

Public Service Act

Passed 25 January 1995

(RT¹ I 1995, 16, 228; consolidated text RT I 1999, 7, 112),

entered into force 1 January 1996,

amended by the following Acts:

14.04.05 entered into force 20.05.05 - RT I 2005, 24, 183;
14.04.2004 entered into force 01.05.2004 - RT I 2004, 29, 194;
24.03.2004 entered into force 08.04.2004 - RT I 2004, 22, 148;
18.12.2003 entered into force 01.01.2004 - RT I 2003, 90, 601;
07.08.2003 entered into force 01.09.2003 - RT I 2003, 58, 387;
11.06.2003 entered into force 19.07.2003 - RT I 2003, 51, 349;
29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116;
22.01.2003 entered into force 02.03.2003 - RT I 2003, 13, 69;
22.01.2003 entered into force 01.03.2003 - RT I 2003, 13, 67;
18.12.2002 entered into force 23.01.2003 - RT I 2003, 4, 22;
11.12.2002 entered into force 01.03.2003 - RT I 2002, 110, 656;
19.06.2002 entered into force 01.10.2002 - RT I 2002, 62, 377;
29.01.2002 entered into force 04.03.2002 - RT I 2002, 21, 117;
02.05.2001 entered into force 01.01.2002 - RT I 2001, 47, 260;
04.04.2001 entered into force 01.01.2002 - RT I 2001, 42, 233;
24.01.2001 entered into force 01.01.2002 - RT I 2001, 17, 78;
20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18;
20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17;
13.12.2000 entered into force 01.01.2001 - RT I 2000, 102, 672;
14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167;
08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144;
14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145;
27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276;
26.01.99 entered into force 28.02.99 - RT I 1999, 16, 271;
20.01.99 entered into force 01.03.99 - RT I 1999, 10, 155.

Chapter 1

General Provisions

§ 1. Definitions of public service and state office

- (1) Public service (hereinafter the service) is employment in a state or local government administrative agency.
- (2) Employment in a state office is deemed to be an employment relationship in an elected or appointed office prescribed, pursuant to this Act or other laws, on the staff of an institution exercising legislative, executive or judicial power, state supervision, control or national defence.

§ 2. Definition of administrative agency

(1) An administrative agency is an agency which is financed from the state budget or a local government budget and the function of which is to exercise public authority.

(2) State administrative agencies in which employment is considered to be public service shall be:

- 1) Chancellery of the Riigikogu²;
- 2) Office of the President of the Republic;
- 3) Office of the Chancellor of Justice;
- 4) courts (including land registries and their departments);
- 5) government agencies within the meaning of § 39 of the Government of the Republic Act (RT I 1995, 94, 1628; 1996, 49, 953; 88, 1560; 1997, 29, 447; 40, 622; 52, 833; 73, 1200; 81, 1361; 1362; 87, 1468; 1998, 28, 356; 36/37, 552; 40, 614; 71, 1201; 107, 1762; 111, 1833; 1999, 10, 155; 16, 271; 274; 27, 391; 29, 398; 401; 58, 608; 95, 843; 845; 2000, 49, 302; 51, 319; 320; 54, 352; 58, 378; 95, 613; 102, 677; 2001, 7, 16; 24, 133; 52, 303; 53, 305; 59, 358; 94, 578; 100, 646; 102, 677; 2002, 13, 79; 57, 354; 87, 505; 90, 520; 96, 563; 2003, 4, 22; 21, 122; 51, 349);
- 6) Headquarters of the Defence Forces;
- 7) departments of national defence;
- 8) military units of the Defence Forces;
- 9) Headquarters of the National Defence League;
- 10) (Repealed - 19.03.97 entered into force 25.04.97 - RT I 1997, 29, 447)
- 11) State Audit Office.

(07.02.96 entered into force 29.02.96 - RT I 1996, 15, 265)

(3) Local government administrative agencies in which employment is considered to be public service shall be:

- 1) office of a rural municipality or city council;

- 2) rural municipality and city governments (as agencies) together with their structural units;
- 3) governments of a district of a rural municipality and of a district of a city (as agencies);
- 4) city government executive agencies;
- 5) bureaus of local government associations.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 3. Classification of public service

The public service is divided into state public service and local government public service.

§ 4. Definition of public servant

- (1) A public servant is a person who performs remunerative work in a state or local government administrative agency.
- (2) A person who is in a service relationship with the state is a state public servant. A person who is in a service relationship with a local government is a local government servant.

§ 5. Classification of public servants

Public servants are divided into:

- 1) officials;
- 2) support staff;
- 3) non-staff public servants.

§ 6. Definition of official and classification of officials

- (1) An official is a person elected or appointed to an office on the staff of an administrative agency.
- (2) Officials are divided into state officials and local government officials.

§ 7. Definition of support staff

Support staff are clerical staff employed under employment contracts in support staff positions on the staff of an administrative agency.

§ 8. Definition of non-staff public servant

A non-staff public servant is a person who is employed in the service for a specified period of time on the basis of an appointment or an employment contract to perform those functions of an official or member of support staff which are not permanent by their nature.

§ 8¹. Definition of wages, salary and salary rate of state public servants

- (1) Salary together with additional remuneration provided by law and additional remuneration paid pursuant to law is called wages.
- (2) A salary rate which corresponds to a salary grade is called salary.
- (3) A salary rate is a sum of money which corresponds to the salary grade of an official, which is established pursuant to subsection 9 (3) of this Act by a regulation of the Government of the Republic or is differentiated pursuant thereto.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 9. Establishment of salary scale, salary rates and titles of positions and support staff positions of state public servants

- (1) The salary rates of members of the Riigikogu, the President of the Republic, state officials elected or appointed by the Riigikogu and state officials appointed by the President of the Republic shall be established by law.
- (2) The salary scale, and titles of positions and support staff positions of public servants of the Chancellery of the Riigikogu shall be established by the Board of the Riigikogu. The salary scale of public servants of the Office of the President shall be established similarly to the salary scale established for public servants of the Chancellery of the Riigikogu.
- (3) The salary scale, and titles of positions and support staff positions of other state public servants shall be established by law. Salary rates and bases for the payment of additional remuneration for the performance of supplementary functions or for more effective work than required shall be established by a regulation of the Government of the Republic.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 10. Approval of staff of public servants of state administrative agencies

- (1) The structure and the staff of public servants of the Chancellery of the Riigikogu shall be approved pursuant to the Riigikogu Procedure Act (RT I 1994, 90, 1517; 2001, 1, 1; 94, 581; 2002, 30, 176; 64, 393).
- (2) The structure and the staff of public servants of the Office of the President, the Office of the Chancellor of Justice, the Supreme Court and the State Audit Office shall be approved by the head of the corresponding administrative agency.
(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)
- (3) The structure and the staff of public servants of a ministry and the State Chancellery shall be approved by the minister or the State Secretary, respectively.
- (4) The structure and the staff of public servants of administrative agencies operating within the area of government of a ministry shall be approved by a regulation of the minister.
- (5) The staff of public servants of a county government shall be approved by the county governor pursuant to the by-laws of the county government.

§ 11. Approval of staff and salary rates and establishment of titles of position of public servants of local government administrative agencies

- (1) The structure, staff and salary rates of public servants of local government administrative agencies shall be approved by the local government council.
- (2) Titles of position of local government officials shall be established by a regulation of the Government of the Republic.

§ 12. Special cases of application of Public Service Act

- (1) This Act regulates service in the Defence Forces in so far as not otherwise provided for in the Defence Forces Service Act.
(14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167)
- (2) This Act, except §§ 1-4, 6, 9, 10, 40-43, 76 and 153-159, shall not extend to:
 - 1) members of the Riigikogu;
 - 2) the President of the Republic;
 - 3) members of the Government of the Republic;
 - 4) members of a local government council.
(14.04.98 entered into force 08.05.98 - RT I 1998, 38, 563)
- (3) The Public Service Act shall extend, insofar as not otherwise provided by the Constitution or specific Acts, to:

- 1) the Auditor General;
- 2) the Chancellor of Justice;
- 3) judges;
- 4) police officers;
- 5) border guard officials;
- 6) prison officers;
- 7) prosecutors.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(4) The provisions of this Act shall extend to officials who are not set out in subsections (2) and (3) of this section, unless otherwise provided by laws specifically regulating the public service.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(5) Students enrolled in full-time study at an institution of applied higher education for public defence shall be appointed to office in an administrative agency as non-staff public servants in order to undergo practical training. During practical training, the provisions of this Act, except §§ 40, 43, 44, 50–52, 55, 56, 59–65, 67–77, 79–81, do not extend to students. During practical training, the official title of students shall be “trainee”.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

§ 13. Application of labour laws to public servants

(1) Labour laws shall extend to officials insofar as this Act or laws specifically regulating the public service do not provide otherwise. The Employment Contracts Act (RT 1992, 15/16, 241; RT I 1993, 10, 150; 26, 441; 1995, 14, 170; 16, 228; 1996, 3, 57; 40, 773; 45, 850; 49, 953; 1997, 5/6, 32; 1998, 111, 1829; 1999, 7, 112; 16, 276; 60, 616; 2000, 25, 144; 51, 327; 57, 370; 102, 669; 2001, 17, 78; 42, 233; 53, 311; 2002, 61, 375; 62, 377; 110, 656; 111, 663; 2003, 4, 22; 13, 69) shall not extend to officials.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(2) The Employment Contracts Act and other labour laws shall extend to support staff insofar as this Act or laws specifically regulating the public service do not provide otherwise.

Employment in Service

Division 1

Conditions for Employment in Service

§ 14. Requirements for state or local government officials

(1) An Estonian citizen who has attained eighteen years of age, has at least a secondary education, has active legal capacity and is proficient in Estonian to the extent provided by or pursuant to law may be employed in the service as a state or local government official.

(2) A person who has attained 21 years of age and complies at least with the requirements provided for in subsection (1) of this Act may be appointed to a position of higher or senior official in the state public service.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(3) A citizen of a Member State of the European Union who conforms to the requirements established by law and on the basis of law may also be appointed to a position. Only Estonian citizens shall be appointed to positions which involve exercise of public authority and protection of public interest. Such positions are, for example, the positions related to the directing of the administrative agencies specified in subsections 2 (2) and (3) of this Act, exercise of state supervision, national defence and judicial power, processing of state secrets, representing of public prosecution and diplomatic representation of the state, and the positions in which an official has the right, in order to guarantee public order and security, to restrict the basic rights and freedoms of persons.

(14.04.2004 entered into force 01.05.2004 - RT I 2004, 29, 194)

§ 15. (Repealed - 20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 16. Persons who shall not be employed in service

The following shall not be employed in the service:

- 1) a person under punishment for an intentionally committed criminal offence;
- 2) a person under preliminary investigation for or a person accused of a criminal offence for which the law prescribes imprisonment;

3) a person deprived of the right to work in a particular position or to operate in a particular area of activity by a court judgment which has entered into force, in such office or area of activity;

4) persons who are in a close relationship (grandparents, parents, brothers, sisters, children, grandchildren) or in a close relationship by marriage (spouse, spouse's parents, brothers, sisters, children) with an official or the immediate superior who has direct control over the corresponding position;

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

5) a person who has been punished for an act of corruption under administrative or criminal procedure.

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

§ 17. Establishment of different or supplementary requirements for employment in service

(1) Different requirements for employment in the service shall be established by law or pursuant to law.

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

(2) Supplementary requirements for employment in the service shall be established by or pursuant to law. The head of an administrative agency, or a person or administrative agency superior to him or her may establish supplementary qualification requirements.

Division 2

Procedure for Employment of Official in Service

Subdivision 1

General procedure for employment of official in service

§ 18. Officials to whom §§ 19 - 36 of this Act shall not extend

Sections 19 - 36 of this Act shall not extend to persons elected or appointed to office by the Riigikogu or a local government council, or to persons appointed to office by the President of the Republic.

§ 19. Employment of official in service

An official shall be employed in the service by appointment to office.

§ 20. Appointment authority

- (1) The head of an administrative agency or an official authorised by him or her has appointment authority.
- (2) Officials the appointment authority of whom rests with an administrative agency or a superior person shall be provided by law.

§ 21. Term of service

(1) An official shall be employed in the service in a vacant position on the staff of an administrative agency for an unspecified period of time, except in the cases provided for in subsection (2) of this section.

(2) The following shall be employed in the service for a specified period of time:

1) a substitute for a temporarily absent official, until the return to or release from office of the person substituted;

2) an acting official in a position to be filled by way of competition, until the assumption of office by the person designated in the decision of a competition committee;

3) an adviser or assistant to the President or Vice-President of the Riigikogu, an adviser or consultant to a faction or temporary committee of the Riigikogu, for the term of office of a given membership of the Riigikogu, but for not longer than the expiry of the term of office of the President or Vice-President of the Riigikogu, or the termination of activities of the faction or temporary committee of the Riigikogu;

4) an adviser to the President of the Republic, for the term of office of the President of the Republic;

5) an assistant minister and an adviser or assistant to the Prime Minister or a minister, for the term of office of the Government of the Republic or the minister, respectively;

(11.06.2003 entered into force 19.07.2003 - RT I 2003, 51, 349)

5¹) a secretary general of a ministry, for five years;

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

6) a non-staff official, for the time needed for the performance of a function.

7) a Public Conciliator, for the term prescribed in the Collective Labour Dispute Resolution Act (RT I 1993, 26, 442; 1996, 3, 57; 1998, 57, 858; 2002, 63, 387).

(02.06.98 entered into force 06.07.98 - RT I 1998, 57, 858)

8) the Gender Equality Commissioner, for the term prescribed in subsection 15 (3) of the Gender Equality Act (RT I 2004, 27, 181).

(14.04.05 entered into force 20.05.05 - RT I 2005, 24, 183)

(3) Upon the release of a temporarily absent official from office, except from the office of adviser or assistant to the President or Vice-President of the Riigikogu, or to the Prime Minister or a minister, of adviser or consultant to a faction or temporary committee of the Riigikogu, or of adviser to the President of the Republic, a proposal shall be made to the substitute to fill the vacant position as an official employed for an unspecified period of time. Upon the release of a temporarily absent official from an office filled by way of competition, a proposal shall be made to his or her substitute to fill the vacant position as an acting official in an office to be filled by way of competition.

§ 22. Probationary period for official

(1) A person with employment authority may, except in the cases provided for in subsection (3) of this section, apply a probationary period of not longer than six months upon the appointment of an official to office.

