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29 March 2001;
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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

State Civil Service Law

Chapter I General Provisions

Section 1. Purpose of this Law

The purpose of this Law is to determine the legal status of a loyal to the lawful government, professional and politically neutral State civil service which ensures the legal, stable, efficient and transparent operation of the administration of the State.

Section 2. Operation of this Law

(1) This Law determines the mandatory requirements to be set for a candidate for a State civil

¹ The Parliament of the Republic of Latvia

service position (hereinafter – candidate), appointment to a civil service position and dismissal from a civil service position, the duties, rights, and service career path of a civil servant, and management in the general State civil service.

(2) All the duties and rights determined by this Law in respect of a State civil servant (hereinafter – civil servant) shall apply to a candidate who is appointed to a civil service position.

(3) Chapter I; Section 4, Paragraph two, Clause 1; Chapter IV; Section 22; Section 23, Paragraphs one and four; Sections 36 and 37; Section 38, Paragraph three; Section 39 and Section 40, Paragraph two of this Law shall apply to civil servants of the specialised State civil service (Section 3, Paragraph two). Other norms of this Law shall determine legal relations in the specialised State civil service insofar as special laws do not determine such.

(4) The norms of regulatory enactments regulating legal employment relations that prescribe the principle of equal rights, the prohibition of differential treatment principle, prohibition to cause adverse consequences, working hours and rest time, remuneration, the financial liability of employees and terms shall apply to the legal relations of the State civil service insofar as such are not prescribed by this Law.

[15 May 2003; 14 April 2005; 2 November 2006]

Section 3. A Civil Servant

(1) A civil servant is a person who in a direct administration institution (hereinafter – institution), forms the policy or development strategy of a sector, co-ordinates the activity of a sector, distributes or controls financial resources, formulates regulatory enactments or controls the observance thereof, prepares or issues administrative documents, and prepares or takes other decisions related to the rights of individuals.

(2) A civil servant in the specialised State civil service is a person who performs the functions referred to in Paragraph one of this Section in the diplomatic and consular service, the State Revenue Service, the State Forensic Science Bureau.

(3) The Prime Minister, ministers, Ministers for Special Assignments, Deputy Prime Ministers (hereinafter – ministers), State ministers, office employees of the aforementioned officials (assistants, advisers, press secretaries) and parliamentary secretaries are not civil servants.

(4) In the interests of the State in a civil service position for a specified period a professional service soldier may be appointed. The professional service soldier who holds the civil service position is not a civil servant, but Section 11, Paragraph one; Chapters IV and V; Section 22, Clauses 2, 3 and 4; Section 23, Paragraph three; Sections 28, 35, 36, 38 and 42 of this Law shall apply to him or her. In civil service positions, which may be held by professional service soldiers, the procedures for the fulfilment of duties, the procedures for disciplinary sanctions and the procedures for the allowances, supplements and compensatory payments specified for professional service soldiers in the Military Service Law shall be determined by the Cabinet.

(5) In the interests of the State respectively in the Ministry of the Interior or the Ministry of Justice in a civil service position for a specified period, but for not longer than for three years an official with a special service rank from the Ministry of the Interior system institutions or Prisons Administration may be appointed, who shall hold the civil service position and is not a civil servant, but for such official Section 11, Paragraph one; Chapters IV and V; Section 22, Clauses 2, 3 and 4; Sections 35, 38 and 42 of this Law shall apply. The procedures for the fulfilment of the civil service position, calculation of the term of service and disciplinary sanctioning shall be

determined by the Cabinet of Ministers.

[20 June 2002; 31 October 2002; 15 May 2003; 14 April 2005; 14 September 2006; 1 December 2009]

Chapter II

Management of the General State Civil Service

Section 4. Competence of Institutions

(1) The institutions shall control the application of this Law and other regulatory enactments relating to the area of the State civil service to activities of the civil servants subordinate to the institution, including:

- 1) revoke decisions of subordinate civil servants in the field of the State civil service and assign them to prevent the infringements found;
- 2) in cases and order prescribed by the law, initiate, examine disciplinary proceedings and impose disciplinary penalties, as well as examine the civil servants' complaints regarding disciplinary penalties imposed;
- 3) investigate complaints regarding call for candidates.

(2) The State Chancellery shall:

- 1) develop and coordinate the State civil service development policy;
- 2) coordinate the career development of civil servants;
- 3) harmonize the civil service positions;
- 4) ensure the selection of heads of institutions, except the case mentioned in Section 37 of this Law.

