completed primary school** may only be required to travel on official business with their consent; this shall also apply to a single-parent civil servant caring for a child under the age of 15, as well as to a civil servant who **cares for a close relative requiring significant care or assistance due to serious health reasons**. **Upon request by the appointing authority, the civil servant must submit a confirmation from the close relative's attending physician stating that the relative requires such care or assistance.**

Section 46

(1) If necessary for the execution of the service, a civil servant may travel on official business, including weekends and public holidays.

(2) A civil servant travelling on official business must perform the service as ordered by the senior civil servant who requested the travel.

(3) For per diem purposes related to travel on official business, a family member is defined as a spouse, a partner under the Registered Partnership Act (hereinafter referred to as the 'partner'), a child, an adopted child, a child in the civil servant's custody, a parent, an adoptive parent, or a custodian. Other persons may adopt the status of a family member provided that they share household with the civil servant.

(4) For the purposes of this Act, a household is defined as a community of individuals who reside together permanently and share living expenses.

Section 47

Transfer

(1) A civil servant may be transferred to another service authority or to another organisational unit within their service authority for a period of time deemed necessary, but not exceeding 60 days in a calendar year, such a period must be defined in advance; this transfer may occur also without the civil servant's consent, provided that they are capable of performing the required activities based on their qualifications, knowledge, skills, and experience. In accordance with the first sentence, a civil servant may be

transferred to perform duties in a higher pay grade, even if they do not meet the educational requirements. With the civil servant's consent, the transfer period may be extended, however for no more than one year. A civil servant may be transferred in this manner no sooner than one month after the previous transfer ends. A civil servant may withdraw consent to transfer under the third sentence, and the transfer will terminate 15 days after the date of delivery of the withdrawal of consent unless a shorter period is agreed upon by the civil servant and the appointing authority.

(2) The transferred civil servant's services must be required by the other service authority or unit of the civil servant's service authority for the entire transfer period. Transfers may not be used for purposes other than executing service. When transferring a civil servant, their health, family, and personal circumstances shall be taken into consideration.

(3) Pregnant civil servants, **civil servants with disabilities or serious health reasons**, and civil servants caring for children **who have not yet completed primary school** may only be transferred with their consent; this shall apply also to a single-parent civil servant caring for a child under the age of 15, as well as to a civil servant who **cares for a close relative requiring significant care or assistance due to serious health reasons**. Upon request by the appointing authority, the civil servant must submit a confirmation from the close relative's attending physician stating that the relative requires such care or assistance.

(4) Should a civil servant be transferred from a municipality that is their place of civil service employment or residence to another municipality, the service authority that the civil servant is transferred to shall arrange housing for the civil servant at its own cost and provide per diems as if the civil servant were travelling on official business.

(5) Should the transfer result in a lower pay, the civil servant shall be eligible for differential payments up to the amount of their prior pay.

Section 48

Dismissal from Service

(1) A civil servant shall be dismissed from service if criminal proceedings have been initiated for an intentional criminal offense or a criminal offense against public law and order committed through negligence, and if their continued service would jeopardize the proper performance of duties.

(2) A civil servant shall be relieved of duty for the duration of their custody if they are taken to custody.

(3) From the date of dismissal, a civil servant shall be entitled to 50% of their monthly pay, but no less than the minimum wage under other legal regulations; this portion of the pay shall increase by 10 % for each dependent person, up to a maximum of 80% of their monthly pay. A dependent person is someone whom the state employee provides or is obligated to provide support for. The pay referred to in the first sentence shall not be paid to the civil employee during periods of annual leave, additional leave, or temporary incapacity to perform their duties.

(4) If a civil servant has not been convicted of an offense referred to in paragraph 1, or if criminal proceedings in which they were taken into custody have not resulted in a conditional suspension of criminal prosecution or a decision to approve a settlement and discontinue criminal proceedings, then the reduction in their pay shall be paid after the conclusion of the criminal proceedings.

Section 49

Assignment to a Service Post

(1) A civil servant may be assigned to another service post following a selection process to fill a vacant service post. **The date on which a civil servant commences service at the new service post shall be determined by the new appointing authority with the consent of the original appointing authority. If the original appointing authority does not provide consent within 60 days of the request date, the civil servant shall commence service on the first working day after the 60-day period expires.**

(2) With their consent, a civil servant may be assigned to a different service post within the same service authority that is included in the same or a lower pay grade as their current service post, this shall be possible if the civil servant meets the conditions and requirements specified for the different service post and if the appointing authority and the senior civil servant who is the new immediate superior, or the current immediate superior, if the service post is subordinate to the same immediate superior, agree in writing on such assignment; civil servants who achieved outstanding results in two successive service performance appraisals may also be assigned to a service post included in a pay grade one level higher than their current service post.

(3) A civil servant may be assigned to a different service post **in a new service authority** under the conditions laid down in paragraph 2, provided that the new service authority and the senior civil servant who will become their new immediate superior agree to the assignment in writing. The new appointing authority shall decide on the civil servant's assignment to the new service post. **The provisions of paragraph 1, sentences two and three, shall apply mutatis mutandis.**

(4) If the need to replace a temporarily absent civil servant due to termination of or transfer ceases to exist, the civil servant temporarily replacing them may be assigned to the absent civil servant's service post, provided the replacement agrees and the appointing authority and the civil servant who is the immediate superior agree in writing.

~~(6)~~ (5) Civil service employment for an indefinite term shall not be affected by assignment to another post.

~~(7)~~ (6) The term of a fixed-term civil service employment shall not be shortened upon assignment to another service post.

(7) When assigned to another service post in another service authority, a civil servant may be given a trial period of up to 3 months. The trial period is extended by the number of full days the civil servant is absent from work without performing their duties and by the number of full days of the annual leave taken. An assignment to another post in another service authority for which a trial period has been set expires upon cancellation

by the service authority during the trial period for any reason or without giving a reason, on the date written notice of cancellation is delivered, unless the notice specifies a later date.

Section 50

Change in the Term of the Civil Service Employment

The term of a civil servant's fixed-term employment shall change upon their assignment to a service post or appointment to the service post of a senior civil servant, provided that the civil service employment is awarded for an indefinite term or for a fixed term that ends after their current civil service fixed-term employment ends.

Section 51

Basic Provisions on Selection Process to Fill a Vacant Service Post of a Senior Civil Servant

(1) There shall be a selection process announced to fill a vacant service post of a senior civil servant, unless stipulated otherwise. The selection process shall always be held should it be the vacant post of the Chief State Secretary, a Secretary General, the Head of a service authority, the Director General of a Section, the Director of a Section, the Director of Human Resources of the Civil Service Section and the Director of a Department. **Provisions of Section 49(1), sentences two and three shall apply mutatis mutandis.**

(2) The selection process to fill a vacant service post of a senior civil servant shall be announced by the authority which will appoint such senior civil servant to the service post. Sections 24 to 28 shall apply to such selection process mutatis mutandis

(3) Proof of practical experience must be provided in the form of relevant documents. **According to Section 27(3), the applicant must submit these documents not later than before the interview. When Submitting the application, the applicant may prove that this requirement has been met by submitting copies of the documents.**

(4) **When appointing a civil servant to a senior civil servant post in another service authority based on the results of a selection process to fill vacant senior civil servant post, a trial period of up to three months may be set. This period shall be extended by the duration of any full-day impediments to service or annual leave during which the senior civil servant does not perform their duties. An appointment to a senior civil servant's post in another service authority, for which a trial period has been set, may be cancelled by appointing authority at any time during the trial period, with or without cause, and effective the date the written cancellation notice is delivered, unless a later date is specified in the notice.**

Section 52

Appointment to the Service Post of the Chief State Secretary

(1) The Chief State Secretary shall be appointed by the government, upon the proposal of the Prime Minister, for a period of 6 years following a selection process.

(2) The selection committee shall have 5 members, appointed and removed by the Government. The selection process shall be organised by the Office of the Government.

(3) Individuals who may enter the selection process shall be Czech citizens over 40 years of age. In the past 15 years, they must have performed activities pursuant to Section 5 or similar activities for a period of at least 5 years. They must also have at least four years of experience in a managerial position or as a member of a statutory body of a legal entity.

Section 53

Appointment to the Service Post of the Secretary-General

(1) A Secretary-General shall be appointed by the **Chief State Secretary** for a period of 5 years following a selection process.

(2) The selection process shall be organised by the Civil Service Section. The selection committee shall have 4 members, appointed and removed by the Chief State Secretary. Two out of the four members shall be appointed and removed upon the proposal of the respective minister or the Head of the Office of the Government. Should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection committee, who is a member delegated by the Chief State Secretary without the proposal of the respective minister of the Head of the Office of the Government.

(3) Individuals who may enter the selection process must have performed activities pursuant to Section 5 or similar activities for a period of 4 years in the past 15 years, out of which they shall have at least 3 years of experience in a managerial position or as a member of a statutory body of a legal entity.

Section 54

Appointment to the Service Post of the Head of a Service Authority

(1) A Head of a Service Authority shall be appointed by an entity stipulated by law and for a period stipulated by law, or for a period of 5 years. The appointment shall be based on the results of a selection process. Unless stipulated otherwise by law, the Head of a Service Authority shall be appointed to the service post by the appointing authority of the service authority which is directly supervising the service authority within which the service post is to be filled; should there be no such superior service authority, the Head of the Service Authority shall be appointed by the Chief State Secretary.

(2) The selection committee in charge of appointing the Head of the Service Authority of a central administrative authority shall have four members, appointed and removed by the government, one of the members shall be appointed and removed upon proposal by the Chief State Secretary. Should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection committee who shall be **a member of the selection committee proposed by the Chief State Secretary**. The selection committee in charge of appointing the Head of a Service Authority in another public authority with nation-wide competences shall

have 4 members, appointed and removed by the entity authorised to appoint the Head of the Service Authority, two of the members shall be appointed upon the proposal made by the respective minister or a head of another central administrative authority and one member shall be appointed upon the proposal by the Chief State Secretary; should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection committee who shall be **a member of the selection committee proposed by the Chief State Secretary**. In another public authority, the selection committee shall have three members, appointed and removed by the entity authorised to appoint the Head of the Service Authority, one of the members shall be appointed and removed upon the proposal of the Chief State Secretary.

(4) Individuals who may enter the selection process must have performed activities pursuant to Section 5 or similar activities for a period of 4 years in the past 15 years, out of which they shall have at least 3 years of experience in a managerial position or as a member of a statutory body of a legal entity.

Section 55

Appointment to the Service Post of the Director General of a Section or Director of a Section

(1) A Director General of a Section shall be appointed by the Secretary-General on the basis of the results of a selection process for a period of 5 years. A Director of a Section shall be appointed by the Head of the Service Authority on the basis of the results of a selection process for a period of 5 years.

(2) The selection committee at a Ministry or at the Office of the Government shall have four members, appointed and removed by the Secretary-General, two of the members shall be appointed and removed upon the proposal of the respective minister or the Head of the Office of the Government. Should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection committee, who shall be delegated by the Secretary-General from the pool of those members of the selection committee, who were appointed upon the proposal by the respective minister or the Head of the Office of the Government. In another public authority, the selection committee shall have three members, appointed and removed by the Head of a Service Authority.

(3) Individuals who may enter the selection process must have performed activities pursuant to Section 5 or similar activities for a period of 3 years in the past 15 years, out of which they shall have at least 2 years of experience in a managerial position or as a member of a statutory body of a legal entity.

Section 56

Appointment to the Service Post of the Director of Human Resources of the Civil Service Section

The Director of Human Resources of the Civil Service Section is appointed by the government upon the proposal of the Prime Minister on the basis of a selection process for a period of 5 years. Provisions on selection and appointment of the Chief State Secretary shall apply *mutatis mutandis* to the selection of the Director of Human Resources of the Civil Service Section.

Section 57

Appointment to the Service Post of the Director of a Department

(1) The Director of a Department at a Ministry or at the Office of the Government shall be appointed by the Secretary-General on the basis of the results of a selection process for a period of 5 years. In other public authorities, the Director of a Department shall be appointed, on the basis of the results of a selection process for a period of 5 years, by the Head of the Service Authority.

(2) The selection committee shall have three members. At a Ministry or at the Office of the Government they shall be appointed and removed by the Secretary-General, two of the members shall be appointed and removed upon the proposal of the respective Director General of a Section. In other public authorities, the selection committee shall be appointed and removed by the Head of the Service Authority.

(3) Individuals who may enter the selection process must have performed activities pursuant to Section 5 or similar activities for a period of 2 years in the past 15 years, out of which they shall have at least 1 year of experience in a managerial position or as a member of a statutory body of a legal entity.

heading omitted

Section 58

Appointment to the Service Post of the Head of a Unit

(1) A Head of a Unit at a Ministry or at the Office of the Government shall be appointed by the Secretary-General on the basis of the results of a selection process. In other public authorities, a Head of a Unit shall be appointed, on the basis of the results of a selection process, by the Head of the Service Authority.

(2) Individuals who may enter the selection process must have performed activities pursuant to Section 5 or similar activities for a period of 1 year in the past 15 years.

Section 59
repealed

Section 60

Removing a Civil Servant from the Service Post of a Senior Civil Servant

(1) The entity that appointed the senior civil servant to the service post shall also remove them if any of the following conditions are met:

a) there is a reason for transferring a civil servant to another service post pursuant to Section 61(1)(a)(c)(e) to (i) or (k),

b) the performance appraisal concludes that the senior civil servant delivered unsatisfactory or unacceptable results, or if the evaluation criteria regarding organising, managing, supervising, and evaluating the performance of subordinate civil servants and the performance of subordinate employees are evaluated as met in accordance with the requirements, with occasional reservations, or inadequately met, or

c) a civil servant received a second written warning for a culpable breach of duties arising from legal regulations relating to service performance, service regulations, and service performance orders within 12 months prior to the commencement of proceedings for dismissal from their superior civil servant.

(2) The Chief State Secretary, the Secretary-General, and the Director of Human Resources of the Civil Service Section, acting as the Chief State Secretary in the event that the the Chief State Secretary's post is vacant, may be removed from their posts if they violate service discipline, if their conduct compromises the dignity of their posts, or if it casts doubt on their impartial, professional, and just decision making.

(3) The Chief State Secretary and the Director of Human Resources of the Civil Service Section, acting as the Chief State Secretary, in the event that the Chief State Secretary's post is vacant, may also be removed from their posts if they have not performed their duties for more than 6 months.

Section 60a

Termination of Service in the Post of a Superior Officer Upon Request

(1) A civil servant's service at the senior civil servant's post shall terminate upon their written request, effective at the end of a period of two calendar months, beginning on the first day of the calendar month following the date of delivery of the request. This period may be shorter if agreed upon by the senior civil servant and the appointing authority. A senior civil servant may withdraw their request for termination of service at the senior civil servant's post without the consent of the appointing authority only if no shorter period is agreed upon.

(2) If, according to the written request submitted by the senior civil servant, the service at the senior civil servant's post is to end in more than two calendar months from the date of the request delivery, the senior civil servant and the appointing authority may agree in writing to terminate service at the senior civil servant's post during this period. Service at the senior civil servant's post shall terminate on the agreed-upon date.

Section 61

Transfer to Another Service Post

(1) A civil servant shall be transferred to another **suitable service post within the same service authority**, should they be unable to perform service at the current service post:

a) for health-related reasons,

b) as a result of being removed from the service post of a senior civil servant **or resigning from the post of senior civil servant**,

- c) if their service post has been cancelled,
- d) if the term for which the civil servant was assigned to the service post or appointed to the service post of a senior civil servant for a fixed term has expired, but the civil service employment continues,
- e) if the civil servant no longer meets the requirement pursuant to Section 25 **(3)(d)**, and is, therefore, **is no longer authorised to have access to classified information in accordance with the legal regulation governing the protection of classified information,**
- f) if the civil servant no longer meets the requirement of citizenship of the Czech Republic **under Section 25(3)(a),**
- g) if the civil servant refused to sign a non-competition agreement or an agreement on liability for the protection of assets entrusted to them and the obligation to submit an expense statement,
- h) if a civil servant failed to pass the special part of the civil service examination within 18 months from the date on which they started to perform the service in a different or in additional field of service, **provided that they had previously passed the general part of the civil service examination pursuant to Section 35(3)(a),**
- i) if a civil servant no longer complies with the requirements established for the service post by other legislation,
- j) due to the cancellation of their assignment to another service post in another service authority or cancellation of their appointment to a senior civil servant's post in another service authority during the trial period, or**
- k) if they no longer meet the educational requirements under Sections 25(1)(e) and 25a, with the exception of the procedure under Section 74(1)(i).**

(2) Pursuant to paragraph 1(a), a civil servant shall be transferred to a service post suitable for them:

- a) should the medical report issued by a practitioner of occupational medical services conclude that they have become incapacitated to perform service at the current post,
- b) should a pregnant civil servant, a nursing civil servant, or a civil servant who is a mother of a new-born child not older than 9 months perform service in a service post where such civil servants are prohibited to perform service or should such service pose a risk to their pregnancy or motherhood as stated in the relevant medical report,
- c) should it be necessary, on the basis of a medical report issued by a practitioner of occupational medical services, or a decision made by an authority responsible for the protection of public health, to protect the health of other natural persons against contagious diseases,
- d) should a civil servant performing service at night be declared on the basis of the medical report issued by a practitioner of occupational medical services incapable to work at night, or

e) should it be requested by a pregnant civil servant, a nursing civil servant, or a civil servant mother of a new-born child not older than 9 months serving night shifts.

(3) The transfer of a civil servant to another service post in another service authority where the service is suitable for them shall not be affected by the provisions of paragraphs 1 and 2.

~~(5)~~ **(4) Should the transfer pursuant to paragraph 2(a) result in a lower pay of the respective civil servant, they are entitled to the payment of pay differential up to the amount of their pay prior to the transfer. Such a pay differential shall be awarded for a maximum period of the following 12 subsequent months.**

Section 62

Assignment Out of Service for Organisational Reasons

(1) If a civil servant cannot be transferred to another civil service post under the circumstances outlined in Section 61(1)(b) to (k) or 61(2)(a), or if they cannot be transferred to a vacant post under the circumstances outlined in Sections 70(3), 75(2), or 104a, they shall be assigned out of service for a maximum period of three months. If there is an impediment to service on the part of a civil servant under Section 104(1), the period of assignment out of service for organisational reasons pursuant to the first sentence shall be suspended, if Sections 195 to 198 of the Labour Code apply.

(2) The civil servant's pay shall be 80% of their monthly pay from the date of assignment out of service pursuant to paragraph 1. The civil servant shall not be eligible to receive pay for annual leave, additional leave, or temporary incapacity to perform service.

(3) The appointing authority that assigns a civil servant out of service for organisational reasons shall take steps to transfer the civil servant pursuant to Sections 61(1)(b) to (k) or 61(2)(a), or assign them to a suitable vacant post within the same service authority pursuant to Sections (70)(3), 75(2), or 104a, while the civil servant is assigned out of service for organisational reasons. This shall not affect the transfer or assignment of the civil servant by another appointing authority to a suitable vacant post in another service authority.

(4) If a civil servant assigned out of service for organisational reasons is transferred pursuant to Sections 61(1)(b) to (k), or 61(2)(a), or assigned to a suitable vacant post in another service authority pursuant to Sections (70)(3), 75(2), or 104a, a trial period of up to 3 months may be set for them. This trial period shall be extended by the duration of any full-day impediments to service during which the civil servant does not perform service and by the duration of any full days of their annual leave taken. During the trial period, the period of assignment out of service for organisational reasons shall be suspended.

(5) A transfer pursuant to Sections (61)(1)(b) to (k), or 61(2)(a), or an assignment pursuant to Sections 70(3), 75(2), or 104a, to another service post in another service authority for which a trial period has been set, shall cease upon cancellation by the

appointing authority, for any reason or without giving a reason, during the trial period, on the date of delivery of the written notice of cancellation of the transfer or assignment, unless a later date is specified in the notice. Upon termination of the transfer or assignment pursuant to the first sentence, the period of assignment out of service for organisational reasons shall continue. The appointing authority shall immediately inform the appointing authority in the service authority that first assigned the civil servant out of service for organisational reasons. This appointing authority shall proceed in accordance with paragraph 3 and pay the civil servant's pay.

(6) From the date of assignment out of service pursuant to paragraph 5, the civil servant's pay shall be 80% of their monthly pay, as determined before being assigned out of service pursuant to paragraph 1. The civil servant shall not be eligible to receive pay for their annual leave, additional leave, or temporary incapacity to perform service.

~~Section 63~~

~~Section 64~~

~~Section 65~~

Section 66

Substitution

(1) Upon order, a civil servant shall act in place of a senior civil servant or a civil servant in a service post one pay grade higher than their assigned or appointed post. **An order to substitute for a senior civil servant cannot be issued if a deputy acts in place of a senior civil servant under Section 9a. However, this does not apply, if neither the senior civil servant nor their deputy under Section 9a is present.** If a civil servant acts as a substitute for more than 4 consecutive weeks, they are eligible for the pay they would receive if assigned or appointed to the service post of the civil servant or senior civil servant they are substituting for. The civil servant receives this pay from the first day of the substitution.

(2) A substitute civil servant will not perform their original service tasks in full scope.

(3) A period of substitution shall not exceed 180 days in a calendar year, unless the civil servant agrees to act as a substitute for an extended term.

Section 67

Secondment to Service Abroad and Service Post Assignment After Its Termination

(1) A civil servant may be seconded to perform service abroad for a stipulated period of time with their written consent. Civil servants working at the Ministry of Foreign Affairs or the Ministry of Defence, except those under Section 45(4), may be sent abroad without their

consent for up to 6 months, if necessary. However, this can only happen once every five years, starting from the first day of service abroad for which the civil servant did not give consent. Section 45(2) shall apply mutatis mutandis.