(2) During a probationary period, the work results and whether the official meets the requirements set for his or her position shall be assessed. Prior to the end of the probationary period, the immediate superior shall conduct an interview with the official, the results of which shall be entered in the evaluation record of the official. In the case of unsatisfactory results, the official may be released during the probationary period pursuant to clause 117 (1) 1) of this Act.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(3) A probationary period shall not apply:

1) to an official appointed to office by the Government of the Republic or by the Prime Minister;

2) (Repealed - 25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

3) if a position is filled by way of promotion;

4) upon the appointment to a vacant position of a substitute or acting official for a temporarily absent official.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

5) to the Gender Equality Commissioner

(14.04.05 entered into force 20.05.05 - RT I 2005, 24, 183)

(4) The time during which a service relationship is suspended pursuant to clauses 108 1)-4) and 6) of this Act is not included in probationary period.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 23. Documents submitted for entry into service

(1) A person who desires entry into the service shall submit to a person authorised to employ him or her in the service:

- 1) an application in writing;
- 2) a *curriculum vitae*;
- 3) a confirmation under the hand of the applicant that he or she meets the requirements of the service provided by law;
- 4) a certificate (diploma) regarding the necessary qualification or education;
- 5) identification;
- 6) the employment record book issued to him or her;
- 7) other documents required by or pursuant to law.

(2) A person who desires entry into the service may also append other documents to the application.

§ 24. Formalities of appointment to office

(1) An appointment to office shall be made by way of a directive or order.

(2) The directive or order must comply with the requirements set for administrative documents and shall contain at least the following information:

- 1) the given name and surname of the person appointed to office;
- 2) the name of the administrative agency in which the person is employed;
- 3) the title of position and salary grade, salary rate and additional remuneration;
- 4) the date specified for assumption of office;
- 5) in the case of appointment to office for a specified period of time, the term of service;
- 6) in the case of a probationary period, the term of the probationary period;
- 7) the length or absence of public service as at the date of appointment to office.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(3) A copy of the directive or order regarding appointment to office shall be given to the person appointed to office.

§ 25. Commencement of service and postponement thereof

- (1) An official is in the service as of the date of assumption of office.
- (2) Assumption of office shall be postponed for up to seven calendar days if the assumption of office is prevented by reason of illness or injury of the person, or an unexpected personal or family related matter. Postponement of assumption of office beyond seven calendar days shall be decided by a person with employment authority.
- (3) A person with employment authority may, at the request of a person appointed to office, also postpone the assumption of office for a reason not specified in subsection (2) of this section.

§ 26. Cancellation of appointment to office

A person with appointment authority shall repeal a directive or order regarding appointment to office if:

- 1) a person appointed to office submits a petition to this effect before the date specified for assumption of office;
- 2) circumstances, provided by law, which preclude the appointment to office become known before assumption of office;
- 3) a person appointed to office has not assumed office by the specified time, except if the assumption of office was postponed pursuant to subsections 25 (2) or (3) of this Act;
- 4) a person refuses to take an oath of office.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 27. Obligation arising from cancellation of appointment to office

A person whose appointment to office is cancelled is required to return everything received due to the appointment to office.

§ 28. Oath of office

- (1) Upon assumption of office for the first time, an official shall take, before the person who has appointed him or her, the following oath of office in writing:
“I swear to be faithful to the constitutional order of Estonia and to perform in a conscientious and accurate manner the functions which the office entrusted to me

requires. I am aware that the law prescribes liability for a breach of duties or the public service code of ethics.”

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

(2) A person who takes the oath shall sign the text of the oath, also indicating the date of taking the oath.

(3) The text of the oath of office shall be held together with the service record.

(4) An official who has taken the police oath is not required to take the oath of office specified in subsection (1) of this section.

(14.05.98 entered into force 15.06.98 - RT I 1998, 50, 753)

Subdivision 2

Employment in service by way of competition

§ 29. Positions filled by way of competition

(1) Higher officials specified in clause 4 (1) 1) of the State Public Servants Official Titles and Salary Scale Act shall be appointed to office on the basis of a public competition, except in the cases specified in § 30 of this Act.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(2) By the decision of the head of a state or local government administrative agency, a public competition may also be announced to fill other positions in the corresponding administrative agency.

§ 30. Employment in service without competition

The following may be appointed to office without a public competition:

1) officials of the Chancellery of the Riigikogu, the Office of the President of the Republic, the Office of the Chancellor of Justice, the Supreme Court and the State Audit Office;

2) officials appointed to office by the Government of the Republic;

3) advisers and assistants to the Prime Minister and ministers (clause 21 (2) 5)), or officials appointed to office by the Prime Minister;

4) temporary substitutes;

5) acting officials, to vacant positions to be filled by way of competition;

6) persons, by way of promotion;

7) (omitted - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 31. Announcement of competition

(1) The State Secretary shall, in the official publication *Ametlikud Teadaanded*³, announce a public competition for a vacant position of an official, on the proposal of a person authorised to appoint the corresponding official, allowing candidates at least two weeks after the date of publication of the notice for submission of their applications.

(20.01.99 entered into force 01.03.99 - RT I 1999, 10, 155)

(2) A notice of competition shall contain at least the following information:

- 1) the name of the administrative agency and title of the position to be filled by way of competition;
 - 2) the requirements set for applicants;
 - 3) the amount of salary;
 - 4) the deadline for submission of an application and other necessary documents;
 - 5) the address of the competition and evaluation committee;
 - 6) the date and time of meeting of the competition and evaluation committee.
- (3) The meeting of a competition and evaluation committee shall be held not earlier than three weeks after the date of publication of the notice of competition.

§ 32. Submission of documents for participation in competition

An application for participation in a competition shall be submitted together with documents set out in clauses 23 (1) 2)-4) and 7) of this Act and shall be addressed to the competition and evaluation committee (§ 93).

§ 33. Assessment of participants in competition

A competition and evaluation committee shall assess whether the applicants meet the requirements set for the position, shall hear, where necessary, a person authorised to make appointments to that position and shall make its decision pursuant to procedure provided for in § 97 of this Act.

§ 34. Announcement of competition results

(1) A competition and evaluation committee shall present one candidate or several candidates for a position or decline to present a candidate.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(2) The chairman of a competition and evaluation committee or, in his or her absence, the deputy chairman or a duly authorised member shall, not later than on the working day following the date the decision is made, notify each applicant in writing of the decision concerning him or her and the person with appointment authority of the information regarding the presented candidates or of declining to present any candidates.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 35. Appointment to office or assignment to reserve of presented candidate

(1) Candidates presented for a position shall submit to a person with appointment authority, within two weeks after receipt of the decision of a competition and evaluation committee, an application in writing, a *curriculum vitae*, a confirmation under the hand of the applicant that he or she meets the requirements for the service provided by law, copies of the documents specified in clauses 23 (1) 4)-6) of this Act and other documents required by law or pursuant to law.

(2) A person with appointment authority shall appoint to office one of the candidates from among the persons who were presented for the position by a competition and evaluation committee and who fulfilled the conditions specified in subsection (1) of this section. Sections 23-25 of this Act shall be observed in the appointment to and assumption of office. Persons who are not appointed to office shall be notified thereof in writing, with a reasoned explanation, by the person with appointment authority not later than on the date on which the person appointed to office assumes office.

(3) A candidate who is presented for a position but who is not appointed to office for reasons independent of him or her and who is not an official may submit, within two weeks after receipt of the notice from the person with appointment authority, an application for his or her assignment to the reserve pursuant to clause 138 3) of this Act.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 36. Failure of competition

A competition shall be considered failed if no applications are submitted for participation in the competition or if a competition and evaluation committee declines to present a candidate for a position.

Chapter 3

Rights of Public Servant

§ 37. Payment of salary and additional remuneration for years of service

(1) A public servant shall be entitled to receive a salary from the date of entry into the service until the date of release from the service.

(2) State officials shall receive additional remuneration for years of service as follows:

- 1) from 5 years of service, 5 per cent of the salary;
- 2) for 10-15 years of service, 10 per cent of the salary;
- 3) from 15 years of service, 15 per cent of the salary.

(3) Remuneration provided for in subsection (2) of this section may remain unpaid, or the amount thereof may be decreased during the time a disciplinary punishment of the state official is in force.

(4) Salary shall be paid pursuant to the procedure provided for in the Wages Act (RT I 1994, 11, 154; 1995, 12, 120; 1999, 29, 397; 2000, 10, 59; 40, 248; 2001, 42, 233; 50, 287; 2002, 61, 375; 62, 377; 111, 662; RT III 2003, 2, 16).

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 38. Additional remuneration for academic degree

A state official with an academic degree shall receive additional remuneration as follows:

- 1) for a master's degree, 10 per cent of the salary;
- 2) for a doctor's degree or equivalent, 20 per cent of the salary.

§ 39. Additional remuneration for proficiency in foreign languages

A state official who is proficient in at least three foreign languages, to the extent specified by a person or administrative agency who has appointed him or her to office, and the use of these languages is required in the service, shall receive 10 per

cent of his or her salary as additional remuneration for the third and each subsequent foreign language, but not more than a total of 30 per cent.

§ 39¹. Additional remuneration for processing state secrets or classified media

A public servant (except an official of a security authority) employed in a position where a permit for access to state secrets is a prerequisite for employment shall receive 50 per cent of his or her salary as additional remuneration.

(26.01.99 entered into force 28.02.99 - RT I 1999, 16, 271; 20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

§ 40. Sending on official travel and reimbursement of travel expenses

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(1) A public servant shall be entitled to reimbursement of official travel expenses under conditions, to the extent and pursuant to procedure established by law or a regulation of the Government of the Republic.

(2) The position or support staff position and the salary of a public servant shall be retained for the duration of official travel.

(3) A pregnant woman or a person raising a disabled child, one who is disabled from childhood or child under three years of age shall not be permitted to be sent on official travel without the person's consent.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 41. Compensation upon appointment of state official to position in another locality

Upon appointment to a position in another locality, a state official shall be paid his or her one month's salary in the new position as compensation if this is greater than the last salary of the state official. If in the new position the salary is smaller than the last salary of the state official, he or she shall be paid an amount which equals to the last salary of the state official as compensation. In addition, the travel and moving expenses of the official and of his or her family members shall be reimbursed under conditions, to the extent and pursuant to the procedure established by a regulation of the Government of the Republic.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 42. Reimbursement of travel expenses

- (1) (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)
- (2) (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)
- (3) An official shall be reimbursed for expenses relating to the use of a personal vehicle for business travel under conditions, to the extent and pursuant to procedure established by a regulation of the Government of the Republic.

§ 43. Business travel abroad

- (1) The sending of a public servant to a foreign state shall be considered business travel abroad.
- (2) Permission for business travel abroad shall be granted to the head of an agency within the area of government of a ministry by the secretary general, with the knowledge of the minister.

(07.02.96 entered into force 29.02.96 - RT I 1996, 15, 265)

- (3) The procedure for sending a public servant on business travel abroad, the amount of remuneration for business travel abroad, the amount of compensation and the procedure for the payment thereof, and other social guarantees shall be established by a regulation of the Government of the Republic.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 44. Working and rest time

- (1) A public servant shall have a five-day working week with two days off.
- (2) The working time of a public servant shall not exceed forty hours per week.
- (3) The working and rest time of a public servant shall be specified pursuant to the Working and Rest Time Act (RT I 1994, 2, 12; 1995, 12, 120; 2001, 21, 114), considering the differences provided by this Act and laws specifically regulating the public service.

§ 45. Holiday and holiday pay

- (1) An official shall be entitled to a base holiday of thirty-five calendar days provided for in the Holiday Act (RT 1992, 37, 481; 1993, 10, 150; 1994, 84, 1474; 1995, 16, 228; 1997, 74, 1229; 93, 1560; 1999, 82, 749) and to other holidays under conditions and pursuant to procedure provided for in the Holiday Act and this Act.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(2) In the case of at least three years of service, an official shall be granted one day of additional holiday for the third and each subsequent year, but not more than a total of ten calendar days. During the time a disciplinary punishment is in force, additional holidays may be decreased or withheld.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(3) Holiday pay shall be paid in full not later than on the penultimate working day before commencement of a holiday.

(4) An official to whom holiday pay is not paid at the time provided for in subsection (3) of this section may demand an extension of his or her holiday with holiday pay equal to the period of time the holiday pay is delayed.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 46. Holiday benefit

(1) A public servant may be paid a holiday benefit of up to one month's salary in connection with his or her base holiday. Upon payment of holiday benefits, the holiday benefits shall be paid to all public servants on equal bases.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(1¹) If a holiday is carried over to the following working year, a holiday benefit shall also be paid for the preceding working year.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) If a holiday is granted in parts, the whole holiday benefit shall be paid upon the use of the first part of the holiday.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(3) During the time a disciplinary punishment is in force, a holiday benefit shall not be paid.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(4) A holiday benefit shall be paid, as chosen by the public servant, either together with the holiday pay or on the first pay day after return from holiday.

§ 47. Transfer of official and assignment of functions beyond scope of his or her position

The transfer of an official to another position, or the assignment to him or her of functions beyond the scope of his or her position is permitted only with the written consent of the official, except in the cases provided for in §§ 60, 61 and 64 of this

Act. The transfer of an official to another locality is permitted only with the written consent of the official, except in the case provided for in § 61 of this Act.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 48. Remuneration in case of unlawful transfer of official

An official shall be entitled to receive his or her former salary for the whole period of unlawful transfer if he or she is not permitted to continue to perform his or her former functions and if he or she notifies in writing the person who or the administrative agency which issued the unlawful order of the unlawfulness of the transfer.

§ 49. Transfer for health reasons

An official who, by the decision of a doctor, is advised not to continue in his or her position for health reasons shall be entitled to receive a position suitable to his or her state of health in the same administrative agency, except a position to be filled by way of competition. If there is no such position available in the administrative agency or if the official does not meet other requirements set for filling that position, the official shall be released from the service pursuant to clause 117 (1) 5) of this Act.

§ 50. Temporary easement of conditions of service and temporary transfer of official

(1) An official shall be entitled, by the decision of a doctor, to the temporary easement of his or her conditions of service or to a temporary transfer to a position suitable to his or her state of health, except a position to be filled by way of competition. The official shall be paid a salary appropriate to the new position if it is higher than his or her former salary, and the additional remuneration which the official is entitled to receive. If the salary corresponding to the new position is lower than the official's former salary, he or she shall retain the former salary.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) If easement of conditions of service or transfer provided for in subsection (1) of this section is impossible, an official shall be released from the performance of his or her functions until the expiry of the leave noted in the decision of a doctor. The official shall be paid his or her former salary for that period of time.

§ 51. Temporary easement of conditions of service and temporary transfer of official during pregnancy

(1) During pregnancy, an official shall be entitled, based on a certificate for sick leave prepared by a doctor, to temporary easement of her conditions of service or to a temporary transfer to another position, except a position to be filled by way of competition. The difference in wages shall be compensated pursuant to the procedure provided for in the Health Insurance Act (RT I 2002, 62, 377; 2003, 20, 116).