(3) [1 December 2009]

[15 May 2003; 14 September 2006; 14 November 2008; 29 May 2014]

Section 5. The School of Public Administration

(1) The School of Public Administration is a state administrative institution under the supervision of the State Chancellery, which implements State policy in the education for civil servants field in order to prepare highly professional civil servants.

(2) The functions of the School of Public Administration are as follows:

- 1) to formulate civil service training programmes in accordance with the State Chancellery remit for the current year;
- 2) to co-ordinate and ensure the process of the training of civil servants; and
- 3) to formulate drafts of regulatory enactments, conceptual issues, reports, programmes and other documents related to the training of civil servants.

[15 May 2003]

Chapter III

Appointments to Civil Service Positions

Section 6. Civil Service Positions

(1) A head of an institution shall determine the civil service positions at an institution by harmonising such with the State Chancellery, in conformity with the duties to be performed in the position.

(2) Within the meaning of this Law, a State secretary of a ministry shall be considered the head of an institution.

[14 November 2008]

Section 7. Mandatory Requirements for Candidates

(1) A person may be a candidate for a civil service position who:

- 1) is a citizen of the Republic of Latvia;
- 2) is fluent in the Latvian language;
- 3) has a higher education;
- 4) has not reached the age of retirement determined by law;
- 5) has not been convicted of deliberate criminal offences, or has been rehabilitated, or for whom the conviction has been set aside or extinguished;
- 6) has not been dismissed from a civil service position by a court judgment in a criminal matter;
- 7) has not been found as lacking capacity to act in accordance with the procedures prescribed by law;
- 8) is not or has not been in a permanent staff position in the State security service, intelligence or counter-intelligence service of the U.S.S.R., the Latvian SSR or some foreign state;
- 9) is not or has not been a participant in organisations prohibited by law or by an adjudication of a court;
- 10) is not a relative (a person who is married to, or in kinship or affinity of the first degree with, or a brother or sister of, a civil servant) of the head of an institution or a direct supervisor. The Cabinet may determine exceptional cases if a relevant institution cannot otherwise ensure the fulfilling of prescribed functions; and
- 11) for whom have not been retained such consequences of the activities of the disciplinary sanction, which for a specified period prevents him or her to hold a civil service position.

(2) Persons who candidate for a civil service position, pursuant to the legislation, shall be responsible for accuracy of documents submitted and information included in these documents.

[14 September 2006; 14 November 2008]

Section 8. Candidate Competitions for Vacant Civil Service Positions

(1) An open candidates competition for civil service positions in the relevant institution shall be announced in the official publication *Latvijas Vēstnesis* [official gazette of the Government of Latvia]:

- 1) for the position of a head of an institution – by the Administration; and
- 2) for other civil service positions – by the relevant institution.

(2) In the announcement of the competition, the requirements for candidates for the civil service position, in accordance with the job description therefor, the term for applications and the location where applications are to be submitted shall be set out.

(3) The term for application by candidates shall be counted from the date of announcement of the competition and it may be neither less than 10 days nor more than 20 days.

(4) An open candidate competition for a vacant civil service position is not required to be announced in the cases specified in this Law.

[15 May 2003; 29 May 2014]

Section 9. Examination of the Suitability of Candidates for Civil Service Positions

(1) The suitability of candidates for a vacant civil service position shall be assessed by a commission for assessment of candidates and civil servants, which is established:

1) for a competition for a position of the head of an institution – by the relevant minister
A list of persons who may be included in the commission for assessment of candidates and civil servants shall be approved by the Cabinet pursuant to the recommendation of the relevant minister; and

2) for competitions for other civil service positions – by the head of the relevant institution.

(2) The suitability of a candidate in relation to the requirements set out in a job description for a vacant civil service position shall be assessed, observing the criteria for examination of the relevant civil service position, which shall be determined:

1) for the head of an institution position – by a minister, co-ordinating it with the Administration; and

2) for other civil service positions – by the relevant institution.

(2¹) The Cabinet of Ministers shall determine the procedure for planning the selection of the heads, setting requirements and assessment of candidates.

(3) A commission for assessment of candidates and civil servants shall select one or more candidates who best comply with the requirements set out in the job description for the vacant civil service position and, giving reasons for their choice, shall recommend them:

1) to the Prime Minister – for an appointment to the position of Director of the State Chancellery and the Head of the Cross-Sectoral Coordination Centre;

2) to a minister – for an appointment to a position of head of an institution; and

3) to the head of the relevant institution – for appointments to other civil service positions.