(2) The appointing authority may conclude a service performance agreement with a civil servant who is to be seconded abroad. Such an agreement shall contain the following:

a) The civil servant's obligation to:

1. Perform service abroad in the respective place of civil service employment for a period pursuant to paragraph 1,
2. Bear the costs of the secondment to service abroad should they fail to perform service in the respective place of civil service employment for the aforementioned period,

b) The types and maximum amount of costs to be reimbursed by the civil servant to the service authority,

c) The reasons for which the obligation to cover the respective costs may be waived.

(3) The appointing authority may terminate service abroad before the agreed expiration date. The term of the service abroad may be extended with the respective civil servant's consent.

(4) After completing service abroad, a civil servant may fill a vacant civil service post, regardless of the field of service determined for the service post, for a period not exceeding two years, except for the post of senior civil servant. For this period, the respective civil servant shall not be required to take the special part of the service examination that field.

Section 67a

Secondment to an International Organisation

(1) With their written consent, a civil servant may be seconded to perform service in an international organisation abroad for a stipulated period of time; such secondment shall be considered service performance. Section 45(2) shall apply mutatis mutandis.

(2) The appointing authority may conclude a service performance agreement with a civil servant who is to be seconded to an international organisation. Section 67(2) shall apply to such an agreement mutatis mutandis.

(3) The appointing authority may terminate the secondment to an international organisation before the agreed expiration date. The term of service at an international organisation may be extended with the respective civil servant's consent.

(4) A civil servant who is seconded to an international organisation shall be entitled to a pay and reimbursement of costs, should the international organisation concerned not cover them.

Section 67b

repealed

Section 68

Permission for Shorter Working Hours

A civil servant may request shorter working hours.

Section 69

Interruption of Service

(1) A civil servant may interrupt their service for a period **exceeding** 12 months upon **their** request.

(2) During the period of interruption of service, as described in paragraph 1, the respective civil servant is not entitled to any pay.

Joint Provisions on Changes in Civil Service Employment

Section 70

(1) When the reason for a change in civil service employment pursuant to Sections 47 or **67a** ceases to exist, the civil servant shall be reassigned to their original service post.

(2) The service post of a civil servant pursuant to paragraph 1 may be filled by assignment or appointment of another civil servant, but only for a fixed term not exceeding the period of the out of service status pursuant to paragraph 1.

(3) If it is not possible to proceed under paragraph 1 due to the cancellation of the respective service post, the expiration of the fixed term for which the civil servant was assigned or appointed to the service post under paragraph 1, or the absence of other reasons for the change in civil service employment for which the civil servant was unable to perform service, **or if the transfer of a civil servant to the Ministry of Foreign Affairs, or the secondment of a civil servant transferred to the Ministry of Foreign Affairs for service abroad pursuant to Section 38 of the the Foreign Service Act, or transfer of a civil servant to the Ministry of Defence for service abroad ends, the civil servant shall be assigned to a suitable vacant service post in the service authority where they performed their service before the change in civil service employment.** However, a civil servant may only be assigned to a service post in a lower pay grade with their consent.

Chapter ~~V~~ VI

Termination of Civil Service Employment

Section 71

Basic Provisions

Civil service employment shall be terminated in cases stipulated herein, unless it is terminated by death of a civil servant, or the civil servant is legally declared dead, or as a result of termination of the civil service employment for a fixed term.

Section 72

Termination of Civil Service Employment by Decision of the Appointing Authority

- (1) The appointing authority shall decide to terminate the service relationship if:**
- a) Two consecutive performance appraisals of a civil servant conclude that the servant has achieved unsatisfactory results, or**
 - b) The civil servant has culpably committed a particularly serious breach of their obligations arising from legal regulations relating to the performance of service, service regulations, or orders to perform service within one year prior to the commencement of proceedings for the termination of service,**
 - c) The civil servant has culpably committed a serious breach of their obligations arising from legal regulations relating to the performance of service, service regulations, or orders to perform service within one year prior to the commencement of proceedings for the termination of service,**
 - d) The civil servant has received a third written warning within 18 months before the commencement of termination proceedings for culpable breach of their obligations arising from legal regulations relating to the performance of service, service regulations, or orders to perform service,**
 - e) The civil servant is regarded, pursuant to Section 43(8) of the Act on Specific Health Services, as medically unfit, unfit to perform their current service in a long term, or whose state of health is inconsistent with the conditions or requirements for which they were assessed.**

(2) The service relationship shall terminate on the date of delivery of the decision on termination of service pursuant to paragraph 1(b) and (e), or upon the expiration of a period of two calendar months, which shall commence on the first day of the calendar month following the delivery date of the termination decision in all other cases.

Section 73

Termination of Civil Service Employment at the Request of a Civil Servant

(1) Service relationship shall terminate at the end of a period of two calendar months beginning on the first day of the calendar month following the date of delivery of the written request of a civil servant, unless a shorter period is agreed upon by the civil servant and the appointing authority. A civil servant may withdraw their request for termination of service without the consent of the service authority only if no shorter period has been agreed upon.

(2) If the service relationship is to end at the civil servant's written request after a period of more than two calendar months from the delivery date of the request, it may be terminated during this period on the basis of a written agreement between the civil servant and the appointing authority. The service relationship shall terminate on the agreed date.

Section 73a

Termination of Civil Service Employment Based on an Agreement Between Senior Civil Servant and Appointing Authority

(1) The service relationship of the Chief State Secretary, Secretary-General, Head of a Service Authority, Director General of a Section, Director of a Section, Director of Human Resources of the Civil Service Section and Director of a Department may be terminated by written agreement between that senior civil servant and the appointing authority. Such an agreement with a senior civil servant appointed to a post at a ministry, or in the Office of the Government may only be concluded with the consent of a relevant minister or the Head of the Office of the Government. Service relationship shall terminate on the date agreed upon in the agreement, but no earlier than the date on which the agreement is made.

(2) If the service relationship ends pursuant to paragraph 1, the senior civil servant who has served in the same service post for a period of at least consecutive 18 months shall be entitled to an amount equal to six times their monthly pay.

(3) The financial compensation under paragraph 2 shall be paid in a lump sum on the next payday determined by the service authority as the pay day following the termination of the service relationship under paragraph 1.

Section 74

Termination of Civil Service Employment by Law

(1) Civil service employment shall be terminated:

a) If a civil servant is finally sentenced for an intentional criminal offense or a criminal offense against public law and order by negligence, or if the court issues an unconditional sentence of imprisonment, on the day the sentence takes effect,

⇒ b) If a civil servant is banned by a final court decision from serving in the civil service, on the day the decision takes legal effect,

⇒ c) If a court finally decides that a civil servant's legal capacity is limited, on the day the decision takes legal effect,

⇒ d) Upon termination of civil service employment by the appointing authority or the civil servant for any reason or without reason during the probationary period, on the day the written notice of the termination of civil service employment is delivered, unless the notice stipulates a later date. The appointing authority must not terminate civil service employment during the probationary period within the first 14 days of the civil servant's temporary incapacity to perform service,

e) The civil service employment relationship of a civil servant shall terminate on the day on which the deadline to take the general part of the civil service examination pursuant

to Section 35(2), or the special part of the civil service examination pursuant to Section 35(3)(a) expires without being met, or on the day on which the deadline for taking the special part of the civil service examination pursuant to Section 35(3)(b) expires without being met, or if prior to the day on which the civil servant commenced service in another or additional field of service, they failed the special part of the civil service examination pursuant to Section 35(3)(a).

~~h-g)~~ f) On December 31 of the year in which the civil servant reaches the age of 70,

g) Upon the expiration of the period for which the civil servant was assigned out of service for organisational reasons without effect,

h) If the civil servant no longer meets the requirement of being a citizen of a Member State of the European Union, or of a state that is a contracting party to the Agreement on the European Economic Area, on the date that they become noncompliant, or

i) If the civil servant ceases to meet the requirement of having completed secondary education with a school-leaving examination, on the date that they become noncompliant.

(2) Civil service employment shall also terminate on the day an impediment to the civil servant's service pursuant to Section 33(2) arises.

Section 74a

Severance Pay

(1) A civil servant shall be entitled to severance pay upon termination of employment in the civil service for an unlimited period for the reasons specified in Section 74(1)(g). If they have served without interruption for:

a) up to one year, the severance pay shall equal one monthly pay,

b) more than one year and up to two years, the severance pay shall equal twice the monthly pay,

c) more than two years and up to ten years, the severance pay shall equal three times the monthly pay,

d) more than ten years and up to fifteen years, the severance pay shall equal five times the monthly pay,

e) more than fifteen years and up to twenty years, the severance pay shall equal six times the monthly pay,

~~g)~~ f) more than twenty years, severance pay shall equal seven times the monthly pay of the civil servant.

(2) Severance pay shall be paid in a lump sum on the nearest pay date, as determined by the service authority, following termination of civil service employment pursuant to Section 74(1)(g).

(3) If a former civil servant who has been paid severance pay under paragraph 1 is reassigned to a civil service post under this Act or employed in a civil service post in a service authority under Labour Law before the period determined by the number of multiples of the monthly pay from which the amount of severance pay was derived expires, they must return the severance pay, or a proportionate part thereof, to the service authority in which they perform service or work. The proportionate part of the severance pay shall be determined according to the number of calendar days from the new start date of their service assignment or employment under this Act until the expiration of the period referred to in paragraph 1.

(4) If a civil servant or employee fails to return the severance pay, or a proportionate part thereof, as outlined in paragraph 3, by the date on which they resume their service or work, the service or employment relationship shall be deemed invalid from the outset.

Section 75

Unlawful Termination of Civil Service Employment

(1) Should a legally binding decision find termination of a civil servant's employment unlawful, the civil service employment shall continue and the civil servant shall return to their previous service post. The civil servant shall be entitled to receive their pay for the period during which the termination is legally effective until the day of reassignment.

(2) If it is impossible to reassign the civil servant to their previous service post due to the cancellation of the service post, the expiration of the fixed period for which the civil servant was assigned or appointed to the post, or if the post is no longer vacant, the civil servant shall be assigned to perform service in a suitable vacant post in the service authority where they previously served. A civil servant may only be assigned to a service post in a lower pay grade, if they agree to it.

(3) If a civil servant notifies the service authority in writing that they do not wish to continue their service, the process for terminating their civil service employment pursuant to Section 73 shall apply. In this case, the civil servant is entitled to their pay until the decision pursuant to Section 73 takes effect.

Chapter ~~VI~~ VII

Service Report and Certificate of Service

Section 76

(1) The appointing authority shall issue a certificate of service to the civil servant **and, if requested, a service report**. These documents must not be provided to anyone else.

(2) The service report shall be based on the civil servant's performance appraisal and may consider only facts related to their service.

(3) The certificate of service shall include the following:

- a) the field of service in which the civil servant performed service,
- b) duration of the civil service employment,
- c) the civil servant's obligations towards the service authority,
- d) deductions from the civil servant's pay, the order of such deductions, and recipient,
- e) information on the reasons for termination of the civil service employment,
- f) information on average pay and other facts which are decisive for eligibility for unemployment support and requalification allowance.

(4) Other information relating to the civil servant, except information stipulated in paragraph 3, may be included solely with the consent of the civil servant, unless stipulated otherwise by law.

PART THREE

OBLIGATIONS AND RIGHTS OF CIVIL SERVANTS, SERVICE ORDERS AND MERITORIOUS AWARDS FOR EXEMPLARY SERVICE

Obligations of Civil Servants

Section 77

(1) A civil servant shall be obliged to:

- a) Remain loyal to the Czech Republic while performing their duties;
- b) Perform service impartially, act within the limits of their authority, and refrain from anything that could undermine the trust in their impartiality;
- c) Observe the laws and other legal provisions governing the service, as well as service instructions and orders;
- d) Perform service assignment personally, dutifully and in a timely manner;
- e) **Take part in an onboarding process** and increase their qualifications as required by the appointing authority;
- ~~g~~ f) Provide information about the activities of the service authority pursuant to the Act on Free Access to Information, if such a duty is included in their service tasks;
- ~~h~~ g) Keep confidential any facts learned during their service that, in the interest of the service authority, cannot be disclosed to other parties. This shall not apply if a civil servant has been exempted from such duty. The duty of confidentiality arising from another law shall not be prejudiced;
- ~~i~~ h) Refrain from any actions that could lead to a conflict of public interest with personal

interests, in particular not to use insider information for their own benefit or for the benefit of another person, and not to abuse their civil service post;

j) i) Refrain from accepting gifts or other benefits, with the exception of gifts or benefits provided by their **authority**;

k) j) Notify the appointing authority of any criminal prosecution against them, detailing the facts of the prosecution;

l) k) Act in place of a senior civil servant or a civil servant in a service post assigned to a higher pay grade;

m) l) Serve on a selection committee, examination panel, **as a mentor**, or in other bodies established by the appointing authority pursuant to the service instruction;

n) m) Observe rules of decency with respect to senior civil servants, other civil servants, and employees of any public authority during official meetings;

o) n) Make full use of working time;

p) o) Manage funds entrusted by the service authority and protect property from damage, loss, destruction, or unauthorised use;

q) p) When performing civil service in a different location, perform service only in the location agreed upon in the agreement on service from another location and observe the terms and conditions of such an agreement;

r) q) When dealing with natural or legal persons in an official capacity, whether in person or in writing, a civil servant shall provide them with their first name(s), last name, service rank, and the name of the organizational unit of the service authority to which they are assigned for service;

s) r) Perform service to avert a natural disaster or other impending danger or participate in mitigating the immediate consequences of such events;

t) s) Observe the rules of ethical conduct for civil servants, as set forth in a service instruction.

(2) A civil servant is bound by the duties listed in paragraph 1 a) and **g) to j)**, even when not performing service.

(3) A civil servant's faith, religion, political beliefs, or other beliefs must not prevent them from performing their duties impartially.

(4) The appointing authority may exempt a civil servant from their duty to keep service matters confidential. The Head of a Service Authority may be exempted from this duty by the head of the superior service authority. If the service authority does not have a superior service authority, the Head of the Service Authority may be exempted from the duty of confidentiality by the Chief State Secretary.

(5) The Chief State Secretary may be exempted from their duty to keep service matters

confidential by the government, or by **the Prime Minister**, who is authorized to do so by the government.

(6) Other laws setting forth the duty of confidentiality shall not be affected by paragraphs 4 and 5.

Section 78

A Senior Civil Servant shall also be obliged to:

- a) Manage and supervise their subordinates, assess their performance on a continuous basis, and participate in rating their service;
- b) Observe the rules of decency with respect to their subordinates and employees;
- c) Perform the duties of a manager with respect to their subordinates in keeping with the Labor Code;
- d) Provide their subordinates with the necessary information for performing their duties.

Articl 79

Rights of Civil Servants

(1) Civil servants who perform their duties within the limits of the authority established by other legal provisions, this Act, and service instructions have the right to receive support from the service authority in which they perform their duties.

(2) A civil servant has the right to:

- a) Work under conditions that allow them to perform their duties,
- b) Have access to specialized literature in their field of service and relating to **activities they are in charge of**, provided by the service authority;
- c) Publicly use their civil servant rank, including that of their senior civil servant or the relevant appointing authority;
- d) **Prepare for the general and special parts of the civil service examination** and advance their qualifications;
- e) Receive pay and be promoted while the pay grade of the civil servant corresponds to the service post in the field of service the civil sevant has been assigned or appointed;
- f) Refuse to perform service tasks that do not fall within their field of service; this does not apply if the service task falls within the scope of tasks performed in an organisational unit to which their service post has been assigned or **in the event of a transfer**;
- g) Refuse to perform service tasks that, according to another legal regulation, service instruction, or order, must be performed personally by a senior civil servant. This does not apply

if a civil servant acts in place of their superior;

h) Lodge complaints in matters related to the service and service relations;

i) Demand, within the limits of the relevant law, their rights arising from civil service employment.

Restrictions on Some Rights of Civil Servants

Section 80

For the duration of their civil service employment senior civil servants must not hold any office in a political party or a political movement.

Section 81

(1) A civil servant must not be a member of executive or supervisory bodies of legal entities engaged in business activities, except when seconded to such bodies by the appointing authority; a seconded civil servant acts in such bodies as a representative of the state and is obliged to promote its interests. The total sum of compensation paid to a civil servant for their membership in the executive or supervisory bodies of legal entities operating as business companies, including their entitlement to a share of the profits or other proceeds ('proceeds'), shall not exceed 25% of the annual amount of the highest pay tariff and the highest permitted personal supplementary allowance in the relevant pay grade. For senior civil servants, this also includes a managerial supplementary allowance. This allowance may be the highest permitted under Annex 2, in accordance with the service post to which the civil servant was assigned in the calendar year in question. A civil servant must provide the relevant appointing authority with information on **the total amount** of proceeds received **in the previous calendar year by January 31 of the current year**.

(2) A civil servant may engage in income-generating activities outside the scope of this Act only with the prior written **permission** of the appointing authority. **A civil servant is obliged to terminate any other income-generating activity other than service, or request the relevant appointing authority's permission to perform such activity no later than three months after the start of their service. The limitation on performing other income-generating activities does not apply in cases according to Section 104(3) and (4), and in case a civil servant is in custody.** This restriction also does not apply to the following activities: research; teaching; publication; literature or art; service as a sworn expert or interpreter under another law for a court or public authority other than the place of service; activity in consultative or advisory bodies to the government; activity in consultative or other bodies of central administrative authorities or special authorities that exercise state administrative powers pursuant to another act; and management of one's own property.

~~Section 82~~

Section 83

Non-competition

(1) As part of the systemisation process, an appointing authority may issue a civil

service regulation identifying service posts of senior civil servants for which a non-competition clause may be required or negotiated. Taking into account the systemisation process, the appointing authority may also issue a civil service regulation identifying service posts of civil servants who decide on public contract awards or exercise the rights and duties of intermediaries for grants and subsidies. In such cases, a non-competition clause may be required or negotiated.

(2) A civil servant may be obligated to refrain from competing upon their appointment to a senior civil servant service post pursuant to paragraph 1. This obligation may only be set for a fixed term, starting on the day the civil servant's service relationship ends, and it may not exceed one year from when a senior civil servant is removed from their service post or when a senior civil servant's fixed-term appointment to a service post expires.

(3) The non-competition obligation may be imposed on a civil servant upon their assignment to a service post pursuant to paragraph 1. In this case, the non-competition obligation may be required only for a fixed term, starting on the termination date of civil service employment and may not exceed six months from the service post assignment date.

(4) The non-competition clause following an appointment or assignment to a service post pursuant to paragraph 1 may be negotiated by agreement.

(5) During the non-competition period, the former civil servant is entitled to pecuniary compensation equivalent to their average earnings in the service post pursuant to paragraph 1. This compensation shall be paid retroactively, on a monthly basis.

(6) Any person who breaches the non-competition clause must return to the service authority an amount equal to double the proportionate compensation determined based on the number of days from the breach until expiry of the non-competition clause.

(7) The non-competition obligation shall not extend to entrepreneurial activities under another Act.

Service Orders

Section 84

(1) Service tasks shall be assigned and supervised by the relevant ministers, the deputy ministers, the Head of the Office of the Government and senior civil servants.

(2) A minister and a deputy minister may assign service tasks to civil servants assigned to the relevant unit of the Office of the Government and supervise and monitor the performance of these tasks if they are authorised by the government to oversee tasks that would otherwise fall under the Office of the Government's authority.

(3) Civil servants shall receive service orders only from the individuals mentioned in paragraphs 1 and 2 or from individuals authorised by another law to issue such orders. A senior civil servant may issue service orders to civil servants within the scope defined in the relevant service instruction, and a deputy minister may do so within the scope determined by the relevant minister.

(4) Those falling under paragraph 3 shall not have the authority to order a

subordinate civil servant to carry out a service task that according to another law, service instruction, or service order, should be carried out by them personally. This shall not apply to substitution.

Section 85

(1) If a civil servant believes that a service order violates a specific legal provision or a service instruction, they must notify their immediate superior, a senior civil servant of a higher rank, the Head of the Service Authority, the relevant minister, or the Head of the Office of the Government, before executing the order. If no action is taken, the relevant civil servant must notify the appropriate authority in writing.

(2) If the senior civil servant who is an immediate superior, a senior civil servant of a higher rank, the Head of the Service Authority, minister or Head of the Office of the Government insists on carrying out the order despite the written notification, they must give the order to the civil servant in writing. The written notification and order will be filed in the civil servant's personal file and the Chief State Secretary will be immediately notified of this procedure.

(3) A civil servant shall not carry out an order if doing so would constitute a criminal offense or an administrative offense.

(4) Paragraphs 1 to 3 shall apply reasonably to cases in which a civil servant believes a service instruction contravenes a legal provision.

(5) Paragraphs 1 to 4 shall also apply to employees hired in accordance with the Labour Code who perform activities pursuant to Section 5, as well as to other individuals employed under another law who are assigned to perform service in the service authority.

Section 86

Award for Exemplary Service

(1) The appointing authority may recognise the exemplary service of a civil servant with a meritorious award.

(2) A meritorious award for exemplary service shall take the form of a written honourable mention or a gift.

(3) A record of the award shall be kept in the civil servant's personal file. The value of the in-kind gift for one calendar year must not exceed CZK 5,000.

(5) The appointing authority may reward a civil servant with a monetary award for extraordinary accomplishments showing personal courage and bravery or for assisting in the prevention, liquidation or removal of disasters posing a threat to property, health or life. This reward may also be granted for personal or professional anniversaries, upon the first termination of civil service employment following the award of disability pension (grade III), or upon becoming eligible for a retirement pension.

PART FOUR

BREACH OF DUTY BY A CIVIL SERVANT AND MINOR DEFICIENCIES IN SERVICE

~~Section 87~~

Section 88

Reprimand

Minor shortcomings in service may be addressed by a superior by issuing a verbal or written reprimand to the civil servant. A written reprimand shall be filed in the civil servant's personal file for one year. After this period it shall be deleted from the file.

Section 89

Written Warning for Breach of Duty by a Civil Servant

(1) The appointing authority may issue a written warning to a civil servant for culpably breaching their duties arising from legal regulations relating to the performance of service, service regulations, or order to perform service. A written warning may be issued no later than 12 months after the breach occurred. A written reprimand shall be filed in the civil servant's personal file for 18 months. After this period, it shall be deleted from the file.