(2) If the labour inspector of the location of an administrative agency has ascertained that easement of the conditions of service or the transfer provided for in subsection (1) of this section is impossible, the official shall be released from the performance of her duties for the period prescribed in the certificate for sick leave and shall be paid a compulsory health insurance benefit pursuant to the procedure prescribed in the Health Insurance Act.

(19.06.2002 entered into force 01.10.2002 - RT I 2002, 62, 377)

§ 52. Benefits for official raising disabled child or child under three years of age
Benefits enjoyed pursuant to law by a woman raising a disabled child or child under 3 years of age shall also extend to a male official who, alone, is raising a disabled child or child under 3 years of age and to an official who is the guardian of a disabled child or child under 3 years of age.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 53. Writing off of study loans secured by state

Study loans secured by the state shall be written off using funds in the state budget under the conditions and pursuant to the procedure established by the Government of the Republic.

(07.08.2003 entered into force 01.09.2003 - RT I 2003, 58, 387)

§ 54. Study leave for professional development

A state official shall be granted a study leave with pay for up to three months once every five years for professional development pursuant to procedure established in the Adult Education Act (RT I 1993, 74, 1054; 1998, 71, 1200; 1999, 10, 150; 60, 617; 2002, 90, 521; 2003, 20, 116).

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 55. Use of dwelling

(1) A state official shall be provided with a dwelling by the employer, where possible, or shall be compensated for the expenses incurred for using another dwelling if the official is appointed to a position located in another locality or if the official has no dwelling of his or her own in the location of the administrative agency.

(2) The list of positions where the expenses incurred for using another dwelling are compensated for and the limits of such expenses shall be established by a regulation of the Government of the Republic.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 55¹. Ensurance of catering

A state official exercising sanitary control, quarantine control, veterinary control, food control, plant health control or customs control at a customs post at the state border shall be provided with catering services during the time when he or she performs his or her duties.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 56. Allowance upon death or disability of public servant

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(1) Upon the death of a public servant as a result of an attack against him or her due to his or her functions, or as a result of the combating of a criminal offence, those family members of the public servant who were maintained by him or her shall be paid a single allowance to the extent of ten years' salary of the deceased person. Funeral expenses of a person deceased under such circumstances shall be borne by the state.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(2) A public servant who becomes disabled under the circumstances provided for in subsection (1) of this section shall be paid a single allowance upon:

- 1) partial loss of capacity for work, to the extent of his or her one year's salary;
- 2) total loss of capacity for work, to the extent of his or her five years' salary.

§ 57. Old-age pension of official

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(1) An official shall be ensured a state old-age pension with the exceptions provided for in this Act.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

- (2) State old-age pensions shall be increased as follows:
 - 1) for 10 - 15 years of service, by 10 per cent;
 - 2) for 16 - 20 years of service, by 20 per cent;
 - 3) for 21 - 25 years of service, by 25 per cent;
 - 4) for 26 - 30 years of service, by 40 per cent;
 - 5) for more than 30 years of service, by 50 per cent.
- (3) Expenditure resulting from an increase in old-age pension provided for in subsection (2) of this section shall be covered from state budget funds.

§ 58. Other service-related rights of official

An official has all the rights prescribed for a person employed under an employment contract in the official's relationship with his or her employer and with an agency responsible for social insurance or care. Exceptions and supplementary rights shall be provided by this Act and other laws regulating the public service.

Chapter 4

Duties of Service

§ 59. Performance of duties and obligation to observe legislation

(1) A public servant shall perform his or her duties in an accurate, timely and conscientious manner, expeditiously and without self-interest, pursuant to the public interest. The duties of service are determined in this Act and other laws, regulations and job descriptions, and other legislation. A public servant shall also perform his or her duties pursuant to the public service code of ethics set out in Annex 1 to this Act and other codes of ethics established within the administrative agency.

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

(1¹) A job description may be changed without the consent of a public servant if the aim, main function(s) of and required professional training for the position and the salary of the public servant do not change, and the volume of functions of the official does not increase significantly.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) A public servant is required to implement legislation and orders pertaining to the service and, without waiting for a special order, to perform functions arising from

his or her position, except in the cases set out in subsections 62 (1) and 63 (1) of this Act.

§ 60. Execution of orders not arising from position

(1) A public servant is required to execute one time service-related orders issued by his or her immediate superior or by the head of the administrative agency the obligation for the execution of which does not arise from the position of the public servant, except in the cases set out in subsections 62 (1) and 63 (1) of this Act. A public servant shall notify his or her immediate superior of an order issued by the head of the administrative agency.

(2) If the execution of an order specified in subsection (1) of this section should hinder the performance of functions arising from the position of a public servant, he or she shall notify the issuer of the order thereof and shall execute the order if it is repeated.

§ 61. Performance of functions not belonging to functions of public servant

(1) A public servant is temporarily required to perform functions which are assigned to him or her by the head of the administrative agency but which do not belong to his or her functions if the performance of such functions in that administrative agency is necessary for the speedy elimination of the consequences of a natural disaster or for the speedy prevention of an accident, or destruction of or damage to property, except if the performance of the function by the public servant is not advisable for health reasons or if he or she is apparently incapable of performing the function.

(2) A public servant who is temporarily released from the performance of his or her current functions pursuant to subsection (1) of this section shall retain his or her current salary.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 62. Prohibited orders

(1) The issuance of an order which:

1) is in conflict with law;

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

2) exceeds the authority of the issuer of the order;

3) requires acts which the recipient of the order has no right to perform shall be prohibited.

(2) When in doubt as to the legality of an order, a public servant is required to immediately notify the issuer of the order and the issuer's superior of the public servant's doubts. If the order is repeated in writing, the order shall be executed, except in the cases set out in subsection 63 (1) of this Act.

§ 63. Grounds for refusal to perform functions not arising from position

(1) A public servant may refuse to perform the duties provided for in subsections 60 (1), 61 (1) and 62 (2) of this Act if their performance:

- 1) would be directed against his or her spouse, his or her or the spouse's parents, brothers, sisters or children, or against other persons close to him or her;
- 2) is not advisable for health reasons;
- 3) does not allow the use of benefits prescribed for the raising of children;
- 4) would require a higher qualification or different professional training than the given public servant has.

(2) Upon the refusal to execute an order, a public servant must immediately notify the issuer of the order of a circumstance specified in subsection (1) of this section.

§ 64. Performance of functions of absent official

(1) In order to replace a temporarily absent official or to fill a vacant position in cases of urgency if the normal operation of the administrative agency would be hindered due to the absence of the official and if employment of a substitute or an acting official is not possible or purposeful, a person with authority to appoint the absent official may:

- 1) divide the functions of the absent official among other officials without releasing them from the performance of their own functions;
- 2) assign the functions of the absent official to another official, releasing the latter from the performance of his or her own functions;
- 3) assign the functions of the absent official partly to another official, without releasing him or her from the performance of his or her own functions.

(2) An official may refuse to temporarily perform the functions specified in subsection (1) of this section if the performance thereof by the official is not advisable

for health reasons or if this requires a higher qualification or different professional training than the given official has.

(3) An official shall not perform the functions of an absent official in the same administrative agency, pursuant to subsection (1) of this section, for more than two months per calendar year. If the absent official is substituted by his or her deputy on the same staff or if a person grants written consent to perform the functions of the absent official during a longer period, this term does not apply.

(4) Officials who, pursuant to clause (1) 1) of this section, substitute for an absent official shall be paid, in addition to their own salary, additional remuneration of up to the salary of the absent official in proportion to the amount of functions of the absent official assigned to them.

(5) An official who, pursuant to clause (1) 2) of this section, substitutes for an absent official shall be paid the salary of the absent official if it is higher than his or her salary, and the additional remuneration which the substitute is entitled to receive. If the salary of the absent official is lower than that of the substituting official, the substitute shall retain his or her former salary.

(6) Officials who, pursuant to clause (1) 3) of this section, substitute for an absent official shall be paid, in addition to their own salary, additional remuneration of up to the salary of the absent official in proportion to the amount of functions of the absent official assigned to them.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 65. Transfer of operations and assets

(1) A public servant is required to turn to a designated person to transfer operations and assets entrusted to the public servant due to his or her office before going on holiday or before his or her release from office or support staff position. The designated person is required to accept the operations and assets.

(2) The duties and liabilities of a state public servant upon the transfer and acceptance of state assets shall be provided by the State Assets Act.

§ 66. (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 67. Maintenance of information not subject to disclosure

A public servant shall maintain a state or business secret which becomes known to him or her due to his or her office, information concerning the family and private life of others, and other information received in confidence during the time of the service relationship and after release from the service.

§ 68. Membership in organisation which possesses weapons

A state public servant may belong to an organisation which possesses weapons, is militarily organised or performs military exercises only with the permission of the person or administrative agency who has appointed him or her to office and with the knowledge of his or her immediate superior. This condition shall not extend to membership in state organisations, hunters' associations, and in generally known and recognised sports organisations.

§ 69. Restrictions on membership in commercial association

(1) A state official shall not belong to the permanent directing body or permanent control or audit body of a commercial association, except as a representative of the state to the directing or supervisory body of an enterprise with participation of the state or a person in public law.

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

(2) A state official shall not be paid additional remuneration for belonging to the directing or supervisory body of an enterprise with state participation.

§ 70. (Repealed - 18.12.2003 entered into force 01.01.2004 - RT I 2003, 90, 601)

§ 71. Restrictions in connection with supervisory control

(1) A state official shall not receive income from an association or party over which he or she exercises supervision in performing his or her functions.

(2) An obligation shall not be imposed on an official to exercise supervision, in performing his or her functions, over a commercial association of which he or she is a member.

§ 72. Participation in enterprise

(1) A state official may engage in enterprise only with the permission of the person or administrative agency who has appointed him or her to office if the

enterprise does not hinder the performance of his or her functions or damage the reputation of his or her position.

(2) An official shall not exercise supervision over his or her own enterprise in performing his or her functions.

§ 73. Employment with another employer

(1) An official may work for another employer with the work load and at the time permitted by his or her immediate superior, unless such employment damages the reputation of the official's position.

(2) An official shall not work for an employer over whom he or she exercises supervision in performing his or her functions.

§ 74. Restrictions on entry into service and on membership

A state official released from office shall not, within three years after the date of release from office, enter into the service of an employer over whom, or join a commercial association over which, he or she exercised supervision regularly within the last three years. He or she shall also not receive income from such employer or commercial association within three years after the date of release from office.

§ 75. Obligation to declare economic interest

An official is required to submit a declaration of his or her economic interests pursuant to the procedure and under the conditions provided for in the Anti-corruption Act.

(14.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 145)

§ 76. Restrictions on conclusion of transaction

(1) A public servant is prohibited from:

- 1) acquiring assets which are entrusted to him or her for concluding a transaction and belong to a person with whom he or she is in employment or service relationship;
- 2) concluding, as a person entitled to represent a state agency in transactions, transactions with the state through the administrative agency concerned, or concluding, as a person entitled to represent a local government agency in transactions, transactions with a local government through the administrative agency concerned;

- 3) concluding, as a representative of the state or a local government, property transactions with legal persons specified in subsection 19 (2) of the Anti-corruption Act;
 - 4) concluding, as a representative of the state or a local government, property transactions with a non-profit association or political party of which he or she is a member;
 - 5) concluding, as a representative of the state or a local government, property transactions with an employer, company, non-profit association or political party, over the activities of which he or she exercises supervision;
 - 6) concluding, as a representative of the state or a local government, property transactions with his or her close relatives, close relatives by marriage, or himself or herself.
- (2) Transactions concluded in violation of the prohibitions provided for in subsection (1) of this section are void.
- (27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

Chapter 5

Internal Work Procedure Rules of Administrative Agency

§ 77. Content of internal work procedure rules

Internal work procedure rules of an administrative agency shall specify at least the following:

- 1) beginning and end of working time;
- 2) breaks for rest and meals, and general breaks during a working day;
- 3) conditions and policies for being in the administrative agency on days off, public holidays and after the end of daily working time;
- 4) procedure for the communication of service-related orders;
- 5) time and place of payment of salary;
- 6) general instructions for occupational health and safety and fire prevention;
- 7) general rules of conduct in an administrative agency;
- 8) procedure for the communication of an absence from the service if a public servant uses the right granted by law to be absent from the service for health reasons or to care for a child under fourteen years of age without a certificate for sick leave or care leave.

§ 78. Establishment of and access to internal work procedure rules

(1) The head of an administrative agency shall present the draft internal work procedure rules for proposals and comments to public servants and to organisations representing them at least two weeks before approval of the rules. Proposals and comments made by public servants are not binding on the head of the administrative agency, except if they are based on law.

(2) Internal work procedure rules of an administrative agency shall be approved by the head of the administrative agency.

(3) The head of an administrative agency shall send a copy of the internal work procedure rules to a labour inspector of the location of the administrative agency and to an organisation representing public servants in that location, after approval of the rules.

(4) The internal work procedure rules shall enter into force on the working day following the date of approval, unless a later date of entry into force is prescribed in the rules. The rules shall be communicated to all public servants who shall confirm this with their signature.

(5) Upon the employment of a public servant, the head of an administrative agency shall inform the public servant of the internal work procedure rules, and the public servant shall confirm this with his or her signature; the head of the administrative agency shall ensure access to the rules at any time.

Chapter 6

Incentives, Promotion of Official and Liability to Disciplinary Action

Division 1

Incentives

§ 79. Classification of incentives

(1) The following incentives may be applied for long-term service and for noteworthy performance of duties or civil duty:

- 1) expression of thanks;
- 2) granting of a monetary award;
- 3) giving of a valuable gift;

- 4) advancement to a higher salary grade.
- (2) Several incentives may be applied simultaneously.
- (3) If an official has the highest salary grade which is prescribed for the group of officials by law, it shall not preclude application of the incentive provided for in clause (1) 4) of this section unless the official has the highest salary grade provided for in the salary scale.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 80. Applier of incentive

- (1) A public servant may be thanked by his or her superior who has the right to issue a directive or order.
- (2) A monetary award may be granted or a valuable gift may be given by a person or administrative agency authorised to employ the given public servant.
- (3) Advancement to a higher salary grade may be effected by a person or administrative agency authorised to employ the given public servant.
- (4) A reasoned proposal to apply an incentive may be made by any superior or administrative agency.

§ 81. Formalities of incentive

- (1) An incentive shall be made by way of a reasoned directive or order in at least two copies of which one is retained by the applier of the incentive and the other is given to the public servant.
- (2) An incentive shall be entered in the service record.