(4) The relevant official referred to in Paragraph three of this Section shall assess a recommendation of the commission for assessment of candidates and civil servants and take a decision regarding the appointment of a candidate to the position.

(5) The relevant institution shall publish, in the official publication *Latvijas Vēstnesis*, the decision of the official referred to in Paragraph three of this Section regarding appointment of a

candidate to the position, within a five-day period from the date of the taking of the decision.

(6) If candidates have received an equal assessment, preference to take up the civil service position shall be given to a person who has been dismissed from a civil service position:

1) in connection with the liquidation of an institution or a civil service position;

2) [14 November 2008]

(7) A candidate has the right to become acquainted with the recommendations of the commission for assessment of candidates and civil servants and the decisions of the official referred to in Paragraph three of this Section. The candidate has the right to protest the decision of the relevant official to the higher institution or, if there is no higher institution or if it is the Cabinet of Ministers or the Prime Minister, to appeal to court pursuant to procedure stipulated by the Administrative Procedure Law.

[15 May 2003; 14 September 2006; 29 May 2014]

Section 10. Repeated Candidate Competitions

A repeated candidate competition shall be announced if:

1) no candidate has applied for the competition;

2) according to the decision of the commission for assessment of candidates and civil servants, no candidate has professional training conforming to the requirements determined in the job description for the civil service position; or

3) no candidate, of the candidates recommended by the commission for assessment of candidates and civil servants, is found to be suitable for the relevant position by the relevant official referred to in Section 9, Paragraph three of this Law.

Section 11. Appointment of Candidates to Civil Service Positions

(1) A candidate shall be appointed to a civil service position for an indefinite term by an order of the head of an institution. A candidate may be appointed to a civil service position for a definite term, in which case the civil service circumstances for this determination shall be indicated.

(2) A candidate shall be appointed to a position of head of an institution for a term of five years by a minister. The Prime Minister shall appoint the Director of the State Chancellery and the Head of the Cross-Sectoral Coordination Centre to office for a term of five years. Six months prior to the expiry of the term, the minister or the Prime Minister respectively shall take a decision to extend the term for five years or a substantiated decision to dismiss the respective person from his or her position, informing the person with respect to whom the decision has been taken of this.

(3) The relevant official referred to in Paragraph two of this Section shall appoint a candidate to the position of a State secretary of a ministry, a head of the Secretariat of a Minister for Special Assignments, a head of the Secretariat of a Deputy Prime Minister, the Director of the State Chancellery, the Head of the Cross-Sectoral Coordination Centre and a head of an institution under supervision by them after approval by the Cabinet. A candidate for whom a term of probation has been determined shall be appointed to a position but his or her confirmation in the position shall be decided by the Cabinet.

(4) In appointing a candidate to a civil service position, the head of an institution or the relevant

official referred to in Paragraph two of this Section may determine a term of probation, which may not exceed six months.

(5) The head of an institution or the relevant official referred to in Paragraph two of this Section shall determine a term of probation of three to six months for a candidate who is appointed to a civil service position for the first time.

[14 November 2008; 29 May 2014]

Section 12. Examination of Documents

(1) An institution shall examine whether the restrictions referred to in this Law apply in regard to a candidate appointed to the civil service position in accordance with the competition procedures.

(2) If the institution determines that any of the restrictions referred to in this Law apply in regard to the relevant candidate, it shall dismiss the candidate from the civil service position in connection with non-conformity with the mandatory requirements for a civil servant.

[14 November 2008]

Section 13. Pledge of a Civil Servant

(1) Upon taking up the duties of a civil servant, a candidate who is appointed to a civil service position for the first time shall give and sign the following pledge:

“I pledge to be honest and fair, loyal to the independent and democratic Republic of Latvia, to perform the duties of my position in accordance with the Constitution of the Republic of Latvia, international agreements, the laws and the decisions of the Government and to serve the general interests of the public in order to ensure that the activities of State administration are lawful, efficient and transparent.”

2) The pledge shall be accepted by the head of an institution. The pledge of the head of an institution shall be accepted by a minister. The pledge of the Director of the State Chancellery and the Head of the Cross-Sectoral Coordination Centre shall be accepted by the Prime Minister.