(2) A written reprimand may not be issued to the Chief State Secretary, Secretary-General, or Director of Human Resources of the Civil Service Section if they are exercising the powers of the Chief State Secretary while the post of the Chief State Secretary is vacant.

Section 90

Individual acts pursuant to Sections 60(1)(c), 72(1)(b) to (d) and 89(1), with the exception of issuing decisions, may be entrusted to civil servants.

~~Section 91~~

~~Section 92~~

~~Section 93~~

~~Section 94~~

~~Section 95~~

~~Section 96~~

~~Section 97~~

PART FIVE

CONDITIONS OF SERVICE

Chapter I Equal Treatment and Non-discrimination

Section 98

The provisions of Sections 16 and 17 of the Labor Code shall apply mutatis mutandis to the civil service employment and to the principles of equal treatment and non-discrimination.

Chapter II Working Time and Leisure Time

Section 99

Working Hours

(1) The working hours and breaks of civil servants shall be governed by the provisions of Sections 78, 79 (1) and (2), 80 to 84, 88 and 89 of the Labour Code. For the purpose of this Act, working hours according to the Labour Code shall be understood to be the working hours of a civil servant.

(2) The prescribed weekly working hours under Section 79(1) of the Labour Code shall be understood, for the purpose of this Act, to be the prescribed working hours of a civil servant.

(3) Working hours shall be scheduled, shorter working hours permitted, and the start and end of working hours determined by the appointing authority pursuant to the provisions of Sections 90(1), 90 (2)(a) and (e), 91(1) and (2), 91(3)(c) to (f), **91(4), 92(1),(3) and (4)** and 96 of the Labour Code.

(4) The appointing authority shall establish detailed rules for scheduling working hours, including the beginning and end of working hours and flexible working hours, taking into account service and life balance, in a service instruction.

Section 100

Flexible Working Hours

(1) An appointing authority may allow flexible working hours.

(2) If flexible working hours have been permitted, Section 85, 97 and 98 of the Labour Code shall apply.

Section 101

Service Availability

(1) Service availability shall be ordered to a civil servant in writing by the relevant appointing authority.

(2) Service performed during the designated hours of service availability and beyond the prescribed working hours shall be considered overtime.

Section 102

Overtime Service and Night Service

(1) Serving overtime and serving nights shall be governed by Sections 93 and 94 of the Labour Code.

(2) Overtime service shall be ordered to a civil servant in writing by the appointing authority.

Section 103

Annual Leave and Additional Leave

(1) Annual leave of civil servants is five weeks per calendar year; all other aspects of annual leave are governed by the provisions of Sections 211 to 223 **and 348** of the Labour Code.

(2) The use of the annual and an additional leave shall be ordered in writing by the relevant appointing authority.

(3) A civil servant shall be entitled to compensation equal to their average pay for time spent on annual leave and additional leave.

(4) Time spent by a civil servant out of service due to organisational reasons shall be considered service for the purposes of leave.

(5) A period during which a civil servant does not perform service due to being placed out of service shall be considered service for leave purposes only if the civil servant has not been convicted of a criminal offense referred to in Section 48(1), nor have they been taken into custody in criminal proceedings, convicted by final judgment, had their criminal prosecution conditionally suspended, or a decision was not adopted to approve settlement and discontinue criminal prosecution.

(6) An appointing authority may order a civil servant to take leave during the period in which the civil servant is assigned out of service for organisational reasons, or during the period in which the civil servant is relieved of duty pursuant to Section 48(1).

Chapter III

Impediments to Service and Service Leave

Impediments on the Part of a Civil Servant Section 104

(1) Provisions on impediments to service on the part of a civil servant due to serious personal reasons or reasons of general interest, as well as joint provisions on such impediments, shall be governed by Sections 191, 191(a), **195 to 198**, 199(1)(2), and 200 to 204, and 206 of the Labour Code, as well as the government regulation establishing the range and scope of significant personal impediments to work.

(2) A civil servant shall be entitled to a pay for the duration of an impediment to service, provided the impediment falls under the provisions of:

- a) Section 199(2) of the Labour Code and the government regulation that establishes the scope and range of significant personal impediments to work and is recognized as paid by the labour law regulations in question,
- b) Sections 203(2) and 203(a) of the Labour Code, provided it is recognized as paid under the aforementioned labour law regulation, or
- c) Section 204 of the Labour Code, provided it is recognized as paid under the aforementioned labour law regulation.

(3) Serving in a trade union body that requires the release of a civil servant during their working hours is an impediment to service on the part of the civil servant. During this period, the civil servant shall not be entitled to remuneration.

(4) An impediment referred to Section 33(1) that arises after entry into the civil service shall constitute an impediment to service on the part of the civil servant. During this period, the civil servant shall not be entitled to remuneration.

~~(3)~~ **(5)** The government may promulgate other impediments to service by issuing a regulation for which a civil servant is entitled to a pay.

Section 104a

Common Provisions Regarding Impediments to Service on the Part of Civil Servant

(1) Once an impediment to a civil servant's service has ceased to exist, the civil servant shall continue to serve in their original post. A civil servant referred to in Section 33(1)(a) and (d) to (l), and (o), unless they are a member of the government, a deputy member of the government, or a person referred to in Section 2(1)(d) to (j), (l), (r) and (s), shall, after the impediment has ceased to exist, be assigned to a suitable vacant civil service post. A civil servant may only be assigned to a post in a lower pay grade with their consent.

(2) If, during the period of impediment to service on the part of a civil servant pursuant to Section 104(1), provided that Sections 195 to 198 of the Labour Code apply, and pursuant to Sections 104(3) or 104(4), provided that Section 33(1)(b), (c), (m), (n) and (o) applies, if the individual is a member of the government, a deputy member of the government, or a person referred to in Section 2(1)(d) to (j), (r), and (s), the civil service post is cancelled or the fixed term of service expires during the period of impediment to service, then, after the impediment to service has ceased to exist, they shall be assigned to

a suitable vacant civil service post. A civil servant may only be assigned to a post in a lower pay grade with their consent.

Section 105

Unpaid Service Leave

(1) Upon request, a civil servant may be permitted to take unpaid leave for up to 12 months. The leave must be permitted by the appointing authority.

(2) Permission pursuant to paragraph 1 shall be in writing and shall detail the duration of the approved leave.

Section 106

Impediments to Service on the Part of the Service Authority

(1) A civil servant shall be entitled to pay for the period during which they were unable to perform their duties due to impediments on the part of the service authority.

(2) Once the impediments to service on the part of the service authority have been removed, the civil servant shall resume their duties at their original service post.

Chapter IV

Onboarding Process and Education of Civil Servants

Section 107

Onboarding Process

(1) The onboarding process is a set of measures designed to facilitate the integration of civil servants into the service, with the aim of reducing the time needed to reach expected performance levels in the service.

(2) The onboarding process begins on the day of entry into service at the designated service post and usually lasts six months, but no less than 60 days, in accordance with Section 155(12). An appointing authority may grant exceptions to the onboarding process.

(3) The onboarding is carried out under the guidance of a mentor, who assists and supports the civil servant in performing their service tasks and shares their knowledge and experience. The appointing authority selects the mentor based on a proposal from the civil servant's immediate senior civil servant.

(4) The appointing authority shall establish the scope, content, form, and course of the onboarding process by a service regulation.

Section 107a

Enhancing Qualifications

(1) The service authority shall create conditions that enable civil servants to continuously pursue further education, adhering to the principles of systematicity, expediency, and economy.

(2) The service authority shall cover the costs of further education.

(3) The appointing authority shall determine the scope, content, form, and course of further education.

(4) Further education shall be considered service for which civil servants are entitled to pay.

(5) The appointing authority shall establish a procedure for identifying training needs, planning training, implementing training, and evaluating training in a service regulation.

Section 107b

A System to Enhance Qualifications

The enhancement of civil servants' qualifications shall include the following:

- a) initial training,**
- b) continuing education,**
- c) training for senior civil servants, and**
- d) language training.**

Section 107c

Initial Training

The initial training shall include the following:

- a) introductory initial training, and**
- b) follow-up initial training.**

Section 107d

Introductory Initial Training

(1) Introductory initial training focuses on equipping civil servants with the knowledge and skills necessary to perform their duties at a service post and within the service authority. It also provides further information concerning the service authority's

scope of authority, tasks and operations, which goes beyond the scope of the onboarding process.

(2) A civil servant must complete introductory initial training within three months of starting service at a service post. A service authority may grant exemptions from the introductory initial training.

(3) Introductory initial training is provided by the service authority.

Section 107e

Follow-up Initial Training

(1) Follow-up initial training focuses on preparation for the general and special parts of the civil service examination.

(2) Follow-up initial training is provided by the service authority.

(3) An appointing authority shall, without undue delay, enable the civil servant to dedicate at least two days of service to preparing for the general part of the civil service examination. This does not affect the use of service leave for individual study purposes under Section 108(3).

(4) The relevant appointing authority shall enable the civil servant to dedicate at least two days of service to preparing for the special part of the civil service examination in their field of service in which they specialise. The civil servant shall only be entitled to these days after successfully completing the general part of the civil service examination. This shall not affect the use of service leave for individual study purposes under Section 108(3).

Section 107f

Continuing Education

The continuing education shall include the following:

- a) continuing professional education,
- b) continuing education in other areas.

Section 107g

Continuing Professional Education

(1) The focus of continuing professional education is the professional development of civil servants in their field of service. This includes acquiring and improving knowledge and skills for performing their civil service duties.

(2) Continuing professional education is provided by the service authority, the

guarantor of the field of service, and the central administrative authority responsible for the legal regulation of the activities required to be performed in the civil service post.

Section 107h

Continuing Education in Other Areas

(1) Continuing education in other areas focuses on the professional development of civil servants in areas other than those specified in Section 107g(1), as well as on their personal development.

(2) Continuing education in other areas is provided by the service authority.

Section 107i

Training of Senior Civil Servants

(1) Training for senior civil servants focuses on acquiring and improving the knowledge and skills required to perform the duties of their post.

(2) Training of senior civil servants is provided by the service authority.

Section 107j

Language Training

(1) Language training focuses on acquiring or improving the knowledge of a foreign language necessary for performing duties at a service post that requires a specified level of proficiency in a foreign language.

(2) Language training also focuses on acquiring or improving the knowledge of a foreign language required for activities relating to international obligations and for the performance of duties at a service post.

(3) Language training may also be provided to other civil servants for professional and personal development purposes.

(4) Language training is provided by the service authority.

Section 108

Service Leave for Individual Study

(1) A civil servant shall be entitled to up to five days of service leave for study purposes in a calendar year.

(2) Service leave for individual study may be used to obtain or develop professional knowledge and skills relevant to the service post occupied by the civil servant, their assigned field of service (specialisation), and to the unit in which their service post is located. Service

leave for individual study may also be used to prepare for a civil service examination defined for a service post within the same unit as the civil servant's current service post.

(3) Service leave for individual study may also be used to obtain or develop professional knowledge and skills for the benefit of the service authority and the state, or to prepare for a civil service examination in a different field of service (specialisation) to that specified in paragraph 2.

(4) Use of days off for individual study purposes, as defined in paragraph 2, shall be permitted by the appointing authority upon the civil servant's request, provided that such study leave does not interfere with the performance of the service authority's duties.

(5) Upon the civil servant's request, the appointing authority may permit the use of days off for individual study purposes as set out in paragraph 3.

(6) A civil servant's pay shall not be reduced for the days taken for individual study. The costs associated with achieving the purpose of the individual study shall be covered by the civil servant.

Enhancing Qualifications

Section 109

(1) The appointing authority's permission shall be required for a civil servant to study to enhance their qualifications at the service authority's cost, including any days off required for such study. Enhancing qualifications shall also mean broadening qualifications.

(2) When enhancing their qualifications through study at **secondary** or post-secondary professional schools, universities or colleges, **including lifelong learning programmes**, or through study visits, civil servants shall be entitled to time off with compensation equal to their average pay.

(3) The scope of relief from service for enhancing the qualifications of civil servants shall be governed by the provisions of Section 232(1) of the Labour Code; no greater scope of relief shall be permitted.

(4) No compensation for study leave shall be provided to a civil servant sitting a retake examination.

Section 110

(1) A civil servant who was given permission to enhance their qualifications at the expense of the service authority by studying at a **secondary** or higher professional school, university or college shall be obliged to continue in civil service employment for a period corresponding to the length of their studies after completing them.

(2) A civil servant who was given permission to enhance their qualifications at the expense of the service authority through a study visit shall be obliged, once the study visit has been completed, to continue in civil service employment for a period of:

- a) one year if the costs of the study visit exceed CZK 20,000,
- b) two years if the costs of the study visit exceed CZK 30,000,
- c) four years if the costs of the study visit exceed CZK 50,000,
- d) five years if the costs of the study visit exceed CZK 100,000.

(3) If a civil servant fails to continue in civil service employment for the required period under paragraphs 1 and 2, they must reimburse the service authority for the costs associated with their study, or study visit. This duty shall apply even if civil service employment is terminated during the study, or study visit.

(4) Costs associated with study or a study visit shall include any pay compensation awarded to the civil servant for study leave, as well as other costs paid by the Service Authority in connection with the relevant study, or study visit. The total amount that the civil servant shall be liable to pay shall not exceed the following amount:

- a) CZK 100,000 if the is at **secondary** school level,
- b) CZK 150,000 if the study is at a **higher professional school** or a university in a bachelor's or **follow-up master's programme**, or as part of a lifelong learning programme,
- c) CZK 200,000 if the study is at a university in a master's or PhD programme,
- d) CZK 500,000 in the case of a study visit.

(5) Should a civil servant remain in civil service employment only partially, the costs associated with their study, or study visit to be reimbursed shall be reduced proportionately.

(6) The following shall not be included in the length of service of a civil servant:

- a) dismissal from service, **if the civil servant has been convicted of a criminal offence referred to in Section 48(1), or has been convicted by a final judgement in criminal proceedings in which they were in custody, their criminal prosecution was suspended conditionally, or a decision was made to approve a settlement and discontinue criminal proceedings, and**
- b) **periods when the civil servant is unable to serve due to impediments pursuant to Section 104(1), provided that Sections 195 to 198 of the Labour Code apply.**

Section 111

(1) The service authority shall monitor the course and results of the civil servant's further education; it may suspend any relief from service, should the civil servant:

- a) become long-term incapable of the service for which they are enhancing their qualifications, in which case, the appointing authority may grant them an unpaid leave, or
- b) fail to fulfil their duties relating to their further education, unless these duties cannot be

fulfilled due to serious reasons or fault on the part of the service authority.

(2) The civil servant's obligation to reimburse the costs associated with further education shall not apply if:

- a) The appointing authority has suspended the civil servant's days off for studying during the course of their further education, because the civil servant has become incapable of performing their duties for a long time due to reasons beyond their control,
- b) The civil servant's employment was terminated **under Section 74(1)(g)**, or at the civil servant's request while they were placed out of service pursuant to Section 62, or
- c) In the last 12 months, the service authority has not used the civil servant's qualifications attained through further education for a period of at least 6 months.

Chapter V

Reimbursement of Expenses Incurred in Connection with the Performance of Service

Section 112

Reimbursement of expenses incurred by civil servants in connection with the performance of their duties is governed by the Sections 151 to 154, 173 to 176 and Sections 178 to 190 of the Labour Code; however, the option of an agreement in a collective agreement or other contract cannot be used. Civil servants are not entitled to reimbursement of costs for performing duties elsewhere than in the regular place of their civil service employment; however, this does not apply if a collective agreement concluded between the government and a trade union or unions stipulates that civil servants are entitled to such reimbursement in a lump sum determined in accordance with Section 190a of the Labour Code for employees who receive pay. For the purposes of reimbursement of travel allowances, the workplace or other place from which the civil servant most frequently commences travel on official business, if performance of duties from another place has been agreed, shall be the agreed workplace. If the employer is granted authority according to Part Seven of the Labour Code, this authority shall be exercised by the appointing authority in the form a service regulation.

Chapter VI

Occupational Health and Safety in Service

Section 113

Occupational health and safety in the service of civil servants shall be governed by the provisions of:

- a) Sections 101 to 108 and **323 and 349** of the Labour Code,
- b) Sections 2 to 11 of the Act stipulating further requirements for health and safety at work
- c) the Public Health Protection Act, and
- d) the Act on Specific Health Services.

Chapter VII
Conditions of Service and Security for Civil Servants
Section 114

Conditions of Service

(1) The service authority in which a civil servant performs service shall provide conditions that allow for the performance of duties safely and effectively; to this end, it shall provide the necessary information and occupational medical service.

(2) The provisions of Section 225 of the Labour Code shall apply *mutatis mutandis*.

(3) A service authority shall create conditions to provide canteen meals for civil servants and retired civil servants, in accordance with the provisions of Section 69 of the Budgetary Rules.

(4) Civil servants who qualify as disabled persons shall perform duties at suitable service posts within the service authority; the Employment Act shall apply *mutatis mutandis*.

(5) The service authority shall provide a safe place to store personal clothing and items that a civil servant usually brings to work.

Section 114a

Special Provisions on Emoluments Provided to Certain Civil Servants

The Chief State Secretary, Secretary-General, Director General of a Section, Head of a Service Authority that is a central administrative authority and Deputy Head of a Service Authority that is a central administrative authority shall be entitled to the following under the Labour Code, Section 9a or under any other applicable law:

a) free use of a service vehicle with or without a driver to perform service duties and related tasks, and enable contact with their family, and

b) free of charge use of **one mobile telephone**.

Section 115

Security for Civil Servants

(1) In the event of termination of service due to an accident at work, occupational illness, or risk thereof, civil servants shall be entitled to severance pay amounting to twelve times their monthly pay.

(2) If an individual is entitled to severance pay under both Section 74a and paragraph 1, only the severance pay under paragraph 1 shall be paid.

(3) Severance pay under paragraph 1 shall be paid as a lump sum on the nearest pay date determined by the service authority, which is the pay date following the

termination of service under paragraph 1.

Chapter VIII

Work and Life Balance of Civil Servants and Performance of Duties from Another Location

Section 116

Work-life Balance of Civil Servants

(1) Service authority creates conditions for civil servants to balance their family and personal lives with their service duties, in particular by scheduling working hours, including setting the start and end of working hours, flexible working hours, permitting reduced working hours and work from other location, and establishing educational facilities for pre-school education or providing childcare in a children's group in accordance with other legislation.

(2) An appointing authority may allow a pregnant civil servant, a civil servant with disabilities or serious health reasons, a civil servant caring for a child who has not yet completed primary school, or a single-parent civil servant caring for a child under the age of 15 to change in their work schedule, including flexible working hours or shorter working hours, unless doing so would prevent the proper performance of the service authority's duties. This rule also applies to a civil servant who cares for a close relative requiring significant care or assistance due to serious health reasons. **Upon request by the appointing authority, the civil servant must submit a confirmation from the close relative's attending physician stating that the relative requires such care or assistance.**

(3) If the appointing authority does not approve the change in the schedule of working hours or flexible working hours, it must notify the civil servant of the reasons for its decision in writing.

Section 117

Performing Service Duties from Another Location

(1) An appointing authority may enter into an agreement with a civil servant that they will perform their duties from other location than the civil servant's workplace. The terms and conditions of service shall be agreed in the agreement on performing duties from another location.

(2) If the appointing authority does not enter into the agreement on performing duties from another location, it must notify the civil servant in writing of the reasons for its decision.

(3) The appointing authority may delegate the signing of the agreements to senior civil officers by a service regulation.

Section 117a

If so stipulated by a measure of a public authority under another law¹⁾, an appointing authority may order a civil servant in writing to perform service from another location for the necessary period, provided that the nature of the service permits it and that the location is suitable for performing the service. Upon request by the service authority, the civil servant shall specify in writing the location from which the appointing authority may order them to perform the service. Alternatively, they may inform the appointing authority that they have no other suitable location for performing the service.

Section 118

Service Conditions of Female Civil Servants

Service conditions of female civil servants shall be governed by the provisions of Section 238 (2) of the Labour Code.

Service Conditions of Pregnant Civil Servants and Civil Servants-Mothers

Section 119

Any transfer of a pregnant or breastfeeding civil servant, or a mother within nine months after the childbirth from a service post in which they are not allowed to perform their duties, as well as reassignment from night shifts to day shifts, shall be governed by the provisions of Section 239 of the Labour Code.

Section 120

The assignment of female civil servants caring for children to work shifts and the limitation of their overtime shall be governed by the provisions of Sections 240(3) and 241(1) of the Labour Code; the same shall apply to male civil servants caring for children.

Section 121

Maternity, Paternity and Parental Leave, Breastfeeding Breaks

(1) Maternity leave of a female civil servant, paternity leave of a male civil servant and parental leave of a female or male civil servant shall be governed by the provisions of Sections 195 to 198 of the Labour Code.

(2) Breastfeeding breaks shall be governed by the provisions of Section 242(1) and (2) of the Labour Code.

(3) Breastfeeding breaks shall be counted into time served. Pay shall not be reduced for the time spent on breastfeeding breaks.

¹⁾ For example, Act no. 240/2000 Coll., on crisis management and on amendments to certain acts (Crisis Act), as amended; Act no. 258/2000, Coll., on the protection of public health and on amendments to certain related acts, as amended.

PART SIX

COMPENSATION FOR PROPERTY DAMAGE AND NON-PROPERTY DAMAGE

Section 122

The prevention of property damage and non-property damage is governed by the Labour Code.

Section 123

(1) Compensation for property and non-property damage incurred by a service authority or civil servant shall be governed by Part Eleven of the Labour Code. Work tasks performed under the Labour Code shall be considered service tasks for the purposes of this Act. An accident at work under the Labour Code shall be considered an accident in the service for the purpose of this Act.

(2) The service authority shall compensate a civil servant for property damage caused to them in the performance of their duties. Compensation for such damage shall be governed by the Civil Code.

(3) The service authority shall compensate a person who, at the request of or with the knowledge of a civil servant, provided assistance to the civil servant in the performance of their official duties for property damage and non-property damage caused to them; the service authority shall be exempt from this liability only if the injured party caused the damage intentionally. Compensation for such damage shall be governed by the Civil Code.