Division 2

Promotion of Official

§ 82. Promotion of official

- (1) Promotion of an official means appointing the official:
 - 1) to a position in a higher basic category of offices in the same administrative agency or within the jurisdiction of the administrative agency;
 - 2) to a position specified in subsection 29 (1) of this Act;
 - 3) to a position in the same basic category of offices in an administrative agency superior to the administrative agency where the official is in the service;

4) to a position belonging to the basic category of executive officers in a local government administrative agency.

(2) The person authorised to appoint an official to the position to which the official is being promoted, has the right to promote the official.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 83. Procedure for promotion of official

(1) An official who has been in the service in his or her current position for at least six months and who, upon promotion to a position specified in subsection 29 (1) of this Act, has been declared suitable for the position to which he or she is being promoted by a competition and evaluation committee, may be promoted. A reasoned proposal for the promotion of an official may be made by his or her superior, a person or an administrative agency who has appointed the official to office or who has the right to appoint an official to the position to which the official is being promoted, or by the corresponding competition and evaluation committee.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(2) Written consent of the person to be promoted is required for promotion. Written consent of the head of the administrative agency where a person is in the service is required for promotion of the official to another administrative agency, except in the case specified in clause 82 (1) 3) of this Act.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(3) If several officials are presented for promotion to one position, promotion shall be decided by a person or administrative agency authorised to appoint an official to the position to which the official is being promoted. Officials not promoted to the position shall be notified thereof in writing, with a reasoned explanation, by the person or administrative agency who has the right of promotion not later than on the date of promotion of the promoted official. Upon promotion of an official to another administrative agency, the official shall be released from his or her current position on the basis of subsection 127 (1) of this Act.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(4) An official shall not be promoted during the time a disciplinary punishment is in force.

Liability to Disciplinary Action of Officials

§ 84. Disciplinary offences

Disciplinary offences are:

- 1) the wrongful non-performance or unsatisfactory performance of duties, including intoxication while in the service;
- 2) the wrongful causing of damage to the property of an administrative agency or the wrongful causing of danger of such damage;
- 3) an indecent act, that is, a wrongful act which is in conflict with generally recognised moral standards or ethic standards set for officials, or which discredits an official or administrative agency, regardless of whether the act is committed in or out of service.

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

§ 85. Disciplinary punishments

(1) Disciplinary punishments imposed on officials are:

- 1) a reprimand;
- 2) a fine not exceeding ten times the daily wage of an official;
- 3) removal from the service with suspension of salary for not more than ten consecutive scheduled working days;
- 4) transfer to a lower salary grade by up to three grades for not longer than one year;
- 5) release from the service pursuant to § 118 of this Act.

(2) Only one disciplinary punishment may be imposed for each offence.

(3) If an official has the lowest salary grade which is prescribed for the group of officials by law, it shall not preclude imposition of the disciplinary punishment provided for in clause (1) 4) of this section unless the official has the lowest salary grade provided for in the salary scale.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 86. Imposer of disciplinary punishment

A person or administrative agency authorised to appoint the given official to office has the right to impose a disciplinary punishment.

§ 87. Procedure for imposition of disciplinary punishment

Upon bringing disciplinary action against an official, §§ 6-13 and 15, subsections 17 (1), (2), (4)-(6), §§ 18 and 19, and subsections 20 (1) and (2) of the Employees Disciplinary Punishments Act (RT I 1993, 26, 441; 1995, 16, 228; 1998, 64/65, 1009; 2000, 102, 674) shall apply with the following differences:

- 1) the bases for the termination of the service relationship provided for in clauses 108 1)-9) of this Act shall apply instead of the bases for the termination of an employment contract specified in subsection 6 (3);
- 2) in the application of subsection 12 (3), the words “termination of an employment contract” shall be replaced with the words “release from the service”;
- 3) the bases for the suspension of the service relationship provided for in clauses 108 1)-6), 8) and 9) of this Act shall apply instead of the bases for the suspension of an employment contract specified in subsection 19 (3). In the application of the second sentence of the same provision, the words “started work after suspension of the contract” shall be replaced with the words “entered into the service after suspension of the service relationship”;
- 4) in the application of provisions of the Employees Disciplinary Punishments Act, the rights of an employer shall rest with a person authorised to employ the given official in the service and with other superiors to the extent specified by the person with employment authority.

§ 88. Entry of disciplinary punishment into service record

A disciplinary punishment shall be entered in the service record.

§ 89. Cancellation of disciplinary punishment

- (1) A person who or an administrative agency which imposes a disciplinary punishment on an official may cancel the punishment before the prescribed time, unless the official commits another offence, and if he or she proves to be a good employee.
- (2) The cancellation of a disciplinary punishment before the prescribed time shall be made in writing in at least two copies of which one shall be retained by the person or administrative agency which cancels the disciplinary punishment and the other shall be given to the public servant. The cancellation of a disciplinary punishment shall be entered in the service record.

Division 4

(02.05.2001 entered into force 01.01.2002 - RT I 2001, 47, 260)

Proprietary liability of officials

(02.05.2001 entered into force 01.01.2002 - RT I 2001, 47, 260)

§ 89¹. Compensation for damage

- (1) An official is required to compensate for damage, wrongfully caused as a result of a breach of duties, to the state or local government in whose agency the official was employed at the time the damage was caused.
- (2) Compensation paid by the state or local government for damage caused to a third party as a result of a breach of duties of an official is deemed to be damage caused to the state or local government by the official.
- (3) If damage is caused by several officials jointly, each official shall be liable to the extent corresponding to his or her fault.
- (4) The amount of compensation is determined on the basis of the economic situation of the official, the extent of damage as compared to the salary of the official, the assessment of the risk of causing damage arising from the nature of duties, lack of experience objectively arising from the length of service, the service-related orders and instructions issued to the official, and other circumstances which would render compensation for damage by the official in full unfair.
- (5) If damage was not caused intentionally, the compensation shall not exceed six times the amount of the total of salary and additional remuneration of the official.

(02.05.2001 entered into force 01.01.2002 - RT I 2001, 47, 260)

§ 89². Procedure for compensation for damage

- (1) In order for compensation for damage to be granted, the person with authority to appoint an official makes a written proposal to the official, specifying the extent of, procedure for and the term of compensation for damage and the circumstances which are the basis of claiming compensation. The official shall respond to the proposal in writing, indicating whether he or she undertakes to compensate for damage or refuses to do so.
- (2) A proposal may be made within three months as of the date when the person with appointment authority became or should have become aware of the

circumstances which are the basis of the claim but not later than within three years as of the causing of damage.

- (3) An official shall be given at least two weeks to respond to the proposal.
- (4) If an official fails to respond to the proposal on time, refuses to compensate for damage or fails to compensate for damage during the term indicated in the proposal, the official shall be ordered by an administrative court to pay compensation on the basis of an appeal filed by the person with appointment authority. The application shall be filed with the administrative court within thirty days after the right to file an action arises.

(02.05.2001 entered into force 01.01.2002 - RT I 2001, 47, 260)

Chapter 7

Evaluation of Official

Division 1

General Rules

§ 90. Definition of evaluation

For the purposes of this Act, evaluation of a person means an assessment of his or her work results and of whether he or she meets the requirements set for his or her position.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 91. Persons evaluated

- (1) Competition and evaluation committees shall evaluate:
 - 1) officials once every three years (evaluation period);
 - 2) officials presented for promotion to a position specified in subsection 29 (1) of this Act;

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

- 3) (Repealed - 25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)
- 4) candidates for a position if the position is to be filled by way of public competition;
- 5) persons who are not in the service as officials and who apply for assignment to the reserve of officials.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664; 25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(2) A competition and evaluation committee shall not evaluate:

1) officials appointed to office by the Riigikogu, by the Board of the Riigikogu, by the President of the Republic, by the Government of the Republic, by the Prime Minister or a local government council;

(18.03.98 entered into force 25.04.98 - RT I 1998, 34, 486)

2) officials to be employed in the service for a specified period of time;

3) an official during her pregnancy or a female official who is raising a child under three years of age, unless she so requests.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 92. Evaluation date

(1) An evaluation date shall be specified by the head of a state or local government administrative agency in concordance with the chairman of the corresponding competition and evaluation committee.

(2) An evaluation period begins from the date of appointment to office, the date following the date of regular evaluation, or the date of appointment to a position to be filled by way of public competition, and ends on the date of regular evaluation or the date of promotion to a position to be filled by way of public competition.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(3) Evaluation period is extended:

1) for a period of time during which an evaluation is postponed pursuant to clause 99¹ (1) 3) of this Act;

2) for the time of suspension of a service relationship, if the service relationship was suspended for longer than six months altogether during the last year of the evaluation period;

3) in the case of appointment to a position in the same basic category of offices or promotion to a position specified in clauses 82 (1) 1) and 3) – until six months have passed from the date of assuming the said position;

4) if, by the time of the last annual interview during the evaluation period, the immediate superior of an official has not been employed in his or her position for at least six months – until six months pass.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

Division 2

Competition and Evaluation Committees

§ 93. Committees for evaluation of officials

- (1) Competition and evaluation committees shall evaluate officials as follows:
- 1) the Competition and Evaluation Committee of Officials of the Chancellery of the Riigikogu shall evaluate officials of the Chancellery of the Riigikogu;
(18.03.98 entered into force 25.04.98 - RT I 1998, 34, 486)
 - 2) the Competition and Evaluation Committee of Officials of the Office of the President of the Republic shall evaluate officials of the Office of the President of the Republic;
 - 3) the Competition and Evaluation Committee of Officials of the Office of the Chancellor of Justice shall evaluate officials of the Office of the Chancellor of Justice;
 - 4) the Competition and Evaluation Committee of Higher State Public Servants at the State Chancellery shall evaluate deputy secretaries general of ministries, the director general and the director of co-ordination of the State Chancellery, directors general of executive agencies and inspectorates and their deputies, county secretaries, directors and heads of departments of ministries and the State Chancellery, heads of other government agencies, and officials who are to be promoted to any of these offices;
(18.03.98 entered into force 25.04.98 - RT I 1998, 34, 486)
 - 5) a competition and evaluation committee of officials of a government agency shall evaluate officials of ministries, the State Chancellery, county governments, boards, inspectorates, and other government agencies who are not listed in clause 4) of this subsection; the competition and evaluation committee of a ministry shall evaluate the heads of departments of government agencies within the area of government of the ministry and heads of their regional offices with authority to exercise executive power, and officials who are to be promoted to any of these offices; the Competition and Evaluation Committee of the Ministry of Justice shall also evaluate officials of courts of first and second instance, and officials who are to be promoted to any of these offices; the Competition and Evaluation Committee of the State Chancellery shall evaluate county archivists, deputies of the State Archivist,

directors of special archives and heads of departments of the National Archives, and officials who are to be promoted to any of these offices;

(18.03.98 entered into force 25.04.98 - RT I 1998, 34, 486; 25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

6) (Kehtetu - 29.01.2002 entered into force 04.03.2002 - RT I 2002, 21, 117)

7) a competition and evaluation committee of officials of a particular state administrative agency shall evaluate officials of that administrative agency who are not set out in clauses 1)-6) of this subsection;

8) a competition and evaluation committee of a rural municipality or a city shall evaluate junior and senior officials of the administrative agencies of this rural municipality or city;

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

8¹) a competition and evaluation committee at a local government association in a county shall evaluate the higher officials (who belong to the basic category of executive officers or advisers) of the administrative agencies in the rural municipalities and cities of this county and the officials of the bureau of the local government association in the county (except the head of the bureau);

8²) a competition and evaluation committee at a national local government association shall evaluate the officials of the bureau of the national local government association and the heads of the bureaus of the local government associations in the counties;

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

9) the competition and evaluation committee at the State Chancellery for persons applying for assignment to the reserve of officials shall evaluate persons not employed in the service as officials who apply for assignment to the reserve of officials.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(2) The chairman of a committee may establish specialised memberships of the competition and evaluation committee on a professional or territorial basis. Chairmen of committees listed in clauses (1) 1)-3) and 6) of this section may establish special memberships of the committee for evaluation of executive officers who are higher officials.

(18.03.98 entered into force 25.04.98 - RT I 1998, 34, 486)

(3) The statutes of a competition and evaluation committee, the procedure for carrying out a competition and evaluation (including the organisation of the annual interview), and the evaluation requirements for the basic categories of offices shall be established by the Government of the Republic.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664; 25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 94. Chairman of committee

(1) The Secretary General of the Riigikogu shall be the Chairman of the Competition and Evaluation Committee of Officials of the Chancellery of the Riigikogu. The chairmen of the competition and evaluation committees specified in clauses 93 (1) 2) and 3) of this Act shall be persons appointed by the Director of the Office of the President of the Republic and the Chancellor of Justice, respectively.

(29.01.2002 entered into force 04.03.2002 - RT I 2002, 21, 117)

(2) The Chairman of the Competition and Evaluation Committee of Higher State Public Servants shall be the State Secretary.

(3) The chairman of the Competition and Evaluation Committee of Officials of a Ministry shall be the secretary general of a ministry or a person appointed by him or her. The Chairman of the Competition and Evaluation Committee of Officials at the State Chancellery shall be the director general of the State Chancellery. The chairmen of the competition and evaluation committees of other government agencies not listed in this subsection shall be the heads of the corresponding government agencies or persons appointed by them.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(4) The chairman of a competition and evaluation committee of officials of state agencies specified in clause 93 (1) 7) of this Act shall be the head of the corresponding administrative agency or a person appointed by him or her.

(5) The chairman of a competition and evaluation committee of a rural municipality or a city shall be appointed by the local government council, the chairman of a competition and evaluation committee at a local government association in a county shall be appointed by the general meeting of the members of the local government association in the county, the chairman of a competition and evaluation committee at a national local government association shall be the chairman of the board (the head) of the national local government association.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(6) Upon the formation of a specialised membership of a competition and evaluation committee, the chairman of the committee shall appoint the chairman of the specialised membership.

(7) The chairman of a committee shall issue directives in deciding matters within his or her competence.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 95. Appointment of members of committee

(1) The number of members and the membership of a competition and evaluation committee shall be specified by the chairman of the committee, as necessary. The committee shall include officials, representatives of their professional association(s) and/or trade union(s) and independent experts.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) The chairman of a committee shall appoint from among the members of the committee a deputy chairman who shall substitute for the chairman in his or her absence.

(3) An official shall not be appointed as a member of a committee which must evaluate him or her.