[29 May 2014]

Section 14. Granting the Status of Civil Servant

(1) Not later than a week before the expiry of a term of probation of a candidate appointed to a civil service position for the first time, his or her suitability for the work in the civil service shall be assessed.

(2) If an assessment is positive, the head of the institution shall grant a candidate a status of civil servant. If an assessment is negative and the probation has failed, a head of an institution shall dismiss the candidate from the civil service position.

(3) A decision to dismiss the head of an institution from office shall be taken by a minister, but in regard to dismissal of the Director of the State Chancellery and the Head of the Cross-Sectoral Coordination Centre, by the Prime Minister. A decision to dismiss a State secretary, the head of the Secretariat of a Deputy Prime Minister, the head of the Secretariat of a Minister for Special Assignments, the Director of the State Chancellery, the Head of the Cross-Sectoral Coordination

Centre and the head of an institution under supervision from office, shall be taken by the relevant official on the basis of a decision of the Cabinet, except the case where the civil service relations are terminated on the basis of Section 41, Clause 1, Sub-clause "a" or Clause 3.

[14 November 2008; 29 May 2014]

Chapter IV General Duties of Civil Servants

Section 15. Basic Duties of a Civil Servant

(1) The basic duties of a civil servant are as follows:

1) to observe the Constitution, the norms of international law binding on Latvia, and laws and other regulatory enactments;

2) to be loyal to the lawful government irrespective of his or her political convictions and to observe political neutrality. Pursuant to the principle of political neutrality, a civil servant while discharging his or her duties shall be guided only by professional criteria and shall not depend on political influence in decision making.

3) to conscientiously, showing personal initiative and acting in the public interest, fulfil official duties, the lawful orders of supervisors, to be liable for his or her actions in accordance with the procedures prescribed by regulatory enactments and to observe the principles of conduct for a civil servant prescribed by the Cabinet.

(2) During and outside of the performance of the duties of office, a civil servant may not through his or her actions discredit himself or herself, the institution and the State.

[25 February 2010]

Section 16. Duty to be Responsible for the Lawfulness of One's Actions or Failure to Act

(1) A civil servant shall be responsible, in performing the duties of a position, for the lawfulness of his or her actions or failure to act. If a civil servant is in doubt as to the lawfulness of a task, his or her duty shall be to refuse to perform such task, notifying in writing the official, who has assigned the task, thereof.

(2) A civil servant has the right to protest an order or task received by submitting a complaint to the next higher official who shall revoke the order or task, maintain it in force or issue the new one.

[14 November 2008]

Section 17. Restrictions on Entrepreneurial Activity, Obtaining Income, Combination of Positions and Performance of Work, and Other Restrictions

Restrictions on entrepreneurial activity, obtaining income, combination of positions and performance of work, as well as other restrictions relating to such and the duties of civil servants shall be determined by the Law On Prevention of Conflict of Interest in Activities of Public Officials.

[15 May 2003]

Section 18. Expressing the Official Opinion of an Institution

A civil servant may only express the official opinion of an institution with the authorisation of the head of the institution.

Section 19. Duty to Improve Qualifications

A civil servant has the duty to regularly add to his or her knowledge and to improve the professional skills and abilities necessary for the performance of the duties of his or her position.

Chapter V Duties of Civil Service Positions

Section 20. Determination of the Duties of Civil Service Positions

(1) Duties in regard to a civil service position shall be determined in a job description. The procedures for the formulation of job descriptions for civil service positions shall be prescribed by the Cabinet.

(2) The relevant duties of a civil service position, upon the civil servant commencing performance of the duties of a position or upon the scope of duties of the position entrusted to him or her being changed, shall be determined in a job description for the civil service position by the head of an institution, in the job description of the head of an institution by a minister, but in the job description of the Director of the State Chancellery and the Head of the Cross-Sectoral Coordination Centre, by the Prime Minister.

(3) A civil servant shall sign a job description, certifying that he or she has acquainted himself or herself with it.

[29 May 2014]

Section 21. Replacement of an Absent Civil Servant or Performance of the Duties of a Vacant Civil Service Position

The head of an institution may temporarily assign performance of the duties of an absent civil servant or the duties of a vacant civil service position to other civil servants, in addition to the direct duties of their position.