(4) Legal matters under paragraphs 1 to 3 shall be heard and decided by a court in civil proceedings.

PART SEVEN

SOCIAL SECURITY OF CIVIL SERVANTS

Basic Provisions

Section 126

The health, sickness and pension insurance of civil servants shall be governed by other relevant legislation.

Section 127

Civil servant's social welfare shall include pay during temporary incapacity for service.

Section 128

Pay During Temporary Service Incapacity

(1) A civil servant who has been recognised as temporarily unable to perform their duties is entitled to a reduced pay at 60% of their usual pay for the first 14 days of temporary incapacity, provided these days count as days of service. **If a civil servant becomes entitled to pay under the first sentence during a period of temporary incapacity for work, they shall not be entitled to pay at the same time on the grounds of another impediment to work.**

(2) The pay pursuant to paragraph 1 shall be reduced by 50% in cases where eligibility exists for 50% sickness pay pursuant to legal provisions on sickness insurance; the pay pursuant to paragraph 1 shall not be granted to civil servants who have deliberately caused their own temporary incapacity to perform their duties.

(3) For the purposes of this Act, temporary service incapacity shall be understood to mean temporary work incapacity or ordered quarantine.

PART EIGHT

INFORMATION PROVIDED TO CIVIL SERVANTS AND CONSULTATIONS REGARDING SERVICE MATTERS, TRADE UNIONS, THE CIVIL SERVANTS' COUNCIL AND THE REPRESENTATIVE OF CIVIL SERVANTS FOR OCCUPATIONAL HEALTH AND SAFETY

Chapter I

Information Provided to Civil Servants Regarding Service Matters

Section 129

Basic Provisions

(1) Civil servants have the right to receive information and to discuss service matters and conditions.

(2) A consultation shall mean a meeting between a service authority and civil servants, during which the civil servants can express their opinions on the respective matter in order to reach a consensus.

(3) A service authority shall be obliged to provide civil servants with relevant information and deal with them directly, unless a trade union organisation, Council of Civil Servants, a representative for occupational health and safety operates within the service authority in question. If more than one trade union organisation, Council of Civil Servants or occupational health and safety representative operates within a service authority, that service authority shall be obliged to fulfil its duties under this Act towards all of them, unless they agree with the service authority on an alternative method of cooperation.

Section 130

Informing Civil Servants

(1) A service authority shall keep its civil servants informed of the following:

- a) likely developments in employment at the service authority,
- b) the number and structure of civil servants within the service authority,
- c) basic service conditions and any changes to them.

(2) The appointing authority and senior civil servants shall keep the civil servants informed on behalf of the service authority.

Section 131

Consultations with Civil Servants

(1) A service authority shall consult with civil servants on any issues related to occupational health and safety when performing the service within the scope set out in Sections 101 to 108 of the Labour Code and Sections 2 to 11 of the Act stipulating further health and safety requirements at work.

(2) The participation of civil servants in the handling of occupational health and safety issues in the service shall be governed by the provisions of Section 108 of the Labour Code, either through representation of occupational health and safety representatives, or through direct participation or the provision of information.

(3) The appointing authority and senior civil servants shall lead consultations with the civil servants on behalf of the service authority.

Chapter II Trade Unions

Section 132

(1) A service authority must provide the relevant trade union organisation with information on the matters specified in Section 130, and must consult with the trade union organisation on the matters pursuant to Section 131.

(2) Any trade union organisation shall have the particular right to:

- a) consult on and take a position on documents necessary for preparing the organisational structure of the service authority,
- b) receive information on persons newly granted civil service employment,
- c) consult on and take a position on proposed decisions concerning changes to, and termination of, civil service employment,
- d) consult on and take a position on draft service instructions to be issued by the appointing authority concerning the service authority in which the trade union organisation operates,

- e) consult on and take a position on proposals to improve service conditions and make such proposals,
- f) be present at civil service examinations,
- g) be represented in consultative bodies to the appointing authority,
- h) inspect occupational health and safety conditions in the service in accordance with the provisions and conditions set out in Section 322 of the Labour Code,

(3) An appointing authority must consult the following proposals with the trade union organisation:

- a) matters concerning the systemisation of Service Authorities,
- b) matters concerning the improvement of service conditions,
- c) service instructions concerning more than one service authority.

(4) A trade union organisation shall have the right to be consulted on all legislative proposals concerning civil servants.

(5) Appointing Authorities must ensure that trade union organisations can exercise their rights under this Act.

(6) A trade union shall be represented by a body specified in its statutes.

Section 133

(1) A trade union organisation may operate in a service authority and have the right to act only if it is authorised by its statutes, and at least three of its members are employed in the civil service within the service authority.

(2) A trade union organisation's rights to operate in a service authority shall originate the day after the relevant appointing authority is informed by trade unions of their compliance with the conditions in paragraph 1. A trade union organisation must notify the appointing authority without undue delay if it no longer meets these conditions.

(3) If more than one trade union organisation operates in a service authority, the service authority shall fulfil its duties towards all trade union organisations in matters concerning all or a higher number of civil servants, fulfil its duties towards all trade union organisations, unless an alternative way of providing information or consultation is agreed.

(4) Where there is more than one trade union organisation operating in a service authority, the trade union organisation of which a civil servant is a member of shall act on their behalf. Civil servants who are not members of any trade union are represented in service matters by the trade union organisation with the highest number of members performing service in the same service authority, unless they decide otherwise.

Chapter III

Civil Servants' Council and the Representative of Civil Servants for Occupational Health and Safety

Section 134

(1) Civil servants in a service authority may elect a civil servants' council and an occupational health and safety representative.

(2) A service authority shall inform the civil servants' council of matters pursuant to Section 130.

(3) The civil servants' council shall have the right to receive information pursuant to Section 130 and to consult on measures related to organisational changes within the service authority.

(4) A service authority shall consult with the occupational health and safety representative on any issues within the scope set out in Section 131.

(5) The relevant appointing authority shall ensure that the civil servants' council and the representatives of civil servants for occupational health and safety can exercise the rights granted to them by this Act.

(6) The rights set out in Sections 130 and 131 and paragraph 3 shall not extend beyond these limits.

Section 135

(1) Members of the civil servants' council may be elected from among civil servants employed by a service authority with more than twenty five civil servants. A civil servants' council shall have a minimum of three and a maximum of fifteen members, and the number of members must always be odd.

(2) Representatives of civil servants for occupational health and safety may be elected from among civil servants in a service authority with more than ten civil servants; the total number of representatives depends on the number of civil servants and the risk posed by the service. One representative of civil servants for occupational health and safety may be appointed for a maximum of ten civil servants.

(3) The number of civil servants' council members and occupational health and safety representatives shall be determined by the appointing authority following a consultation with the election committee.

Section 136

(1) The number of civil servants required for the election of a civil servants' council or representatives for occupational health and safety is the number of civil servants performing service in the service authority on the day a written motion is submitted to call the elections.

(2) The term of office of the civil servants' council members and representatives of civil

servants for occupational health and safety is three years.

(3) At its first meeting, a civil servant council shall elect a chair from amongst its members and inform the appointing authority and the civil servants *mutatis mutandis*.

Section 137

(1) In the event of a transfer of rights and obligations under civil service employment between Service Authorities, if the receiving service authority has a civil servants' council and representatives of civil servants for occupational health and safety, the receiving service authority shall perform the duties set out herein with respect to both councils and representatives of civil servants for occupational health and safety, unless they and the appointing authority agree otherwise.

(2) Civil servant councils and occupational health and safety representatives shall perform their duties pursuant to Section 134 until the last day of their term of office. If the number of members of a civil servant council falls below three before their term of office expires, the functions of that council shall be assumed by one of the remaining civil servants councils.

Section 138

(1) A civil servant council and a representative of civil servants for occupational health and safety shall terminate their activities on the day:

- a) of the expiration of their term of office, or
- b) on which the service authority is dissolved.

(2) A civil servant council shall also cease to exist on the day when the number of its members falls below three.

(3) In cases pursuant to paragraphs 1 and 2 above, the civil servant council and the representative of civil servants for occupational health and safety shall hand over all documents related to their activities to the appointing authority. The appointing authority shall keep these documents for a period of five years from the date on which the term of office of the civil servants' council or the representative of civil servants for occupational health and safety expires.

(4) The membership of a civil servant council member and the activities of a representative of civil servants for occupational health and safety shall also cease to exist on the day of:

- a) the member's or representative's resignation,
- b) termination of the civil service employment.

Section 139

(1) Elections for a civil servants' council and a representative for occupational health

and safety shall be governed by the provisions of Sections 283 to 285 of the Labour Code; a staff council shall be understood to be a civil servants' council, a representative for occupational health and safety shall be understood to be a civil servants' occupational health and safety representative, an employer shall be understood to be a service authority in which a civil servant performs services, employees shall be understood to be civil servants performing service duties in the service authority, an employment relationship shall be understood to be civil service employment, and a business trip shall be understood to be a service-related trip.

(2) The appointing authority shall announce elections for members of a civil servant council and a representative for occupational health and safety.

Chapter IV Joint Provisions

Section 140

(1) Members of trade union bodies, civil servant council members and occupational health and safety representatives must not be discriminated against or disadvantaged in any way on these grounds.

(2) Civil service employment may not be terminated on the grounds of membership in a trade union organisation, civil servant council, or performance of the role of occupational health and safety representative.

Section 141

(1) For activities pursuant to Sections 131, 132(1) and (2), Section 134(4), the service authority must provide a trade union organisation, a civil servant council and occupational health and safety representatives with true and complete information and documents in a timely manner and take their opinions into account. Upon their request, the service authority shall provide written information. Trade union organisations, civil servant councils, occupational health and safety representatives representing civil servants, in the case set out in the first sentence of Section 129(3), shall have the right to demand additional information and answers to questions they raised from the service authority.

(2) A service authority must allow civil servants to hold elections for a trade union organisation, a civil servant council, and occupational health and safety representatives, and shall create conditions for their proper execution. This shall include, where resources permit, rooms with the necessary equipment, the costs of necessary maintenance and technical operations, and the costs of any required documentation.

(3) The service authority shall provide members of the election committee, trade union organisations, members of civil servant councils and occupational health and safety representatives with a minimum number of days off required to carry out their activities, for which they shall be paid.

Section 142

(1) Trade union organisations, civil servant councils and occupational health and safety representatives established in a service authority must provide civil servants, in an appropriate

way, with information on their activities, as well as on the outcome of consultations with the service authority and any resulting decisions.

(2) Members of trade union organisations, members of civil servant councils and occupational health and safety representatives must keep confidential any information they learn during their term of office if disclosing the information would result in the divulgence of classified information or infringe the legitimate interests of the service authority or civil servants. This obligation shall be enforced for one year after the end of their term of office, unless otherwise provided for in other legal provisions.

Section 143

Collective Agreement

(1) A collective agreement may be concluded to improve conditions of service, especially with regard to health, social, and cultural related aspects. The collective agreement may stipulate the rights of civil servants, as well as the rights and responsibilities of the parties to the agreement.

(2) The procedure for collective agreement negotiations under Sections 8 and 10 to 26 of the Act on Collective Bargaining, and Sections 22, 24, 25(3) and (4), 26, 27(3), 28 and 29 of the Labour Code shall apply to collective agreements *mutatis mutandis*:

- a) a collective agreement means a collective agreement concluded between the appointing authority or several appointing authorities and trade union or trade union organisations of a service authority,
- b) a higher-level collective agreement shall be understood to be a collective agreement concluded between the government and a trade organisation or organisations,
- c) a strike to enforce the conclusion of a collective agreement shall be understood as a strike to enforce the conclusion of a collective agreement,
- d) legal requirements under labour law shall be understood as service-related requirements,
- e) employer shall be understood to mean the service authority in which the civil servant performs their service,
- f) employee shall mean a civil servant performing service in a service authority,
- g) employment relationship shall be understood to mean service relationship,
- h) wage shall be understood to mean pay.

(3) A collective agreement is binding on the parties to it. A collective agreement pursuant to paragraph 2(a) shall also be binding on all civil servants performing service in the service authority in which the trade union operates. A collective agreement pursuant to paragraph 2(b) shall also be binding on all Service Authorities, all civil servants, and all trade unions on whose behalf the trade union concluded the agreement.

(4) Provisions of a collective agreement pursuant to paragraph 2(a) that regulate the rights of civil servants and the rights and obligations of the parties to this agreement differently to those in the collective agreement pursuant to paragraph 2(b) shall not be taken into account.

PART NINE

REMUNERATION OF CIVIL SERVANTS

Section 144

General Provisions on Pay and Reward for Standby Duty

(1) The remuneration of civil servants shall be governed by the Labour Code, unless otherwise specified.

(2) Where the Labour Code uses the term:

- a) employee, it shall, for the purposes of this Act, be understood to mean a civil servant,
- b) manager, it shall, for the purposes of this Act, mean a senior civil servant,
- c) employer, it shall, for the purposes of this Act, mean an appointing authority,
- d) employment, it shall, for the purposes of this Act, mean a civil service employment,
- e) work, it shall, for the purposes of this Act, mean performance of service duties,
- f) pay for working overtime, it shall, for the purposes of this Act, be understood as pay for serving overtime,
- g) supplementary allowance for working on Saturdays and Sundays, shall, for the purposes of this Act, be understood as a supplementary allowance for performing service on Saturdays and Sundays,
- h) supplementary allowance for working nights, shall, for the purposes of this Act, be understood as a supplementary allowance for performing service at night,
- i) supplementary allowance for working on a public holiday, it shall, for the purposes of this Act, be understood as a supplementary allowance for performing service on a public holiday,
- j) supplementary allowance for working in aggravated conditions, shall, for the purposes of this Act, be understood as a supplementary allowance for performing service in aggravated conditions,
- k) work standby duty, shall, for the purpose of this Act, be understood as service standby duty.

Section 145

Special Provisions on Pay Tariffs and Pay Grades

(1) The pay grades one to **five** as specified in the Labour Code shall not apply to civil servants. Through its regulation, the government shall promulgate pay tariffs with regard to service duties, constraints and the importance of such service, as well as the method by which the tariffs for the civil servants shall be determined; this shall **include the method of assigning**

pay grades to service posts, and the conditions for determining the period to be taken into account when calculating length of service.

(2) The pay grades are described in Annex 1 to this Act. Based on these descriptions, the government shall, through its Regulation, promulgate a catalogue of administrative activities and their assignment to individual pay grades, based on the degree of difficulty, responsibility, and labour input.

(3) Where a civil servant is required to perform activities not listed in the catalogue of administrative activities for a new service post, the appointing authority shall propose a pay grade in agreement with the Ministry of Labour and Social Affairs and the Ministry of Finance; this can be done either as part of a systemisation draft or as a modification to an existing systemisation.

Section 146

Special Provisions on Supplementary Allowance for Managing People

(1) The range of supplementary allowance for managing people is set out in Annex 2 to this Act.

(2) The government may stipulate binding rules for calculating the specific amount of supplementary allowances for managers within a given range.

Section 147

Special Provisions on Supplementary Allowance for Serving Overtime

The pay of a senior civil servant, who is an appointing authority or a head of a foreign mission, shall reflect any overtime work.

Section 148

Special Provisions on Special Supplementary Allowance

(1) The government shall stipulate, through its regulation, the rules for calculating a special supplementary allowance.

(2) An appointing authority shall set the amount of a special supplementary allowance for service posts in the service authority through a service regulation.

Section 149

Special Provisions on Personal Supplementary Allowance

(1) A civil servant may be granted a personal supplementary allowance, or the amount may be increased, reduced, or withdrawn based on the outcome of their performance appraisal.

(2) Until their first performance appraisal, a civil servant's personal supplementary allowance may be awarded, increased, reduced or withdrawn based on a senior civil servant's proposal.

(3) A civil servant may be granted a personal supplementary allowance, or the amount may be increased or reduced, also in relation to their assignment, transfer, or appointment to a different service post.

(4) A civil servant may be granted a personal supplementary allowance, or the amount may be increased, reduced or withdrawn, in relation to their secondment to service abroad, or termination of such service abroad, at the suggestion of the relevant senior civil servant.

Section 150

Special Provisions on Bonuses

(1) A bonus may be granted to a civil servant for the successful execution of urgent service tasks on behalf of an absent civil servant, unless they are eligible for a supplementary allowance for managing people or a pay for substitution pursuant to Section 66.

(2) The sum of bonuses paid to a civil servant in one calendar year shall not exceed 25% of the highest annual pay tariff and the maximum personal supplementary allowance in the relevant pay grade; and in the case of a senior civil servant, this sum shall also include the maximum supplementary allowance for managing people for which they are eligible pursuant to Annex 2 to this Act, in accordance with the service post to which the civil servant was assigned in the calendar year in question.

Section 151

Special Provisions on the Bonus for Standby Duty

The standby duty bonus shall be 10% of the average pay.

Section 152

Special Provisions on the Pay of Some Appointing Authorities

(1) The pay tariff, the amount of the supplementary allowance for managing people, the provision of any bonus and its amount, and the amount of the personal supplementary allowance, including any increase, reduction or withdrawal of the allowance, for a senior civil servant in a service post as the Chief State Secretary, Head of a Service Authority in a central administrative authority and Head of a Service Authority which does not have a superior service authority, shall be determined by the person who appointed them to the service post pursuant to this Part and Annexes 1 and 2 to this Act. Should the appointing authority be appointed to the service post by the government, the government may authorize the relevant minister to act pursuant to the first sentence of this paragraph.

(2) The superior appointing authority shall decide on pay matters referred to in paragraph 1 with respect to heads of other service authorities.

PART TEN

JOINT PROVISIONS

Chapter I

Personal File, Service Badge, Performance Appraisal, and Complaint Lodged by a Civil Servant

Section 153

Personal File

(1) A personal file is maintained for each civil servant's employment in the civil service; it may contain only documents necessary for their civil service employment and performance appraisals.

(2) The personal file shall also contain personal data identifying the civil servant, as well as information on their personal status, fitness for service, integrity, and education. This information is necessary for the civil service relationship, the proper performance of service, and the exercise of the civil servants' rights and obligations.

(3) Civil servants are obliged to notify the appointing authority of any change to the personal data contained in their personal file within eight days of the date on which the change occurred or became known to them.

~~(2)~~ (4) The appointing authority and senior civil servants superior to the civil servant in question may have access to their personal file. The **Office of the Government**, the Labour Inspectorate, the Office for Personal Data Protection, courts, public prosecutors, the police, the National Security Authority and central intelligence agencies have the right to view and make copies of personal files.

~~(3)~~ (5) Civil servants and former civil servants have the right to view their personal files, take notes from them and request copies of documents at the expense of the service authority.

(6) The service authority shall retain personal files for a period of 50 years following the year in which the file was closed.

Section 154

Service Badge

(1) The service authority in which a civil servant performs their duties shall issue a service badge to the civil servant. A service badge proves that the holder is a civil servant. A service badge shall feature the following:

- a) a photograph of the civil servant,
- b) the civil servant's first name(s) and last name, and their academic title, if applicable,
- c) the civil servant's personal number,

- d) the name of the service authority where the civil servant performs their duties,
- e) the service badge number,
- f) the date of issue and, if applicable, the expiry date of the service badge,
- g) any other data, if required by another legal regulation.

(2) A service badge may also contain an electronic chip or another information medium. Only electronic data used for or in relation to service performance may be downloaded onto the relevant electronic chip or other information medium.

Section 155

(1) A civil servant shall be subject to performance appraisals.

(2) The performance appraisal of a civil servant includes an assessment of the performance of their duties in terms of accuracy, speed, and independence in accordance with the set individual objectives. The performance appraisal of a senior civil servant also includes an assessment of their ability to organise, manage, supervise and evaluate the performance of subordinate civil servants and the performance of subordinate employees.

(3) The evaluation criteria are classified as follows:

- a) significantly exceeds the requirements,**
- b) exceeds the requirements,**
- c) meets the requirements,**
- d) meets the requirements with occasional reservations,**
- e) inadequately meets the requirements.**

~~(3)~~ **(4)** A performance appraisal must conclude whether the civil servant's service produced:

- a) outstanding results,
- b) very good results,
- c) good results,
- d) acceptable results,
- e) unsatisfactory results.

~~(4)~~ **(5)** The performance appraisal shall also include the civil servant's personal development goals.

~~(6)~~ ~~(7)~~ **(6)** The first performance appraisal must be carried out no later than six months **after the commencement of the civil service employment**, but not before 60 days of service are completed.

~~(7)~~ ~~(8)~~ **(7)** Any further performance appraisals shall be carried out as needed to cover any period not yet evaluated, provided that it includes at least 60 days of service starting from the date on which the civil servant was informed of the results of their previous performance appraisal.

~~(8)~~ ~~(9)~~ **(8)** A performance appraisal may also be carried out at the civil servant's request if the unevaluated period includes at least 60 days of service from the date on which they were informed of the results of their previous performance appraisal. A performance appraisal at the civil servant's request may be carried out only once a year.

~~(9)~~ ~~(10)~~ **(9)** If a civil servant's performance appraisal concludes that their results were unsatisfactory, the next appraisal shall always be carried out after **60 days** of service after they were informed of the results of their previous appraisal.

~~(10)~~ ~~(13)~~ **(10)** A performance appraisal shall also be carried out if a civil servant is transferred to another service authority. Such an appraisal, which contains no conclusions about the civil servant's results or specifications for their personal development, shall be sent to the civil servant's new Appointing Authority.

(11) The appointing authority may set out details of how to carry out performance appraisals of civil servants in a service regulation. The appointing authority may lay down in a service regulation that regular performance appraisals of all civil servants shall be carried out in the service authority.

~~(11)~~ ~~(12)~~ ~~(11)~~ **(12)** A day on which a civil servant **actually** performs civil service for the majority of the shift shall be considered as a day served. Parts of shifts served on different days shall not be added up.

~~(12)~~ ~~(13)~~ ~~(12)~~ **(13)** A civil servant must be provided with information on the results of their performance appraisal.