(4) The chairman and members of a competition and evaluation committee at the State Chancellery for persons applying for assignment to the reserve of officials shall be appointed by the State Secretary.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(4¹) A competition and evaluation committee of a rural municipality or a city shall be formed and the members thereof shall be appointed by the rural municipality council or the city council, the membership of the committee shall include the rural municipality or city secretary. A competition and evaluation committee at a local government association in a county shall be formed and the members thereof shall be appointed by the general meeting of the members of the local government association in the county, the membership of the committee shall include representatives of the rural municipalities and cities of this county and the county secretary. A competition and evaluation committee at a national local government association shall be formed and the members thereof shall be appointed by the general meeting of the members of the national local government association, the membership of the committee shall

include representatives of local government associations in counties and a representative of the State Chancellery.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(5) Members of a competition and evaluation committee shall be appointed by the chairman of the committee by the following procedure:

- 1) officials subordinate to him or her shall be appointed at the chairman's discretion, given the professional expertise of the officials;
- 2) representatives of a superior administrative agency, professional association(s) and/or trade union(s) of officials and national local government associations shall be appointed on the proposal of the corresponding administrative agency, union or association;

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

- 3) researchers and independent experts shall be appointed by agreement with the researcher or expert;
- 4) members of the Riigikogu shall be appointed with their consent and with the knowledge of the Board of the Riigikogu.
- 5) representatives of rural municipalities and cities shall be appointed on the proposal of the corresponding rural municipality council or city council.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 96. Remuneration of members of committee

The conditions, extent and procedure for the remuneration of members of a competition and evaluation committee and for the reimbursement of business travel expenses of members of the committee shall be established by a regulation of the Government of the Republic.

Division 3

Administration of Competition and Evaluation Committee

§ 97. Quorum of committee

- (1) A competition and evaluation committee or its specialised membership shall have a quorum if the chairman of the committee or of its specialised membership or, in his or her absence, the deputy chairman and at least one-half of the members participate in a meeting.

(2) A decision shall be made by a committee or its specialised membership by a majority of participants in a meeting. If votes are equally divided, the vote of the chairman shall govern.

(3) A decision shall be made within three days after the date of evaluation.

§ 98. Formalities of evaluation results

(1) Evaluation results shall be documented as a decision of the competition and evaluation committee in the minutes of the meeting.

(2) Results of evaluation upon the promotion of an official and the results of regular evaluation shall be entered in the evaluation record of the official which is started at the beginning of evaluation period.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 99. Evaluation process

(1) At an evaluation, the suitability of a person for a position shall be verified by assessing his or her work results and whether he or she meets the requirements set for his or her position.

(2) Evaluation shall be performed by the corresponding competition and evaluation committee specified in subsection 93 (1) of this Act which shall also determine the method of evaluation.

(3) The evaluation requirements for a position shall be approved by the head of a state or local government administrative agency in concordance with the corresponding competition and evaluation committee, taking guidance from the evaluation requirements established by the Government of the Republic for the basic categories of offices.

(4) The basis for assessing the work results of an official and whether he or she meets the requirements set for the position shall be the assessments of the immediate superior of the official entered in the evaluation record of the official on the basis of the annual interviews and proposals made to the committee based on the assessments. The last interview during an evaluation period shall take place not later than two months prior to a regular evaluation. A competition and evaluation committee has discretion to verify the validity of the assessments provided by the immediate superior of an official; a negative assessment from the immediate superior at an evaluation shall be subject to obligatory verification.

(5) At an evaluation performed in the cases specified in clauses 91 (1) 4) and 5) of this Act, a competition and evaluation committee shall not assess the work results of a person.

(6) An evaluation performed in the case specified in clause 91 (1) 5) of this Act shall be based on the evaluation requirements for the basic categories of offices.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 99¹. Decisions of competition and evaluation committees

(1) Upon regular evaluation of an official, a competition and evaluation committee may make one or several of the following decisions:

- 1) to declare the official suitable;
- 2) to declare the official unsuitable and make a proposal to the head of the administrative agency to release the official from the service or to appoint him or her to a position in a lower basic category of offices or to a position in the same basic category of offices the requirements of which the official meets;
- 3) to postpone the evaluation for up to one year and make a proposal to the head of the administrative agency for training of the official;
- 4) to make a proposal to the head of the administrative agency to apply an incentive in respect the official;
- 5) make a proposal to the head of the administrative agency to promote the official.

Proposals specified in clauses 4) and 5) of this subsection are not obligatory for the head of the administrative agency or the person with appointment authority. The decision concerning postponement of evaluation specified in clause 3) of this subsection may be applied once to each official. Decisions specified in clauses 2) and 3) of this subsection shall be reasoned.

(2) Upon evaluation performed in the case specified in clause 91 (1) 2) of this Act, a competition and evaluation committee shall decide the suitability or unsuitability of an official for the position to which he or she is to be promoted. A decision declaring an official unsuitable for a position shall be reasoned.

(3) Upon evaluation performed in the case specified in clause 91 (1) 5) of this Act, the person evaluated shall be declared suitable or unsuitable. Upon declaring a person unsuitable, the decision shall be reasoned.

(4) Upon evaluation performed in the case specified in clause 91 (1) 4) of this Act, a competition and evaluation committee shall choose one or several candidates from among the persons applying for the position, to be presented for appointment to the position. If several candidates are presented, the appointment shall be decided by the person or administrative agency with authority to appoint an official to the position. (25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 100. Evaluation record

(1) An evaluation record is a document concerning an official which is maintained in a state or local government administrative agency and in which the results of the interview at the end of the probationary period and of the annual interviews between the official and his or her immediate superior, the assessment of the immediate superior, based on the interviews, of the work results of the official and whether he or she meets the requirements set for the position, and, upon the last interview during an evaluation period, the proposals made by the immediate superior of the official to the competition and evaluation committee, the evaluation results of the person and other information determined by the Government of the Republic are entered. The form of an evaluation record and instructions for its completion shall be established by the Government of the Republic.

(2) An evaluation record of an official shall be started at the beginning of an evaluation period and completed by entering evaluation results therein and it shall be maintained together with the service record of the person.

(3) An official shall, each time, be informed of the results of the annual interview, the assessment provided on the basis thereof and the proposals made to a competition and evaluation committee specified in subsection (1) of this section within three working days after they are entered in the evaluation record. An official who does not agree with the assessment and proposals of his or her immediate superior may, within two weeks after the date on which he or she was or should have been informed of the assessment and proposal of his or her immediate superior, submit a dissenting opinion to a higher ranking official and apply for a verification of the accuracy of the decision of the immediate superior.

(4) If an official is presented for promotion and a date for regular evaluation of an official is specified, the head of the administrative agency in which the official is in

service shall submit the evaluation record to the competition and evaluation committee evaluating the official.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 101. Access to evaluation requirements

(1) Evaluation requirements shall always be accessible to an official in his or her place of service. An official presented for promotion shall be notified of these requirements by a person who proposes the promotion not later than on the date the promotion proposal is made.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) Within one year after approval of new evaluation requirements, officials may be evaluated pursuant to these requirements only with the consent of the officials.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 102. Notification of date, place and method of evaluation

The chairman of a competition and evaluation committee shall notify a person to be evaluated of the date, place and method of evaluation at least two weeks before the date of evaluation, in writing.

§ 103. Notification of evaluation results

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

(1) The chairman of a competition and evaluation committee shall notify the person evaluated of the evaluation results not later than on the working day following the date the decision is made, in writing.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(2) In the cases specified in clauses 91 (1) 1), 2) and 4) of this Act, the chairman of a competition and evaluation committee shall notify the head of an administrative agency of the evaluation results on the working day following the making of the decision and, upon evaluation performed in the case of promoting an official or upon regular evaluation, shall return the evaluation record of the official.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 104. Re-evaluation

- (1) An official who does not agree with the evaluation results may demand re-evaluation within two weeks after the day following the date he or she becomes aware or should have become aware of the evaluation results, except in the cases set out in subsection (4) of this section.
- (2) Re-evaluation shall be conducted by the committee with a new membership within one month after the date of the initial evaluation.
- (3) The chairman of a committee shall notify a person to be evaluated of the date, place and method of evaluation at least one week before the date of re-evaluation, in writing.
- (4) Re-evaluation shall not be demanded if:
 - 1) an official was evaluated on the basis of a proposal for promotion;
 - 2) an official does not agree with the re-evaluation results;
 - 3) a competition and evaluation committee evaluated the suitability of a candidate for a position to be filled by way of public competition.

§ 105. Specifying new evaluation or re-evaluation date

- (1) A new evaluation or re-evaluation date shall be specified upon the written request of the official if he or she is unable to appear before a competition and evaluation committee at the prescribed time due to an unexpected hindrance and either the competition and evaluation committee or the official deem the participation of the official in the meeting of the competition and evaluation committee necessary.
- (2) If an official has not given notice of failure to appear or requested for a new evaluation date to be specified by the date of the meeting of the competition and evaluation committee at the latest, the competition and evaluation committee shall deem the official to have not attended the evaluation, without good reason, and may evaluate him or her without the participation of the official. If the competition and evaluation committee deems the participation of the official in the meeting necessary, the chairman of the committee shall specify another date for evaluation or re-evaluation and shall notify both the person evaluated and the head of the administrative agency, who specified the evaluation date pursuant to subsection 92 (1) of this Act, thereof.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 106. Consequence of declaring official to be unsuitable

A official concerning whom a competition and evaluation committee has made the decision specified in clause 99¹ (1) 2) of this Act shall be released from office pursuant to clause 117 (1) 2) of this Act or appointed to a position in a lower basic category of offices with his or her consent within two months after the date the decision is made. Officials appointed to a position in a lower basic category of offices shall not be presented for promotion within one year after the date of assuming office in a lower basic category of offices.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

Chapter 8

Suspension of Service Relationship of Official

§ 107. Definition of suspension of service relationship

- (1) Suspension of the service relationship of an official means a temporary release of the official from the performance of his or her functions and a temporary release of an administrative agency from the obligation to ensure employment to the official.
- (2) During the suspended period of the service relationship, an official shall retain his or her salary together with additional remuneration or shall be paid other compensation in the cases and pursuant to procedure provided by law.

§ 108. Grounds for suspension of service relationship

A service relationship shall be suspended:

- 1) on the basis of a written application of an official if the person or administrative agency with employment authority consents to the suspension of the service relationship;
- 2) for the period of holiday;
- 3) for the period of temporary incapacity for work;
- 4) for the period when an official performs, in the cases provided by law, other state or local government functions assigned to him or her;
- 4¹) for the period of performance of conscript service obligation or service in alternative service;

(11.12.2002 entered into force 01.03.2003 - RT I 2002, 110, 656; 22.01.2003 entered into force 02.03.2003 - RT I 2003, 13, 69)

4²) for the period when an official performs the duties of an official expert at an institution of the European Union. During the suspension of the service relationship on the basis of this clause, the official shall continue to receive his or her former salary, and after termination of suspension, the official has the right to resume service at his or her former position or to fill a similar position;

(14.04.2004 entered into force 01.05.2004 - RT I 2004, 29, 194)

5) (Repealed - 29.12.98 entered into force 23.01.99, applies as of 01.12.98 - RT I 1999, 4, 54)

6) for the period of training exercises and for the period when a reservist is unable to perform his or her functions due to mobilisation;

7) for the period when an official is unlawfully required to perform functions in another position, and he or she refuses to perform such functions;

8) for the period when an official is excluded from office pursuant to subsection 109 (1) or subsection 110 (1) of this Act and for the period when he or she is excluded from office on some other grounds provided by law;

9) for the period when an official is under arrest or in custody;

10) in other cases when an official is temporarily released from the performance of his or her functions pursuant to law or a regulation of the Government of the Republic.

§ 109. Exclusion of intoxicated official from office

(1) A superior shall exclude an intoxicated official from office for that working day. A superior is also required to exclude from office an official who shows signs of the residual effect of intoxication or medicines, or who is under the influence of medicines if the job demands particular accuracy, involves control over a major source of danger or working in its immediate vicinity. A superior is also required not to permit an official to work in the cases provided for in this subsection. Such prohibition to work is equal to exclusion from office.

(2) An official shall not be paid remuneration for the period he or she is excluded from office on any grounds provided for in subsection (1) of this section.

§ 110. Exclusion of official from office for period of disciplinary procedure

(1) A person with authority to impose a disciplinary punishment has the right to exclude an official from office for the period of disciplinary procedure.

(2) For the period of exclusion from office pursuant to subsection (1) of this section, an official shall retain his or her salary together with all prescribed additional remuneration.

§ 111. Formalities of suspension of service relationship

(1) Suspension of a service relationship shall be made by way of a directive or order, except upon suspension of the service relationship on a basis provided for in clause 108 3) of this Act.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) An entry concerning suspension of the service relationship pursuant to clauses 10 1), 4¹) or 6) of this Act shall be entered in the employment record book if the service relationship is suspended for longer than three months.

(11.12.2002 entered into force 01.03.2003 - RT I 2002, 110, 656)

Chapter 9

Release of Official from Service

§ 112. Authority to release from service

An official may be released from the service by a person or administrative agency authorised to employ him or her.

§ 113. Release of official from service due to expiry of term of service

(1) An official appointed or elected to office for a specified period of time shall be released from the service due to the expiry of his or her term of service.

(2) The service relationship of an official specified in subsection (1) of this section shall terminate on the day following the date of expiry of his or her term of service.

(3) A person appointed or elected to office for a specified period of time shall not be released if he or she is appointed or elected to the same position for a new term.

§ 113¹. Release of secretary general of ministry due to failure of co-operation between minister and secretary general

(1) A secretary general of a ministry shall be released from service if, according to the minister, co-operation between the minister and the secretary general fails.

(2) A secretary general of a ministry shall not be released from service on the basis specified in subsection (1) of this section earlier than one year after the minister and the secretary general commenced co-operation.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 113². Release from service of assistant ministers

An assistant minister shall be released from service if, according to the minister, co-operation between the corresponding minister or other members of the Government of the Republic and the assistant minister fails.

(11.06.2003 entered into force 19.07.2003 - RT I 2003, 51, 349)

§ 113³. Release of county governor due to failure of co-operation between Minister of Regional Affairs and county governor

(1) A county governor is released from office due to failure of co-operation between the Minister of Regional Affairs and the county governor based on the opinion of the Minister of Regional Affairs.

(2) A county governor shall not be released from service on the basis specified in subsection (1) of this section earlier than one year after the Minister of Regional Affairs and the county governor commenced co-operation.

(24.03.2004 entered into force 08.04.2004 - RT I 2004, 22, 148)

§ 114. Release from service on initiative of official

(1) An official shall be released from the service on his or her own initiative on the basis of a written application which he or she submits to a person or administrative agency authorised to release him or her.

(2) An official is required to give at least one month's advance notice of his or her resignation from the service. If the reason for resignation from the service is an official's disability or need to care for a sick or disabled family member, the official shall be required to give advance notice of at least five calendar days of his or her resignation.

(2¹) In the case of resignation from service by an official, a shorter term for advance notice may be applied upon agreement with the person who is authorised to release the official from service.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(3) An official may withdraw an application submitted for release from the service only with the consent of a person or administrative agency authorised to release him or her.

(4) An official shall be released pursuant to subsection (1) of this section as of the date specified in the application.

§ 115. Release from service due to winding-up of administrative agency

(1) An official shall be released from the service due to the winding-up of the administrative agency.

(2) Reorganisation of an administrative agency (merger, amalgamation, division, separation or alteration of legal form) shall not be a basis for the release of an official. If a reorganisation results in lay-offs, an official may be released pursuant to § 116 (1) of this Act.

(3) A change in the subordination of an administrative agency shall not be a basis for the release of an official from the service.

(4) An official shall be released pursuant to subsection (1) of this section as of the date of termination of the activities of the administrative agency.

§ 116. Release from service due to lay-offs

(1) An official may be released from the service due to lay-offs if the number of positions on the staff of an administrative agency is reduced, if the service is restructured or if an unlawfully released official is reinstated in the service.

(2) In the case of lay-offs, representatives of public servants have a preferential right to remain in the service, followed by officials on the regular staff. Of the officials on the regular staff, an official with the best performance indicators has this right. In the case of equal performance indicators, an official who has suffered a work injury or contracted an occupational disease in the service, who has been employed in the service for a longer period or who has dependants shall be preferred.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

(3) An official shall not be released if it is possible to appoint the official to another position with his or her consent. An official who has been released due to a lay-off shall be re-employed in the service within six months as of the date on which he or she is released if the official so desires and if new positions are created in his or

her place of service or existent positions which correspond to the qualifications of the released official are freed.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(4) If the number of positions is reduced, the head of an administrative agency has the right to relocate officials, by releasing from the service, due to lay-offs, a person whose position is retained and appointing to this position another official whose position is redundant. Such relocation shall be permitted only if the qualification and performance indicators of an official to be relocated are comparably better than the corresponding indicators of an official who is laid off.

(5) An official shall be released from the service pursuant to subsection (1) of this section on the day following the deadline for advance notice of release (§ 130).

§ 117. Release from service due to unsuitability for position

(1) An official may be released from the service due to his or her unsuitability for the position:

- 1) on the basis of unsatisfactory results of the probationary period,
- 2) on the basis of evaluation results,
- 3) if he or she does not have a document which is a mandatory requirement for employment in a particular position,
- 4) due to inadequate language or communication skills,
- 5) if his or her state of health does not allow the official to perform his or her duties continuously as required,
- 6) due to inadequate professional skills;
- 7) if the position where he or she is employed requires access to state secrets classified as "restricted", but circumstances provided for in subsection 31 (1) of the State Secrets Act become evident in respect of the official employed in the position.

(22.01.2003 entered into force 01.03.2003 - RT I 2003, 13, 67)

(2) An official may be released during the probationary period, including on the last day thereof, on the basis of unsatisfactory results of the probationary period.

(3) An official shall be released on the basis of evaluation results within two months after the date a competition and evaluation committee makes its decision.

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

(4) An official shall be released due to the absence of a document which is a mandatory requirement for employment in the position, inadequate language or

communication skills, or for health reasons immediately after the corresponding circumstance becomes known.

(5) An official shall be released on any grounds provided for in clauses (1) 2)-7) of this section if it is impossible to appoint the official to another position with his or her consent.

(22.01.2003 entered into force 01.03.2003 - RT I 2003, 13, 67)

(6) An official shall be released pursuant to subsection (1) of this section as of the date specified in the document of release.

§ 118. Release from service for disciplinary offence

(1) An official may be released from the service for a disciplinary offence provided for in § 84 of this Act.

(2) An official with respect to whom a disciplinary punishment is in force may be released for a breach of his or her duties (clause 84 1)). For a severe breach of duties, loss of confidence (clause 84 2)) or an indecent act (clause 84 3)), an official may also be released even if he or she has no disciplinary punishment in force.

(3) An official shall be released pursuant to subsection (1) of this section on the day following the date he or she is notified of the document of release. An official who resigns from the service without authorisation shall be released on the day following the date of his or her unauthorised resignation from the service.

§ 119. Release from service due to long-term incapacity for work

(1) An official may be released from the service if he or she has been absent from the service due to illness or injury for more than four consecutive months or for more than five months within a calendar year, in the case of contracting tuberculosis, if he or she has been absent from the service for more than eight consecutive months or for more than eight months within a calendar year.

(12.06.96 entered into force 11.07.96 - RT I 1996, 45, 850)

(2) An official may only be released pursuant to subsection (1) of this section during sick leave.

(3) The service relationship of an official who is temporarily incapable for work due to a work injury shall be suspended, and the official's position shall be retained until his or her recovery or determination of his or her disability.

(4) An official shall be released pursuant to subsection (1) of this section as of the date specified in the document of release.

§ 120. Release from service due to age

(1) An official may be released from the service due to age when he or she attains sixty-five years of age.

(2) An official shall be released pursuant to subsection (1) of this section as of the date specified in the document of release.

§ 121. (Repealed - 24.10.2001 entered into force 01.01.2002 - RT I 2001, 17, 78)

§ 122. (Repealed - 11.12.2002 entered into force 01.03.2003 - RT I 2002, 110, 656)

§ 123. Release from service upon entry into force of conviction by court

An official shall be released from the service upon the entry into force of a conviction by a court by which he or she is sentenced to a punishment for an intentionally committed criminal offence or to a punishment which precludes continuation of the current employment as of the day following the date the conviction enters into force. An official taken into custody shall be released from the service after entry into force of a conviction by a court as of the date the official is taken into custody.

§ 124. Release from service for violation of employment rules

(1) An official shall be released from the service if employment rules are violated upon his or her appointment or election to office.

(2) An official shall not be released if a circumstance requiring release ceases to exist.

(3) An official shall be released pursuant to subsection (1) of this section as of the date specified in the document of release.

§ 125. Release from service of close relative by blood or marriage

(1) One of two officials closely related by blood or marriage who hold positions in the same administrative agency of which one is in direct subordination of or immediately controlled by the other shall be released from the service. An official has

a preferential right to remain in the service under the conditions provided for in subsection 116 (2) of this Act.

(2) An official shall be released pursuant to subsection (1) of this section as of the date specified in the document of release.

§ 126. Release from service upon election of official as member of the Riigikogu or Member of the European Parliament or President of the Republic

Upon the election of an official as a member of the Riigikogu or Member of the European Parliament or as President of the Republic, the official shall be released from office as of the date of announcement of the election results.

(18.12.2002 entered into force 23.01.2003 - RT I 2003, 4, 22)

§ 127. Release from service upon assumption of another office in another administrative agency

(1) An official in the state or local government service appointed or elected to another office in another administrative agency shall be released from office, except if he or she is appointed or elected as a member of the directing or supervisory body of an enterprise with state participation.

(1¹) If an official assumes a new office in another administrative agency, the specified administrative agency is required to formalise the appointment of the official to office in a timely manner and immediately notify the administrative agency where the official is in the service at a given moment thereof. An official is required to notify the administrative agency where he or she is in the service at the given moment of his or her election to an office in another state or local government administrative agency within five working days after the election results are approved.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) An official shall be released from office pursuant to subsection (1) of this section not later than on the working day immediately preceding the date specified for assumption of another office.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(3) If a state official released from the service pursuant to subsection (1) of this section assumes an office to which he or she is appointed or elected, the service relationship with the state shall not terminate.

(4) If a local government official released pursuant to subsection (1) of this section assumes the office to which he or she was appointed or elected in the same local government administrative agency, the service relationship with that local government shall not terminate.

§ 128. Release from service due to change in citizenship

(1) If an official working in an office which requires Estonian citizenship is released from Estonian citizenship, he or she is also released from the service.

(14.04.2004 entered into force 01.05.2004 - RT I 2004, 29, 194)

(2) An official shall be released from the service pursuant to subsection (1) of this section as of the day following the date of issuance of the document of release.

§ 129. Termination of service upon death

Upon the death of an official, his or her service shall be deemed terminated as of the day following the date of his or her death.

§ 130. Advance notice of release from service

(1) An official shall be given at least one month's advance notice in writing of his or her release from the service due to the winding-up of an administrative agency, lay-off, unsatisfactory results of evaluation or age. An official shall be given at least two weeks' advance notice in writing of release from the service due to his or her long-term incapacity for work.

(1¹) A representative of public servants who is released from service due to lay-offs shall be notified of the release in writing one month before the commencement of the terms prescribed in subsection (1) of this section.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

(2) If a term provided for in subsection (1) or (1¹) of this section is not observed, an official shall be paid, in addition to the compensation provided for in § 131 of this Act, salary for each working day short of the term of notice.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

(3) Advance notice of release pursuant to subsection (1) or (1¹) of this section may be waived only with the written consent of an official. If consent is refused, the official shall be released on the basis of which he or she was notified in advance and shall be paid the appropriate compensation provided for in § 131 of this Act.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

§ 131. Compensation upon release from service

(1) Upon release from the service due to the winding-up of an administrative agency or lay-off, an official, if he or she has been employed in the public service (§§ 153-156) for:

- 1) less than 3 years, shall be paid his or her two months' salary as compensation;
- 2) 3 - 5 years, shall be paid his or her three months' salary as compensation;
- 3) 5 - 10 years, shall be paid his or her six months' salary as compensation;

(14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167)

4) more than 10 years, shall be paid his or her twelve months' salary as compensation.

(1¹) If an official released from office due to the winding-up of an administrative agency or due to lay-off is appointed to office to a position which he or she is offered upon winding-up of the administrative agency or in the case provided for in subsection 116 (1) of this Act before the period of time passes for which he or she is paid compensation pursuant to subsection (1) of this section, he or she shall return the received compensation to the extent corresponding to the period of time by which he or she is re-employed in the service earlier as compared to the period of time which is the basis upon payment of the compensation.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) Upon release from the service for health reasons, due to a long-term incapacity for work, or on the basis of evaluation results, an official shall be paid his or her one month's salary as compensation.

(11.12.2002 entered into force 01.03.2003 - RT I 2002, 110, 656)

(3) Upon release from the service due to age or a violation of employment rules by the fault of an administrative agency, an official shall be paid his or her three months' salary as compensation.

(4) Upon release from the service of a secretary general of a ministry on the basis provided for in subsection 113¹ (1) of this Act, he or she shall be paid his or her salary for the months which remain until the end of the term of office as compensation, but not more than six months' salary.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(5) Upon release from the service of a county governor on the basis provided for in subsection 113³ (1) of this Act, he or she shall be paid his or her salary for the months which remain until the end of the term of office as compensation, but not more than six months' salary.

(24.03.2004 entered into force 08.04.2004 - RT I 2004, 22, 148)

§ 132. Formalities of release from service

(1) Release from the service shall be made by way of a directive or order. The Riigikogu or a local government council shall release by way of a resolution.

(2) A directive, order or resolution for release must comply with requirements set for administrative documents and shall contain at least the following information:

- 1) the name of the administrative agency;
- 2) the given name and surname of the official;
- 3) the title of the position from which the official is released;
- 4) the basis for release with reference to the section, subsection or clause of the applicable Act;
- 5) the amount of compensation to be paid to the official if release from the service brings about the payment of compensation.

(3) Upon release from the service for a disciplinary offence, the document of release shall also include information set out in subsection 11(2) of the Employees Disciplinary Punishments Act.

(4) An entry concerning release from the service shall be made in the employment record book of an official, indicating the date of release. The basis for release from the service with reference to the section, subsection and clause of the applicable Act shall be entered by an administrative agency in the employment record book of an official only on the demand of the official.

§ 133. Restrictions on timing of release from service

(1) An official shall not be released from the service due to lay-off, the absence of a document which is a mandatory requirement for employment in the position, age or on the basis of evaluation results during the time the service relationship is suspended on any grounds provided for in clauses 108 2)-10) of this Act.

(2) An official who is pregnant or a person raising a child under three years of age shall not be released from the service due to lay-off, a long-term incapacity for work, health reasons or on the basis of evaluation results.

(04.04.2001 entered into force 01.01.2002 - RT I 2001, 42, 233)

(3) An official elected, pursuant to the procedure established by law or a regulation of the Government of the Republic, to an organisation representing public servants or as a representative of public servants may be released from the service due to lay-off, inadequate language or communication skills, health reasons, age, a violation of employment rules, commission of a disciplinary offence or on the basis of evaluation results at the time he or she acts as a representative and within one year thereafter only with the consent of the labour inspector of the location of the administrative agency.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(4) A labour inspector shall justify in writing the reasons for granting or refusing to grant consent to the release of a representative of public servants from service. Before making the corresponding decision, the labour inspector shall submit a written request to an organisation representing public servants in order to obtain an opinion concerning the release of the representative of the public servants from service, if such representative has been elected by the organisation representing public servants. The organisation representing public servants shall provide a written opinion within one week as of the date of the request.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

(5) It is prohibited to release a representative of public servants from service as a result of his or her lawful activities in representing the interests of the public servants.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

(6) A complaint against the unlawful activities of a labour inspector may be submitted to an administrative court.

(08.03.2000 entered into force 07.04.2000 - RT I 2000, 25, 144)

§ 134. Return of employment record book and payment of final settlement upon release from service

(1) An administrative agency is required to return the employment record book and pay the final settlement to an official on the day of release from the service.

(2) If the employment record book is not returned and the final settlement is not paid to an official on the day of release from the service, the administrative agency is required to return the employment record book to the official on the day such claim is made and to pay the final settlement within five calendar days after the day following the submission of the claim.

(3) If return of the employment record book is delayed by the fault of an administrative agency, the administrative agency is required to pay the released official a salary for each working day by which return of the employment record book is delayed.

(4) Upon failure to pay the final settlement by the due date, the administrative agency is required to pay a salary for each working day by which the payment of the final settlement is delayed but not more than the official's one month's salary.

§ 135. Right of claim upon unlawful release from service

(1) An official who is unlawfully released from the service has the right to demand that his or her release from the service be declared unlawful and to demand amendment of the basis for the release and remuneration for the period of forced absence from the service.

(2) If an official waives reinstatement, the administrative agency is required to pay the official six months' salary as compensation.

Chapter 10

Reserve of Officials

Division 1

General Rules

§ 136. Purpose of reserve of officials

The purpose of the reserve of officials is to ensure that:

- 1) state and local government administrative agencies find candidates for officials;
- 2) a person who is not in the service and who is assigned to the reserve of officials on the basis of the decision of a competition and evaluation committee finds employment as a state or local government official;

3) a person released from his or her position finds new employment as a state or local government official.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 137. Registration of officials assigned to reserve

(1) The State Chancellery shall maintain a register of officials in the reserve.

(2) The list and service records of officials assigned to the reserve shall be maintained in the reserve.