Chapter VI Rights of Civil Servants

Section 22. General Rights of Civil Servants

A civil servant has the following general rights:

- 1) to a permanent civil service position, unless provided otherwise by this Law;
- 2) to perform the State administration functions within the scope of competency

determined for the position;

3) in the cases provided for by regulatory enactments, to request and receive from any natural or legal person the information necessary for the performance of the duties of the position;

4) to the provision of appropriate conditions for performance of the duties of the position;

5) to apply for vacant civil service positions; and

6) to take part in training programmes in order to acquire the knowledge and skills necessary for the performance of the duties of the position.

[14 April 2005]

Section 23. Compensation

A civil servant shall receive compensation set in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

[20 June 2002; 14 April 2005; 14 November 2008; 1 December 2009]

Section 24. *[1 December 2009]*

Section 25. *[1 December 2009]*

Section 26. *[1 December 2009]*

Section 27. *[1 December 2009]*

Section 28. *[1 December 2009]*

Section 29. *[14 November 2008]*

Section 30. *[1 December 2009]*

Section 31. *[1 December 2009]*

Section 32. *[1 December 2009]*

Section 33. *[1 December 2009]*

Section 34. Rights to Hold an Equivalent Civil Service Position

(1) If it is provided by the law, the institution shall ensure the rights of a civil servant, who is dismissed from a civil service position because of his or her election to office in a State or local government institution, to hold an equivalent civil service position after the expiry of the term of the service or office.

(2) If the State civil service relations with a civil servant are terminated pursuant to Section 41, Clause 1, Sub-clause "n" of this Law, then within one year after termination of employment relations in respective organization or a Member State's institution of such organization, the authority shall have the right to provide him or her with the previous or equivalent position

without open tender, if there is a vacant position and a person meets the set requirements. In addition to the aforementioned, the appointment of a civil servant at the disposal of the Ministry of Foreign Affairs or under responsibility of the Ministry of Foreign Affairs shall be stipulated by the Diplomatic and Consular Service Law.

[24 May 2007; 14 November 2008; 25 February 2010; 14 October 2010]

Chapter VII

Course of State Civil Service Careers

Section 35. Activities of Civil Servants and Assessment of their Results

(1) The civil servant's activities and the results thereof shall be assessed annually by a direct head or an assessment commission established by the head of an institution.

(2) A candidate and civil servant assessment commission, which shall be established by the relevant minister in accordance with procedures prescribed by the Cabinet, shall assess the activities of the head of an institution and their results not less often than once every two years.

(3) The procedures for assessment shall be prescribed by the Cabinet.

(4) Results of an assessment shall be used as a basis for decisions regarding granting of the status of civil servant, non-conformity of a civil servant to a position held, transfer to another position, and conferring of civil service qualification grades.

[14 April 2005; 29 May 2014]

Section 36. *[1 December 2009]*

Section 37. Transfer to another Position in the Interests of the State

(1) In order to ensure good administration, especially the efficient fulfilment of the tasks of the civil service and the public trust of the civil service, as well as to promote an increase in the qualifications of a civil servant, a civil servant may, without the announcement of open candidate competition and justifying the admissibility and usefulness of the transfer, be transferred to any other civil service position for a definite or an indefinite term, in the same or another institution. The basis of the transfer may also be a justified request by the civil servant.

(2) A civil servant shall be transferred to another position in the same institution by a decision of the head of such institution or the minister, to another institution subordinate to the minister – by a decision of the minister, and to another institution subordinate to another minister – by a decision of the Prime Minister. If an institution is reorganised by a decision of the Cabinet, then the civil servants shall be transferred to another position in another institution with the decision of the head of such institution as has taken over obligations, or by a decision of the relevant minister.

(3) In transferring a civil servant his or her point of view shall be evaluated. In transferring a civil servant to another institution also the point of view of the institution from which and to which the civil servant may be transferred shall be evaluated.

(4) In transferring a civil servant to another civil service position, a monthly salary shall be determined for the civil servant, which is not less than the previous monthly salary, retain the permanent supplements, which are associated with service, and social guarantees, as well as the

service ranks specified in the specialised civil service, except in cases where the civil servant is transferred if the institution or the civil service position has been liquidated, the number of civil servants is reduced, a decision has been taken regarding the non-conformity of a civil servant to the position held, as well as on the basis of a request by the civil servant.

(5) In transferring a civil servant to another position for a specific period, his or her right to return to the previous position or an equivalent position shall be retained.

(6) *[1 December 2009]*

(7) Civil servants who have children up to three years of age, and pregnant women are not permitted to be transferred to another populated place without their consent.