(14) The government shall issue a regulation setting out the criteria used to evaluate civil servants in the context of performance appraisals, the method for determining the outcome of performance appraisals and how this outcome affects the amount of personal allowance.

Section 156

(1) A performance appraisal of a civil servant shall be performed by the senior civil servant who is their immediate superior, in collaboration with the appointing authority, unless otherwise provided below.

(2) A performance appraisal of the Head of a Service Authority not having a superior

service authority shall be performed by an authorised minister in cooperation with the Chief State Secretary. A performance appraisal of the Head of a Service Authority being directly subordinated to the Ministry shall be carried out by a respective minister in cooperation with the Secretary-General. In all other cases, performance appraisals of heads of service authorities shall be carried out by the relevant superior Appointing Authorities.

(3) A performance appraisal of the Secretary-General shall be performed by the Chief State Secretary in cooperation with a respective minister or the Head of the Office of the Government.

(4) A performance appraisal of the Director General of a Section shall be performed by a Secretary-General in cooperation with a respective minister or the Head of the Office of the Government.

(5) A performance appraisal of the Director of Human Resources of the Civil Service Section shall be performed by the Chief State Secretary.

(6) A performance appraisal of the Chief State Secretary shall be performed by the **Prime Minister**.

Section 156a

Objections against the Performance Appraisal

(1) A civil servant may lodge an objection against their performance appraisal no later than 15 days after being informed of the results of their performance appraisal. Objections must be made in writing and delivered to the appointing authority. The part of the performance appraisal being challenged must be clear, and the objection must include justification for the disagreement and suggestions how the performance appraisal should be adjusted.

(2) The appointing authority shall deal with any objections within 30 days of receiving them. They may grant the objection, may grant it partially and adjust the performance appraisal accordingly, or reject the objection. Objections where it is unclear which part of the performance appraisal is being challenged, or which lack justification for disagreement or suggestions for adjustment, shall be rejected by the appointing authority as unjustified. Further objections against the adjusted performance appraisal shall not be permissible.

(3) Objections to the performance appraisal of the Head of a Service Authority with no superior civil service authority, the Head of a Service Authority reporting directly to a ministry, the Chief State Secretary, Secretary-General or General Director of a Section, or the Director of Human Resources of the Civil Service Section, shall be dealt with by the civil service commission in accordance with the procedure laid down in paragraph 2.

Complaints

Section 157

(1) A civil servant may submit a written complaint to the appointing authority regarding service issues and civil service employment, except in cases covered by Section 159 (2)(j). A

former civil servant may also lodge a complaint regarding a performance appraisal and service certificate; such a complaint shall be handled in accordance with paragraphs 2 to 8 mutatis mutandis.

(2) A civil servant's complaint must be submitted no later than 60 days after the civil servant becomes aware of the relevant fact, but no later than 12 months after that fact occurred.

(2) (3) A civil servant's complaint shall be dealt with by the senior civil servant who is their immediate superior or the appointing authority, depending on its contents, unless otherwise provided for below. Complaints by former civil servants shall be handled by the appointing authority superior to the appointing authority that issued the performance appraisal or service certificate to the former civil servant.

(3) (4) A civil servant's complaint must not be dealt with by the senior civil servant or the appointing authority against whom the complaint is made; it shall be dealt with by the relevant superior senior civil servant or the superior appointing authority of the senior civil servant or the appointing authority against whom the complaint has been directed.

(4) (5) A complaint by a civil servant who is also an appointing authority shall be dealt with by their superior appointing authority.

(6) The person handling a complaint against a civil servant must notify the civil servant and their appointing authority of the complaint and the outcome of its handling.

(5) (6) (7) A civil servant's complaint must be handled in writing within 60 days of its submission. The deadline may only be exceeded if it is not possible to obtain the documents necessary for the complaint to be handled by the deadline.

(8) If a civil servant believes that their complaint has not been dealt with properly, they may request a review of the handling of the complaint by their senior civil servant, the appointing authority, or a superior appointing authority. This review can only be requested once, within 15 days of receiving the written response to the complaint.

(9) A complaint or a request for a review of the handling process filed late or repeatedly shall not be reviewed by a senior civil servant or appointing authority, who shall inform the civil servant of this in writing.

Section 158

A civil servant has the right to request assistance with their complaint from the relevant trade union organisation, the civil servants' council, and in matters relating to occupational health and safety, the civil servants' representative for occupational health and safety.

Chapter II Proceedings in Service-Related Matters

Section 159

Basic Provisions

(1) The provisions on proceedings in service matters relate to the decisions concerning the following:

- a) appointment to the civil service,
- b) assignment to a service post,
- c) appointment to the service post of a senior civil servant,
- d) remuneration,
- e) a change to the civil service employment,
- g) f) termination of civil service employment,
- ~~k)~~ ~~j)~~ g) permission,
 - 1. to work shorter working hours,
 - 2. to pursue further education for civil servants at the expense of the service authority, including the provision of days off and the suspension of days off,
 - 3. to have another income-generating occupation out of service,
- ~~h)~~ ~~k)~~ h) compensation of costs pursuant to Section 110,
- ~~m)~~ ~~h)~~ i) suspension of relief in service pursuant to Section 111.

(2) The provisions on proceedings in service matters and the provisions of the Code of Administrative Procedure on administrative proceedings shall not apply to:

- a) appointment to a senior civil servant's post and removal from the service post, if it falls under the authority of the government,
- b) requirement to travel in official capacity,
- c) acting in place of a civil servant or a senior civil servant,
- d) release from the obligation of confidentiality,
- e) permission to change working time schedule and a flexible working time arrangement,
- f) requirement of standby duty, overtime service or service at weekends and on public holidays,
- g) permission of service leave,
- h) use of the annual and additional leave,
- i) broadening education,

j) conducting performance appraisals of a civil servant and **handling complaints against performance appraisal,**

k) determination of pay, should it concern:

1. the change in the amount of a pay tariff as a consequence of the change in the pay tariffs laid down in a government regulation,

2. the classification of a civil servant in a higher pay grade as a consequence of achieving the length of eligible practice specified for the higher pay grade,

l) granting of bonuses,

m) selection process and appointment and removal of a **member** of a selection committee,

n) instruction to work from a another location,

o) appointment and removal of a member of the examination panel,

p) provision of severance pay,

q) transfer and change of pay as a result of transfer,

r) imposition of a written warning and written reprimand,

s) termination of service relationship by the appointing authority during the probationary period,

t) termination of classification, transfer or appointment by the appointing authority during the trial period,

u) granting and withdrawing service rank.

Section 160

Application of the Rules of Administrative Procedure

Unless otherwise provided by law, proceedings in matters of civil service shall be conducted in accordance with the Rules of Administrative Procedure.

Parties to Proceedings and the Decision-making Authorities

Section 161

The participant in the proceedings is:

a) an applicant for the civil service employment,

b) a civil servant,

c) a former civil servant.

Section 162

(1) Matters relating to the **civil service** shall initially be decided by the **relevant appointing authority**.

(2) **The appointing authority of the service authority to which the civil servant was assigned when the claim arose shall decide on the civil servant's claims against the service authority and the service authority's claim against the civil servant. This shall apply mutatis mutandis to decisions on claims of former civil servants against the service authority to which they were assigned, or to claims of service authorities against former civil servants.**

(3) If a decision of an appointing authority concerns the jurisdiction of another appointing authority, such a decision may only be made with the consent of the respective appointing authority.

(4) The superior appointing authority shall be:

- a) the Chief State Secretary, in respect of Heads of Service Authorities not having a superior service authority, and also in respect of the Secretary General, the Director of Human Resources of the Civil Service Section, and matters decided by the Chief State Secretary,
- b) Heads of Service Authorities in respect of heads of subordinate service authorities,
- c) the Secretary-General in respect of Heads of Service Authorities subordinate to a ministry.

Section 162a

Service Committee

(1) **A Service Committee shall be established. The Service Committee will decide on the removal of a senior civil servant from their post pursuant to Sections 60(1)(c) and 60(2), or on the termination of their service pursuant to Section 72(1)(b) or (c), in the case of the Head of a Service Authority, the Chief State Secretary, the Secretary-General, the Director General of a Section or the Director of Human Resources of the Civil Service Section. Decisions made by the Service Committee are not open to appeal. The appointing authority superior to the Service Committee in matters decided by the Service Committee is the Service Committee.**

(2) **The Service Committee shall have 5 members appointed and recalled by the government, two of whom shall be nominated by the President of the Supreme Audit Office and one by the Public Defender of Rights. The chair of the Service Committee shall be appointed by the government from among the government-appointed members.**

(3) A natural person may be appointed as a member of the Service Committee if they:

- a) meet the conditions for admission to service under Section 25(1)(a)(c) and (d),
- b) hold a master's degree from a university,
- c) do not hold any position in a political party or political movement,

(4) At least one government-appointed member of the Service Committee must have obtained a university degree by successfully completing a master's degree programme in law.

(5) Members of the Service Committee shall be appointed for a term of 7 years. No person may be appointed as a member of the Service Committee more than twice in succession.

(6) Membership of the Service Committee is a public function. The government shall remove a member of the Service Committee if they no longer meet the conditions set out in paragraph 3, or if they request to be removed.

(7) The Service Committee shall adopt resolutions by a majority vote of members present. In the event of a tie, the chairperson or presiding member shall have the casting vote. Members of the Service Committee must not abstain from voting. With the exception of issuing decisions, individual acts in the proceedings may be entrusted to Ministry of the Interior civil servants who are not members of the Service Committee; in this case, these civil servants shall be subordinate only to the Service Committee.

(7) The Service Committee shall adopt resolutions by a majority vote of members present. In the event of a tie, the chairperson or presiding member shall have the casting vote. Members of the Service Committee must not abstain from voting. With the exception of issuing decisions, individual acts in the proceedings may be entrusted to **Office of the Government** civil servants who are not members of the Service Committee; in this case, these civil servants shall be subordinate only to the Service Committee.

(8) The Ministry of the Interior shall provide the Service Committee with professional, organisational, financial and material support. For these purposes, the Service Committee is considered an organisational unit of the Ministry of the Interior. Members of the Service Committee are entitled to remuneration, the amount of which is determined by the government by resolution, as well as travel allowances provided under the conditions and in the amount laid down in the Labour Code. For these purposes, the place of residence of a member of the Service Committee is considered their regular place of work.

(8) The **Office of the Government** shall provide the Service Committee with professional, organisational, financial and material support. For these purposes, the Service Committee is considered an organisational unit of the **Office of the Government**. Members of the Service Committee are entitled to remuneration, the amount of which is determined by the government by resolution, as well as travel allowances provided under the conditions and in the amount laid down in the Labour Code. For these purposes, the place of residence of a

member of the Service Committee is considered their regular place of work.

Section 163

Special Provisions on Exclusion from Proceedings and Decisions in Service Matters

The provisions of the Rules of Administrative Procedure regarding exclusion from proceedings and decisions in service matters pursuant to this Act shall not apply to **members of the Service Committee**, the Chief State Secretary or the Secretary-General.

Section 164

Repealed

Section 165

Special Provisions on Issuing Decisions

(1) Issuing of a decision may be the first act in the proceedings.

(2) At the request of a civil servant or ex officio, an appointing authority may issue a new decision to revoke the authorisation to perform income-generating activities other than service, or to work shorter service hours. This decision may shorten the period for which the civil servant is authorised to perform such activities or work shorter hours; it may also change the scope of authorisation to perform other income-generating activities or work shorter service hours if:

- a) the reasons for issuing the decision have ceased to exist, or
- b) the circumstances in which the decision was issued have changed significantly, particularly if performing other income-generating activities or working shorter hours prevents the service authority from carrying out its duties properly.

Section 166

Special Provisions on Compensation for the Costs of Proceedings

If a party is successful in proceedings concerning an appeal, a remedial measures, renewed proceedings or a review, they are entitled to compensation from the service authority for any expenses incurred. If a party is only partially successful, they are entitled to a proportionate amount of compensation for their expenses. Claims must be made before the proceedings are completed; if this is not possible, claims must be made within 3 days of receiving the decision; otherwise, the right to claim will lapse.

Section 167

Special Provisions on Enforcement of Decisions

If a participant fails to fulfil their obligation to make a monetary payment by the deadline imposed by an enforceable decision issued under Section 159(1)(h), the appointing authority shall decide on pay deductions.

Section 168

Appellate Proceedings

(1) The appellate authority is the superior appointing authority.

(2) Appeals do not have suspensive effect. This does not apply to appeals against decisions regarding the reimbursement of costs under Section 110.

(3) At the appellant's request, and provided they have filed a notification pursuant to the Whistleblower Protection Act, the appellate authority may grant suspensive effect to an appeal against a decision that could constitute a retaliatory measure, or suspend its enforceability. A motion for suspensive effect or suspension of enforceability may only be filed before the deadline for appealing the decision. The appellate authority shall decide on a motion for suspensive effect or suspension of enforceability without undue delay after the file has been forwarded to it, and this decision cannot be appealed.

(4) If a civil servant appeals against a decision regarding removal from a senior civil servant's post, termination of service, or the granting, increase, reduction, or withdrawal of a personal allowance, the performance appraisal on which the decision was based may also be reviewed. If the appellate authority finds that the performance appraisal violates legal regulations, a new performance appraisal shall be carried out after the decision on the appeal becomes final; The original performance appraisal shall be deleted from the personal file of the civil servant and shall not be taken into account.

(5) If a civil servant appeals against a decision regarding removal from a senior civil servant's post, or termination of service, the written reprimand on which the decision was based may also be reviewed. If the appellate authority finds that the written reprimand is contrary to legal regulations, it shall be deleted from the civil servant's personal file after the decision on the appeal becomes final, and shall not be taken into account.

~~Section 169~~

Chapter III

Succession of Rights and Obligations Arising from Civil Service Employment

Section 170

(1) Should a service authority be dissolved through consolidation or merger with another service authority pursuant to another law, the full extent of the rights and obligations arising from civil service employment passes to the receiving service authority.

(2) Should a service authority be dissolved through demerger pursuant to another law, the rights and obligations arising from civil service employment shall pass to the newly instituted service authorities.

Section 171

Should a part of a service authority be transferred to another service authority pursuant to another law, the rights and obligations relating to this part of the service authority arising from civil service employment shall pass to the receiving service authority, except for collective bargaining rights and obligations.

Chapter IV Systemisation of Work Posts and the Post of Deputy Minister

Section 172

Systemisation of Work Posts

The systemisation of work posts for public authority employees is governed by Sections 17 and 18 *mutatis mutandis*; the number of deputy ministers and employees working for a minister, including those assigned to the minister's office or working for the Head of the Office of the Government, is determined, by the relevant minister or the Head of the Office of the Government, as is the relevant pay tariff. The relevant minister or the Head of the Office of the Government also proposes the volume of funds for their pay. An office of a minister is a department within a ministry or the Office of the Government responsible for formulating policies exclusively for the given minister.

Section 173

Deputy Minister

(1) A Deputy Minister shall deputise the relevant minister within the scope established by the minister, in relation to the competence of the service authority or tasks delegated to the minister, except for matters reserved by law for the minister. In particular, the Deputy Minister shall attend government meetings in place of the minister and deputise for the minister on committees or commissions of the Chamber of Deputies of the Parliament, including the investigation committee, unless the minister is required to attend in person. The same applies to meetings of Senate committees or commissions.

(2) The role of the Deputy Minister shall not constitute a management position within the organisation of the public authority.

(3) The Deputy Minister shall be employed by the state. They shall be appointed and removed by the relevant minister. A Deputy Minister to a minister without portfolio is assigned under the Office of the Government.

Chapter V Average Pay

Section 174

Ascertaining and applying an average pay shall be governed by the provisions of Section 352, 353, Section 354 (1) to (3) and Sections 355 to 357 of the Labour Code.

Section 175

Pay in the case of:

- a) dismissal from service,
- b) being assigned out of the service for organisational reasons,
- c) temporary incapacity to perform service

shall not be included in the gross pay calculated for payment to a civil servant within the decisive period, for the purposes of ascertaining an average pay; the time for which this pay is provided shall not be regarded as the working time within the decisive period.

Chapter VI

Explanation of Some Terms

Section 176

(1) For the following purposes:

- a) payment of pay differential in connection with the transfer of a civil servant,
- b) dismissal from service,
- c) pay reduction as a result of a transfer of a civil servant to another service post,
- d) temporary assignment out of service due to organisational reasons,

e) monetary performance pursuant to Section 73a(2),

~~e)~~ **f) severance pay,**

~~g)~~ ~~h)~~ **g) deductions from pay for a period of temporary work incapacity,**

the civil servant's pay shall be understood to mean the sum of the monthly amounts according to the pay tariff, the allowance for managing people, the allowance for working in adverse conditions, the personal allowance and the special allowance, to which the civil servant was last entitled to or which were last determined for the civil servant.

(2) For the purposes of severance pay to which a civil servant is entitled upon termination of service due to the expiry of the period of an assignment out of the civil service for organisational reasons, provided that they were not transferred or assigned to a suitable vacant post within another service authority during their trial period, pursuant to Section 62(4), the civil servant's pay shall be understood to mean the sum of the monthly amounts according to the pay tariff, the allowance for managing people, the allowance for working in aggravated conditions, the personal allowance and the special allowance, to which the civil servant was last entitled to or which were last determined before they were assigned out of the service for organisational reasons pursuant to Section 62(1).

Section 177

(1) Section 347(1) of the Labour Code shall apply in the event of an occupational disease hazard.

(2) The legal and other occupational health and safety rules and provisions for protecting the health and safety of civil servants shall be understood to be the provisions of Section 349(1) and (2) of the Labour Code.

(3) Quarantine shall also be understood to mean isolation or quarantine measures involving increased medical oversight, preventing a civil servant from performing their duties, as well as emergency measures in the event of an epidemic or a threat of an epidemic, pursuant to the Public Health Protection Act. This includes prohibiting or limiting contact between groups of people believed to spread the disease and other people, or prohibiting or ordering of actions to eradicate the epidemic or the danger of its spreading, if these prohibitions, instructions, or regulations prevent the civil servant from working.

(4) Single persons refer to unmarried or divorced men and women, widows or widowers, and other men or women who live alone for other serious reasons and do not share their household with a partner.

(5) This Act and Section 348(1) of the Labour Code shall apply to periods considered to be service.

(6) Section 328 of the Labour Code shall apply to the transfer and termination of monetary rights after the death of a civil servant.

Chapter VII Employees Employed Under Labour Law

Section 178

(1) The appointing authority may fill a civil servant's service post on a fixed term basis by assigning an employee who is employed under labour law to the service post, provided that the civil servant is absent from service for more than one calendar month.

~~(4)~~ (2) If there is a serious risk to the performance of a service authority's duties, the relevant appointing authority may fill a service post, except for the the post of a senior civil servant, with an employee employed for a fixed term, in accordance with labour law, until the post is filled by a civil servant in accordance with the procedure set out in Section 24(1) or (5). However, this period shall not exceed 6 months.

(3) A probationary period of 6 months shall be agreed with the employee referred to in paragraphs 1 and 2. This probationary period will be extended by any full days on which the employee is unable to work due to impediments to service or leave.

~~(5)~~ ~~(3)~~ (4) The duties and responsibilities that the employee is required to carry out under paragraphs **1 and 2** shall be specified in an employment contract. The employee shall receive pay in accordance with Part Nine.

~~(6)~~ ~~(4)~~ (5) Employees referred to in paragraphs **1 and 2** shall, at their request, be permitted **to take the general and special parts of the civil service examination specified**

for their field of service. Taking the civil service examinations shall be considered work performance.

(6) The provisions regarding the onboarding and training of civil servants shall apply *mutatis mutandis* to employees referred to in paragraphs 1 and 2.

(7) Employees referred to in paragraphs 1 and 2 who wish to improve their qualifications at the service authority's expense and take time off work for this purpose must conclude a qualification enhancement agreement.

~~Section 178a~~

Chapter VIII Information Systems

Section 179

Pay Information System

This information system, which contains details of civil servants' pay, shall form part of the Salary Information System, as set out in Section 137 of the Labour Code.

Civil Service Information System

Section 180

(1) The Civil Service Information System shall be implemented as a public administration information system. It shall serve to maintain the data necessary for managing organisational matters relating to the service and service relations within or between service authorities. Some of the measures under this Act shall also be administered through the system.

(2) The Civil Service Information System shall be maintained by the **Office of the Government**.

(3) The civil service information system shall include a registry of civil servants and employees of service authorities, a database of vacant service posts, a civil service **examination** registration portal and a database of civil service examinations, as well as **records of systemisation and organisational structure**.

~~Section 181~~

Section 181

(1) The registry of civil servants and employees of service authorities shall hold the following data on each civil servant:

a) the name(s), surname and academic titles, if applicable,

- b) the date of birth,**
- c) gender,**
- d) citizenship,**
- e) attained education, including field or specialisation,**
- f) the service badge number,**
- g) the civil servant's identification number,**
- h) an e-mail address established for the civil servant by the service authority, and any other e-mail address notified by a civil servant as an address to which documents addressed to them can be delivered,**
- i) the service rank,**
- j) the date of appointment to the civil service,**
- k) information on whether the civil servant was appointed to the civil service for an indefinite or fixed term; if the term is fixed, the duration will be specified,**
- l) the service authority in which the civil servant is currently or previously performed service, the service post and the activities performed at the civil service post,**
- m) the field of service,**
- n) place of civil service employment,**
- o) information on the result of the civil service examination taken by the civil servant,**
- p) information on changes in civil service employment, broken down into information on:**
 - 1. appointment to the service post of a senior civil servant, and removal from such post, as well as information on resignation from a senior civil servant's post at the civil servant's request,**
 - 2. transfer,**
 - 3. transfer to another service post,**
 - 4. information on temporary assignment out of the service and the reason for it,**
 - 5. deployment to service abroad and assignment after its termination,**
 - 6. secondment to an international organisation and assignment after its termination,**
 - 7. permission to work shorter hours,**
 - 8. interruption of service,**
- q) information on impediments to service on the part of the civil servant pursuant to:**
 - 1. Section 104(1) of this Act, provided that Sections 195 and 198 of the Labour Code apply,**

2. Section 104(3),

3. Section 104(4),

r) pay grade,

s) information regarding substitution,

t) information on permission to pursue further education at the expense of the service authority,

u) the date of termination of civil service employment and the reason for termination,

v) information on severance pay paid in accordance with Section 74a.