Division 2

Assignment to Reserve

§ 138. Persons assigned to reserve

The following shall be assigned to the reserve:

1) an official released from his or her position due to the expiry of his or her term of service, winding-up of an administrative agency, lay-off, long-term incapacity for work or health reasons, except in the cases set out in § 139 of this Act;

2) persons declared suitable by the competition and evaluation committee at the State Chancellery for persons applying for assignment to the reserve of officials;

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

3) a person who is not employed in the service as official and who is presented for appointment to a position by a competition and evaluation committee but who is not appointed to the position for reasons independent of him or her.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664; 25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

§ 139. Persons not assigned to reserve

The following shall not be assigned to the reserve:

1) an official who, upon release from the service, does not desire assignment to the reserve although he or she has this right pursuant to § 138 of this Act;

2) a person who is released from the service due to the expiry of his or her term of service, except if he or she worked as a state or local government official employed in the service for an unspecified period of time before appointment to that particular office;

3) persons with total incapacity for work.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 140. Formalities of assignment to reserve

(1) Upon release from the service, the service record of an official and copies of accompanying documents shall be promptly sent to the State Chancellery.

(2) If a released official desires assignment to the reserve, his or her application for assignment to the reserve shall be appended to the documents specified in subsection (1) of this section.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(3) Assignment to the reserve shall be made by way of a directive of the State Secretary.

Division 3

Rights and Obligations of Person Assigned to Reserve

§ 141. Reserve period

(1) A person assigned to the reserve shall be on the reserve list until appointment to office or removal from the reserve pursuant to § 150 of this Act, but for not longer than six consecutive months.

(2) Upon expiry of the term established in subsection (1) of this section, the reserve period of a person assigned to the reserve may be extended each month on the basis of his or her request.

§ 142. Registration of official left without work

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(1) An official who is left without work, including a person assigned to the reserve, shall register himself or herself for receipt of unemployment benefits and a stipend for in-service training and re-training at the employment office of his or her residence. The recommendation of an evaluation committee shall be considered when sending an official assigned to the reserve for in-service training or re-training.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(2) (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(3) (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 143. (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 144. Obligations of person assigned to reserve

- (1) A person assigned to the reserve is required to undergo in-service training or re-training offered to him or her, or evaluation.
- (2) A person who, without good reason, refuses in-service training, re-training or evaluation shall be removed from the reserve pursuant to clause 150 6) of this Act.

§ 145. Length of service of person assigned to reserve

The reserve period shall be included in the length of the public service pursuant to §§ 153-156 of this Act.

§ 146. (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

Division 4

Appointment to Office from Reserve

§ 147. Appointment to office from reserve

- (1) The head of an administrative agency seeking an official shall notify the State Secretary of a vacant position, indicating the title of the position to be filled and the requirements set for that position.
- (2) The State Secretary shall, within three working days after receipt of a request, send an extract from the reserve list with respect to those persons who meet the set requirements and copies of their service records to the head of an administrative agency seeking an official.
- (3) When selecting an official according to an extract made from a reserve list, the head of an administrative agency shall not be bound by the sequence in which persons were assigned to the reserve.
- (4) The head of an administrative agency shall appoint a suitable candidate to office on the basis of an application by the person.
- (5) After an official has assumed office, the head of an administrative agency shall request the official's service record and its accompanying documents from the State

Chancellery which shall be sent to the head of the administrative agency promptly after receipt of his or her request by the State Chancellery.

§ 148. Appointment of person assigned to reserve as substitute or acting official

(1) A person assigned to the reserve may be employed in the service as a substitute for a temporarily absent official or as a person acting in the capacity of an absent official.

(2) A person employed in the service from the reserve as a substitute for a temporarily absent official or as a person acting in the capacity of an absent official shall remain on the reserve list and, during the period the person acts as a substitute or acting official, he or she shall have all the rights granted to a person assigned to the reserve.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 149. Right of person assigned to reserve to refuse appointment to office

A person assigned to the reserve may refuse appointment to office if the position offered:

- 1) is not suitable to the person's state of health;
- 2) requires a higher qualification or different professional training than the given official has;
- 3) does not enable the person to use benefits prescribed for the raising of children;
- 4) is located in another locality.

Division 5

Removal from Reserve

§ 150. Timing of removal from reserve

The following shall be removed from the reserve:

- 1) a person who is appointed to office, except as a substitute or acting official, as of the date of appointment to office;
- 2) a person who refuses to accept two positions offered, as of the day following the date of second refusal, except in the cases set out in § 149 of this Act;

- 3) a person who renounces Estonian citizenship or, of his or her free will, becomes a citizen of another state, as of the date of the decision concerning removal from the reserve;
- 4) a person who submits an application for removal from the reserve, as of the date specified in the application, but not later than one week after the day following the date of submission of the application;
- 5) a person who is not appointed to office during the reserve period, upon expiry of the term provided for in § 141 of this Act;
- 6) a person who refuses to undergo in-service training, re-training or evaluation, without good reason, as of the day following the refusal;
- 7) a person who dies during the reserve period, as of the day following the date of death,
- 8) a Category I disabled person, as of the date of designation of his or her disability.

§ 151. Formalities of removal from reserve

Removal from the reserve shall be made by way of a directive of the State Secretary.

§ 152. (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

Chapter 11

Length of Service

§ 153. Calculation of length of service

Length of service shall include:

- 1) the term of authority of a member of the Riigikogu, the President of the Republic, a member of the Government of the Republic and a member of a local government council, and a period of service in state or local government administrative agencies of Estonia as an official, a member of support staff or a non-staff public servant;

(14.04.98 entered into force 08.05.98 - RT I 1998, 38, 563)

- 2) for persons who are not in service, a period of being in the reserve, but not more than six months;

(25.11.98 entered into force 01.01.99 - RT I 1998, 110, 1809)

- 3) a period of service in the Defence Forces or the Border Guard of Estonia, and a period of alternate service;
- 4) a period of study if a person was sent to study by a state or local government administrative agency of Estonia.
- 5) (omitted - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)
(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)
- 6) the time of employment as the head or a teacher of an institution of applied higher education for public defence and a period of study in an institution of applied higher education for public defence.
(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

§ 154. Interruption of length of service

Length of service shall be interrupted if a person is released from the service or reserve due to committing a criminal or disciplinary offence, renouncing Estonian citizenship or becoming a citizen of another state.

§ 155. Certification of length of service

Length of service shall be certified by an entry in the employment record book and by other documents issued by an administrative agency or archive in accordance with requirements.

§ 156. Right to issue regulations of the Government of the Republic

The Government of the Republic has the right to issue regulations for the implementation of the provisions of this Chapter.

Chapter 12

Service Record and Employment Record Book

§ 157. Service record of official

- (1) A service record shall be maintained concerning an official which shall set out:
 - 1) the given name, surname and personal identification code;
 - 2) the date and place of birth;
 - 3) marital status;
 - 4) education and area of specialisation;

- 5) the date and place of taking the oath of office;
- 6) career, including the basis for release from the service with reference to the section, subsection and clause of the applicable Act;
- 7) holidays;
- 8) incentives, including information concerning the grant of honorary decorations;

(11.12.96 entered into force 01.03.97 - RT I 1997, 1, 4)

- 9) disciplinary punishments and their cancellation;
- 10) evaluation results.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

- (2) The form of and procedure for maintaining a service record shall be established by a regulation of the Government of the Republic.

§ 158. Service record upon transfer to another position or release from office

- (1) A person who resigns from the service or reserve shall be given a copy of the service record at his or her request.
- (2) Upon the transfer of an official to another position in another administrative agency, his or her service record shall be sent to the new place of service.
- (3) Upon release from the service, the service record shall be sent to the State Chancellery.

§ 159. Employment record book of official

- (1) An employment record book shall be maintained pursuant to procedure provided for in § 20 of the Employment Contracts Act with respect to an official who is on the regular staff.
- (2) An employment record book shall include:
 - 1) the given name and surname of the official;
 - 2) the date of birth of the official;
 - 3) the period of employment in the service, including a service period by a special entry which entitles the official to a pension with benefits or to a preferential calculation of the years of pensionable service;
- (4) suspension of the service relationship pursuant to clause 108 1) or 6) of this Act for longer than three months.
- (3) On the demand of an official, the employment record book shall set out:

- 1) the basis for release from the service with reference to the section, subsection and clause of the applicable Act;
- 2) information concerning positions filled;
- 3) (Repealed - 24.01.2001 entered into force 01.01.2002 - RT I 2001, 17, 78)

Chapter 13

Settlement of Disputes

§ 160. Settlement of disputes in court

- (1) An official has the right to file a complaint with an administrative court against directives, orders and resolutions issued and acts performed concerning service-related issues, within a period of one month as provided for in subsection 7 (1) of the Code of Administrative Court Procedure (RT I 1993, 50, 694; 1994, 16, 290; 28, 425).
- (2) A person who is a member of support staff has the right of recourse to a county or city court for the settlement of disputes relating to an employment contract within a period provided for in § 143 of the Republic of Estonia Employment Contracts Act (RT 1992, 15/16, 241; RT I 1993, 10, 150; 26, 441; 1995, 14, 170; 16, 228; 1996, 3, 57; 40, 773; 45, 850; 49, 953; 1997, 5/6, 32; 1998, 111, 1829; 1999, 7, 112; 16, 276; 60, 616; 2000, 25, 144; 51, 327; 57, 370; 102, 669; 2001, 17, 78; 42, 233; 53, 311; 2002, 61, 375; 62, 377; 110, 656; 111, 663; 2003, 4, 22; 13, 69).
(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)
- (3) An official may demand that a directive, order, resolution or act be declared unlawful in whole or in part by an administrative court.
- (4) If a court declares a directive, order or resolution issued with respect to the release from the service or transfer of an official unlawful, the official shall be promptly reinstated, except if the official waives reinstatement.
- (5) An official may request the cancellation by a court of a disciplinary punishment imposed on him or her if the official finds that he or she has been punished unlawfully, including a punishment which apparently does not correspond to the gravity of the offence and to the circumstances of its commission.

Chapter 14

Implementing Provisions

§ 161. Consequences of change of position or support staff position

(1) If due to the entry into force of this Act, the title of the position or support staff position of an official is changed, or the salary rate is reduced, a public servant shall be notified thereof in writing at least one month before implementation of the change.

(2) Upon refusal to consent to a change of the title of the position or support staff position which brings about the reduction of salary or in a change of the nature or complexity of the current job, a public servant has the right to demand release from the service, giving at least two weeks' written notice thereof. A person released from the service pursuant to this subsection shall be paid his or her two months' average salary as compensation.

(3) The title of a position or support staff position determined by an employment contract, which is not changed pursuant to subsection (1) of this section, shall remain in force also after entry into force of this Act, and this title may only be changed by the establishment of new titles of position.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 162. Continuation or termination of service relationship of official employed in position filled by way of competition

(1) An official who is employed in the service without public competition and whose position shall be filled by way of competition due to the entry into force of this Act may work in such position until his or her evaluation at the time provided for in § 178 of this Act.

(2) If, upon evaluation, an official specified in subsection (1) of this section is determined to be suitable for his or her position, evaluation results shall be equal to competition results.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(3) If, upon evaluation, an official specified in subsection (1) of this section is determined to be unsuitable for his or her position, the official shall be released from the service pursuant to clause 117 (1) 2) of this Act.

(4) In the case provided for in subsection (3) of this section, a public competition to fill the vacant position shall be announced.

§ 163. Re-registration of employment in service or termination of employment relationship of official employed under employment contract

(1) During two months after the date of entry into force of this Act, an official employed pursuant to the Employment Contracts Act shall be registered as employed in the service by appointment, retroactively, as of the date of entry into force of this Act.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(2) The employment relationship with an official who is employed under an employment contract for an unspecified period of time in a position which requires employment in the service for a specified period of time pursuant to subsection 21 (2) of this Act shall be registered, with the agreement of the parties, as employment in the service for a specified period of time within four months after the entry into force of this Act, or shall be terminated due to the lay-off of the official pursuant to clause 86 3) of the Employment Contracts Act.

(3) If an official is registered as employed in the service by appointment pursuant to subsection 162 (2) of this Act or subsection (1) or (2) of this section, the official shall take the oath of office provided for in § 28 of this Act.

§ 164. Officials released pursuant to Employment Contracts Act

(1) An official who, before entry into force of this Act, has given advance notice of the termination of his or her contract of employment pursuant to procedure provided for in the Employment Contracts Act shall be released from the service pursuant to the Employment Contracts Act.

(2) An official who, before entry into force of this Act, is given advance notice of the termination of his or her employment contract pursuant to procedure provided for in the Employment Contracts Act shall be released from the service pursuant to the Employment Contracts Act.

§ 165. Validity of earlier disciplinary punishment

(1) A disciplinary punishment imposed before entry into force of this Act shall also remain in force after entry into force of this Act. Such punishment shall be served and it shall expire pursuant to the Act on the basis of which the punishment was imposed.

(2) An official may contest a disciplinary punishment imposed before entry into force of this Act in an administrative court pursuant to § 160 of this Act if a court judgment regarding this punishment has not entered into force.

§ 166. Imposition of punishment for earlier disciplinary offence

- (1) A disciplinary punishment prescribed in this Act may be imposed on an official for a disciplinary offence committed before entry into force of this Act if no disciplinary punishment for that offence has yet been imposed on him or her.
- (2) An official shall not be transferred to a lower salary grade for an offence committed before entry into force of this Act.

§ 167. Termination of service of official employed in service for specified period of time

The service relationship with an official employed in the service for a specified period of time before entry into force of this Act shall terminate upon expiry of the term determined upon employment. If the service relationship continues after expiry of such term, a new term shall be specified, or the official shall be registered as employed in the service for an unspecified period of time.

§ 168. Exception to age and education requirement

Requirements regarding the age and education of an official established in §§ 14 and 15 of this Act shall not extend to an official who is in the service at the date of entry into force of this Act.

§ 169. Termination of service relationship of alien

- (1) State officials who are not citizens of Estonia at the date of entry into force of this Act shall be released from the service pursuant to this section not later than 1 February 1997.
(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)
- (2) Persons who apply for Estonian citizenship shall be permitted to work as officials at the Tax Board, the Police Administration and the Rescue Board during three years after entry into force of this Act.
- (3) The following persons who are employed in prisons may continue their service until 1 January 2004:
 - 1) junior officials and class 1 and 2 guards who, as at 1 January 2001, hold valid residence permits for residing in Estonia and are not citizens of another state;

2) senior officials and class 1 and 2 prison inspectors who have submitted requests for acquisition of Estonian citizenship by 1 January 2001;

3) higher officials and chief prison inspectors who have submitted requests for acquisition of Estonian citizenship by 1 January 2001.