(8) There is a right to apply a disciplinary sanction for a disciplinary violation, which was committed in previous civil service positions to a civil servant who is transferred to another position.

[15 May 2003; 14 April 2005; 14 September 2006; 14 November 2008]

Section 37¹. Appointment to the Service Abroad in the Interests of the State

A civil servant, with his or her consent, in the interests of the State, may be appointed for a fixed period to the service in an international organization where the Republic of Latvia is a Member State, or the Republic of Latvia cooperates with this organization, or in a Member State's institution of such organization. In such a case a civil servant shall be granted the right to occupy the previous or equivalent position upon return. A public authority, which has appointed a civil servant, shall be entitled to withdraw him or her.

[14 October 2010]

Section 38. Official Travel

(1) Civil servants may be sent on official travel for the performance of the duties of a position outside their permanent service locations; they shall be compensated for expenses related thereto in accordance with the procedures prescribed by the Cabinet.

(2) Civil servants who have children under the age of one and pregnant women may not be sent on official travel without their consent.

(3) The assignment of a civil servant or a professional service soldier who is appointed to a civil service position to work in institutions mentioned in Section 37¹ of this Law shall not be deemed to be official travel within the meaning of this Law.

[14 April 2005; 1 December 2010]

Section 39. Suspension from the Performance of Duties of a Position

(1) The head of an institution may suspend a civil servant from performance of the duties of a position, suspending the payment of work remuneration for the period subsequent to the date of suspension, if detention has been applied as a security measure or criminal prosecution has been initiated against the civil servant.

(2) If a court finds a civil servant suspended in such way guilty of committing a criminal offence, the remuneration for the period of suspension shall not be paid and he or she shall be regarded as dismissed from and after the day of suspension. In case of acquittal, the civil servant suspended

shall be paid the work remuneration for the period of suspension unless there is another basis for dismissal determined by this Law.

(3) The head of an institution shall suspend a civil servant from the performance of duties of a position where this is required, in cases prescribed by law, by a State institution authorised accordingly.

(4) The relevant head of an institution, a minister, the Prime Minister may suspend a civil servant from the performance of the duties of a position not longer than for the whole of the period of investigation of a disciplinary matter, retaining the previous monthly salary, social guarantees, the permanent supplements specified in regulatory enactments, which are associated with service, as well as the service ranks specified in the specialised civil service.

(5) The head of an institution may be suspended by a minister, but the Director of the State Chancellery and the Head of the Cross - Sectoral Coordination Centre – by the Prime Minister.

[15 May 2003; 14 April 2005; 14 November 2008; 29 May 2014]

Section 40. Disciplinary Liability

Civil servants' disciplinary liability shall be determined by the State Civil Service Civil Servant Disciplinary Liability Law. In addition to that specified in the referred to law, the Prime Minister is entitled to propose, take over and examine any disciplinary matter and him or herself apply a disciplinary sanction utilising the rights, which are provided for the higher institution of the institution in which the civil servant fulfils the State civil service.

[15 May 2003; 14 September 2006]

Section 41. Termination of State Civil Service Relations

State Civil Service relations shall be terminated:

1) if a civil servant by a decision of the head of an institution, but the head of an institution by a decision of a minister, and the Director of the State Chancellery and the Head of the Cross-Sectoral Coordination Centre by a decision of the Prime Minister, is dismissed from his or her civil service position:

- a) of his or her free will,
- b) in connection with the expiry of his or her term,
- c) in connection with their failure to pass probation,
- d) in connection with the non-conformity of a civil servant to the position held (with respect to the head of an institution – observing the provisions of Section 14, Paragraph three),
- e) in relation to non-conformity to the mandatory requirements for a civil servant,
- f) when reaching the age of retirement determined by the State, except in cases where there is a reasoned order of the head of the institution for the relevant civil servant to remain in his or her position or a minister's order for the head of an institution to remain in his or her position,
- g) in connection with liquidation of the institution, or civil service staff reduction,
- h) in connection with the fact that due to temporary incapacity he or she has not performed the duties of the position for more than four consecutive months,
- i) where dismissal from the civil service position is applied as a disciplinary

sanction,

j) in connection with election to office in a State or local government institution, and

k) [24 May 2007]

l) in connection with a court judgment in a criminal matter; and

m) in connection with the fact that he or she is unable to fulfil official duties due to health condition as evidenced by doctor's opinion;

n) of his or her own will, due to the fact that he or she fulfils official duties in an international organization where the Republic of Latvia is a Member State or the Republic of Latvia cooperates with this organization, or in a Member State's institution of such organization.