(2) The registry of civil servants and employees of service authorities shall also hold the following information on each employee of a service authority occupying a service post:

a) the name(s), surname and academic titles, if applicable,

b) the date of birth,

c) gender,

d) citizenship,

e) attained education, including field or specialisation,

g) the employee's identification number,

g) an e-mail address established for the employee by the service authority, and any other e-mail address notified by an employee as an address to which documents addressed to them can be delivered

h) date of commencement of employment,

i) the date on which the post is taken up for a fixed term, and the duration of the term,

j) the service authority in which the employee is currently or previously performed service, the service post and the activities performed at the civil service post,

k) the field of service,

l) place of civil service employment,

m) information on the result of the civil service examination, if taken by the employee,

n) information on whether the employee is a senior employee,

- o) pay grade,**
- p) information on concluding an agreement on enhancing qualification,**
- q) the date on which the employment at the civil service post ends.**

(3) The registry of civil servants and employees of service authorities shall hold the following data on each employee:

- a) the name(s), surname and academic titles, if applicable,**
- b) the date of birth,**
- c) gender,**
- d) citizenship,**
- e) attained education, including field or specialisation,**
- f) the employee's identification number,**
- g) an e-mail address established for the employee by the service authority, and any other e-mail address notified by an employee as an address to which documents addressed to them can be delivered**
- h) date of commencement of employment,**
- i) information on whether the employee is employed for an indefinite or fixed term; if the term is fixed, the duration will be specified,**
- j) the service authority in which the employee is currently or was previously employed, the position held, and the activities performed in that position,**
- k) information on the result of the civil service examination, if taken by the employee,**
- l) information on whether the employee is a manager,**
- m) classification according to the catalogue of jobs in civil service and administration,**
- n) information on concluding an agreement on enhancing qualification,**
- o) end date of employment.**

(4) The registry of service posts contains the following information about vacant posts:

- a) the name of the service authority in which the vacant post is systemised,**
- b) the field of service of the vacant post,**

- c) the place of civil service employment for the vacant post,
- d) requirements related to the vacant service post,
- e) the pay grade of the vacant service post,
- f) the date on which service at the vacant civil service post commences,
- g) information on whether the civil servant will be appointed to serve in the civil service post for an indefinite or fixed term; if the term is fixed, its duration will be specified,
- h) the deadline for submitting applications to the appointing authority for appointment to the civil service, or in the case of civil servants, applications for assignment to a civil service post or appointment to a senior civil servant's post, the place and manner of submitting the application, the address to which it is to be sent, and a list of attachments relating to the performance of service in the vacant civil service post, which the applicant must attach to the application,

(5) The civil service examination registration portal is used to register for the civil service examination. The portal indicates the date, place and time of the civil service examination and provides a set of test questions for the general part of the civil service examination, a list of professional literature and a list of international treaties, legal regulations, government resolutions, service regulations and other documents on which questions for the general part of the civil service exam are based. It also contains a set of topics for the special part of the civil service examination, and a list of professional literature and international treaties, legal regulations, government resolutions, service regulations and other documents on which topics in the special part are based. The portal also contains textbooks for the general and special parts of the civil service examination, as well as other information.

(6) The civil service examination database shall contain information on examinations taken, such as the following:

- a) the date of the general part of the civil service examination, special part of the civil service examination and the date of issue of a certificate of equivalence,
- b) the name(s) and surname of the members of the examination panel,
- c) the name(s) and surname and registration number of the civil servant, or the name(s) and surname and identification number of an employee under Section 178(5) who passed the civil service examination,
- d) the name(s) and surname and registration number of a civil servant, and the name(s) and surname and identification number of an employee under Section 178(5) who failed the civil service examination,
- e) the name(s) and surname, date and place of birth, citizenship and registration number of a person under Section 42 who passed the civil service examination,
- f) the name(s) and surname, date and place of birth, citizenship and registration number

of a person under Section 42 who failed the civil service examination.

Section 182

(1) The registry of civil servants and employees of service authorities shall be accessible to the appointing authority, or an entity authorised by the appointing authority, via remote access: The relevant minister, Head of the Office of the Government, Head of a Service Authority, or authorised representative shall also be able to access the information pursuant to Section 181(2) and (3) remotely. **Data pursuant to Sections 181(1)(a),(e),(g) to (i), (l) and (v), and 181(2)(a),(e) to (g) and (j), shall remain accessible to the appointing authority of each service authority or an authorised representative via remote access.**

(2) The register of vacant civil service posts shall be accessible remotely to display civil service posts that could not be filled by civil servants assigned out of the civil service; in all other respects, it shall only be accessible to the appointing authority and civil servants assigned out of the civil service.

(3) The portal for registering for civil service examinations shall be accessible via remote access.

(4) Records of civil service examinations taken shall be accessible to the appointing authority or their authorised representatives via remote access.

(5) Records of systemisation and organisational structure shall be accessible via remote access.

(6) Data for the register of civil servants and employees in Service Authorities, as well as records of vacant service posts and systemisation and organisational structures shall be entered by the relevant appointing authority or their authorised representatives. Data for the portal for registering for civil service examinations and records of civil service examinations taken shall be entered by the person responsible for conducting the civil service examination.

(7) The data referred to in Section 181(1) to (3) shall be kept in the register of civil servants and employees of Service Authorities for the duration of the relevant civil servant's service or an employee's employment in a service post or employment by a service authority for a period of 10 years from the date of termination of the service relationship or employment. Information specified in Section 181(6) shall be kept in the register of civil service examinations for a period of 50 years from its entry date.

~~Section 183~~

Part IX

Acts Performed by Civil Servants, Delivery of Documents to Civil Servants and Conclusion of Agreements

Section 183

Special Provisions on Acts Performed by Civil Servants

(1) A civil servant may perform an act electronically towards an appointing authority or other competent authority under this Act, provided that the appointing authority or other competent authority permits it.

(2) An act performed by a civil servant towards an appointing authority or other competent authority via e-mail need not contain a signature.

(3) The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to legal acts performed by employees pursuant to Section 5.

Section 183a

Special Provisions on Delivering Documents to Civil Servants

(1) If an appointing authority or other competent authority is unable to deliver a document to a civil servant at their place of work, they shall deliver it electronically or, if this is not possible, via a data box (“datová schránka”).

(2) If the appointing authority or other competent authority is unable to deliver a document to a civil servant in accordance with paragraph 1, they shall deliver the document to the e-mail address set up by the civil servant and notified to the appointing authority or other competent authority as the e-mail address to which they may deliver documents.

(3) If the appointing authority or other competent authority is unable to deliver a document to a civil servant in accordance with paragraph 2, the document shall be delivered to the e-mail address set up for the civil servant by the service authority.

(4) If the appointing authority or other competent authority is unable to deliver a document to a civil servant in accordance with paragraphs 1 to 3, the document shall be delivered in the manner specified by the Rules of Administrative Procedure.

(5) Delivery in accordance with paragraphs 1 to 3 shall have the same legal effect as delivery in person.

(6) The electronic tool and e-mail address referred to in paragraph 3 may be used for the delivery of documents to a civil servant is possible if they have remote access to them.

(7) A document delivered via an electronic tool shall be deemed delivered at the moment the civil servant confirms receipt. If the civil servant does not confirm receipt within 10 days of the electronic delivery date, the document shall be deemed delivered on the tenth day.

(8) A document delivered to an e-mail address shall be deemed delivered when the civil servant confirms receipt. If they do not confirm receipt within 10 days of the dispatch date to an electronic mail address, the document shall be deemed delivered on the tenth day; this shall not apply to delivering documents in a selection process pursuant to Section 24(12). The first sentence and the part of the second sentence before the semicolon shall

not apply if the document is returned as undeliverable; in this case, another attempt shall be made to deliver the document in the same manner.

(9) A civil servant may request that the delivery of documents or the time at which the document was delivered be declared invalid under the conditions set out in the Rules of Administrative Procedure. The first sentence shall not apply to documents in a selection process.

(10) The provisions of paragraphs 1 to 9 shall apply mutatis mutandis to the delivery of documents to employees employed under labour law performing activities pursuant to Section 5.

Section 183b

Special Provisions on the Conclusion of Agreements

An agreement under this Act, including an agreement to amend its content, may also be concluded via a data box (“datová schránka”), e-mail or electronic tool. In such a case, the agreement is concluded when the person to whom the draft agreement is addressed confirms to the person proposing it that they agree to it.

Section 183c

Electronic Tool

An electronic tool must allow at least:

a) keeping a record of an act or legal transaction performed through the electronic tool, or of a document delivered through it, containing the following information:

- 1. identification of the act, legal transaction or document,**
- 2. identification of the person who performed the act or legal transaction or sent the document,**
- 3. identification of the addressee of the act, legal transaction or document,**
- 4. the date and time of the act or legal transaction or sending of the document, the time when the addressee of the act, legal transaction or document became able to familiarise themselves with its content, confirmation of receipt of the document by the addressee, and**

b) storing the content of the act, legal transaction or document on a data storage device available to the addressee.

PART ELEVEN

TRANSITORY AND FINAL PROVISIONS

Section 184

Systemisation and Systemisation of Service Posts

(1) The initial systemisation and systemisation of service posts under this Act shall take

effect in all public authorities on 1 July 2015. Instead of an appointing authority, the draft systemisation shall be submitted to the Ministry of the Interior by the head of the public authority concerned, after consultation with the Ministry of Finance.

(2) The systemisation under paragraph 1 shall primarily focus on defining the service posts of civil servants and employee roles.

(3) By 1 January 2016, authorities may amend systemisations pursuant to paragraph 1 with the aim of providing further details relating to civil servant service posts and employee roles; the provisions of Section 18 shall not apply.

(4) Sections 17, 18, and 172 shall apply to systemisations under paragraph 1 and their amendments *mutatis mutandis*.

Section 185

Deputy Minister for the Civil Service

(1) The selection process shall be the responsibility of the Ministry of the Interior.

(2) The selection process shall be open to the following candidates:

- a) an employee in an employment relationship with a public authority (hereinafter referred to as a 'current employee'),
- b) a senior official of a self-governing territorial unit who is in charge of other senior officials,
- c) a senior official who is in charge of other senior officials,

provided that they are citizens of the Czech Republic, have reached the age of 40 on the day of appointment, and have held a managerial post in a public authority, self-governing territorial unit, EU institution, or international organisation for at least four years in the past eight years, or have been responsible for activities pursuant to Section 5 or similar activities as a disengaged member of a regional council or a municipal council of a municipality with extended powers. Their pay shall be determined in accordance with Part IX.

(3) Section 52 shall apply to the selection process *mutatis mutandis*. The Chief State Secretary shall take the oath of service in the presence of the Prime Minister; otherwise, Sections 31 and 32 shall apply.

(4) Paragraphs 1 to 3 shall apply to the selection process to fill the service post of the Director of Human Resources of the Civil Service Section *mutatis mutandis*.

Section 186

Head of a Service Authority

(1) The head of a public authority shall be considered a Head of a Service Authority performing service for an indefinite term; they may perform service at the post of the Head of the Service Authority until the service post is filled in accordance with this Act.

(2) A Head of a Service Authority who chairs a central administrative authority, shall take the oath of service in the presence of the Chief State Secretary within 60 days of this Act coming into effect. Heads of other Service Authorities shall take their oath of service in the presence of the superior appointing authority or the Chief State Secretary; should an individual fail to take the oath of service within the given period, refuse to take it, or take it with reservation, their civil service employment shall be terminated.

(3) If the Head of a Service Authority is a person under Section 33(1) or (2), they must take legal action without any undue delay to remove the impediment under Section 33(1) or (2).

(4) No later than 12 months after this Act comes into effect, the Chief State Secretary shall announce a selection process to fill the service post of the Head of the Service Authority; this procedure shall normally end on 30 of June 2016. This procedure is open to civil servants, who have been responsible for activities under Section 5 or similar activities at a public authority, territorial self-governing unit, EU institution, or international organisation for at least three of the past five years; provisions of Section 51(4) shall apply *mutatis mutandis*.

Section 187

Secretary-General

(1) The Chief State Secretary shall appoint Secretaries-General at ministries and at the Office of the Government from among current employees, based on the selection process:

a) senior employees assigned to at least the second management level, or senior civil servants, except for heads of units at these public authorities, who are in charge of activities similar to those pursuant to Section 5,

b) officials of self-governing territorial units working as Directors of Regional Authorities, and

c) officials of self-governing territorial units who work as Secretaries of Municipal Authorities in municipalities with extended powers,

provided that they meet the requirements set out in Section 25(1) and have been responsible for activities similar to those set out in Section 5 at a public authority, municipal authority in a municipality with extended powers, regional authority, EU institution, or international organisation for at least four of the past eight years, and their pay shall be determined in accordance with Part Nine herein.

(2) Section 53 shall apply to the selection process *mutatis mutandis*. The Secretary-General shall take the oath of service in the presence of the Chief State Secretary, otherwise, Sections 31 and 32 shall apply.

Section 188

Senior Civil Servant

(1) Any current senior employee in a public authority responsible for activities similar

to those pursuant to Section 5 shall, as of 1 July 2015, be considered a civil servant and a senior civil servant with an indefinite term; they may perform duties at the service post of a senior civil servant until the post has been filled in accordance with this Act.

(2) Any employee under paragraph 1 who, prior to 1 July 2015, was assigned to the first level of management shall be considered a senior civil servant appointed to the Head of Unit service post; any employee under paragraph 1 who, prior to 1 July 2015, occupied a position of a senior employee assigned to the second level of management shall be considered a senior civil servant appointed to the Director of Department service post,

(3) Any employee under paragraph 1, who, prior to 1 July 2015, occupied the position of:

a) Deputy Head of a Central Administrative Authority, and was responsible for managing a section,

b) a senior employee assigned to the third level of management, shall, from the day on which this Act takes legal effect, be considered a Deputy Head for Management of a Section in a ministry or the Office of the Government, or a Deputy Director of a Section in another public authority,

(4) Any senior civil servant under paragraphs 2 and 3 must take an oath of service in the presence of the appointing authority by 31 August 2015; if they fail to do so, or if they refuse to take the oath or take it with reservations, their civil service employment shall be terminated.

(5) If a senior civil servant is a person referred to in Section 33(1) or (2), they must immediately take legal action to remove the impediment referred to in Section 33(1) or (2); if they fail to do so, the the procedure shall be governed by Section 33(4).

(6) The appointing authority must announce a selection process to fill the service post of Deputy Head for Management of a Section or a Director of a Section by 31 of December 2015, and the selection process must, as a rule, be completed by 30 June 2016 at the latest. The appointing authority shall announce a selection process to fill the service posts of Director of a Department and Head of a Unit by 30 June 2016, with the selection process to be completed by 30 June 2017 as a rule. Civil servants employed in the civil service for an indefinite period who currently perform duties in the same field as the senior civil servant's service post may participate in the selection process; the provisions of Section 51(4) shall apply *mutatis mutandis*.

Section 189

Deputy Minister

Any senior employee who was a Deputy Minister on 1 July 2015, unless they are a Deputy Minister pursuant to Section 188(3)(a), shall be considered a Deputy Minister pursuant to Section 173(2).

Civil Service Employment of Other Current Employees

Section 190

(1) Any current employee responsible for activities pursuant to Section 5, who, prior to 1 July 2015, was in regular employment under labour law for an indefinite period, shall, as a result of systemisation pursuant to Section 184(1), be entitled to appointment to the civil service for an indefinite period, if they:

- a) meet the requirements stipulated in Section 25(1),
- b) are responsible for activities pursuant to Section 5 in line with the systemisation,
- c) have applied in writing, prior to 31 August 2015 for appointment to the civil service at the relevant public authority, and
- d) have been in charge of activities pursuant to Section 5 or similar activities at a public authority, a municipal office of a municipality with extended powers, a regional authority, an EU institution, or an international organisation for at least four years within the ten years prior to submitting their application.

(2) The employment of the current employee under labour law, as stipulated in paragraph 1, shall last from 1 July 2015 until the commencement of the civil service employment for an indefinite period; this shall not exclude the option of terminating the employment under labour law prior to the commencement of civil service employment.

(3) The process of appointment to the civil service shall comply with Sections 23 and 30 to 32. The appointing authority shall issue a decision on appointment to the civil service by 31 December 2015 at the latest.

(4) Unless the employee referred to in paragraph 1 above applies for appointment to the civil service, their employment contract for an indefinite period shall terminate on 30 June 2017. For an employee carrying out activities as a physician of the social security authority, the employment contract for an indefinite period shall terminate on 31 December 2018; this does not exclude the possibility of terminating the employment relationship prior to this date in accordance with labour law. Prior to termination or revocation of their regular employment contract, the respective employee may continue to work at the service post and be responsible for activities pursuant to Section 5.

(5) Paragraph 4 shall apply *mutatis mutandis* should the current employee apply for appointment to the civil service but be rejected due to failing to meet the requirements for appointment pursuant to Section 25(1); in such a case, the respective employee shall be eligible for severance pay in accordance with labour law.

Section 190a

(1) The employment of current employees under labour law, as specified in Section 190(1), who were not appointed to the civil service due to failing to meet the requirements under Section 25(1)(e), or who did not apply for appointment to the civil service and simultaneously failed to meet the requirements under Section 25(1)(e), shall terminate on 31 December 2021.

(2) A current employee referred to in paragraph 1 is entitled to be appointed to the civil service for an indefinite term if they submit a written application to a public authority by 31 August 2017, and on the date of their application they meet the requirements under Section 25(1)(a), (c), (d) and (f), and have met the condition set out in Section 190(1)(b). They must also have reached the age of 50 and have carried out activities under Section 5, or similar activities, for a period of 20 years at a public authority, a municipal authority of a municipality with extended powers, a regional authority, an institution of the European Union, or an international organisation.

(3) A current employee referred to in paragraph 1 is entitled to be appointed to the civil service for an indefinite term if they submit a written application to a public authority by 31 August 2021, and on the date of their application, meet the requirements under Section 190(1)(a), (b) and (d).

(4) The commencement of civil service employment shall be governed by Sections 23 and 30 to 32. The appointing authority shall issue a decision on the appointment within four months of the application for appointment to civil service being delivered, in accordance with paragraphs 2 and 3.

(5) The right to severance pay under Section 190(5) shall lapse if the current employee is appointed to the civil service.

(6) The commencement of the civil service employment of a civil servant under paragraph 4 shall mean that the civil servant has passed the civil service examination, and the relevant appointing authority shall issue a certificate to this effect.

Section 191

(1) A current employee who meets the requirements set out in Section 190(1), except for the condition in Section 190(1)(d), shall be entitled to the civil service employment for a fixed term until 30 June 2017, in line with the systemisation set out in Section 184(1).

(2) Employment of an employee referred to in paragraph 1 shall last from 1 July 2015 until the commencement of the fixed-term civil service employment; this shall not preclude termination of employment in accordance with labour law prior to the commencement of the civil service employment.

(3) A current employee referred to in paragraph 1 must pass the general part of the civil service examination by 30 June 2017.

(4) The civil service employment of the current employee referred to in paragraph 1 shall terminate on the last day of the calendar month in which they fail to retake the civil service examination; however, this shall not be later than the deadline for the successful completion of the examination pursuant to paragraph 3. In such a case, the respective employee shall be eligible for severance pay in accordance with labour law. The provisions of Section 190(3) to (5) shall apply *mutatis mutandis*.

(5) A current employee referred to in paragraph 1 shall be entitled to a civil service

appointment for an indefinite term after passing the civil service examination.

Section 192

(1) A current employee performing duties set out in Section 5, who had a fixed-term employment contract under labour law before 1 July 2015, shall, in line with the systemisation pursuant to Section 184(1), be entitled to be appointed to the civil service for a fixed term not exceeding the period for which they had entered into the employment contract provided that they:

- a) comply with the requirements set out in Section 25(1),
- b) are responsible for activities pursuant to Section 5 according to the systemisation, and
- c) submitted a written application for civil service appointment to a public authority before 31 August 2015.

(2) The employment of an employee referred to in paragraph 1 shall last from 1 July 2015 until the commencement of civil service employment for a fixed term; this does not exclude the possibility of terminating employment in accordance with the labour law before the commencement of civil service employment. Prior to the termination or revocation of their employment under labour law, the respective employee may work at a service post and be responsible for activities pursuant to Section 5.

(3) The establishment of civil service employment shall be governed by Sections 23 and 30 to 32. The appointing authority shall issue a decision on appointment to the civil service by 31 December 2015.

(4) Unless an employee referred to in paragraph 1 applies for appointment to the civil service, their fixed-term employment under labour law shall terminate by 30 June 2017 at the latest. If a current employee referred to in paragraph 1 who is a physician working for the social security authority does not apply for civil service appointment, their fixed-term employment under labour law shall terminate by 31 December 2018.

Section 193

(1) Current employees must apply for civil service appointment in writing and in the Czech language.

(2) The current employee shall document the requirement of no previous criminal record by means of a written solemn declaration. To verify compliance with this requirement, the relevant appointing authority shall request an excerpt from the database of Criminal Records no later than on 30 June 2016. The request for an excerpt and the excerpt itself shall be submitted electronically using remote access. Should the database reveal that the current employee failed to comply with this requirement, their civil service employment shall terminate the day after the excerpt from the database of Criminal Records is delivered to the relevant appointing authority.

(3) Current employees referred to in Sections 190 to 192 who have not applied for civil service appointment shall perform duties under their employment contract in accordance with

labour law, and may carry out activities under Section 5; they shall be remunerated in accordance with Section 178(2).