(13.12.2000 entered into force 01.01.2001 - RT I 2000, 102, 672)

(3¹) Officials employed in prisons who do not hold Estonian citizenship and who do not meet the requirements set in subsection (3) of this section shall be released from service not later than 1 March 2001.

(13.12.2000 entered into force 01.01.2001 - RT I 2000, 102, 672)

(4) A person released from the service pursuant to subsection (1) of this section shall be paid his or her one month's salary as compensation.

§ 170. Termination of employment with another employer

An official working for another employer over whom the official exercises supervision in performing his or her duties is required to terminate the employment relationship with the employer or resign from the service within one month after the date of entry into force of this Act.

§ 171. Notification of employment with another employer and decision on permission of such employment

(1) A public servant working for another employer who is not specified in § 170 of this Act is required to notify his or her immediate superior thereof within one week after the date of entry into force of this Act.

(2) An immediate superior whose subordinate works for another employer is required to decide whether such employment is permissible, within one month after the date of receipt of the notice specified in subsection (1) of this section. If double employment is permitted, the immediate superior must decide, within the same period, the work load and time the public servant may work for the other employer. If double employment is prohibited or restricted, the public servant shall be required, within one month after the working day following notification of the prohibition or restriction, to terminate double employment, submit to the other employer an application for employment at the time and with the work load permitted or resign from the service.

§ 172. Notification of membership in commercial association

An official who is a member of a commercial association is required to notify his or her immediate superior thereof within one week after the date of entry into force of this Act.

§ 173. Notification of engagement in enterprise

(1) A state official who is engaged in enterprise is required to notify a person or administrative agency authorised to employ him or her thereof within one week after the date of entry into force of this Act.

(2) A person or administrative agency with employment authority shall decide within one month after the date of receipt of the notice specified in subsection (1) of this section whether engagement in enterprise may be combined with the service. If such combination is prohibited, an official shall, within six months after the date of being notified of the prohibition, terminate his or her engagement in enterprise or resign from the service.

§ 174. Obligation to resign from union or political party

A state official who, in performing his or her duties, exercises supervision over an association or political party of which he or she is a member shall notify a person or administrative agency authorised to employ him or her of his or her membership within one week after the date of entry into force of this Act and, within one month after the date of entry into force of this Act, shall resign from such association or political party, or from the service.

§ 175. Obligation to resign from bodies of commercial association or political party

A state official who belongs to the permanent directing, control or audit body of a commercial association or political party, except the directing or supervisory body of an enterprise with state participation, is required to notify a person or administrative agency authorised to employ him or her thereof within one week after the date of entry into force of this Act and, within one month after the date of entry into force of this Act, to resign from the body of the commercial association or party, or from the service.

§ 176. Obligations of official belonging to organisation which possesses weapons

(1) A state official or a member of the support staff of a state administrative agency who belongs to an organisation which possesses weapons, is militarily organised or performs military exercises is required to notify a person or administrative agency authorised to employ him or her of the membership within one week after the date of entry into force of this Act.

(2) A person or administrative agency with employment authority shall decide, within one month after the date of receipt of the notice specified in subsection (1) of this section, whether a public servant may belong to such organisation. Membership in state organisations, hunters' associations, and generally known and recognised sports organisations shall not be prohibited.

(3) A public servant whose membership in an organisation is prohibited pursuant to subsection (2) of this section is required to resign, within one month after the date of being notified of the prohibition, from such organisation or the service.

§ 177. Liability for non-performance of obligations provided for in §§ 170-175 and subsections 176 (1) and (3) of this Act

(1) Upon non-performance of obligations provided for in §§ 170-175 or subsections 176 (1) and (3) of this Act, a public servant shall be released from the service pursuant to this section.

(2) A public servant shall be released from the service pursuant to subsection (1) of this section as of the date specified in the document of release.

§ 178. Evaluation of officials in service

(1) Regular evaluation of officials who are in the service at the date of entry into force of this Act shall be held during the period from 1 October 1998 to 31 December 2001.

(2) Regular evaluation of officials who have been evaluated pursuant to this Act upon employment in office by way of public competition or upon promotion shall be held three years after the evaluation.

(18.03.98 entered into force 25.04.98 - RT I 1998, 34, 486)

§ 179. Implementation of § 9 of this Act

Until the passage of the laws specified in § 9 of this Act, the salary scale, salary rates, and titles of positions and support staff positions of state public servants shall be established by the current procedure.

§ 179¹. Implementation of clause 21 (2) 5¹), § 113¹ and subsection 131 (4) of this Act
Upon entry into force of clause 21 (2) 5¹) of this Act, secretary generals who are in office are deemed to be appointed to office for five years as of the time of entry into force of the aforementioned provision, and § 113¹ and subsection 131 (4) apply thereto as of entry into force of the aforementioned provisions.
(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 180. (Repealed - 24.05.95 entered into force 02.06.95 - RT I 1995, 50, 764)

§ 181. Restriction on increasing old-age pension

An increase in the old-age pension provided for in subsection 57 (2) of this Act shall not extend to a person who is released from the service by 1 January 1996.

§ 182. Inclusion of length of previous employment in length of service

(1) The length of service of a person who is in the service upon the entry into force of this Act shall be calculated pursuant to the procedure provided for in §§ 153-156. The activities provided for in clause 153 1) shall include the period of employment in state or local government administrative agencies and the period of employment in positions which required the performance of duties related to exercise of public authority in the enterprises, agencies and organisations which are/were subordinate to the specified administrative agencies before entry into force of this Act, except the period of service in security organisations and armed forces of the former USSR.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

(2) The list of state and local government administrative agencies in which the period of employment shall be included in the length of service pursuant to clause 153 1) of this Act and subsection (1) of this section shall be established by a regulation of the Government of the Republic.

(24.05.95 entered into force 02.06.95 - RT I 1995, 50, 764)

(3) The list of positions in the enterprises, agencies and organisations which are subordinate to state and local government administrative agencies in which the period of employment shall be included in the length of service pursuant to clause 153 1) of this Act and subsection (1) of this section shall be established by a regulation of the Government of the Republic.

(20.12.2000 entered into force 27.01.2001 - RT I 2001, 7, 18)

§ 183. Amendments to earlier legislation

(1) Section 8 (2) of the Estonian SSR Estonian Nature Protection Act (*ENSV Teataja*⁴ 1990, 6, 103; RT I 1994, 46, 773; 1995, 16, 228; 1997, 86, 1460) is amended and worded as follows:

“The chief inspector of Estonian nature protection shall be appointed to office on the proposal of the Minister of the Environment by the Government of the Republic for a term of seven years.”

(2) Subsection 34 (3) of the Republic of Estonia Education Act (RT 1992, 12, 192; RT I 2003, 33, 205; 206; 207; 48, 342; 58, 387) is repealed.

(3) The following amendments shall be made in the Republic of Estonia Employment Contracts Act (RT 1992, 15/16, 241; RT I 1993, 10, 150; 26, 441; 1995, 14, 170; 16, 228; 1996, 3, 57; 40, 773; 45, 850; 49, 953; 1997, 5/6, 32; 1998, 111, 1829; 1999, 7, 112; 16, 276; 60, 616; 2000, 25, 144; 51, 327; 57, 370; 102, 669; 2001, 17, 78; 42, 233; 53, 311; 2002, 61, 375; 62, 377; 110, 656; 111, 663; 2003, 4, 22; 13, 69):

1) clause 7 1) is amended and worded as follows:

“1) to the service as a member of the Riigikogu, the President of the Republic or as an official appointed to office by the Riigikogu or the President of the Republic;”;

2) clause 7 2) is amended and worded as follows:

“2) to state officials and local government officials whose service relationships are regulated by the Public Service Act;”;

3) subsection 40 (1) is amended and worded as follows:

“(1) Work procedure shall be established by internal work procedure rules if an employer has at least five employees. An employer, except a state or local government administrative agency, shall approve the internal work procedure rules in concordance with the labour inspector of his or her location (residence).”;

4) Subsection 42 (2) is amended and worded as follows:

“(2) Proposals and comments regarding the draft internal work procedure rules are not binding on an employer, except if they are based on law.”;

5) the words in subsection 105 (1) “and with official persons of state authority, state government and local government bodies” are replaced with the words “and with support staff of state and local government administrative agencies”.

(4) The words “to officials of state authority, state government and local government bodies” in clause 9 (2) 3) of the Republic of Estonia Holiday Act (RT 1992, 37, 481; 1993, 10, 150; 1994, 84, 1474; 1995, 16, 228; 1997, 74, 1229; 93, 1560; 1999, 82, 749) are replaced with the words “to state officials and local government officials”.

(5) Subsection 8 (2) of the Prosecutor’s Office Act (RT 1993, 11, 184; 1994, 10, 134; 16, 290; 40, 654; 68, 1170) is amended and worded as follows:

“(2) The service relationship of a prosecutor is regulated by this Act and the Public Service Act. Labour laws shall extend to a prosecutor insofar as the laws regulating the public service do not provide otherwise.”.

(6) The words “or an official of a state authority, state government or local government body” in clause 2 3) of the Employees Disciplinary Punishments Act (RT I 1993, 26, 441; 1995, 16, 228; 1998, 64/65, 1009; 2000, 102, 674) are replaced with the words “or a person who is a member of the support staff of a state or local government administrative agency”.

(7) The following amendments are made in the Local Government Organisation Act (RT I 1993, 37, 558; 1999, 82, 755; 2000, 51, 322; 2001, 24, 133; 82, 489; 100, 642; 2002, 29, 174; 36, 220; 50, 313; 53, 336; 58, 362; 61, 375; 63, 387; 64, 390; 393; 82, 480; 96, 565; 99, 579; 2003, 1, 1; 4, 22; 23, 141):

1) clause 22 18) is amended and worded as follows:

“(18) determination of remuneration for members of the Government.”;

2) (Repealed - 20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(8) Subsection 7 (4) of the County Administration Act (RT I 1993, 51, 696; 1994, 28, 424; 84, 1475) is amended and worded as follows:

“(4) The structure and administration of a county government shall be provided for in the statutes of the county government approved by the Government of the Republic. The staff of public servants of a county government shall be approved by the county governor pursuant to the statutes of the county government.”

(9) Clause 1) of the Resolution of the Supreme Council of the Republic of Estonia “Concerning the Chief Inspector of Nature Protection of the Republic of Estonia” (RT 1991, 17, 230; 1995, 16, 228) is repealed.

(10) Clause 4) of the Resolution of the Supreme Council of the Republic of Estonia “Concerning Amendments to the Implementation Resolution of the Employment Contracts Act of the Republic of Estonia” (RT 1992, 24, 336; 1995, 16, 228) is repealed.

(11) Determination of Number and Membership of Courts and Number of County and City Court Lay Judges Act of the Republic of Estonia (RT 1993, 1, 1; RT I 1993, 24, 429; 43, 622; 65, 922; 76, 1131; 1994, 81, 1382; 1995, 29, 358; 97, 1664; 1996, 31 631; 42, 811; 1999, 88, 809; 2000, 102, 678):

1) subsection 1 (1) is amended and worded as follows:

“§ 1.

(1) The courts of first and second instance and the number of judges employed therein are approved as follows: 23 county, city and administrative courts with 167 judges and 3 circuit courts with 44 judges.”;

2) subsection 1(2) is repealed.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

(12) Section 34 of the Broadcasting Act (RT I 1994, 42, 680; 66, 1145; 1995, 16, 228; 83, 1437; 1996, 49, 953; 1997, 29, 448; 52, 834; 93, 1564; 1998, 2, 42; 44; 1999, 7, 112; 16, 268; 25, 364; 59, 613; 2000, 25, 143; 35, 220; 102, 666; 2001, 53, 310; 2002, 3, 5; 21, 117; 53, 336; 57, 357; 61, 375; 63, 387; 2003, 4, 22) is repealed.

(20.12.95 entered into force 01.01.96 - RT I 1995, 97, 1664)

§ 184. Repeal of earlier legislation

The following are repealed:

1) Resolution of the Presidium of the Supreme Council of the Republic of Estonia “Concerning Social Guarantees for Some Categories of Employees” (RT 1990, 5, 61);

2) Resolution of the Presidium of the Supreme Council of the Republic of Estonia “Concerning Amendments to the Resolution of the Presidium of the Supreme Council of the Republic of Estonia of 2 August 1990 “Concerning Social Guarantees for Some Categories of Employees”” (RT 1992, 6, 93);

- 3) Resolution of the Presidium of the Supreme Council of the Republic of Estonia “Concerning Amendments to the Resolution of the Presidium of the Supreme Council of the Republic of Estonia of 2 August 1990 “Concerning Social Guarantees of Some Categories of Employees”” (RT 1992, 10, 149);
- 4) Resolution of the Supreme Council of the Republic of Estonia “Engagement of Officials in Enterprise” (RT 1992, 19, 281).

§ 185. Entry into force of Act

This Act enters into force on 1 January 1996.

(24.05.95 entered into force 02.06.95 - RT I 1995, 50, 764)

Annex 1 to Public Service Act

(27.01.99 entered into force 28.02.99 - RT I 1999, 16, 276)

Public Service Code of Ethics

1. An official is a citizen in the service of people.
2. The activities of an official shall be based on respect for the Constitution of the Republic of Estonia provided for in the oath of office.
3. An official shall adhere, in his or her activities, to the legally expressed will of politicians who have received a mandate from the citizens.
4. Public authority shall be exercised solely in the public interest.
5. Public authority shall always be exercised pursuant to law.
6. The exercise of public authority shall always involve liability.
7. The exercise of public authority is, as a rule, a public activity.
8. An official shall be prepared to make unpopular decisions in the public interest.
9. A person exercising public authority shall endeavour to achieve as broad participation of citizens in the exercise of authority as possible.
10. An official shall always, in his or her activities, subject departmental interests to public interest.
11. An official shall be politically impartial in his or her activities.
12. An official shall make decisions based on public and generally understandable criteria.
13. An official shall avoid creating a situation which arouses or may arouse suspicion with regard to his or her impartiality or objectivity in considering matters under suspicion.
14. An official shall treat property entrusted to him or her economically, expediently and prudently.
15. An official shall use information which becomes known to him or her through official duties solely in the public interest.
16. A person exercising public authority is characterised by honesty and respect for the public and co-employees.
17. An official shall be polite and helpful when communicating with people.
18. An official shall be respectable, responsible and conscientious.

19. An official shall do his or her best in the public service by constant individual development.

20. An official shall facilitate the spread of the above principles in every way.

¹ RT = *Riigi Teataja* = *State Gazette*

² Riigikogu = the parliament of Estonia

³ *Ametlikud Teadaanded* = *Official Notices*

⁴ *ENSV Teataja* = *ESSR Gazette*