2) in connection with the death of the civil servant.

3) on the basis of mutual agreement attested by a written consent.

[14 September 2006; 24 May 2007; 25 February 2010; 14 October 2010; 29 May 2014]

Section 42. Transfer of Matters

A civil servant with whom State civil service relations have been terminated or who is transferred to another position shall hand over all the official documents, materials and property related to his or her position to a person designated by the head of the institution, drawing up a deed of receipt and transfer, and settle accounts with the institution.

Section 43. State Civil Service Record

(1) An institution shall make notes regarding the course of a State civil service career (decisions taken with respect to a civil servant) in a State civil service record, which shall be kept in the institution in which the civil servant serves.

(2) A civil servant has the right to acquaint himself or herself with his or her State civil service record and obtain a copy thereof.

(3) [14 November 2008]

Transitional Provisions

1. With the coming into force of this Law, the Law On the State Civil Service is repealed (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 10; 1995, No. 12; 1996, No. 9, 14, 22); 1997, No. 9, 22; 2000, No. 5).

2. [14 November 2008]

2.¹ Up to 1 January 2007, the director of a State agency according the procedures specified by law shall determine the civil service positions in the State agency. The director of the State agency shall not later than up to 1 January 2007 notify in writing an employee who in the State agency holds a position, which is specified as a civil service position regarding a change in the status of the position and shall warn him or her regarding the termination of employment legal relations and the commencement of State civil service relations. If the employee after receipt of the

notification does not consent to hold a civil service position and the State agency cannot offer him or her another position, which is not a civil service position, or he or she does not consent to take up another offered position, the director of the State agency shall terminate employment legal relations with the employee from 1 February 2007. An employee who after receipt of the notification consents to taking up the civil service position and who conforms to the mandatory requirements specified in Section 7 of this Law shall, from 1 February 2007 be appointed to the civil service position and not later than by 1 March 2007 civil servant status shall be granted to him or her. In relation to an employee of the agency who consents to take up the civil service position and who does not have a higher education, the requirement referred to in Section 7, Paragraph one, Clause 3 of this Law regarding a higher education shall be applied from 1 November 2013. If the civil servant referred to in this Paragraph has not commenced studies in an institution of higher education, he or she shall by 1 October 2008 commence such studies and shall submit to the director of the agency a statement issued by the institution for higher education regarding the commencement of such studies. The civil servant referred to in this Paragraph who is studying in an institution of higher education, each year by 15 October shall submit to the director of the agency a statement issued by the institution for higher education regarding the successful continuation of studies. The civil servant who in the time period specified in this Paragraph has not commenced studies in an institution of higher education or does not continue studies (has not submitted a statement regarding the successful continuation of studies, shall be dismissed from the civil service position in the State agency in relation to non-conformity with the mandatory requirements for a civil servant. If for the civil servant referred to in this Paragraph to the reaching of the age specified for the granting of an old-age pension there remains six years or less, he or she may hold a civil service position also without the acquisition of a higher education.

3. Heads of institutions shall notify, in writing, civil servants and civil servant candidates holding civil service positions which after the coming into force of this Law are not to be regarded as civil service positions, of the change in status of the positions. If the persons referred to agree, the head of the institution shall enter into an employment contract with them. The social benefits prescribed by Sections 24, 25, 30, 31 and 32 of this Law shall apply to such persons one year after the entering into of the employment contract. The head of the institution shall terminate civil service relations with a civil servant or a civil servant candidate who within a one-month period of receipt of the notification does not agree to enter into an employment contract, paying to him or her the allowance referred to in Section 27 of this Law.

4. *[14 November 2008]*

5. Section 7, Clause 3 of this Law shall also apply to civil servants and civil servant candidates who, as of the date of coming into force of this Law, in accordance with this Law hold a civil service position in the State administrative institutions referred to in Section 3, Paragraph one of this Law. The Cabinet shall determine the procedures and time periods for the application of Section 7, Clause 3 with respect to the aforementioned persons.

6. The term prescribed in Section 11, Paragraph two, with respect to civil servants and civil servant candidates who on the day of coming into force of this Law hold the position of head of a

State administrative institution referred to in Section 3, Paragraph one of this Law, shall be calculated from the day of the coming into force of this Law.