Section 194

(1) Sections 190 to 193 shall apply *mutatis mutandis* to a current employee responsible for activities pursuant to Section 5 whose job was defined as a civil servant's post in systemisation pursuant to Section 17, or in a change to systemisation pursuant to Sections 18 or 184(3); the statutory periods shall commence on the day on which the systemisation or its change came into effect, rather than on 1 July 2015.

(2) Sections 190 to 193 shall apply *mutatis mutandis* to a current employee responsible for activities pursuant to Section 5 who is unable to work due to impediments on their part as set out in Sections 191 to 205 of the Labour Code; the statutory periods shall commence on the day on which the impediments cease to exist, rather than on 1 July 2025.

Section 195

If an individual appointed to the civil service under Sections 185 to 188, 190 to 192 or 194 reaches the age of 70 before their civil service employment commences, their civil service employment shall terminate on the last day of the calendar year in which it commenced.

Section 195a

Before 31 December 2017, Section 74(1)(h) shall not apply to a civil servant assigned or appointed to the service post of a social security authority physician. The civil service employment of a civil servant assigned or appointed to the service post of a physician of the social security authority who reaches the age of 70 prior to 1 January 2018 shall terminate on 31 December 2018.

Section 196

Civil Service Examination

(1) The commencement of civil service employment of civil servants under Sections 185 to 188 and 190 shall mean that they have passed the civil service examination. The relevant appointing authority shall issue certificates to this effect.

(2) The commencement of the civil service employment of civil servants under Sections 191 and 192 shall mean that they have passed the special part of the civil service examination for the relevant field of service, and the relevant appointing authority shall issue certificates to this effect.

Section 197

Limitation of Certain Rights of Civil Servants

No later than three months after commencing civil service employment, civil servants must either stop all other income-generating activities or apply to the relevant appointing

authority for consent pursuant to Section 81(2).

Remuneration

Section 198

(1) Upon their appointment to the civil service, a current employee shall be assigned a personal supplementary allowance and an allowance for managing people, corresponding to their personal supplementary allowance and allowance for managing people according to the pay statement valid on the last day prior to the commencement of their civil service employment. The pay grade and pay rate shall not change unless, upon commencement of their civil service employment, the employee meets the conditions for an upgrade to a higher pay grade.

(2) A current employee who was assigned a pay tariff on the scale of pay tariffs from the lowest to the highest pay step of the given pay grade and whose pay tariff, according to the binding pay statement on the last day before their civil service employment commenced, is lower than what is appropriate for their experience, shall be assigned a pay tariff corresponding to the pay step according to their experience upon commencement of their civil service employment.

(3) A current employee who was assigned a pay tariff on the scale of pay tariffs from the lowest to the highest pay step of the given pay grade and whose pay tariff, according to the binding pay statement on the last day before their civil service employment commenced, is higher than what is appropriate for their experience, shall, upon commencement of their civil service employment, be assigned a pay tariff which is the closest in value to that assigned to an employee within the scale of pay tariffs. The civil servant shall remain at this pay step until they have gained the applicable experience defined for the higher pay step. The same applies to a current employee who was assigned a higher pay step than would correspond to their experience.

(4) Upon commencement of their civil service employment, a current employee receiving contractual pay shall be assigned a pay tariff, a personal supplementary allowance and an allowance for managing people, or as the case maybe, a special bonus and/or a supplementary allowance for work in aggravated service conditions. The total sum of such income shall correspond to their current contractual pay; should the personal supplementary allowance, the allowance for managing people and/or the supplementary allowance for work in aggravated service conditions, as calculated above, exceed the maximum admissible sum pursuant to this Act, these components of the pay shall be reduced to the admissible amount. The pay tariff shall correspond to the pay grade defined for the respective service post and applicable experience.

(5) Section 149(2) shall not apply to civil servants under paragraph 1.

Section 199

The service authority shall cooperate and coordinate with the Ministry of Labour and Social Affairs, providing the Ministry with the necessary data and information for the launch of the new civil servants' remuneration system, ensuring its full operability by 1 January 2017.

Section 200

Recognition of the Length of Employment of Current Employees and Their Entitlements

(1) When calculating the length of time a civil servant has worked pursuant to Sections 185 to 188 and 190 to 192, the time they worked as an employee of public authorities immediately before their civil service appointment shall be included.

(2) Current employees' claims relating to their pre-appointment employment relationship that still exist on the date of their appointment to the civil service shall be considered claims deriving from their civil service employment as of the first day of their civil service employment.

Section 201

Exemption from the Education Requirement

(1) A current employee who has performed their duties diligently over a long period of time, despite failing to meet the education requirements for the activities in question under the regulations governing the remuneration of state administration body employees, may be appointed to the civil service and assigned or appointed to a service post in which they will perform duties similar to those they performed while employed under the Labour Code, **even if the level of education they have achieved is lower than that required for the service post by this Act.**

(2) While performing duties in a service post pursuant to paragraph 1, a civil servant shall be considered to meet the education requirements.

(3) A civil servant who is appointed to the civil service and assigned or appointed to a service post under paragraph 1 may be transferred or assigned to a different service post under Section 49(2), the part of the sentence before the semicolon, or Section 49(3). The provisions of paragraph 2 shall apply mutatis mutandis.

(4) A senior civil servant appointed under paragraphs 1 or 3 may be appointed to a Head of a Service Authority, Director General of a Section, Director of a Section or Director of a Department service post if they were serving in that position on the date of announcement of the selection process or on the date immediately before a change in their civil service employment as referred to in Section 70(1). The provisions of paragraph 2 shall apply mutatis mutandis.

Section 202

The Directorate General of Civil Service is dissolved.

Section 203

Special Procedure Prior to the Launch of the Civil Service Information System

(1) The Ministry of the Interior shall launch the Civil Service Information System no later than two years after this Act comes into force.

(2) Until the registry of civil servants is fully operational, the Ministry of the Interior shall maintain a record of civil servants temporarily assigned out of the civil service and the reasons for this. The appointing authority shall notify the Ministry of the Interior of the identification number, service rank, field of service, and pay grade of civil servants temporarily assigned out of the service, as well as of any changes to this information within 7 days.

(3) Until the other elements of the Civil Service Information System are fully operational, the Ministry of the Interior shall determine the ways in which its functionalities shall be executed and shall publish relevant information on its websites.

Section 204

Service Badge

The service authority shall issue a service badge to the civil servant by 31 December 2019.

Section 205

Authorisation Clause

The government shall, by way of a regulation, promulgate the following:

- a) rules for organising a service authority **and the drafting and amending the content of individual job descriptions for service posts,**
- b) rules for creating work-life balance conditions for civil servants,
- c) conditions for performing duties from a location other than the premises of a service authority, and activities performed within individual fields of service where working from another location cannot be permitted.

PART TWELVE

REPEALING PROVISIONS

Section 206

The following shall be repealed:

1. Act No. 213/1948 Coll., on the amendment of some provisions to protect public interest.
2. Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act).
3. Act No. 281/2003 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended by Act No. 131/2003 Coll., and Act No.

- 309/2002 Coll., and on amendment of Acts in relation to the adoption of the Act on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended by Act No. 123/2003 Coll.
4. Part One of Act No. 426/2003 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and some other Acts.
 5. Part Eleven of Act No. 359/2004 Coll., amending Act No. 90/1995 Coll., on the Code of Procedure of the Chamber of Deputies, as amended, and some other Acts in relation to setting up of remunerations and other aspects of service of Members of the European Parliament, elected in the Czech Republic.
 6. Part Forty Seven of Act No. 436/2004 Coll., amending some other Acts in relation to the adoption of the Act on Employment.
 7. Part Four of Act No. 586/2004 Coll., amending some other Acts in relation to the adoption of the Act on Military conscription (Military Conscription Act).
 8. Part Nine of Act No. 626/2004 Coll., on amendment of some Acts pursuant to the implementation of the reform of public finance in the area of remunerations.
 9. Part Twenty of Act No. 127/2005 Coll., on Electronic communications and on amendment of some other related Acts (Electronic Communications Act).
 10. Part Fifty Four of Act No. 413/2005 Coll., on amendment of some Acts pursuant to the adoption of the Act on the protection of classified information and security clearance.
 11. Part Nineteen of Act No. 57/2006 Coll., on amendment of some Acts pursuant to the harmonisation of financial market supervision.
 12. Part Forty Four of Act No. 189/2006 Coll., amending some other Acts in relation to the adoption of the Act on Medical insurance.
 13. Part Fifty One of Act No. 264/2006 Coll. on amendment of some Acts pursuant to the adoption of the Labour Code.
 14. Part One of Act No. 531/2006 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and some other Acts.
 15. Part Thirty Five of Act No. 261/2007 Coll., on stabilisation of public budgets.
 16. Part Five of Act No. 362/2007 Coll., amending Act No. 262/2006 Coll., the Labour Code, as amended, and other related Acts.
 17. Part Twelve of Act No. 305/2008 Coll., amending Act No. 187/2006 Coll., on health insurance, as amended, and some other Acts.
 18. Part Twenty of Act No. 306/2008 Coll., amending Act No. 155/1995 Coll., on retirement insurance, as amended, Act No. 582/1991 Coll., on Organisation and Implementation of Social Security, as amended, and some other Acts.
 19. Act No. 381/2008 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and Act No. 309/2002 Coll., on amendment of some acts in relation to the adoption of the Act on Service of civil servants

- at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended.
20. Part Thirty One of Act No. 41/2009 Coll., on amendment of some Acts pursuant to the adoption of the Criminal Cod.
 21. Part Ten of Act No. 326/2009 Coll., on promotion of economic growth and social stability.
 22. Part Nine of Act No. 30/2011 Coll., amending Act No. 280/2009 Coll., Tax Law, and other related Acts.
 23. Part Twenty Two of Act No. 73/2011 Coll., on the Labour Office of the Czech Republic and on the amendment of some Acts.
 24. Part Fourteen of Act No. 364/2011 Coll., amending some Acts in relation to the austerity measures under responsibility of the Ministry of Labour and Social Affairs.
 25. Part Sixty Seven of Act No. 375/2011 Coll., amending some other Acts in relation to the adoption of the Act on Medical services, Act on specific medical services and Act on medical emergency services.
 26. Act No. 445/2011 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and Act No. 309/2002 Coll., on amendment of some acts in relation to the adoption of the Act on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended.
 27. Part Twenty of Act No. 457/2011 Coll., amending some other Acts in relation to the adoption of the Act on the Internal Revenue Service of the Czech Republic.
 28. Part Fifty Four of Act No. 458/2011 Coll., on amendment of Acts in relation to the introduction of the single collection point and other changes in the tax and insurance legislation.

PART THIRTEEN

EFFECT

Section 207

This Act shall enter into effect on January 1, 2015, with the exception of the provisions of Sections 13, 184, 185, 186, 187, 202 and 206, which shall enter into effect on the day of its publication.

Hamáček m.p.
Sobotka m.p.

Description of Pay Grades of Civil Servants

Pay grade 6

Prescribed education: secondary education completed with a school leaving examination
Activities performed according to usual procedures and defined outputs, processes, and substantial links to other processes (hereinafter referred to as ‘professional activities’) that deal with independent, integrated systems, which may be divided into subsystems and have links to other systems. Examples include handling administrative proceedings (case files) with clear procedures and a small number of parties involved, as well as independent handling of subparts of administrative proceedings according to usual procedures.

Pay grade 7

Prescribed education: secondary education completed with a school leaving examination
Professional activities dealing with complex systems that are internally subdivided into integrated subsystems that may be further divided and have close links to other systems, e.g., handling of administrative cases (administrative proceedings) with multiple parties, with extensive supporting documentation, cases spanning multiple legal and factual areas, time-consuming proceedings (deadlines) involving complex supporting documentation, management of simple agendas with regard to individual elements of the system that are small in scope and have limited links to other agendas, management of a system of supporting documentation associated with searches (without analysis), documenting activities, complex calculations (multiple parameters), investigations, inquiries.

Pay grade 8

Prescribed education: secondary education completed with a school leaving examination
A wide range of activities with generally defined inputs, processes to be followed and defined outputs that are an organic part of broader processes dealing with particularly complex administrative cases involving multiple parties, affecting many different legal and factual areas and requiring extensive supporting documentation, requests for evidence, expert opinions and complex enforcement of decisions. Is in charge of a comprehensive set of activities in the field of service (hereinafter referred to as ‘the service agenda’) performed by territorial administrative authorities.

Pay grade 9

Prescribed education: secondary education completed with a school leaving examination or postsecondary professional education

A complex set of activities with generally defined inputs and generally defined outputs requiring a great variability of applied solutions and approaches and with specific links to a wide range of processes (hereinafter referred to as ‘systemic activity’), deals with complex systems consisting of independent diverse systems with fundamentally determining internal and external links, e.g., complex service agendas performed by territorial administrative authorities with extensive internal and external links to other fields of service, or service agendas of Service Authorities with nationwide competences.

Pay grade 10

Prescribed education: post-secondary professional education or bachelor's degree

Systemic activities dealing with service agenda of central administrative authorities with precisely defined links to other agendas, processes and procedures to be followed or service agenda of central administrative authorities with nationwide competences with extensive internal and external links to other agendas affecting large groups of citizens. Activities with unspecified inputs and solution methods and very broadly defined outputs with extensive links to other processes (hereinafter referred to as 'specialised systemic activity') in the field of service performed by territorial administrative authorities.

Pay grade 11

Prescribed education: bachelor's or master's degree

Systemic activities dealing with service agenda of central administrative authorities or fields of service of central administrative authorities with nationwide competences. Systemic specialised activities in the fields of service performed by territorial administrative authorities with complex internal structures and with multiple links to other fields of service and affecting many different legal and factual areas.

Pay grade 12

Prescribed education: bachelor's or master's degree

Activities with unspecified inputs, solution methods and very broadly defined outputs with extensive links to other processes (hereinafter referred to as 'conceptual activities') in the fields of service of service authorities with nationwide competences or in the fields of service of territorial administrative authorities with complex internal structures dealing with specialised fields of service and with multiple links to other fields of service affecting many different factual and legal areas, or with particularly difficult conditions for the performance of tasks of society-wide importance, including the coordination and unification of the procedure applied by territorial administrative authorities in performing tasks in their field of service. Systemic activities in the field of service of central administrative authorities or in the service agendas of these authorities affecting many different factual and legal areas, or in factually and organisationally complex service agendas with fundamental links to other fields of service.

Pay grade 13

Prescribed education: master's degree

Systemic specialised activities in the fields of service of other central administrative authorities or systemic activities in the fields of service of ministries and other central administrative authorities with extensive internal structures and with multiple links to other fields of service with nationwide competences. Conceptual activities of central administrative authorities with nationwide competences and extensive internal structure divided into different fields of service and with multiple links to other fields of service affecting many different factual and legal areas, or with particularly difficult conditions for the performance of tasks of societywide importance, including the coordination and unification of the procedure applied by territorial administrative authorities in performing tasks in their field of service.

Pay grade 14

Prescribed education: master's degree

Conceptual activities in the fields of service of other central Service Authorities including systemic coordination of multiple fields of service and systems of nationwide importance. Specialised systemic activities in the fields of service of ministries and other central Service Authorities with extensive internal structures and with broad links to other fields of service with nationwide competences.

Pay grade 15

Prescribed education: master's degree

In charge of determining the concept of the long-term development of the fields of service of ministries and other central Service Authorities with extensive internal subdivision into various fields of service and with broad links to other fields of service with national scope and other societywide systems predetermining the actions of the broadest groups of other persons in essential areas, including systemic coordination with international and supranational systems.

Pay grade 16

Prescribed education: master's degree

In charge of comprehensive coordination tasks to determine the concept of long-term development of the main fields of activity within the statutory powers of ministries **or other central administrative authorities** with extensive internal subdivision into specialised fields of service with links to other fields of service with national scope and other societywide systems predetermining the actions of the broadest groups of persons in essential areas.

Managerial Supplementary Allowance

(as a percentage of the pay tariff of the highest pay grade in the pay category applicable to the posts of the senior civil servant)

Senior civil servant	Central administrative authorities	Administrative authorities with nationwide competences	Territorial administrative authorities	Other administrative authorities
Deputy Head of a Unit pursuant to Section 9a	10 up to 20	5 up to 15		
Head of a Unit, Director of a Department pursuant to Section 9a , Deputy Head of a Diplomatic Mission pursuant to Section 9a	20 up to 30	10 up to 20		
Director of a Department, Deputy Director General of a Section, Deputy Director of a Section pursuant to Section 9a , Head of a Diplomatic Mission, Deputy State Secretary pursuant to Section 9a	30 up to 40	25 up to 35	20 up to 30	15 up to 25
Director General of a Section, Director of a Section, State Secretary, Deputy Head of a Service Authority pursuant to Section 9a	40 up to 50	35 up to 45	30 up to 40	25 up to 35
Head of a Service Authority Chief State Secretary	50 up to 60	45 up to 55	35 up to 45	30 up to 40

AMENDMENTS TO CERTAIN OTHER ACTS

Amendment to Act no. 141/1961 Coll., on Criminal Procedure (Code of Criminal Procedure), as amended

Section 70

Notification of Custody

(1) A family member of the accused or another person designated by the accused for notification, and the accused's employer, must be notified without delay of the taking into custody; this does not apply if the accused declares that they do not consent to such notification, unless the notification is to a family member of a juvenile.

(2) Information on the taking into custody of:

a) a member of the security forces or an employee of the Czech Republic assigned to work in the security forces shall also be provided to the director of the security force. In the case of the director of a security force being taken into custody, this information shall be provided to their superior¹⁴⁾,

b) a professional soldier or a soldier in active reserve shall also be provided to the Minister of Defence,

c) a civil servant shall also be provided to the appointing authority in the service authority where the civil servant performs their duties,

d) a sworn expert, court interpreter or court translator shall also be provided to the Ministry of Justice,

e) a foreign national and their release from custody shall also be provided to the consular office of the foreign national's state of citizenship, if the foreign national so requests, unless otherwise provided by an international treaty binding on the Czech Republic.

Section 160

(1) If the facts established and substantiated by the investigation pursuant to Section 158 indicate that a criminal offence has been committed, and if there are sufficient grounds to conclude that it was committed by a specific person, the police authority shall decide immediately to initiate criminal proceedings against that person as the accused, unless there are grounds for proceeding pursuant to Sections 159a(2) and (3), Section 159b(1), (3) and (4), or 159c(1). The ruling on the initiation of criminal proceedings must contain a description of the act of which the person is accused, so that it cannot be confused with another act, and the legal designation of the criminal offence which is considered to have been committed in this act; the accused must be identified in the ruling on the initiation of criminal proceedings by the same details that must be given of the defendant in the judgment (Section 120(2)). The grounds for

¹⁴⁾ Section 2(2) of Act No. 361/2003 Coll., on the service relationship of members of security forces, as amended.

the decision must specify the facts justifying the conclusion that criminal proceedings are substantiated.

(2) A copy of the decision to initiate criminal proceedings must be delivered to the accused at the latest at the beginning of the first interrogation, and within 48 hours to the public prosecutor and the defence counsel; in the case of the defence counsel, the time limit for delivery shall run from the date of their election or appointment. A copy of the decision to initiate criminal proceedings must also be delivered to the injured party if their place of residence or registered office is known, and if they have requested it.

A copy of the decision to initiate criminal proceedings shall also be delivered without delay to:

- a) the president of the relevant professional self-governing chamber if the criminal proceedings concern one of its members and the chamber has the power to suspend the member's activities due to the initiation of criminal proceedings,**
- b) the director of a security force in the case of criminal proceedings against a member of the security forces or an employee of the Czech Republic assigned to work in the security forces, or the superior of the director of the security forces in the case of criminal proceedings against the director of the security forces,**
- c) the Minister of Defence, in the case of a professional soldier or a soldier in the active reserves,**
- d) the Minister of Justice, in the case of criminal proceedings against a public prosecutor, lawyer, bailiff or notary,**
- e) the Ministry of Justice, in the case of criminal proceedings against a sworn expert, court interpreter or court translator,**
- f) the chief public prosecutor of the public prosecutor's office to which the public prosecutor is assigned, temporarily assigned or transferred, or which is designated as the place of performance of the functions of the European Delegated Prosecutor, in the case of criminal prosecution of a public prosecutor, and to the chief public prosecutor of the next higher public prosecutor's office, if the public prosecutor being prosecuted is the chief public prosecutor,**
- g) the director of the remand prison, prison or secure detention facility in which the person subject to criminal proceedings is being held in custody, serving a prison sentence or is in secure detention,**
- h) the appointing authority in the service authority in which the civil servant subject to criminal proceedings is performing civil service, and**
- i) other authorities or persons not specified in points a) to h), if so provided by another legal regulation.**

(3) If it is not possible for the competent authority to perform the necessary urgent or non-repeatable acts, the police authority shall perform these acts and initiate criminal proceedings. Within three days of performing these acts, the police authority shall hand over the case to the competent authority, which shall continue the proceedings.

(4) An urgent act is an action which, due to the risk of evidence being frustrated, destroyed or lost, cannot be postponed until the criminal proceeding commence from the perspective of the purpose of the proceedings. An unrepeatable act is a procedural action that cannot be performed before a court. A report on the performance of an urgent or unrepeatable act must always state the facts on which it was deemed urgent or unrepeatable.

(5) If, during the investigation, it becomes apparent that the accused has committed an act not specified in the decision to initiate criminal proceedings, the procedure set out in paragraphs 1 and 2 shall be followed with regard to that act.

(6) If, during the investigation, it becomes apparent that the act for which criminal proceedings were initiated constitutes a different criminal offence to that which was legally assessed in the decision to initiate criminal proceedings, the police authority shall notify the accused of this and make a record of it.

(7) The accused may lodge a complaint against the decision to initiate criminal proceedings.

Section 179b

(1) The authority conducting the summary preparatory proceedings shall perform the acts specified in Chapter Nine. Only urgent or unrepeatable acts shall be performed in the manner specified in Chapter Four.

(2) In summary preparatory proceedings, the suspect shall have the same rights as the accused (Sections 33(1) and (2)). A detained suspect has the right to choose defence counsel and consult with them in private during detention. The suspect must be informed of this before interrogation and must be given a full opportunity to exercise their rights.

(3) A suspect of a criminal offence must be questioned and, at the latest at the beginning of the questioning, informed of the act of which they are suspected and of the criminal offence with which they are charged. The authority conducting the summary preparatory proceedings shall make a record of this. A copy of this record shall be given to the suspect and their defence counsel, and the police authority shall also send a copy of the record to the public prosecutor within 48 hours. The provisions on the interrogation of the accused shall apply *mutatis mutandis* to the interrogation of the suspect.

(4) Summary preparatory proceedings must be completed within two weeks of the police informing the suspect of the alleged offence and the offence deemed to have been committed in that act (Section 179b(3)).

(5) During summary preparatory proceedings, the public prosecutor may negotiate a plea bargain with the suspect; the provisions of Section 175a shall apply mutatis mutandis to the conditions and procedure for negotiating such an agreement. Criminal proceedings shall commence upon delivery of the proposal for approval of the plea bargain. **The third sentence of Section 160(2) shall apply mutatis mutandis to the notification of the submission of a proposal for approval of the plea bargain concluded with a person referred to in the third sentence of Section 160(2).**

(6) If the suspect is temporarily exempt from the jurisdiction of the criminal justice authorities (Section 10), or if the criminal prosecution is temporarily inadmissible due to a lack of consent from the relevant authority, the public prosecutor shall proceed in accordance with the provisions of Section 159b(3).

Section 179d

(1) A proposal for punishment shall contain the same particulars as an indictment, except for the statement of reasons.

(2) The public prosecutor shall attach all relevant documents and other attachments to the proposal for the court proceedings and decision.

(3) Section 160(2), third sentence, shall apply mutatis mutandis to the notification of the filing of a motion to punish a person referred to in Section 160(2), third sentence.

Amendment to Act No. 2/1969 Coll., on the establishment of the ministries and other central government authorities of the Czech Republic, as amended

Section 12

(1) The Ministry of the Interior is the central government authority responsible for internal affairs, particularly:

- a) public order and other matters of internal order and security within the defined scope, including supervision of road safety and flow,
- b) names and surnames, registers of births and deaths, citizenship, identity cards, residence registration, population records and birth numbers,
- c) the right of assembly and association in political parties and political movements,
- d) public collections,
- e) archiving and record keeping,
- f) weapons and ammunition,
- g) fire protection,

- h) travel documents, residence permits for foreigners, and refugee status,
- i) the territorial division of the state,
- j) state borders, including their demarcation and maintenance, keeping documentary records, and establishing, closing and changing the character of border crossings,
- k) state symbols,
- l) elections to local government bodies, to the Parliament of the Czech Republic and to the European Parliament held in the territory of the Czech Republic, as well as the election of the President of the Republic,
- m) Crisis management, civil emergency planning, civil protection and the integrated rescue system.

(2) The Ministry of the Interior shall perform a coordinating role in administrative proceedings, administrative penalties, file management and Rules of Procedure.

(3) The Ministry of the Interior shall perform a coordinating role in the organisation and performance of public administration.

(4) The Ministry of the Interior performs a coordinating role in relation to the service relationship of members of the security forces.

(5) The Ministry of the Interior provides communication networks for the Police of the Czech Republic, the integrated rescue system and territorial state administration bodies. It also operates an information system for exchanging classified information between public authorities.

(6) The Ministry of the Interior coordinates communication technologies.

(7) The Ministry of the Interior performs a coordinating role in relation to European political parties and European political foundations based in the Czech Republic.

Section 28

(1) The Government of the Czech Republic manages, controls and harmonises the activities of ministries.

(2) Government resolutions and written records of the conclusions of Government meetings shall be published in a manner allowing remote access. If an audio or audiovisual recording is made of a meeting of the Government of the Czech Republic, it may not be made available for 30 years from its creation date, in accordance with legal regulations governing the right to information.

~~(2)~~ **(3)** Tasks relating to the professional, organisational and technical support of the activities of the Government of the Czech Republic, its bodies, and members of the Government not entrusted with the management of a ministry or office, or bodies set out in special legislation or the Government's decision, shall be performed by the Office of the Government of the Czech

Republic.

(4) The Office of the Government shall perform a coordinating role in the area of the civil service.

~~(3)~~ ~~(4)~~ **(5)** The Head of the Office of the Government of the Czech Republic is appointed and dismissed by the Government of the Czech Republic. The Office's activities are managed by its head, except for organisational matters of the civil service and the service relations of civil servants; in these matters, the Head of the Office of the Government shall proceed in accordance with the Civil Service Act.

~~(4)~~ ~~(5)~~ **(6)** The Office of the Government of the Czech Republic shall establish the position of National Security Advisor, who shall be Secretary to the State Security Council. The National Security Advisor shall be appointed and dismissed by the Government on the Prime Minister's recommendation. They shall participate in coordinating the activities of state authorities in ensuring the security and defence of the Czech Republic, and on the basis of a Government decision, they shall also represent the Czech Republic in negotiations with foreign states and international organisations on matters relating to the security and defence of the Czech Republic. This includes obligations arising from the Czech Republic's membership of international organisations or institutions. National Security Advisors are entitled to the pay and benefits as the Head of the Office of the Government of the Czech Republic. They are accountable to the Prime Minister for the performance of their duties and, to the extent determined by the Government, they are authorised to issue orders to civil servants employed by the Office of the Government of the Czech Republic to perform their duties in accordance with the Civil Service Act.

Amendment to Act No. 166/1993 Coll., on Supreme Audit Office, as amended

Section 8

President and Vice-President of the Office

(1) The President of the Office shall direct the Office and act on its behalf, and shall preside over the Board of the Office and over the Disciplinary Chamber of the Office.

(2) The President of the Office shall submit to the Senate a list of candidates for Members of the Office for oversight of the financial management of political parties and political movements under the Act on Association in Political Parties and Political Movements.

(3) The President of the Office shall submit to the Government a proposal for the appointment of members of the Service Commission under the Civil Service Act.

~~(3)~~ **(4)** The President of the Office shall submit to the Board of the Office President:

- a) the draft audit plan and changes thereto;
- b) the draft budget including changes thereto, budgetary measures and the closing account of the budget chapter of the Office;
- c) all audit reports underpinning the opinion on the draft of the state closing account;

- d) the draft of the annual report on the Office's work in the past financial year (hereinafter 'the annual report');
- e) the draft organisational and working rules of the Office, including amendments thereto;
- f) the draft rules of procedure of the Board of the Office and of the Senates of the Office, including amendments thereto;
- g) the draft disciplinary rules;
- h) suggestions from the Chamber of Deputies, the Senate, their bodies and the government.

~~(4)~~ (5) After consultation with the Board of the Office, the President of the Office shall approve the working rules of the Office.

~~(5)~~ (6) The President of the Office is entitled to attend meetings of the Chamber of Deputies, of the Senate, and of their bodies when they discuss audit reports, proposals, and opinions that are related to the Office's activity. If he or she requests to be given the floor, the request shall be granted.

~~(6)~~ (7) When the Chamber of Deputies, the Senate, or their bodies demand the presence of the President of the Office at their sessions, he or she shall attend such deliberations.

~~(7)~~ (8) The President of the Office is entitled to attend meetings of the government when audit reports and opinions on them are discussed. If he or she requests to be given the floor, the request shall be granted.

~~(8)~~ (9) If neither the President of the Office nor the Vice-President of the Office are exercising their office temporarily, the function of the President of the Office shall be always performed by the oldest Member of the Office.

Amendment to Act No. 349/1999 Coll., on the Public Defender of Rights,
as amended

Section 22

(1) The Defender is authorised to recommend that a legal or internal regulation be issued, amended or cancelled. The Defender shall submit the recommendation to the authority whose competence is concerned and, if the matter concerns a Government regulation or resolution or a law, to the Government.

(2) The authority shall provide its statement on the recommendation pursuant to paragraph 1 above within 60 days. Section 20 (2) shall apply analogously.

(3) The Defender may nominate lay judges for registration in the list of lay judges in proceedings concerning judicial distrainers pursuant to a special legal regulation.

(4) The Defender shall submit to the Government a proposal for the appointment of members of the Service Commission under the Civil Service Act.

Amendment to Act No. 150/2002 Coll., Code of Administrative Justice, as amended

Section 101e

(1) The **Chief State Secretary** may submit a proposal to repeal a service regulation within 30 days of the expiry of the deadline for remedial action under the Civil Service Act.

(2) In addition to the general submission requirements (Section 37(2) and (3)), the proposal to repeal a service regulation must clearly state the factual and legal grounds on which the proposal considers the regulation or part thereof to be unlawful. If the proposal meets these criteria, it cannot be amended during subsequent proceedings to include parts of the service regulation that have not yet been challenged or expanded upon by additional points in the proposal. The person making the proposal may limit the scope of the proposal at any time during the proceedings.

(3) The provisions of Section 34, except for the first sentence of paragraph 2 and paragraph 4, and Section 76, shall apply mutatis mutandis.

(4) The Municipal Court in Prague shall have jurisdiction over proceedings concerning a proposal to repeal a service regulation.

Amendment to Act No. 312/2002 Coll. on Officials of Territorial Self-governing Units and Amending Certain Other Acts

Section 12
Dismissal from Office

(1) A senior official or a head of an authority may only be dismissed or removed from their office:

- a) if they no longer meet any of the requirements pursuant to Section 4,
- b) if they have seriously breached a statutory duty within six months prior to their removal or, in the case of a head of an office, prior to the submission of a proposal for consent to their removal,
- c) if they have committed at least two minor breaches of a statutory duty within the last six months prior to removal from office or, in the case of a head of an authority, prior to the submission of a proposal for consent to the removal of the head of the authority,
- d) if they have failed to complete the training of senior officials within the timeframe specified in Section 27(1), or
- e) due to a final court decision on the invalidity of the removal of the previous senior official or head of the office from office or a final court decision on the invalidity of the**

termination of the employment relationship with the previous senior official or head of the office, provided that the performance of their duties did not end as set out in paragraph 2.

(2) A senior official or head of an authority may also resign from their post.

(3) The dismissal or resignation from the post is only valid if it is in writing and delivered to the other participant. In addition, the dismissal must include the reasons pursuant to paragraph 1, otherwise it is invalid. The performance of the office ends on the day following the receipt of the dismissal or the resignation, unless a later day is provided in the dismissal or resignation.

(4) The employment of a senior official or head of an authority shall not end upon their removal or resignation from office. The territorial self-governing unit shall propose to the senior official or head of the authority a change of their position within the territorial self-governing unit to one that corresponds to their health condition and qualification.

(5) If the court finds that the removal of the head of an office from their office or the termination of their employment was invalid, but another person has already been appointed to the office and the territorial self-governing unit has not removed that person for the reasons specified in paragraph 1(e), the territorial self-governing unit may propose that the head of the office undertake other work with the territorial self-governing unit corresponding to their state of health and qualifications. Compensation for pay exceeding 12 months pursuant to Section 69 of the Labour Code shall be awarded by the court only for reasons worthy of special consideration.

(6) If the territorial self-governing unit does not have suitable work for the senior official or head of the office, as set out in paragraphs 4 or 5, or if they refuse it, this constitutes an impediment to work on the part of the territorial self-governing unit and grounds for termination under Section 52(c) of the Labour Code.

(7) In the event of termination of employment following removal from or resignation of the office of senior official or head of an office, the senior official or head of the office shall not be entitled to severance pay for organisational reasons, except for senior officials or heads of offices removed from office for reasons under paragraph 1(e), who shall be entitled to severance pay amounting to six times their average monthly earnings. Severance pay in the amount specified in the first sentence shall also be paid to the head of the office, if the territorial self-governing unit proceeds pursuant to paragraph 5.

Amendment to Act No. 159/2006 Coll., on Conflicts of Interest, as amended

Section 2

Public Official

(1) For the purposes of this Act, a public official shall mean:

a) a member of the Chamber of Deputies of the Parliament of the Czech Republic (hereinafter referred to as a 'member of parliament'),

b) a member of the Senate of the Parliament of the Czech Republic (hereinafter referred to as a 'senator'),

c) a member of the government or the head of another central administrative authority not headed by a member of the government ¹⁾,

d) a deputy member of the government or the Chief State Secretary,

e) the Head of the Office of the Chamber of Deputies, the Head of the Office of the Senate or the Head of the Office of the President of the Republic,

f) **the vice-chairman** of the Office for Personal Data Protection,

g) the chairman of the Office for Technical Standardisation, Metrology and State Testing,

h) a member of the Council of the Czech Telecommunications Office,

i) a member of the Council of the Energy Regulatory Office,

j) a member of the Bank Board of the Czech National Bank,

k) the president, vice-president and member of the Supreme Audit Office,

l) the chair or member of the Office for the Supervision of the Management of Political Parties and Political Movements,

m) the public defender of rights and their deputy,

n) member of the Council for Radio and Television Broadcasting,

o) member of a Regional Council or member of the Prague City Council who is on long-term leave to perform their duties, or who, before being elected as a Council member, was not in an employment relationship but performs duties to the same extent as a Council member who is on long-term leave to perform their duties,

p) a member of a municipal council, city district council or municipal district council of a territorially divided statutory city or city district of the capital city of Prague who is on long-term leave for the performance of their duties or who, before being elected as a council member, was not in an employment relationship, but performs duties to the same extent as a council member who is on long-term leave to perform their duties, or

q) the mayor of a municipality, city district or district of a territorially divided statutory city, or a city district of the capital city of Prague; the deputy mayor of a municipality with an authorised municipal authority, a municipality with extended powers, a municipal district; or a district of

a territorially divided statutory city; a deputy mayor of a municipal district of the capital city of Prague; or members of the council of a municipality with extended powers; a municipal district or district of a territorially divided statutory city, a municipal district of the capital city of Prague, a region; or the capital city of Prague who are not on long-term leave to perform their duties.

(2) Unless they are public officials under paragraph 1, for the purposes of this Act, public officials also include:

- a) the director of a security force and a senior member of a security force at the first and second management levels of a security force, as defined by special legal regulations, with the exception of intelligence service members,
- b) members of statutory bodies, management, supervisory or audit bodies of legal entities established by law, state-funded organisations and contributory organisations of territorial self-governing units, except legal entities performing the activities of a school or school facility, and except members of administrative boards of public universities, statutory bodies, management, supervisory or audit bodies of self-governing professional organisations established by law,
- c) senior employees at levels two to four of management according to a special legal regulation of a legal entity established by law, state-funded organisations or contributory organisations of territorial self-governing units, except for legal entities performing the activities of a school or school facility,
- d) heads of organisational units of the state, senior employees at levels two to four of management, according to a special legal regulation, in an organisational unit of the state, with the exception of the intelligence service; or senior civil servants under the Civil Service Act, unless they are heads of departments or members of the intelligence service,
- e) senior officials of territorial self-governing units involved in the performance of administrative activities assigned to a municipal office, a municipal district office, a municipal office of a territorially divided statutory city, a regional authority, Prague City Hall or a city district of the capital city of Prague,
- f) a judge,
- g) a public prosecutor,
- h) a professional soldier with the military rank of lieutenant colonel or higher, with the exception of members of the intelligence services, or
- i) the director of a public research institution under the Act on Public Research Institutions.

(3) The obligations under this Act shall apply only to a person referred to in paragraph 2 who submits a notification pursuant to Sections 9 to 11 and 12(4) to the registration authority, if in the course of performing their duties, they:

a) are authorised to dispose of the financial resources of a public administration body as the ordering party of an operation within the meaning of the Act on Financial Control, provided that the value of the financial operation exceeds CZK 250,000,

b) are directly involved in decision-making regarding the award of a public contract, or in the exercise of the contracting authority's rights and obligations regarding the implementation of the awarded public contract,

c) decide in administrative proceedings, with the exception of on-the-spot orders, or

d) participate in the conduct of criminal proceedings.

(4) The obligations under this Act shall not apply to a person referred to in paragraph 2(a) or (h) if they are affiliated with the security forces or their designated unit and its affiliation is classified information under the Act on the Protection of Classified Information and Security Clearance, or if they are subject to special classification and security procedures.

Section 14a

Entry in the Register of Notifications

(1) The following shall be entered in the register of notifications immediately, but no later than 15 days from the date of commencement or termination of office: the name(s) and surname of the public official; date and place of birth; the legal entity or body or organisational unit in which the public official acts; the role of the public official in that legal entity or body or organisational unit; the address for delivery of electronic mail and the dates of commencement and termination of their office, with the exception of classified information pursuant to the Act on the Protection of Classified Information and Security Clearance¹²⁾.

(2) The information referred to in paragraph 1 shall be entered in the register of notifications by the following legal entities or their bodies or organisational units:

a) the Office of the Chamber of Deputies of the Parliament of the Czech Republic for public officials referred to in Section 2(1)(a), the Head of the Office of the Chamber of Deputies and public officials referred to in Section 2(2)(d) who are employed by it,

b) the Office of the Senate of the Parliament of the Czech Republic in relation to public officials referred to in Section 2(1)(b), the Head of the Office of the Senate and public officials referred to in Section 2(2)(d) who are employed by it,

c) the Office of the President of the Czech Republic, in relation to the **President of the Czech Republic**, the Head of the Office of the President of the Czech Republic and public officials referred to in Section 2(2)(d) who are employed by it,

d) a ministry or other central administrative authority not headed by a member of the Government, in the case of public officials referred to in Section 2(1)(c), (d), (f) to (i) and (n), and in Section 2(2)(b) to (d), and (g) and (h) if these public officials perform their duties within the ministry's or other central administrative authority's area of competence, except for

members of the statutory body of a contributory organisation of a territorial self-governing unit and senior employees at levels two to four of management in a contributory organisation of a territorial self-governing unit,

e) the Czech National Bank, in the case of public officials referred to in Section 2(1)(j) and Section 2(2)(c) who are its employees,

f) the Supreme Audit Office, in the case of public officials referred to in Section 2(1)(k) and Section 2(2)(d), provided that they are employed by the Office,

g) the Office of the Public Defender of Rights, in the case of public officials referred to in Section 2(1)(m) and Section 2(2)(d), if they are employed by it,

h) the security forces, in the case of public officials referred to in Section 2(2)(a) and (d) who are members of or are employed by the security forces,

i) the regional authority, in the case of public officials referred to in Sections 2(1)(o) and (q) and 2(2)(b), (c) and (e), if they are members of the regional councils, members of the statutory body of a regional contributory organisation, senior employees at levels two to four of management of a contributory organisation of the region, or senior officials assigned to this regional authority,

j) Prague City Hall, in the case of public officials referred to in Sections 2(1)(o) and (q) and 2(2)(b), (c) and (e), in the case of members of the Prague City Council, members of the statutory body of a contributory organisation of the City of Prague, senior employees at the levels two to four of management of a contributory organisation of the City of Prague, or senior officials assigned to the Prague City Hall,

k) a municipal authority, municipal district authority, or municipal authority of a territorially divided statutory city and municipal authority of a municipal district of the Capital City of Prague, in the case of public officials referred to in Section 2(1)(p) and (q) and in Section 2(2)(b), (c) and (e), if they are members of the local council, city district or city part of a statutory city, or a city part of the capital city of Prague, members of the statutory body of a contributory organisation of a municipality, city district or city part of a statutory city or city district of the capital city of Prague, senior employees at levels two to four of the management hierarchy of a contributory organisation of a municipality, municipal district or city district of a statutory city or city district of the capital city of Prague, and senior officials assigned to this office,

l) a public research institution, in the case of a public official referred to in Section 2(2)(i) of which they are the statutory body,

m) the Ministry of Justice, in the case of public officials referred to in Section 2(2)(f); the registration shall be notified without delay to the Supreme Court,

n) a public university, in the case of public officials referred to in Section 2(2)(b) and (c) who perform a function within the scope of its activities,

o) the Academy of Sciences of the Czech Republic, in the case of public officials referred to in Section 2(2)(d), provided that they perform their duties within the scope of its activities,

p) The Grant Agency of the Czech Republic, in the case of public officials referred to in Section 2(2)(d) who perform their duties within the scope of its activities,

q) The Technology Agency of the Czech Republic, in the case of public officials referred to in Section 2(2)(d) who perform their duties within the scope of its activities.

(3) Any legal entity, its body or organisational unit referred to in paragraph 1 must, immediately after entering the information referred to in paragraph 1 in the register of notifications, inform the relevant public official that the information referred to in paragraph 1 has been entered in the register of notifications, and of the date by which the public official is required to submit the notification pursuant to Sections 9 to 11 and Section 12(4).

(4) The authorities referred to in paragraph 1(i) to (k) shall perform the activities referred to in paragraph 1 within the scope of their delegated powers.

Amendment to Act No. 110/2019 Coll., On the Processing of Personal Data

Section 51

(1) Activities of the Office may only be interfered with on the basis of a law. In exercising its competence in the area of personal data protection, the Office shall act independently and follow only the legal regulations and directly applicable regulations of the European Union.

(2) Activities of the Office shall be paid for from a separate chapter of the State budget of the Czech Republic.

(3) The **Chief State Secretary** shall not be the superior appointing authority for the President of the Office. The President of the Office's decisions concerning civil service matters shall not be subject to appeal.

(3) Provisions of Section 52(2) to (7) shall apply mutatis mutandis.

Amendment to Act No. 254/2019 Coll., On Experts, Expert Offices and Expert Institutes, as amended

Section 36

Notification Obligation of Public Authorities

(1) If a public authority discovers facts indicating that this Act has been violated in connection with the performance of expert activities, it shall notify the Ministry without undue delay.

~~(3)~~ (2) The public authority shall also send the Ministry a copy of its decision on matters affecting the duration of authorisation to perform expert activities without undue delay.

**Amendment to Act No. 354/2019 Coll., on Court Interpreters and Court Translators,
as amended**

Section 34

Notification Obligation of Public Authorities

(1) If a public authority discovers facts indicating that this Act or another law have been violated in connection with the performance of interpreting activities, it shall notify the Ministry without undue delay.

~~(3)~~ (2) The public authority shall also send the Ministry a copy of its decision on matters affecting the duration of authorisation to perform interpreting activities without undue delay.