7. Up to 1 January 2010 a civil service position in the State Forestry Service may be held by a person who has a professional secondary education in conformity with the requirements of the position.

8. Section 36, Paragraph one of this Law shall be in force up to 31 December 2005.

9. Amendments to Section 23, Paragraph one and Section 36, Paragraph two of this Law shall come into force on 1 January 2006.

9.¹ The new text of Section 40 of this Law shall come into force simultaneously with the State Civil Service Civil Servant Disciplinary Liability Law.

10. Up to 31 December 2005 a civil servant shall receive a monthly salary in conformity with Cabinet Regulation No. 959 of 23 November 2004, Regulations regarding Civil Service and Direct Administration Institution Employee Work Remuneration, Qualification Grades and Civil Service Allowances.

11. Up to 31 December 2005 a specialised civil service civil servant in the State Revenue Service shall receive a monthly salary in conformity with Cabinet Regulation No. 220 of 28 May 2002, Regulations regarding the Work Remuneration System for Civil Servants and Employees of the State Revenue Service.

12. Specialised civil service civil servants who hold a position in the State Police, Security Police, Ministry of the Interior Communications Centre, Ministry of the Interior Information Centre, State Border Guard, State Fire-Fighting and Rescue Service and the Prisons Administration from 1 October 2006 shall be deemed to be officials with special service ranks in Ministry of the Interior institutions or in the Prisons Administration, and from 1 October 2006 State civil service relations shall be terminated. Up to 31 December 2006 the referred to officials shall preserve the rights referred to in Section 22, Clause 1 of this Law and in relation to them Section 37 of this Law may be applied.

13. In terminating the State civil service relations in accordance with Paragraph 12 of the Transitional Provision of this Law, Section 27 of this Law shall not be applied.

14. Up to December 15, 2008, the State Civil Service Administration shall complete or transfer the cases, which are in its record keeping to institutions in accordance with the competence specified in Section 4 of this Law. The cases which are not completed or which do not lie with any institution mentioned in Section 4 of this Law, shall be considered by the State Chancellery, and the decision on respective cases shall be made by the Director of the State Chancellery, while on cases regarding the civil servants who hold the service in the State Chancellery – by the Prime Minister. The disciplinary cases, which the State Civil Service Administration has not completed, shall be considered and the decision shall be made by the Prime Minister or they shall be

transferred for consideration and decision making to other higher public administration institution.

[14 November 2008]

15. Up to December 15, 2008, the State Civil Service Administration shall transfer to the Ministry of Finance the single records system of personnel and persons with civil servant status who have terminated the civil service relations.

[14 November 2008]

16. The Cabinet of Ministers shall issue the Cabinet regulations mentioned in Paragraph three, Section 4 of this Law up to July 1, 2009.

[14 November 2008]

17. The compensation (monthly salary, bonuses etc.) set pursuant to this Law, in 2009 shall be stipulated in accordance with the Law "On Remuneration of Officials and Employees of State and Local Government Authorities in 2009".

[12 December 2008]

18. Until the day of entry into force of new regulations of the Cabinet of Ministers, but no longer than until June 30, 2010, the Cabinet Regulation No. 599 "Procedure for Holding the State Civil Service Position by an Official with a Special Service Rank of the Institution of the System of the Ministry of the Interior or the Prison Administration in the Ministry of the Interior or the Ministry of Justice" shall be applicable to the extent it does not conflict with this Law.

19. Section 4, Paragraph two, Clause 4 and Clause 9, Paragraph 2¹ of this Law shall become effective on September 1, 2015.

[29 March 2001; 14 April 2005; 14 September 2006; 14 November 2008; 12 December 2008; 1 December 2009; 29 May 2014]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

1) Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women;

2) Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions;

3) Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex;

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

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

6) Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

[2 November 2006]

This Law shall come into force on 1 January 2001.

This Law has been adopted by the *Saeima* on 7 September 2000.

President

V.Vīķe-Freiberga

Rīga, 22 September 2000

Transitional Provisions Regarding Amendments to the State Civil Service Law

Transitional Provision

(regarding amending law of 15 May 2003)

With the coming into force of this Law, Cabinet Regulation No. 568 of 27 December 2002, Amendments to the State Civil Service Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2003, No. 6) issued in accordance with Article 81 of the Constitution of the Republic of Latvia is repealed.

Transitional Provision

(regarding amending law of 14 September 2006)

This Law shall come into force simultaneously with the Law On the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration.