

**Act**  
**of 21 November 2008**  
**on Civil Service**  
(consolidated text)

/working translation – for information purposes only/

**Chapter 1**  
**General provisions**

*Article 1*

In order to ensure professional, reliable, impartial and politically neutral execution of objectives of the State, the Civil Service is hereby being established, and the rules of admission thereto, principles of its organisation, functioning and development are being defined.

*Article 2*

1. The Civil Service Corps shall consist of employees employed in officials` positions in:
  - 1) the Chancellery of the Prime Minister,
  - 2) offices of Ministers and Chairpersons of Committees which form part of the Council of Ministers and offices of central agencies of the Government administration,
  - 3) voivodships offices and other offices which are part of the apparatus supporting local agencies of Government administration subordinate to Ministers or central Government administration,
  - 3a) National Tax Information and tax administration chambers,
  - 4) headquarters, inspectorate offices and other organisational units which are part of the apparatus supporting heads of unified voivodships services, voivodships inspections and guards, as well as heads of poviats services, inspections and guards, unless otherwise provided by relevant statutory provisions of law;
  - 4a) Central Investigation Bureau of Police
  - 4b) Internal Affairs Bureau of Police
  - 4c) Internal Affairs Bureau of Border Guard
  - 5) (*annulled*);
  - 6) Forest Seed Production Bureau;
  - 7) State budgetary units that support state appropriated funds subordinated to organs of government administration;
- hereinafter referred to as the "offices".

2. The Civil Service Corps shall also comprise poviats and border veterinary officers and their deputies.
3. Officials' positions in the offices may also be held by individuals delegated pursuant to separate provisions of law in order to perform tasks outside the organisational unit in which they are employed.
4. Rights and duties of members of the Foreign Service Corps and the principles of organisation and functioning thereof shall be determined by provisions of law concerning foreign service.

### *Article 3*

In the meaning of this Act:

- 1) a Civil Service employee stands for an individual employed on the basis of employment contract in accordance with principles set forth in the relevant statutory provisions;
- 2) a Civil Servant stands for an individual employed on the basis of nomination in accordance with principles set forth in the relevant statutory provisions;
- 3) a Civil Service Corps member stands for an individual referred to in item 1 and 2, and an individual employed at the senior position in the Civil Service.

### *Article 4*

An individual shall be eligible of being employed in the Civil Service, if he or she:

- 1) is a Polish citizen, with the exception set out in Article 5;
- 2) holds full civil rights;
- 3) has not been penalised for committing a wilful offence or a wilful fiscal offence;
- 4) holds qualifications required for a given position;
- 5) enjoys an impeccable reputation.

### *Article 5*

1. The Director General of Office, when disseminating information about vacancies, shall indicate upon consent of the Head of Civil Service the vacancies for which, beside Polish citizens, citizens of the European Union and citizens of the other countries may apply, provided that they have the right to be employed on the territory of the Republic of Poland pursuant to international agreements or Community law.
2. A non-Polish citizen can be employed on a position in which the performed duties do not include direct or indirect participation in exercising public authority and functions aimed at protection of general national interest provided that command of the Polish language of such person is certified with a document specified in the regulations issued pursuant to the Section 3.
3. The Prime Minister shall define in a regulation types of documents certifying command of the Polish language, taking into consideration the type of work performed by the Civil

Service Corps members and the need to ensure an appropriate level of performance of their tasks.

#### *Article 6*

Each and every citizen shall be entitled to obtain information about vacancies within the Civil Service. The recruitment to the Civil Service shall be publicly open and based on the competition principle, with reservation of the provisions of the Chapter 4.

#### *Article 7*

1. Civil Servants' appointment ceiling for the given budget year and financial resources for remuneration as well as training of Civil Service Corps members, shall be determined in the Budget Law.
2. The Council of Ministers shall determine each year a three-year plan of Civil Servants' appointments' ceiling and submit it to the Sejm for information along with the draft of the Budget Law.

#### *Article 8*

1. The minister competent in public finance shall cooperate with the Head of Civil Service on preparation and execution of the State budget in the section concerning remuneration and training of Civil Service Corps members.
2. The Head of Civil Service shall submit to the Council of Ministers his position concerning the section of the draft of the Budget Law on financial resources for remuneration and training of Civil Service Corps members.
3. The minister responsible for social security issues shall submit to the Council of Ministers position concerning the draft of the Budget Law on financial resources for remuneration of Civil Service Corps members - taking into account the employment rates of disabled people in offices.

#### *Article 9*

1. Provisions of the Labour Code and other provisions of the labour law shall apply to all issues not regulated in this Act and concerning the employment relationship in the Civil Service.
2. Disputes on claims concerning the employment relationship in the Civil Service Corps shall be decided by labour courts.

### **Chapter 2**

#### **Organisation of the Civil Service**

#### *Article 10*

1. The Head of Civil Service is a central organ of Government administration, competent in Civil Service issues.

2. The Head of Civil Service is subordinated directly to the Prime Minister.
3. The Prime Minister appoints and dismisses the Head of Civil Service.
4. The Head of Civil Service, before the commencement of the performance of his or her duties, shall take the following oath in the presence of the Prime Minister:

“Assuming this office of the Head of Civil Service I do solemnly pledge to be faithful to the provisions of the Constitution of the Republic of Poland, in particular to guard professional, reliable, impartial and political neutral execution of the State tasks in the offices of Government administration by the Civil Service Corps, and to perform my duties conscientiously and impartially.” The oath may also be taken with the additional phrase "So help me, God."
5. The Head of Civil Service shall immediately, in agreement with the Prime Minister, appoint his or her deputy.
6. The deputy of the Head of Civil Service shall perform the tasks of the Head of Civil Service in his or her absence and in the case of vacancy on the post of the Head of Civil Service – until it is assigned.

#### *Article 11*

1. The position of the Head of Civil Service can be held by a person who:
  - 1) is a Polish citizen;
  - 2) holds full civil rights;
  - 3) has not been penalised for committing a wilful offence or a wilful fiscal offence;
  - 4) holds an MA degree (or its equivalent);
  - 5) knows at least one foreign language from among the working languages of the European Union;
  - 6) enjoys an impeccable reputation;
  - 7) was not penalised with a prohibition to hold managerial positions in the public authority offices or to exercise functions related to disposition of public funds;
  - 8) *(annulled)*;
  - 9) is not a member of any political party.
2. The deputy Head of Civil Service referred to in Article 10 Section 5 shall meet the requirements set out in Section 1 items 1-7 and 9.

#### *Article 12*

*(Annulled)*

#### *Article 13*

*(Annulled)*

*Article 14*

The Chancellery of the Prime Minister provides the service to the Head of Civil Service.

*Article 15*

1. The Head of Civil Service shall fulfil duties set out in this Act, in particular:
  - 1) watch over the observance the Civil Service rules;
  - 2) administer the process of staff management in the Civil Service;
  - 3) collect data on the Civil Service Corps;
  - 4) prepare drafts of normative acts concerning the Civil Service;
  - 5) monitor and supervise the use of resources referred to in Article 7 Section 1,
  - 6) plan, organise and supervise central trainings for the Civil Service;
  - 7) disseminate information on the Civil Service;
  - 8) ensure conditions to dissemination of information on vacant posts;
  - 9) ensure international cooperation in the matters concerning the Civil Service.
2. The Head of Civil Service shall create and submit to the Council of Ministers a draft strategy of the Civil Service human resources management that contains diagnosis of the Civil Service, definition of strategic aims, implementation system and financial framework.
3. The Council of Ministers shall adopt the strategy of the Civil Service human resources management by means of a resolution.
4. The Head of Civil Service may apply to the Prime Minister for exercise control in the scope of activities resulting from this Act.
5. <sup>1</sup>The Head of Civil Service for the purpose of executing his statutory tasks may gather and use information, including personal information of the Civil Service Corps members, except for information referred to in Article 27 Section 1 of the Personal Data Protection Act of 29 August 1997 (Journal of Laws of 2002 No. 101, item 926 as amended), and process such information as stipulated in this Act.
6. The Head of Civil Service shall gather and process detailed data on the state of employment and remuneration of the Civil Service Corps.
7. The Head of Civil Service shall submit to the Prime Minister, by the end of March annually, a report on the condition of the civil service and execution of its tasks in the previous year. The Prime Minister shall, within 3 months, approve or reject the report.
8. The Head of Civil Service is entitled to appoint committees, as opinion or advisory entities on issues of the scope of the Head of Civil Service competencies.
9. The Head of Civil Service shall establish standards for the Civil Service human resources management by way of an ordinance.

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<sup>1</sup> In the wording determined by art. 97 of the Act of February 21, 2019 amending certain acts in connection with ensuring application of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals in connection with the processing of personal data and on the free movement of such data and repealing the directive 95/46 / EC (general regulation on data protection) (Journal of Laws item 730), which entered into force on May 4, 2019.

10. The Prime Minister shall establish guidelines on the observance of the Civil Service rules and ethical principles of the Civil Service Corps by way of an ordinance.

#### *Article 16*

1. While executing the strategy of the Civil Service human resources management and in order to implement standards, guidelines and principles referred to in Article 15 Sections 9 and 10, the Head of the Chancellery of the Prime Minister upon the motion of the Head of Civil Service shall have at the disposal, as stipulated in the Public Finance Act of 27<sup>th</sup> August 2009 (Journal of Laws No. 157, item 1240), funds for modernisation of the Civil Service from the dedicated reserve provided for in the Budget Law.
2. The Head of Civil Service in consultation with the Head of the Chancellery of the Prime Minister shall define, by way of an ordinance, conditions for granting subsidies to the Government administration offices for implementation of the strategy of the Civil Service human resources management and for implementation of standards, guidelines and principles referred to in Article 15 Sections 9 and 10.

#### *Article 17*

1. The Head of Civil Service shall execute the tasks set out in this Act with the assistance of Directors General of Office.
2. The Head of Civil Service shall define, by way of an ordinance, the terms and mode of collaboration with Directors General of Office in matters concerning assurance of professional, reliable, impartial and politically neutral execution of objectives of the State and leading of the Civil Service human resources management process.
3. The Head of Civil Service may request from Directors General of Office an access to information, documents and periodical reports with regard to the tasks resulting from the Act.

#### *Article 18*

Minister competent for public finance, upon motion by the Head of Civil Service, shall contract out the execution of internal audit in the scope determined by the Act.

#### *Article 19*

1. The Public Service Council shall operate attached to the Prime Minister, hereinafter referred to as the "Council".
2. The Council shall, as an opinion-giving and advisory body in particular express opinions on the following issues:
  - 1) regarding Civil Service issues, presented to it by the Prime Minister or the Head of Civil Service or on its own initiative;
  - 2) draft programme of the Civil Service human resources management;
  - 3) draft of the Budget Law in its part dealing with the Civil Service and on the annual budget execution in this respect;

- 4) proposed rate of remuneration increase in the public budget sector with regard to the Civil Service;
  - 5) draft normative acts concerning the Civil Service;
  - 6) central trainings programme within Civil Service;
  - 7) professional ethics of the Civil Service Corps;
  - 8) draft codes of regulations, governing the proceedings of the High Disciplinary Civil Service Commission;
  - 9) reports by the Head of Civil Service referred to in Article 15 Sections 7.
3. The Council also:
- 1) evaluates the course of qualification procedure in the Civil Service;
  - 2) files a motion to the Head of Civil Service to take a position on matters defined by the Council concerning the application of the Civil Service rules;
  - 3) files a motion to the Head of Civil Service to take a position on matters of the complaints to the Council by a member of the Civil Service Corps or in matters of comments and proposals of representatives of trade unions and associations functioning within the public administration;
  - 4) may delegate his representative in order to observe the course of qualification procedure, at the middle management level, and in case infringements on the course of running qualification procedure are disclosed, the Council can approach the Head of Civil Service with a motion to hold another qualification procedure;
  - 5) determines the directions of the Civil Service modernisation in order to meet the evolving tasks, needs and expectations of the Prime Minister;
  - 6) in cooperation with the Lech Kaczyński National School of Public Administration disseminates the best European standards, practices and experience in the field of the functioning of the public service.
4. The President of the Council shall become a member of the Council of the Lech Kaczyński National School of Public Administration.

#### *Article 20*

1. The Council consists of 7-9 members.
2. The Prime Minister shall appoint members of the Council from among persons meeting the conditions specified in Article 4 items 1-3 and 5, whose knowledge, experience and authority provide a guarantee of correct execution of the Council tasks.
3. The Prime Minister shall appoint the President of the Council and the Vice-President of the Council from among the members of the Council

#### *Article 21*

1. The tenure of members of the Council shall be 4 years.

2. Council members shall perform their functions until the appointment of their successors.
3. Council members shall perform their functions honorary.

*Article 22*

1. Membership in the Council shall be terminated in case of:
  - 1) death of a member of the Council;
  - 2) when a Council member has ceased to meet one of the conditions specified in Article 4 item 1-3;
  - 3) when a Council member is unable to fulfil his/her functions for a period longer than 12 months, if it is not a result of chronic illness, confirmed by a medical certificate.
2. The Prime Minister also dismisses a Council member in case such member files a resignation.
3. In case of termination of Council membership or dismissal of a Council member before the termination of his/her tenure, the Prime Minister shall appoint a new Council member for the remaining period of this tenure.

*Article 23*

1. The procedure of work of the Civil Service Council shall be determined by the regulations adopted by the Council.
2. The Chancellery of the Prime Minister provides the service to the Council works.

*Article 24*

*(Annulled)*

*Article 25*

1. The post of the Director General of Office shall be created in the Chancellery of the Prime Minister, in office of minister, in office of a chairperson of committee forming part of the Council of Ministers, in office of a central body of the government administration and in voivodship office.
2. The position of the Director General of Office shall not be created in the Police Headquarters, State Fire Service Headquarters and the Border Guard Headquarters.
3. The Director General of Office shall report directly to the head of the office.
4. The Director General of Office shall:
  - 1) ensure the functioning and continuity of work of an office, conditions for its operation, as well as work organisation, in particular by:
    - a) exercising direct supervision over the office's organisational units regarding the proper performance by them of tasks specified by a head of the office, except for units directly supervised by a head of the office in pursuance of acts of law,



- b) supervising the organisation-wise course of work on timely preparation of a draft budget and detailed schedule relating to the budget in part pertaining to the office,
  - c) submitting requests to a relevant Government administration body for conferring the organisational regulation for an office,
  - d) conferring the organisational regulation for organisational units of and laying down the work rules and regulations,
  - e) managing the office's property, including contracting out services and making purchases for the office and ensuring that records of the office's property are maintained,
  - f) <sup>2</sup>performing the competence of the head of the procuring entity in accordance with the Act of 29 January 2004 – Public Procurement Law (Journal of Laws of 2007 No. 223 item 1655 and of 2008 No. 171 item 1058),
  - f)<sup>3</sup> performing the competence of the head of the procuring entity in accordance with the of the Act of 11 September 2019 - Public procurement law (Journal of Laws, item 2019),**
  - g) representing the State Treasury in the scope and according to the principles specified in the Act of 16 December 2016 on the principles of state property management (Journal of Laws, item 2259),
  - h) exercising supervision over inspections and internal audits in the office,
  - i) (*annulled*),
  - j) ensuring compliance with regulations concerning statutory secrecy,
  - k) ensuring compliance with legislative technique;
- 2) perform activities envisaged under labour law in relation to persons employed in the office and implement the staffing policy, in particular by:
- a) preparation of a human resources management plan for the office,
  - b) performing activities resulting from entry into and maintenance of employment relationship with members of the Civil Service and activities relating to the termination of employment relationship,
  - c) organising recruitment for vacancies for officials,
  - d) making use of the bonus fund, unless separate regulations provide otherwise,
  - e) administering funds from the company employee benefit fund in the office.
- 3) performs specific tasks of the head of the office, if separate provisions so provide;
- 4) performs other tasks commissioned by the head of the office.
5. The Director General of Office shall, by the end of January annually, submit a report to the Head of Civil Service concerning performance of the act-specified objectives in the previous year.

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<sup>2</sup> In this wording remain in force, until the amendment referred to in footnote 3 shall enter into force.

<sup>3</sup> In accordance with the change introduced by art. 46 of the Act of 11 September 2019 - Provisions introducing the Act - Public Procurement Law (Journal of Laws item 2020), which will enter into force on January 1, 2021.

6. The Director General of Office shall immediately designate, in consultation with a relevant head of an office, a person substituting for him/her managing a department (equivalent unit), while in voivodeship office – a division (equivalent unit). The Director General shall immediately notify the Head of Civil Service about the appointment of a substitute.
7. A person substituting the Director General of Office shall perform the tasks of the Director General of Office in his absence and in the case of vacancy on the position of the Director General of Office – until it is filled.
8. Should the position of the Director General of Office be vacant and no person substituting him/her be appointed, the Head of Civil Service upon consultation with the head of the office shall appoint a civil service Corps member employed in this office to substitute the Director General of Office – until the vacancy is filled.
9. The tasks stipulated in the act for a Director General of Office in the offices in which no such position is created shall be performed by the heads of these offices.
10. The Director General of Office or a person substituting the Director General of Office, in the case of vacancy on the position, may issue ordinances with the view to perform the tasks referred to in Section 4 above.

### **Chapter 3**

#### **Establishment of an employment relationship in the Civil Service**

##### *Article 26*

1. The Director General of Office shall organise recruitment of candidates for the Civil Service Corps, with reservation of the provisions of the Chapter 4.
2. Recruitment referred to in Section 1 also concerns graduates of the Lech Kaczyński National School of Public Administration.
3. Recruitment of candidates for the Civil Service Corps for positions related to the country's defensive system is held with regard to the priority in employment, which belongs to persons discharged from professional military service, mentioned in Article 119 Section 1 in the Law of 11 September 2003 on Military Service of Professional Soldiers (see the Journal of Laws from 2019 items 330, 730 and 726).

##### *Article 27*

1. The Chief Veterinary Officer shall recruit candidates for border veterinary officers and their deputies.
2. *Annulled.*
3. In the recruitment referred to in Section 1 above the provisions of this chapter shall apply respectively.

##### *Article 28*

1. With reservation to Article 39 the Director General of Office shall be obliged to disseminate information about vacancies within the Civil Service by ensuring publication

of announcements of the recruitment in the publicly available place in the office premises and in the Public Information Bulletin of the Office, hereinafter referred to as the “Bulletin of the Office” and in the Public Information Bulletin of the Chancellery of the Prime Minister, hereinafter referred to as the “Bulletin of the Chancellery”.

2. The announcement of the recruitment shall include:
  - 1) name and address of the office;
  - 2) specification of the job position;
  - 3) requirements following the respective job description, with an indication, which of those are obligatory and which are optional;
  - 4) scope of tasks performed in the given position;
  - 4a) information on working conditions in the given position;
  - 4b) information, whether in the month preceding the date of publishing the vacancy notice, the employment rate of disabled people in the office, in the meaning of the provisions on vocational rehabilitation and employment of persons with disabilities, is at least 6%;
  - 5) list of required documents;
  - 6) place and date for submitting documents.
- 2a. The requirements referred to in Section 2 item 3 shall be described as follows:
  - 1) the obligatory requirements are necessary to work at the given position;
  - 2) the additional requirements are other requirements, allowing for optimum performance of tasks at the given position.
- 2b. A candidate who intends to use the rights referred to in Art. 29a Section 2, is obliged to submit together with documents, copy of a document confirming the disability.
3. The deadline for submitting documents, specified in the announcement of the recruitment, shall not be shorter than 10 days, and for a job offer for replacement of an absent Civil Service Corps member – 5 days from publication of the announcement in the Bulletin of the Chancellery.
4. Offers of vacant positions shall be published in the Bulletin of the Chancellery by electronic means using forms available on its websites.
5. Publication of the announcement of the recruitment in the Bulletin of the Chancellery shall be free of charge.

#### *Article 29*

First names and last names of the candidates who meet formal requirements as well as the results of the recruitment information shall constitute public information to the extent covered by the requirements specified in the announcement of the recruitment.

#### *Article 29a*

1. During recruitment procedure, recruitment board, referred to in Art. 30 Section 2 item 5, select no more than five best candidates who meet the necessary requirements and to the

greatest extent the additional requirements, and submit these candidates to the Director General of the office in order to employ of the selected candidate.

2. If in the office of employment the rate of people with disabilities, in the meaning of the provisions on vocational rehabilitation and employment of persons with disabilities, in the month preceding the date of publishing the vacancy notice, is less than 6%, disabled persons are entitled to a priority in employment, if located in among those referred to in Section 1.

#### *Article 30*

1. The recruitment procedure shall be minuted.
2. The minutes shall contain in particular:
  - 1) a job description for which recruitment procedure has been conducted, the number of candidates and their first and last names and addresses in the meaning of the Civil Code, of not more than five best candidates with an indication of disabled candidates, if art. 29a is applicable to the recruitment, submitted to the Director General of Office.
  - 2) number of applications sent, including the number of applications that not meet formal requirements;
  - 3) information on applied methods and techniques of the recruitment;
  - 4) grounds for the selection result;
  - 5) composition of the recruitment board.

#### *Article 31*

1. The Director General of Office shall immediately following the completed recruitment disseminate information on the recruitment results by ensuring its publication in the publicly available place in the Office premises, its publication in the Bulletin of the Office and the Bulletin of the Chancellery.
2. The information referred to in Section 1 shall include:
  - 1) the name and address of the office;
  - 2) specification of the job position;
  - 3) the first name and the last name of the selected candidate and his place of residence as stipulated by the Civil Code provisions.

#### *Article 32*

Member of the board referred to in Article 30 Section 2 item 5 shall keep in secret the information obtained about the candidates in the recruitment process.

#### *Article 33*

If within 3 months after establishing of an employment relationship with the person selected in the recruitment process the need to assign the same position arise, the Director General of

Office shall be entitled to employ on the same position the next person from among the candidates referred to in Article 29a Section 1. The Provision of Article 29a Section 2 shall be applied accordingly.

*Article 34*

1. A person dismissed from professional military service, held at service position in the Ministry of National Defence or in local organ of Government administration subordinated to the Ministry of National Defence, due to notice of service relationship of professional military service, may be employed in this organizational unit at a position established in place of his/her former service position or at an equivalent position.
2. Employment referred to in Section 1 shall be established on the basis of the employment contract for an indefinite period of time or for a definite period of time, not exceeding three years, being concluded the next day after terminating a period of notice of service relationship of professional military service.

*Article 35*

1. The employment relationship of the Civil Service employee shall be established on the basis of the employment contract for an indefinite period of time or for a definite period of time.
2. A contract of employment for an indefinite period of time can be concluded with a person referred to in Article 37 evaluated positively or previously employed in the Civil Service under a contract of employment for an indefinite period of time or by appointment as stipulated in the Act on employees of state offices of 16 September 1982 (Journal of Laws of 2018 item 1915 and of 2019 item 1043 and 1820) as well as with a person employed in the Civil Service in accordance with Article 34 Section 1.
3. In the case of individuals taking up employment with the Civil Service for the first time, employment contract shall be concluded for a definite period of 12 months.
4. In the case of a justified absence from work for more than 3 months, the Director General of Office may, upon the employee's request, extend the term of the contract referred to in Section 3 for the time of the absence.
5. Civil Servants employed for the first time shall be considered a person not previously employed in the Civil Service for an indefinite period of time or not employed for a definite period of 12 months' time and not evaluated positively as stipulated in Article 37, or is not a Civil Service employee under Article 34 Section 1.
6. The Director General of Office shall decide whether to sign employment contract for an indefinite period of time with the employee upon positive evaluation of the employee referred to in Article 37.
7. Re-employment of a person previously appointed in the Civil Service shall be made upon an appointment, keeping the previous service rank of the Civil Servant, subject to Article 70 item 1, Article 71 Section 1 item 1 and 3 and Section 7, and Article 114 Section 1 item 6.

*Article 36*

1. Employees taking up employment with the Civil Service for the first time shall complete a preparatory service subject to Sections 6, 6a and 7.
2. Preparatory service is aimed at theoretical and practical preparation of an employee taking up employment with the Civil Service for the first time for the proper execution of job-related tasks.
3. Delegating an employee for a preparatory service, the Director General of Office shall define the scope and duration of this service based on the opinion of the head of the organisational unit where the person is employed. The opinion shall refer to the level of the employee's preparation to perform duties specified in his job description.
4. Preparatory service shall not exceed 4 months and concludes not later than 8 months following the beginning of employment of an employee.
5. Preparatory service shall conclude with an examination. The scope, methodology and passing criteria shall be defined by the Director General of Office.
6. Graduates of the Lech Kaczyński National School of Public Administration shall be released from the preparatory service.
- 6a. Persons employed on the senior positions in the Civil Service shall not be directed to the preparatory service.
7. Upon a justified request of the head of the organisational unit in which the person is employed, the Director General of Office may release a person service whose knowledge or skills allow due execution of duties from the preparatory service.
8. The release from the obligation of completion a preparatory service referred to in Section 7 above shall not exclude the application of Section 5.

#### *Article 37*

1. A person employed under a contract of employment referred to in Article 35 Section 3 shall be subject to the first evaluation in the Civil Service.
2. The first evaluation in the Civil Service on terms stipulated in Article 38 may apply to a person employed to replace an absent Civil Service Corps member.
3. The first evaluation in the Civil Service shall not apply to the graduates of the Lech Kaczyński National School of Public Administration who applied for appointment in the Civil Service.

#### *Article 38*

1. The first evaluation in the Civil Service shall be made no earlier than after 8 months of the establishing of the employment and not later than 1 month prior to expiry of the period of time for which a contract of employment of the evaluated person was concluded.
2. The direct superior of the evaluated person shall, in consultation with the head of the organisational unit in which the person is employed, perform the first evaluation in the Civil Service taking into consideration:
  - 1) the employee's approach, commitment and progress at work, relations with associates and timely execution of tasks;
  - 2) result of the examination at the conclusion of the preparatory service;

- 3) report drawn up by the evaluated employee, concerning the tasks performed by him/her during the period of employment.
3. Following evaluation, the head of the organisational unit shall file a motion to the Director General of Office, in the case of:
  - 1) a positive evaluation – to sign a contract of employment for an indefinite period of time with the evaluated employee, or
  - 2) a negative evaluation – not to sign a contract of employment for an indefinite period of time or to terminate contract of employment concluded for a definite period of time.
4. The Prime Minister, by way of a regulation, shall specify the detailed terms and methods of performing the first evaluation in the Civil Service, in particular:
  - 1) the method and mode of performing the first evaluation in the Civil Service,
  - 2) template sheet of the first evaluation in the Civil Service,
  - 3) scope of template of the report concerning the tasks accomplished by the evaluated employee during the period of employment and its form,
  - 4) criteria for positive or negative evaluation– taking into consideration the need to create professional Civil Service Corps and ensure impartiality of the evaluations made.

#### *Article 39*

In accordance with separate provisions of law the Prime Minister shall direct graduates of successive classes of the Lech Kaczyński National School of Public Administration to their first job positions in the Civil Service presented The Head of Civil Service.

#### *Article 40*

Appointed to the Civil Service may be an individual who:

- 1) is a Civil Service employee;
- 2) can prove a duration of employment with the Civil Service of at least three years or has obtained a consent of the Director General of the Office for entering the qualification procedure before the end of the said period, however not earlier than after two years from establishing the employment relationship in the Civil Service;
- 3) holds an MA degree or its equivalent;
- 4) knows at least one foreign language from among the working languages of the European Union or one of the following foreign languages: Arab, Belarussian, Chinese, Icelandic, Japanese, Norwegian, Russian, Ukrainian;
- 5) is a reservist soldier or is not covered by the general defence duty.

#### *Article 41*

1. The Head of Civil Service shall draw up and announce in the Bulletin of the Chancellery a sample application form for entering the qualification procedure for Civil Service

employees applying for appointment and a sample application form for appointment for graduates of the Lech Kaczyński National School of Public Administration.

2. The Head of Civil Service shall make public a maximum number of new appointments in the given year by placing announcement in the Bulletin of the Chancellery within 14 days from the promulgation of the Budget Law.

#### *Article 42*

1. A Civil Service employee shall submit an application to enter the qualification procedure to the Head of Civil Service. Applications to enter the qualification procedure in a given year shall be submitted in the period between 1 January and 31 May of that year.
2. Graduates from the Lech Kaczyński National School of Public Administration who meet the conditions set forth in Article 40 items 1 and 4, shall submit an application for appointment to the Civil Service to the Head of Civil Service. Applications for appointment shall be submitted in the period between 1 January and 31 May.
3. The Director General of Office shall confirm the fulfilment of conditions set forth in Article 4 items 1-3 and Article 40 by the Civil Service employee submitting one of the applications referred to in Article 41 Section 1.

#### *Article 43*

1. Subject to Article 42 Section 2, the Lech Kaczyński National School of Public Administration shall conduct the qualification procedure for the Civil Service employees applying for an appointment.
2. The reviewing team shall be appointed in order to conduct the qualification procedure.
3. Knowledge and skills necessary for executing tasks of the Civil Service shall be verified by a separate parts of the test in the course of the qualification procedure.
4. Results of the qualification procedure shall be presented in scores.
5. Scores shall be awarded separately for each part of the test separately.
6. To complete the test with a positive result, a person must be awarded in each part of the test by at least 1/3 of the maximum number of scores envisaged for this part and be awarded by at least 3/5 of the maximum number of scores envisaged for the entire test.
7. Total results of the qualification procedure referred to in Section 6 shall be ranked in the diminishing order and published in the Bulletin of the Chancellery.

#### *Article 44*

1. The Head of Civil Service shall oversee the legality of the course of the qualification procedure.
2. Should any irregularities be found in the course of the qualification procedure, the Head of Civil Service shall order removal of the law infringement.

#### *Article 45*



1. An individual entering the qualification procedure shall be charged with a fee in the amount not exceeding 50% of a minimum salary provided for in the relevant separate provisions of law concerning a minimum salary for work.
2. The fee referred to in Section 1 shall constitute an income of the Lech Kaczyński National School of Public Administration.

#### *Article 46*

The level of knowledge, skills and managerial predispositions necessary for the execution of the Civil Service tasks held by graduates from the Lech Kaczyński National School of Public Administration shall be tested in the course of their education in that school and confirmed with their graduation diploma.

#### *Article 47*

The Prime Minister shall define in a regulation the manner of conducting the qualification procedure in the Civil Service, by determination of:

- 1) a scope of subjects of the qualification procedure,
  - 2) the organisation and manner of conducting the qualification procedure along with detailed rules of awarding scores referred to in Article 43 Section 5,
  - 3) minimum numbers of scores referred to in Article 43 Section 6,
  - 4) types of documents confirming that the condition set forth in Article 40 item 4 has been met,
  - 5) the amount of the fee referred to in Article 45 and method of payment
- taking into consideration the necessity to examine the individual's knowledge and managerial predispositions required from the Civil Servant in the course of the qualification procedure.

#### *Article 48*

1. Appointment shall be made within the ceiling referred to in Article 7 Section 1.
2. The Head of Civil Service shall appoint in the name of the Republic of Poland a Civil Service employee who finished the qualification procedure in the given year obtaining a positive result and holding place on the final list which entitles him/her to be appointed or graduated from the Lech Kaczyński National School of Public Administration.
3. The qualification procedure shall be completed with a place on the final list entitling to appointment if the applicant has obtained in the course of the qualification procedure a positive result with the number of scores allowing the appointment of all individuals who obtained such number of scores without the necessity to exceed the ceiling referred to in Article 7 Section 1. The place on the final list entitling to appointment shall be established after taking into consideration the number of appointments of graduates from the Lech Kaczyński National School of Public Administration.
4. On the day of appointment existing employment relationship shall be transformed into employment relationship on the basis of appointment.

*Article 49*

1. The act of appointment of a Civil Servant shall contain the first name and the last name of the Civil Servant and the date of their appointment.
2. The act of appointment shall be drawn up in writing.

*Article 50*

1. The Civil Servant shall take the following ceremonial oath:  
“I shall serve the Polish State, observe the Constitution of the Republic of Poland, fulfil obligations of a Civil Servant conscientiously and impartially, in accordance with my best knowledge and will”.
2. The Civil Servant can expand the ceremonial oath referred to in Section 1 with the words: “So help me God”.
3. The Civil Servant shall confirm taking of the oath with his/her signature.

*Article 51*

1. The Director General of the Office shall award a Civil Servant the lowest service rank to which he/she is entitled from the day of appointment, within 7 days from the day of appointment.
2. The award of a service rank shall be done in writing.
3. (Annulled).

**Chapter 4****Senior Positions in the Civil Service***Article 52*

Following positions are classified as senior positions in the Civil Service:

- 1) the Director General of Office;
- 2) directors of departments or equivalent units in the Chancellery of the Prime Minister, Minister Offices, offices serving the Chairperson of Committees which form part of the Council of Ministers, offices of central organs of the Government administration and also individuals managing units or equivalent units in the Voivodship Offices, and their deputies;
- 3) voivodship veterinary officers and their deputies;
- 3a) poviats veterinary officers and their deputies;

- 3b)<sup>4</sup> voivodeship inspector of agricultural and food quality and their deputy;
- 4) heads of organisational units in the Forest Seed Production Bureau and their deputies;
- 5) director of the National Tax Information, director of tax administration chamber, head of tax office, head of customs tax office, and their deputies.

### *Article 53*

1. Senior positions in the Civil Service may be held by a person who:

- 1) holds an MA degree (or its equivalent);
- 2) was not convicted with a lawful sentence that prohibits holding managerial positions in the public authority offices or to exercise functions related to disposition of public funds;
- 3) holds managerial skills;
- 4) (annulled);
- 5) (annulled);
- 6) meets requirements specified in the job description and in the separate provisions.

2. The positions referred to in Article. 52 item 5, may be held by persons, who meet the requirements specified in the separate provisions.

### *Article 53a*

1. The persons for the positions referred to in Article. 52, item 1, shall be appointed and dismissed by the competent minister, the Head of the central office, the Head of the Chancellery of the Prime Minister or the Voivode.
2. The persons for the positions referred to in Article. 52 item 2, shall be appointed and dismissed by the Director General of Office.
3. The persons for the positions referred to in Article. 52 item 3a, shall be appointed and dismissed by the Chief Veterinary Officer, in agreement with the competent Voivode.
- 3a. The persons for the positions referred to in Article. 52 item 3b, shall be appointed and dismissed by the voivodship veterinary officer:
- 3b.<sup>5</sup> The persons for the positions referred to in Article. 52 item 3b, shall be appointed and dismissed by the Voivode:
  - 1) with the consent of the Chief Inspector of Agricultural and Food Quality - in the case of the voivodship inspector of agricultural and food quality;
  - 2) at the request of the voivodship inspector of agricultural and food quality - in the case of the deputy of the voivodship inspector of agricultural and food quality.

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4 In accordance with the change introduced by art. 13 of the Act of 23 January 2020 on amending the act on the agricultural and food quality and some other acts (Journal of Laws item 285), which will enter into force on July 1, 2020

5 In accordance with the change introduced by art. 13 of the Act of 23 January 2020 on amending the act on the agricultural and food quality and some other acts (Journal of Laws item 285), which will enter into force on July 1, 2020

4. The persons for the positions referred to in Article. 52 item 4, shall be appointed and dismissed by the Director of Forest Seed Production Bureau.
- 4a. The persons for the positions referred to in Article. 52 item 5 shall be appointed and dismissed according to the separate provisions.
5. Appointment for the positions referred to in items 1-4a, is equivalent to establishing an employment relationship based on appointment, within the meaning of the Act of 26 June 1974 - Labour Code (Journal of Laws of 2019, item 1040, 1043 and 1495).
6. A Civil Servant and Civil Service employee appointed to the position referred to in Article. 52 items 2-5, shall be granted unpaid leave for the duration of the appointment, by the Director General of Office in which he/she has been employed.
7. A Civil Servant and Civil Service employee appointed to the position, referred to in Article. 52, item 1, shall be granted unpaid leave for the duration of the appointment, by the Head of the office in which he/she has been employed.
8. The Director General of Office appointed to the position referred to in Article 52 items 1-4, shall be granted unpaid leave by the Head of the office in which he/she has been employed so far.
9. Upon completion of unpaid leave the Director General of office shall designate a position for the Civil Servant and Civil Service employee in accordance with his/her qualifications and professional skills.

*Article 54*

*1. (Annulled).*

*2-6. (Annulled).*

*Article 55*

*Annulled*

*Article 56*

*Annulled*

*Article 57*

*Annulled*

*Article 58*

*Annulled*

*Article 59*

*Annulled*

*Article 60**Annulled**Article 61**Annulled***Chapter 5****Alteration and termination of the employment relationship in the Civil Service***Article 62*

1. If justified by the needs of the Office, the Director General of Office shall be at any time entitled to transfer a Civil Servant to another position within the same Office in the same or another town, taking into account his/her vocational education.
  - 1a. If the Civil Servant is a pregnant woman or an individual being only guardian of a child of up to fifteen years of age, the transfer of a Civil Servant to another position within the same Office in another town shall be inadmissible, unless the said Civil Servant gives consent of such transfer. Furthermore, no such transfer shall be permissible in case when particularly important personal or family reasons concerning a Civil Servant speak against such decision.
  - 1b. The Civil Servant transferred to another position within the same Office in another town shall be entitled to the benefits referred to in Art. 95 Section 2 and 3, while maintaining the conditions set out therein.
  - 1c. The transfer of a Civil Servant to another post in the same office in another town being far away from the previous place of work of a Civil Servant, without her/his written consent, shall be made no more frequently than once every two years.
  - 1d. Costs of benefits resulted from the transfers of Civil Servants in the same office to another town, referred to in Section 1b, shall be financed from the funds remaining at the disposal of Directors General of Offices.
2. If the remuneration at the new position is lower than the precedent one, the Civil Servant referred to in Section 1 shall retain his/her right to his/her existing remuneration for the period of three months counting from the month in which he/she has been transferred to the new position. The amount of the Civil Service allowance shall remain at the same level.

*Article 63*

1. If it is in the Civil Service's interest, the Head of Civil Service may transfer a Civil Servant to another office in the same town.
2. The Head of Civil Service, when the particular interest of the Civil Service so requires, may transfer a Civil Servant to the another office in another town for a period not longer than two years. Such a transfer shall be permissible twice during the employment relationship of a Civil Servant at the most.

3. If the Civil Servant is a pregnant woman or an individual being only guardian of a child of up to fifteen years of age, the transfer referred to in Section 2 shall be inadmissible, unless the said Civil Servant gives consent of such transfer. Furthermore, no such transfer shall be permissible in case when particularly important personal or family reasons concerning a Civil Servant speak against such decision.

*Article 64*

1. The transfer of a Civil Servant and a Civil Service employee to another office, including transfer to another location, by his/her request or consent, may take place at any time.
2. The transfer referred to in Section 1 shall be made by the Director General of Office, where a Civil Servant and a Civil Service employee is to be employed, in consultation with the Director General of Office where a given Civil Servant and Civil Service employee has been employed until that time.

*Article 65*

The transfer of a Civil Servant and a Civil Service employee outside the Civil Service Corps shall be performed pursuant to separate relevant provisions of law.

*Article 66*

In case of liquidation of the office where a Civil Servant performs his/her duties or in case of if this office is reorganized in a way which makes further employment of a given Civil Servant impossible the Head of Civil Service shall transfer him/her to the another office in the same or another town and shall impose an obligation upon the Director General of the said Office to determine the position for the Civil Servant regarding his/her vocational education.

*Article 67*

1. The Civil Servant shall be entitled to submit an appeal to the Prime Minister against the decision specified in Articles 63 and 66 within 14 days from the receipt of the decision.
2. Submission of the appeal shall not constitute ground for suspension the execution of the decision.

*Article 68*

1. Employment relationship of a Civil Servant and a Civil Service employee held in temporary custody shall be suspended by virtue of law. During the suspension the Civil Servant and the Civil Service employee shall be entitled to half of the remuneration he/she has been entitled to until the date of the preliminary custody.
2. In case of discontinuance of penal proceedings or passing a judgement finding him/her not guilty, a Civil Servant and a Civil Service employee shall be entitled to the remaining part of his/her monthly salary. It shall not apply to the conditional discontinuance of the penal proceedings.
3. The period of suspension of the employment relationship shall be included in the period of employment on which depend employee rights of a Civil Servant and a Civil Service employee.

*Article 69*

1. Should disciplinary or penal proceedings be initiated against a Civil Servant and a Civil Service employee the Director General of Office may suspend him/her in his/her duties.
2. The period of suspension referred to in Section 1 shall continue until the completion of disciplinary or penal proceedings, however in any case not longer than three months.
3. In the period of suspension referred to in Section 1 a Civil Servant and a Civil Service employee shall keep his/her right to remuneration and other rights and benefits related to the Civil Service.
4. The period of suspension shall be included in the period of employment on which depend employees' rights of a Civil Servant and a Civil Service employee.

*Article 70*

Employment relationship of a Civil Servant shall be terminated in case of:

- 1) refusal to take the oath;
- 2) the loss of the citizenship of a state which is a member state of the European Union or of another state whose citizens, pursuant to international agreements or Community law, have the right to work in the territory of the Republic of Poland;
- 3) final and legally valid adjudication of a disciplinary penalty of expulsion from the Civil Service;
- 4) final and legally valid conviction for a wilful offence or a wilful fiscal offence;
- 5) final and legally valid adjudication of loss of civil rights or the right to work as a Civil Servant;
- 6) lapse of three months of an absence from work because of preliminary custody;
- 7) refusal to comply with the decision concerning transfer referred to in Article 62 and 63 or failure to undertake employment in the Office to which a Civil Servant has been transferred pursuant to Article 66.

*Article 71*

1. Dissolution of the employment relationship of a Civil Servant shall take place with a three-month notice, in case of:
  - 1) two successive negative performance evaluations referred to in Article 81 Section 1;
  - 2) occurrence of a permanent inability to work incapacitating him/her to perform duties of a Civil Servant confirmed by a statement issued by the medical expert of the Social Insurance Institution; in order to check a health condition of a Civil Servant he/she may be directed to the Social Insurance Institution by his/her request or ex officio;
  - 3) loss of impeccable reputation;
  - 4) liquidation of the office when the transfer referred to in Article 66 is impossible.
2. Dissolution of the employment relationship with a Civil Servant may take place with a three-month notice, in case of:

- 1) annulled;
- 2) refusal to undergo a medical examination performed by a medical expert of the Social Insurance Institution.
3. Dissolution of the employment relationship with a Civil Servant without notice may take place in case of his/her absence from work because of the illness lasting longer than one year.
4. In case of inability to work because of the illness referred to in Section 3, a Civil Servant shall keep the right to financial benefits throughout the period provided for by provisions concerning financial benefits from the social insurance in case of illness or maternity.
5. Dissolution of the employment relationship with a Civil Servant caused by reasons defined in Sections 1-3 shall not infringe the provisions concerning special protection of employees within the scope of termination of the employment relationship.
6. Dissolution of the employment relationship with a Civil Servant may take place by way of agreement of both parties or by a three-month notice as a result of the resignation of a Civil Servant.
7. Dissolution of the employment relationship with a Civil Servant without notice due to Civil Servant's fault may take place in case of:
  - 1) serious infringement by a Civil Servant of the fundamental duties of a Civil Service Corps member, if the fault of a Civil Servant is obvious;
  - 2) committing an offence by a Civil Servant in the duration of the employment relationship, which makes further employment impossible, if the offence is obvious or commitment of the offence has been ascertained in the final and legally valid judgement;
  - 3) loss by Civil Servant's fault of license necessary to perform duties related to the occupied position, if designation of a new position for such Civil Servant, taking into consideration his/her vocational education, is impossible.
8. Dissolution of the employment relationship with a Civil Servant without notice due to Civil Servant's fault shall not take place after lapse of one month from the day of taking cognizance of the circumstance giving grounds for dissolving the employment relationship.

#### *Article 72*

During the notice period a Civil Servant and a Civil Service employee may be released from performing duties, but in such case he/she shall keep his/her right to remuneration.

#### *Article 73*

1. In case of dissolving the employment relationship with a Civil Servant due to reasons defined in Article 71 Section 1 item 4, in the period between the termination of employment in the office being subject to the liquidation proceedings and undertaking a new employment or economic activity, such a Civil Servant shall be entitled to a pecuniary benefit from budget resources throughout a period not longer than six months. The said financial benefit shall be calculated as a pecuniary equivalent for a holiday leave.



A Civil Servant who acquired entitlement to the retirement pension shall not be entitled to obtain the said benefit.

2. In case when in the period referred to in Section 1 a former Civil Servant receives a sickness benefit or maternity benefit, the amount of the pecuniary benefit shall be reduced accordingly.
3. The period in which pecuniary benefit referred to in Section 1 is received shall be included in the period of employment required for acquiring or keeping employees' rights and in the period of employment within the meaning of provisions concerning retirement and disability pensions from the Social Security Fund – on such conditions on which a period of receiving an unemployment benefit is included, defined in the provisions on promoting employment and institutions of the labour market. Contribution to social insurance shall be deducted from the pecuniary benefit on conditions concerning remuneration paid in the course of employment relationship.

#### *Article 74*

The Director General of Office dissolves the employment relationship or ascertains the expiry of the employment relationship of a Civil Servant and a Civil Service employee.

#### *Article 75*

In case of transfer of a Civil Servant and a Civil Service employee to another office his/her personal files accompanied by the remaining documentation concerning issues related to the employment relationship shall be transferred to the office in which a Civil Servant and a Civil Service employee is to be employed.

### **Chapter 6**

#### **Duties of a Civil Service Corps Member**

#### *Article 76*

1. Civil Service Corps members shall be particularly obliged to:
  - 1) obey the Constitution of the Republic of Poland and other provisions of law,
  - 2) protect the interests of the State and human and civil rights,
  - 3) manage public resources reasonably,
  - 4) perform their duties conscientiously, impartially, efficiently and timely,
  - 5) preserve statutory confidential information,
  - 6) develop professional knowledge,
  - 7) behave in a dignified manner in and outside the service.
2. A relevant Director General of Office shall be obliged to assure that Civil Service Corps members enjoy proper conditions to perform tasks defined in this Act.

#### *Article 77*

1. Civil Service Corps members shall be obliged to execute their professional duties imposed by their superiors.
2. Should in the opinion of a given Civil Service Corps member the order be inconsistent with the law or display signs of error, he/she is obliged to notify their superior of such a situation in writing. In case of confirmation of the order in writing, a Civil Service Corps member is obliged to execute it.
3. Civil Service Corps members shall not execute orders if such actions may result in committing an offence or a minor offence, of which they immediately notify a relevant Director General of the Office.

#### *Article 78*

1. Civil Service Corps members cannot be guided in executing their duties neither by their particular nor any group interests.
2. Civil Service Corps members shall not be allowed to publicly manifest their political beliefs.
3. Civil Service Corps members shall not be allowed to participate in strikes or actions of protest, which would interfere with regular functioning of an Office.
4. Civil Service Corps members shall not be allowed to combine employment in the Civil Service with a councillor's mandate.
5. Civil Servants are not allowed to establish or participate in political parties.
6. A Civil Service Corps member holding a senior position in the Civil Service is not allowed to hold position within trade unions.
7. Section 5 shall apply to a person holding a senior position in the Civil Service .

#### *Article 79*

In an office no professional subordination status is allowed to occur between persons married to each other or remaining within family relationship of up to the second degree inclusive or within a first degree affinity relationship, as well as within a relationship of adoption, custody or guardianship.

#### *Article 80*

1. Civil Service Corps members are not allowed to undertake additional employment without a written permission from a relevant Director General of Office, or to perform activities or actions contradictory to his/her duties stipulated in the law or undermining the confidence in the Civil Service .
2. Civil Servants cannot undertake additional income-generating activities without a written permission from a relevant Director General of Office.
3. Section 2 shall apply to a person holding senior positions in the Civil Service.
4. The Director General of Office is given a written assent by the Head of Civil Service to undertake additional income-generating activities. While applying to the Head of Civil Service the Director General should attach a written opinion of the head of office.

*Article 81*

1. A Civil Servant and a Civil Service employee employed under a contract of employment for an indefinite period of time shall be subject to a periodical performance evaluation carried out by the direct superior.
2. (Annulled).
3. The periodical performance evaluation shall concern the performance of duties, which result from his/her job description. The periodical evaluation shall be made in writing and immediately communicated to the evaluated person.
4. The periodical performance evaluation shall be carried out every 24 months.
5. The periodical performance evaluation shall contain conclusions concerning the individual professional development programme.
6. The periodical performance evaluation shall be carried out in case of a change of the position, which is bound to concern a substantial change of duties, if the period from the most recent periodical evaluation exceeds six months. In the case of persons evaluated for the first time, such an evaluation shall be carried out if the period subject to the evaluation exceeds six months.
7. In the case of a justified absence of the evaluated person from work longer than one month, the time limit referred to in Section 4 shall be extended with the period of the absence.
8. The evaluating person may alter the evaluation time limit referred to in Section 4 in case of:
  - 1) a change in the position of an evaluating person in the period in which the evaluated person is subject to an evaluation;
  - 2) the evaluated person's expected, longer and justified absence from work which may prevent the evaluation;
  - 3) the evaluating person's expected, longer and justified absence from work which may hinder the evaluation;
  - 4) the evaluated person's request to alter the date of the evaluation;– if the period from the date of the most recent periodical appraisal exceeds six months, and in case of persons evaluated for the first time, if the period subject to the evaluation exceeds six months.
9. In the case of a negative periodical performance evaluation, evaluated person shall be subject to a successive evaluation after six months from the receipt of the evaluation.

*Article 82*

The Prime Minister by way of a Regulation shall determine conditions and method of carrying out of periodical performance evaluations, including criteria, template of evaluation sheet, mark scale and procedure for the periodical performance evaluation to be carried out by a direct superior, being guided by the continuing need for increase in the quality of the performance of duties by the evaluated person and to ensure the objectivism of periodical evaluations.

*Article 83*

1. Evaluated person shall be entitled to appeal against the periodical performance evaluation to a relevant Director General of Office within 7 days of the receipt of such an evaluation.
2. (Annulled)
3. The appeal shall be considered within 14 days from the day of its submitting.
4. Should the appeal be considered justified, the periodical performance evaluation shall be changed or repeated. The repeated periodical evaluation may be appealed against pursuant to the principles referred to in Sections 1 and 3.
5. If the appeal fails to be considered in the foreseen time limit or in case when the appeal has not been allowed, the evaluated person is entitled to appeal to the labour court within 14 days of the receipt of the decision or from the day on which the time limit referred to in Section 3 lapsed.

*Article 84*

1. Job positions in the Civil Service Corps shall be subject to description and evaluation.
2. The Prime Minister shall determine by way of an order detailed principles for description and evaluation of the job positions.

**Chapter 7****Rights of a Civil Service Corps Member***Article 85*

1. The remuneration of a Civil Service employee is comprised of a basic salary specific to a given position and a bonus for long-term employment with the Civil Service .
2. The remuneration of a Civil Servant is comprised of a base salary specific to a given position, a bonus for long-term employment with the Civil Service and a Civil Service bonus based on the service rank held.
3. The remuneration of the person holding Senior Position in the Civil Service is comprised of a base salary specific to a given position, functional allowance and a bonus for long-term employment with the Civil Service.

*Article 86*

1. Nine service ranks are hereby established for the Civil Servants.
2. Rates of a Civil Service bonus are assigned to service ranks held.

*Article 87*

1. The basic salary envisaged for a given position, functional allowance and the Civil Service bonus based on the service rank held shall be calculated with the application of multipliers of the base amount determined according to separate principles in the Budget Law.
2. *(Annulled)*.
3. *(Annulled)*

*Article 88*

A Civil Service Corps member may be paid a task bonus for the performance of additional tasks entrusted to him/her by the employer for the period of performing such tasks, from the funds allocated for remunerations.

*Article 89*

1. A Civil Servant may be granted a successive service rank upon achieving positive evaluation referred to in Article 81, if it contains a justified request of the direct superior to grant the successive rank to the Civil Servant.
2. A Civil Servant who, from the granting of the last rank, obtained two successive positive periodical evaluations at one of the two highest levels envisaged in the mark scale, shall be granted the next rank within thirty days from the day on which the Civil Servant received the periodical performance evaluation.

*Article 90*

1. A Civil Service Corps member is granted a bonus for long-term employment with the Civil Service in the amount of 5% of basic monthly salary after 5 years of work. The bonus is being increased by 1% for each subsequent year in employment up to the level of 20% of the basic monthly salary.
2. The duration of employment entitling to bonuses for long-term employment with the Civil Service shall be determined basing upon the confirmed periods of employment and other proven periods, if by virtue of separate provisions they are included into the period of employment which determines employee's rights and benefits.
3. Periods of employment, referred to in Section 2 shall not include periods of employment with the communist party (the Polish Workers' Party and the Polish United Workers' Party), as well as in the state security bodies in the meaning of Article 2 of the Act of 18<sup>th</sup> October 2006 on disclosure of information on documents of the state security bodies from the years 1944-1990 and the content of such documents (Journal of Laws of 2019, item 430, 399, 447, 534 and 1571).

*Article 91*

1. A Civil Service Corps member shall be paid an anniversary award amounting to:
  - 1) after 20 years of work - 75% of the monthly remuneration;

- 2) after 25 years of work - 100% of the monthly remuneration;
  - 3) after 30 years of work - 150% of the monthly remuneration;
  - 4) after 35 years of work - 200% of the monthly remuneration;
  - 5) after 40 years of work - 300% of the monthly remuneration;
  - 6) after 45 years of work - 400% of the monthly remuneration.
2. The periods of employment referred to in Section 1 shall include all previous terminated periods of employment and other proven periods if, , if by virtue of separate provisions they are included into the period of employment which determines employee's rights and benefits.
  3. Periods of employment referred to in Section 2 shall not include periods of employment with the communist party (the Polish Workers' Party and the Polish United Workers' Party) as well as in state security bodies in the meaning of Article 2 of the Act of 18 October 2006 on the disclosure of information about documents of the state security bodies from the years 1944-1990 and the content of such documents.

#### *Article 92*

Civil Service Corps members are entitled to an additional annual remuneration in accordance with principles stated in separate provisions

#### *Article 93*

1. Civil Service Corps members for particular achievements in professional work can be granted an award from an award fund within Civil Service, established especially for that purpose.
2. The award fund referred to in Section 1 amounting to 3% of planned staff remunerations shall remain at the disposal of Directors General of Offices and may be increased by them within the limits of allocated remuneration funds.

#### *Article 94*

1. A Civil Service Corps member whose employment terminated as a result of retirement or the acquisition of the disability pension due to the incapacity to work, shall be entitled to single severance pay amounting to triple monthly remuneration and, if a Civil Service Corps member has been employed in the Civil Service for a period of at least 20 years, the single severance pay shall amount to six months' remuneration.
2. The periods of employment referred to in Section 1 shall include all previous terminated periods of employment and other proven periods, if by virtue of separate provisions they are included into the period of employment which determines employee's rights and benefits.
3. Periods of employment referred to in Section 2 shall not include periods of employment with the communist party (the Polish Workers' Party and the Polish United Workers' Party) as well as in state security bodies in the meaning of Article 2 of the Act of 18 October 2006 on the disclosure of information about documents of the state security bodies from the years 1944-1990 and the content of such documents.

4. The severance pay referred to in Section 1 shall be calculated according to the same principles as the payment in lieu of annual recreation leave.

*Article 95*

1. Civil Service Corps members delegated to perform their professional duties outside the area of operations of a relevant Office of employment are entitled to benefits set out in provisions concerning the principles of determining the allowances and their amount for employees on business trips issued on the basis of the Labour Code.
2. A Civil Servant transferred to another office in another town/city under Article 63 Section 2 shall be entitled to a flat made available by the office to which the Civil Servant was transferred, or to a monthly allowance to cover the costs of renting accommodation paid in the transfer period, if:
  - 1) a Civil Servant or his/her spouse do not have a flat or a house in the town/city he/she is transferred to;
  - 2) a Civil Servant is transferred to a town/city which is considerably remote from the Civil Servant's present place of residence.
3. A Civil Servant transferred to another office in another town/city shall be also entitled to:
  - 1) a single transfer allowance amounting to triple monthly remuneration;
  - 2) reimbursement of the transfer-related travel costs of the Civil Servant and of the members of his/her family and the reimbursement of the costs of his/her property transport;
  - 3) a leave due to the transfer amounting to the total of four days.
4. The allowances referred to in Sections 2 and 3 shall be covered from the budgetary reserve for the Civil Service .
5. The Prime Minister shall determine, by way of a regulation:
  - 1) the distance between a Civil Servant's place of residence to date and the town/city he/she is transferred to, which shall justify the assignment of a flat or the reimbursement of the costs of accommodation rental determined with regard for the commuting opportunities;
  - 2) size of the flat assigned to a Civil Servant or the method of determining the maximum amount of reimbursed costs of accommodation rental, with regard for the situation of the Civil Servant's family and average rents for flats in the town/city he/she is transferred to as well as the requirement to manage budgetary funds rationally;
  - 3) the maximum amount of reimbursed costs of travel and property transport due to the transfer and the method of determining the amount of allowances referred to in Section 3 items 1 and 2, with regard for the necessity to compensate the costs associated with the relocation to another town/city;
  - 4) the procedure of granting and of the payment of allowances referred to in Sections 2 and 3.

*Article 96*

1. Should a Civil Servant's employment be terminated as a result of temporary arrest, the Director General of Office where the Civil Servant has been employed shall re-employ him/her, taking into account his/her professional competence, in case of the discontinuation of criminal proceedings or acquittal, and the Civil Servant notified of his/her return to work within seven days from the date the adjudication entered into force.
2. Section 1 shall not apply in the case when the criminal proceedings were discontinued due to prescription or amnesty and in the case of conditional discontinuation of proceedings.
3. In the case of the refusal of re-employment in the Civil Service, the Civil Servant may appeal to the labour court.

*Article 97*

1. The working time of the Civil Service Corps members cannot exceed eight hours per day and on average forty hours per week, within a given clearance period of no more than eight weeks.
2. In cases justified by the type and organisation of work, working time schedules allowing the work time to be extended to twelve hours per day. In such time schedules, however, the total working time cannot exceed forty hours per week on average within a given clearance period of no more than twelve weeks.
3. The Director General of Office shall determine weekly and daily working time schedules in accordance with the principles established by the Prime Minister by way of a regulation. Weekdays that are not working days in an office shall not be included in annual recreation leave.
4. When issuing the regulation referred to in Section 3, the Prime Minister should take into account the need to ensure the efficient operation of the office, including customer service and the diversified nature of tasks performed by Civil Service Corps members.
5. If needed by an office, a Civil Service Corps member may be ordered by his/her superior to work overtime, and in exceptional cases also at night – time and on Sundays and holidays.
6. A Civil Service employee shall be entitled to such a number of free hours as the number of overtime hours worked upon the order of his/her superior.
7. A Civil Servant shall be entitled to such a number of free hours as the number of overtime hours worked at night - time.
8. For the work on Sunday, a Civil Servant shall be entitled to a day off in the following week, and for the work on a holiday he/she shall be entitled to another day off.
9. Upon the request of a Civil Service Corps member, the free time referred to in Sections 6 and 7 and the day off referred to in Section 8 may be given in the period directly preceding annual recreation leave or after its termination.
10. Sections 2 and 5 shall not apply to pregnant women and, without their consent, to Civil Service Corps members taking care of persons in need of constant care or of children up to eight years of age.

*Article 98*



1. A Civil Service Corps member shall be entitled to retirement and disability benefits in accordance with the principles set out by the provisions on retirement and disability pensions granted from the Social Insurance Fund.
2. In case of termination of an employment contract with a Civil Service employee as a result of the closure of the office, the employee shall be entitled to a retirement pension provided that a man is at least 60 years old and a woman is at least 55 years old, and if he/she has the required length of service.
3. Section 2 shall apply to people born before 1 January 1949.

#### *Article 99*

The Prime Minister shall determine, by way of a regulation:

- 1) the list of officials' positions in breakdown into groups of positions;
- 2) professional qualifications of employees required to perform duties at officials' positions to an extent they are not set out in specific provisions;
- 3) multipliers to calculate the basic salary of Civil Service Corps members;
- 4) the service ranks of Civil Servants and the multiplier for the calculation of the Civil Service bonus for each rank;
- 4a) multipliers to calculate functional allowance, referred to in Article 85 Section 3;
- 5) the procedure of granting and paying the bonus referred to in Article 90 Section 1;
- 6) the conditions for the determination of the entitlement to the anniversary award and for its payment;

– taking into account the nature of work performed by Civil Service Corps members and the need to ensure an adequate level of their job performance.

#### *Article 100*

The Prime Minister may determine, by way of an ordinance, the method of taking into account the results of the job evaluation when determining the basic salary of Civil Service Corps members in offices.

#### *Article 101*

The Prime Minister, taking into account a particular nature of tasks and the conditions of their performance, may determine, by way of a regulation:

- 1) special entitlements in the field of remuneration and other benefits allowed to some categories of Civil Service Corps members along, with the principles of granting and the level thereof;
- 2) other bonuses added to remuneration beyond those provided for in the Act;

– if such benefits and bonuses were provided for in provisions valid on the day of the enactment of the Act.

#### *Article 102*

In the regulation referred to in Article 101, the Prime Minister may also determine other benefits and bonuses as well as the conditions and procedure of granting thereof, taking into account the need to improve the effectiveness of tasks performed by the Civil Service Corps members.

#### *Article 103*

The Civil Servant and the Civil Service employee employed in positions which require pedagogic qualifications shall enjoy the rights set out in Article 91a Section 1 item 1 of the Teachers' Charter Act of 26 January 1982 (Journal of Laws of 2019 item 2215), and the period of employment in those positions shall be included in the period of employment used to determine teachers' entitlements set out in the said act.

#### *Article 104*

In accordance with the principles defined in separate provisions, Civil Service Corps members benefit from protection envisaged for public officials.

#### *Article 105*

1. A Civil Servant shall be entitled to additional one day of annual recreation leave after five years of employment in the Civil Service. The additional annual recreation leave shall increase by one day each year of employment until it reaches the length of twelve days.
2. The period of employment with the public administration shall be included in the period of employment which ensures the right to additional leave.

### **Chapter 8**

#### **Training and Development in the Civil Service**

#### *Article 106*

1. A Civil Service Corps member shall participate in trainings in the Civil Service .
2. Trainings in the Civil Service shall include:
  - 1) central trainings - planned, organised and supervised by the Head of Civil Service ;
  - 2) general trainings - planned, organised and supervised by Directors General of Office;
  - 3) trainings under individual professional development programmes of Civil Service Corps members - planned, organised and supervised by the Director General of Office in consultation with a Civil Service Corps member employed in a given office;

- 4) specialist trainings – planned, organised and supervised by the Director General of Office, covering issues related to the tasks of the office

*Article 107*

1. The plan of central trainings in the Civil Service shall be established by the Head of Civil Service on an annual basis.
2. The plan of central trainings shall include in particular:
  - 1) training priorities for the Civil Service Corps members;
  - 2) types of trainings of particular importance in a given year;
  - 3) other recommendations and information for persons who organise and supervise trainings in the Civil Service .
3. While establishing training programmes, the Head of Civil Service shall co-operate in particular with the Lech Kaczyński National School of Public Administration.

*Article 108*

1. The direct superior shall establish, separately for each Civil Service Corps member, except for persons holding Senior Positions in the Civil Service, an individual professional development programme, which shall be the basis for referring the Civil Service Corps member to trainings, taking into account in particular:
  - 1) conclusions contained in the periodical evaluation of a Civil Service Corps member;
  - 2) the hierarchical and financial promotion path for a Civil Service Corps member;
  - 3) professional development plans and opportunities for a Civil Service Corps member;
  - 4) needs and opportunities of employment in an office.
2. The programme referred to in Section 1 shall be accepted by the head of organisational unit and approved by the Director General of Office.
3. The Prime Minister may determine, by way of an ordinance, a detailed method of establishing of individual professional development programme for a Civil Service Corps member.

*Article 109*

1. The participation of Civil Service Corps member in trainings for the Civil Service shall be treated as equivalent to performing professional duties.
2. A Civil Service Corps member shall not pay any fees for the participation in trainings for the Civil Service .
3. In exceptional cases, the Director General of Office may agree to cover by the office, all or some costs of the participation of a Civil Service Corps member in trainings and courses other than those envisaged for the Civil Service .

*Article 110*

1. The Director General of Office may refer a Civil Service Corps member with legal education to a legislative application. Mutual rights and obligations of the office and of a Civil Service Corps member related to the referral to a legislative training shall be set out in an agreement between the Director General of Office and the Civil Service Corps member.
2. The legislative application shall be concluded with an exam.
3. The Prime Minister shall determine, by way of a regulation, detailed principles and procedure of organising and participating in the legislative application, taking into account, in particular, the areas of law which provide the basis for the development of the legislative application programme; admission conditions and procedure, also for persons who are not Civil Service Corps members; the fees for the participation in the application and the payment procedure; the obligations of participants and their patrons; detailed rules, conditions and stages of admission to the exam concluding the application and of the organisation of the exam; the composition of the examination board and the certificate design.

*Article 111*

The costs of trainings in the Civil Service shall be covered from following resources:

- 1) allocated in the budgets of individual offices to finance general trainings and trainings under Civil Servants' individual professional development programmes as well as specialist trainings;
- 2) budgetary reserve allocated to trainings of the Civil Service Corps members for the financing of central trainings.

*Article 112*

The Prime Minister shall determine, by way of a regulation, detailed conditions of organising and executing trainings in the Civil Service , including in particular:

- 1) the criteria to be met by entities commissioned to execute trainings;
- 2) the method and conditions of trainings evaluation;

– taking into account the need to ensure the effective training and development process in the Civil Service .

**Chapter 9****Disciplinary liability of a Civil Service Corps member**

*Article 113*

1. A Civil Service Corps member shall be disciplinarily liable for violating the responsibilities of a Civil Service Corps member.
2. Disciplinary proceedings cannot be initiated after three months from the day of the acknowledgement by the relevant Director General of Office of the violation of the responsibilities of a Civil Service Corps member or after two years from the perpetration of such an act.
3. Should a Civil Service Corps member be unable to present his/her explanation due to his/her absence from work, the course of the three-month period shall not commence, or shall be suspended if already commenced, until the day the Civil Service Corps member reports for work.
4. Should the act perpetrated by a Civil Service Corps member bear attributes of a criminal offence, the prescription of the act shall not take place earlier than the prescription set forth in the provisions of the Penal Code.
5. A disciplinary offence shall no longer be penalized after four years since its perpetration.

*Article 114*

1. Disciplinary penalties applicable to Civil Servants shall include:
  - 1) a warning;
  - 2) a reprimand;
  - 3) depriving a Civil Servant of opportunities of promotion to a higher rank for a period of two years;
  - 4) decreasing the basic salary by not more than 25% for the period not exceeding six months;
  - 5) downgrading to a lower service rank in the Civil Service ;
  - 6) expulsion from the Civil Service .
2. Disciplinary penalties applicable to persons holding Senior Positions in the Civil Service and to Civil Service employees shall include:
  - 1) a warning;
  - 2) a reprimand;
  - 3) decreasing the basic salary by not more than 25% for the period not exceeding six months;
  - 4) expulsion from employment in an office.
3. A legally valid decision on the application of the penalty referred to in Section 2 item 4 shall result in the termination of employment.
4. A legally valid decision on the application of the penalties referred to in Section 1 item 6 and Section 2 item 4 shall result in no possibility to apply for jobs in the Civil Service Corps for the period of five years.

*Article 115*

1. For minor violations of the responsibilities of a Civil Service Corps member, the Director General of Office may punish a Civil Service Corps member with a written warning. The punishment may be preceded with explanatory proceedings to clarify the circumstances of the case.
2. A Civil Service Corps member may, within seven days from the application of the penalty of a warning, appeal against it to the Director General of Office.
3. In case of the appeal referred to in Section 2, the General Director of Office shall promptly refer the case to the Disciplinary Ombudsman. The referral of the case to the Ombudsman shall result in the initiation of explanatory proceedings.

*Article 116*

1. Disciplinary proceedings involving Civil Service Corps members shall be executed by the following disciplinary commissions:
  - 1) in the first instance - by the disciplinary commission;
  - 2) in the second instance - by the Higher Disciplinary Commission of the Civil Service, hereinafter referred to as "Higher Disciplinary Commission".
2. Disciplinary proceedings of persons employed as Directors General of Office shall be executed in the first and second instance by the Higher Disciplinary Commission.
3. Disciplinary proceedings of persons employed as Voivodship Veterinary Officers and their deputies shall be executed in the first instance by the disciplinary commission at the office of the Chief Veterinary Officer.
4. Disciplinary proceedings of persons employed as poviats veterinary officers and their deputies shall be executed in the first instance by the disciplinary commission at the office of the Voivodship Veterinary Officer.
5. <sup>6</sup>Disciplinary proceedings of persons employed as Voivodeship inspectors of agricultural and food quality and their deputies shall be executed in the first instance by the disciplinary commission at the office of the Chief Inspector of Agricultural and Food Quality.

*Article 117*

1. A disciplinary commission of office shall be appointed by the Director General of Office from among Civil Service Corps members employed in the office.
2. Directors General of Office may, by agreement, appoint a joint disciplinary commission for all offices managed by them.
3. The Head of Civil Service shall be promptly notified of the appointment of the disciplinary commission.

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<sup>6</sup> In accordance with the change introduced by art. 13 of the Act of 23 January 2020 on amending the act on the agricultural and food quality and some other acts (Journal of Laws item 285), which will enter into force on July 1, 2020

4. The disciplinary commission comprising at least ten members shall be appointed for the term of four years.
5. The disciplinary commission shall appoint the chairperson and two deputy chairpersons of the commission from among its members.
6. The works of the disciplinary commission shall be governed by the rules of procedure adopted by the disciplinary commission and approved by the Director General of Office.

*Article 118*

1. The Higher Disciplinary Commission shall be appointed by the Prime Minister.
2. The Higher Disciplinary Commission shall comprise fifteen members appointed by the Prime Minister for the term of six years, including twelve members appointed upon the request of the Head of Civil Service from among Civil Servants and three members appointed upon the request of the Director General of Foreign Services from among members of the diplomatic and consular staff. Members of the Higher Disciplinary Commission shall perform their duties until their successors are appointed.
3. The Higher Disciplinary Commission shall appoint the chairperson and deputy chairpersons of the Higher Disciplinary Commission from among its members.
4. The works of the Higher Disciplinary Commission shall be governed by the rules of procedure adopted by the Commission.
5. The Chancellery of the Prime Minister shall provide service of the Higher Disciplinary Commission.

*Article 119*

The work in the disciplinary commission shall be treated as equivalent to performing professional duties by the members of the commission.

*Article 120*

The Prime Minister shall determine, by way of a regulation, the remuneration of the members of the Higher Disciplinary Commission, of disciplinary commissions and of Disciplinary Ombudsmen and their deputies, assuming the minimum remuneration set out in the provisions on minimum remuneration for work as the basis for the establishing of the remuneration of the chairperson, deputy chairpersons and the remaining members of these commissions as well as of disciplinary ombudsmen and their deputies.

*Article 121*

The Higher Disciplinary Commission adjudicates appeals against decisions of disciplinary commissions.

*Article 122*

Members of disciplinary commissions are independent in disciplinary adjudication and shall not be bound by decisions of other organs applying the law, except for legally valid court judgements

*Article 123*

1. The disciplinary commissions shall adjudicate in the following composition:
  - 1) in the first instance:
    - a) three members in the case when the Disciplinary Ombudsman requested the application of the penalty specified in Article 114 Section 1 items 1-5 and Section 2 items 1-3;
    - b) five members, including the chairperson with legal education, when the Disciplinary Ombudsman requested the application of the penalty specified in Article 114 Section 1 item 6 and Section 2 item 4;
  - 2) in the second instance - five members of which at least two should have legal education, when examining a case in which the penalty set out in Article 114 Section 1 item 6 and Section 2 item 4 was adjudicated.
2. The chairperson of the disciplinary commission shall appoint the bench and the date of the hearing.
3. When examining disciplinary cases referred to in Article 116 Section 2, the bench in the second instance shall be appointed from among those members of the commission who did not participate in the examination of the case in the first instance.

*Article 124*

1. The Disciplinary Ombudsman shall be appointed by the Director General of Office from among his/her subordinate Civil Service Corps members.
2. The Disciplinary Ombudsman for disciplinary cases of persons employed as Directors General of Office shall be appointed by the Head of Civil Service from among Civil Service Corps members.
3. The Disciplinary Ombudsman for disciplinary cases of persons employed as Voivodship Veterinary Officers and their deputies shall be appointed by the Chief Veterinary Officer from among his/her subordinate Civil Service Corps members.
- 3a. The Disciplinary Ombudsman for disciplinary cases of persons employed as poviats veterinary officers and their deputies shall be appointed by the Voivodship Veterinary Officer from among his/her subordinate Civil Service Corps members.
- 3b.<sup>7</sup> The Disciplinary Ombudsman for disciplinary cases of persons employed as Voivodship inspectors of agricultural and food quality and their deputies shall be appointed by the

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<sup>7</sup> In accordance with the change introduced by art. 13 of the Act of 23 January 2020 on amending the act on the agricultural and food quality and some other acts (Journal of Laws item 285), which will enter into force on July 1, 2020



Chief Inspector of agricultural and food quality from among his/her subordinate Civil Service Corps members.

4. A deputy disciplinary ombudsman may be appointed in justified cases. The provisions of Sections 1-3 and 5 and of Article 125 shall be applied respectively.
5. In case of appointing the disciplinary commission under the procedure set forth in Article 117 Section 2, an agreement may provide for the appointment of a joint Disciplinary Ombudsman.

#### *Article 125*

1. The Disciplinary Ombudsman shall initiate explanatory proceedings upon the order of persons referred to in Article 124 Sections 1-3 and shall notify them of the findings of such proceedings. The Ombudsman shall notify the person concerned of the proceedings initiated against him/her.
2. The Ombudsman shall decide whether to request the disciplinary commission to initiate disciplinary proceedings or, with the consent of persons referred to in Article 124 Sections 1-3., to discontinue explanatory proceedings.
3. Article 119 shall apply to the performance of tasks by the Disciplinary Ombudsman and his/her deputy.

#### *Article 126*

1. The disciplinary commission shall initiate disciplinary proceedings on the day of lodging a request to initiate the proceedings by the Disciplinary Ombudsman.
2. The defendant shall be entitled to assistance of a defence counsel he/she can select, with reservation of the provisions on maintenance of statutory secrecy. Should the Disciplinary Ombudsman request a penalty of expulsion from the Civil Service or of expulsion from employment in the office, and the defendant has no defence counsel, the chairperson of the judicial bench shall appoint the defence counsel from among members of the Civil Service Corps.
3. The disciplinary commission shall issue its decision following a hearing, in the course of which they will hear statements of the Disciplinary Ombudsman, as well as of the defendant and his/her defence counsel, if such counsel has been appointed, and following the examination of other evidence of material importance for the case.
4. Unjustified absence of the defendant or his/her defence counsel shall not inhibit the proceedings.
5. The hearing shall be open. In justified circumstances, the judicial bench may decide to proceed in camera, but the pronouncement of the adjudication shall be public.
6. The adjudication along with the justification shall be delivered to both parties within seven days from the pronouncement.
7. The parties may appeal against the adjudication of the disciplinary commission to the Higher Disciplinary Commission via the disciplinary commission of first instance within fourteen days from the delivery of the adjudication. The disciplinary commission of first

instance shall refer the appeal along with the case files to the Higher Disciplinary Commission within fourteen days from the receipt of the appeal.

*Article 127*

1. The provisions of Article 126 Sections 1-6 shall be applied respectively to proceedings before the Higher Disciplinary Commission.
2. The parties and the Head of Civil Service may appeal against the adjudications of the Higher Disciplinary Commission to the court of appeal – labour and social insurance court having jurisdiction over the defendant's place of residence. The appeal shall be lodged via the Higher Disciplinary Commission.
3. The examination of the appeal shall be executed according to the provisions of the Civil Code concerning appeals. Cassation shall not apply to the adjudication of the court of appeal.

*Article 128*

1. A copy of a legally valid adjudication of the disciplinary commission on the application of a penalty shall be appended to the personnel files of a Civil Service Corps member.
2. The Director General of Office shall execute the penalties referred to in Article 114 Section 1 items 3-5 and Section 2 item 3 as soon as the decision becomes valid.

*Article 129*

1. The disciplinary penalties set out in Article 114 Section 1 items 1-5 and Section 2 items 1-3 shall be obliterated, and the copy of the decision appended to the personnel files shall be destroyed after three years from the delivery of the legally valid adjudication on the application of the penalty. Upon the request of the punished person, the obliteration may take place after two years.
2. Should, in the period before the obliteration of a disciplinary penalty, a Civil Service Corps member be punished with a successive disciplinary penalty, the time limit of three years referred to in Section 1 shall be counted from the day of the delivery of the legally valid adjudication on the application of the successive penalty.
3. In case of the disciplinary penalty referred to in Article 114 Section 1 item 6 and Section 2 item 4, the obliteration of the penalty and the destruction of the copy of the adjudication shall take place three years after the lapse of the period referred to in Article 114 Section 4.
4. The penalty of a written warning referred to in Article 115 Section 1 shall be obliterated after one year since the decision on application the penalty becomes valid.

*Article 130*

The Prime Minister shall determine, by way of a regulation, the method of execution of the explanatory and disciplinary proceedings, including:

- 1) the conditions for appointing and dismissing members of disciplinary commission, Disciplinary Ombudsmen and their deputies;
  - 2) the method of changing the composition of the disciplinary commission;
  - 3) the scope of actions to be performed by the Disciplinary Ombudsman and his/her deputy to explain the case;
  - 4) the organisation and functioning of the disciplinary commission and the procedure of the disciplinary proceedings;
  - 5) the conditions and method of determining benefits due to members of disciplinary commissions, Disciplinary Ombudsmen and their deputies, witnesses, defence counsels and experts;
- taking into account the need to execute such proceedings in a reliable and efficient manner.

#### *Article 131*

1. The defendant shall cover the expenses of the defence counsel selected by him/her.
2. The costs of experts appointed by the disciplinary commission and the costs of experts' opinions ordered by the disciplinary commission shall be covered by the office in which the disciplinary commission operates.
3. In the case of disciplinary commissions appointed under the procedure set out in Article 117 Section 2, the costs referred to in Section 2 shall be paid by the office in which the defendant was employed on the day the disciplinary proceedings were initiated, unless the agreement referred to in Article 117 Section 2 stipulates otherwise.

### **Chapter 10**

#### **Amendments to binding provisions**

#### *Articles 132-190*

*(Omitted)*

### **Chapter 11**

#### **Transitional and harmonising provisions**

#### *Article 191*

1. Upon the day the Act enters into force, Civil Service employees, employed in accordance with provisions of Act repealed by Article 215, shall become Civil Service employees within the meaning of this Act.
2. Upon the day the Act enters into force, Civil Servants, appointed in accordance with the provisions of Act repealed by Article 215, shall become Civil Servants within the meaning of this Act.

*Article 192*

1. With respect to employment contracts for definite period of time of persons, who were employed in the Civil Service for the first time, binding upon the day the Act enters into force, hitherto law provisions shall apply.
2. A Civil Service employee may agree for the application of the rules of first evaluation in the Civil Service, referred to in Article 37, in case there is still at least one year left till the end of the period, for which the contract was concluded.
3. With respect to proceedings concerning the Civil Service recruitment, taken up on the basis of hitherto binding provisions and uncompleted till the day the Act enters into force, hitherto law provisions shall apply.
4. With respect to preparatory service initiated and uncompleted till the day the Act enters into force hitherto law provisions shall apply.
5. With respect to periodic performance evaluation of Civil Servants, uncompleted prior to the day the Act enters into force, hitherto law provisions shall apply.

*Article 193*

1. Within 30 days from the day the Act enters into force, a Civil Service Corps member, employed in the same office, in which on the day the Act enters into force he/she holds a high-ranking post, which, according to this Act becomes a senior position in the Civil Service, he/she shall be transferred – upon his/her consent – to senior position in the Civil Service corresponding to the high-ranking post he/she held.
2. Member of the Civil Service Corps shall be transferred, as mentioned in Section 1, by the following persons:
  - 1) The Head of Civil Service upon the Prime Minister's authorisation – to the position of the Director General of Office;
  - 2) The Director General of Office – to the position referred to in Article 52, section 2;
  - 3) The Chief Veterinary Officer – to the position referred to in Article 52, section 3;
  - 4) The President of the Office of Registration of Medical Products, Medical Devices and Biocidal Products – to the positions of the heads of organisational units within this office and their deputies.
3. Upon the day prior to the day, when a Civil Service Corps member shall be transferred, as mentioned in Section 1, employment relationship under a high-ranking post appointment shall expire and unpaid leave that was given for the period of appointment to the said position shall end.
4. In the case a Civil Service Corps member shall not agree to be transferred, as mentioned in Section 1, upon the lapse of 30 days from the day the Act enters into force, the employment relationship under a high-ranking post appointment shall expire and unpaid leave that was given for the period of appointment to the said position shall end. Upon completion of unpaid leave the Director General of Office shall direct the Civil Service Corps member to a position at least corresponding, as far as salary is concerned, to a position that he/she held prior to appointment to a high-ranking post and in accordance with his/her professional qualifications and preparation.

*Article 194*

1. Within 30 days from the day the Act enters into force, a Civil Service Corps member, employed in other office than this in which on the day the Act enters into force he/she holds a high-ranking post, which, according to this Act becomes a senior position in the Civil Service, he/she shall be transferred to this office – upon his/her consent – to senior position in the Civil Service corresponding to the high-ranking post he/she held.
2. Member of the Civil Service Corps shall be transferred, as mentioned in Section 1, by the following persons:
  - 1) The Head of Civil Service upon the Prime Minister's authorisation – to the position of the Director General of Office;
  - 2) The Director General of Office – to the position referred to in Article 52, section 2;
  - 3) The Chief Veterinary Officer – to the position referred to in Article 52, section 3;
  - 4) The President of the Office of Registration of Medical Products, Medical Devices and Biocidal Products – to the positions of the heads of organisational units within this office and their deputies.
3. Upon the day prior to the day, when a Civil Service Corps member shall be transferred, as mentioned in Section 1, employment relationship under a high-ranking post appointment shall expire and unpaid leave that was given for the period of appointment to the said position shall end. Article 75 is applied respectively.
4. In the case a Civil Service Corps member shall not agree to be transferred, as mentioned in Section 1, upon the lapse of 30 days from the day the Act enters into force, the employment relationship under a high-ranking post appointment shall expire and unpaid leave that was given for the period of appointment to the said position, shall end. Upon completion of unpaid leave the Director General of Office shall direct the Civil Service Corps member to a position at least corresponding, as far as salary is concerned, to a position that he/she held prior to appointment to a high-ranking post and in accordance with his/her professional qualifications and preparation.

*Article 195*

1. Within 30 days from the day the Act enters into force, a person not being a Civil Service Corps member, and who on the day the Act enters into force holds a high-ranking post, which, according to this Act becomes a senior position in the Civil Service, shall be offered employment at the senior position in the Civil Service corresponding to the high-ranking post he/she held, and in case of refusal – at other position in the same office, in accordance with his/her professional qualifications and preparation.
2. An offer of employment in the Civil Service, referred to in Section 1, shall be made by the following persons:
  - 1) The Head of Civil Service upon the Prime Minister's authorisation – to the position of the Director General of Office;
  - 2) The Director General of Office – to the position referred to in Article 52, section 2;

- 3) The Chief Veterinary Officer – to the position referred to in Article 52, section 3;
  - 4) The President of the Office of Registration of Medical Products, Medical Devices and Biocidal Products – to the positions of the heads of organisational units within this office and their deputies.
3. In the case an offer, referred to in Section 1, shall be accepted, then employment relationship under appointment will be transformed into employment relationship under employment contract for indefinite period of time, subject to Article 35 Section 7.
  4. In case an offer, referred to in Section 1, shall not be accepted, then employment relationship under appointment will expire upon the lapse of 30 days from the day the Act enters into force.

#### *Article 196*

1. Within a year from the day the Act enters into force a recruitment shall be conducted within the meaning of Article 56 for positions of Directors General of Office, referred to in Article 52 Section 1, for positions of the heads of departments or equivalent units, referred to in Article 52, Section 2, for positions of the voivodship veterinary officers, referred to in Article 52, section 3, as well as, for positions of the heads of organisational units within the Office of Registration of Medical Products, Medical Devices and Biocidal Products, provided, that the said positions were held by those persons, to whom applied Article 80, Section 2 of the Act repealed by Article 214, or who were transferred to those positions in accordance with Article 193, Section 1 or Article 194, Section 1, or employed in those positions in accordance with Article 195, Section 1, who did not fulfil the conditions specified in Article 6, Section 1, points 1 – 4 of the Act repealed by Article 214.
2. Persons referred to in Section 1 may hold their previous positions till the day they shall be staffed, as a result of conducted recruitment, however for the period not exceeding a year from the day the Act enters into force.
3. The person referred to in Section 1 shall be transferred to other position upon the day, when his/her previous position is staffed as a result of recruitment or it is confirmed, that he/she occupies the same position, provided that the person was selected from among persons chosen during recruitment for this position. In order to transfer a person to a different official position Article 61 of this Act shall apply respectively.

#### *Article 197*

1. Within 30 days from the day the Act enters into force, a person employed at a mission abroad, who holds a high-ranking post, referred to in Article 4 Section 11 of the Act repealed by Article 214, shall be transferred to a managerial position at a mission abroad, corresponding to the position that he/she held.
2. Subject to Section 3, upon the day a person is transferred to other position, referred to in Section 1, the employment relationship under appointment shall be transformed respectively into the following:
  - 1) employment relationship under employment contract for indefinite period of time, if prior to appointment to a high-ranking post, referred to in Article 4, section 11 of the Act repealed by Article 214, a person was employed under employment contract at a

- position in the Civil Service at the office serving the minister relevant for foreign affairs;
- 2) employment relationship under employment contract for definite period of time – till the day a person is recalled from the mission abroad, if prior to appointment for a high-ranking post, referred to in Article 4, section 11 of the Act repealed by Article 214, a person was not employed at a position in the Civil Service at the office serving the minister relevant for foreign affairs;
  - 3) employment relationship under appointment, if prior to appointment to a high-ranking post, referred to in Article 4, section 11 of the Act repealed by Article 214, a person was not employed under appointment at a position in the Civil Service at the serving the minister relevant for foreign affairs;
3. Employment relationship under appointment:
- 1) of persons, who, prior to appointment to a high-ranking post, referred to in Article 4, section 11 of the Act repealed by Article 214, were employed under appointment by the Director General of Foreign Service, made in accordance with Article 18, Section 1 of the Act on Foreign Service of 27<sup>th</sup> July 2001,
  - 2) of persons, who were appointed to the position of the head of diplomatic representation in accordance with provisions of the Act repealed by Article 214 and prior to having been appointed to this position, were not employed at the office serving the minister relevant for foreign affairs;
- remains in force, yet, the provisions of the Act on Foreign Service of 27<sup>th</sup> July 2001 shall apply.

#### *Article 198*

A Civil Servant, who was transferred in accordance with Article 193 Section 1 or Article 194 Section 1, as well as, Civil Servant, who was directed to his/her position in accordance with Article 193 Section 4 or Article 194 Section 4, shall be granted the successive service rank, provided that, his/her superior prepared a justified request concerning this matter.

#### *Article 199*

1. Employment relationship under appointment of persons, holding, on the day the Act enters into force, the following position:
  - 1) heads of central government administration offices and their deputies,
  - 2) presidents of state agencies and their deputies,
  - 3) presidents of management boards of national earmarked funds and their deputies,
  - 4) The President of the National Health Fund and his/her deputies,
  - 5) heads of state organisational unit subordinated to or supervised by the Prime Minister or relevant minister and their deputies

– covered by the provisions of the Act repealed by Article 214, shall not be amended.
2. A Civil Service Corps member, who, upon the day the Act enters into force, holds a position, referred to in Section 1, may use an unpaid leave that he/she was given for the

period of appointment, till the day employment relationship for this position expires. Upon completion of unpaid leave the Director General of Office shall direct the Civil Service Corps member to a position at least corresponding, as far as salary is concerned, to a position that he/she held prior to appointment to a high-ranking post and in accordance with his/her professional qualifications and preparation.

#### *Article 200*

1. Employment relationship of a person, who, upon the day the Act enters into force, holds a position of the director of department (the head of equivalent unit) and his/her deputy at the state organisational unit subordinated to or supervised by the Prime Minister or relevant minister, covered by the provisions of the Act repealed by Article 214, shall be transformed, upon the day the Act enters into force, into employment relationship under employment contract for indefinite period of time, unless separate provisions allow for employment relationship under appointment.
2. The provision of Section 1 shall not apply to a person, who, upon the day the Act enters into force, holds a position of the director of department (the head of equivalent unit) and his/her deputy, covered by the provisions of the Act repealed by Article 214, who was appointed in accordance with separate provisions.
3. A Civil Service Corps member, who, upon the day the Act enters into force, holds a position, referred to in Section 1, may use an unpaid leave that he/she was given for the period of appointment, till the day employment relationship for this position shall expire. Upon completion of unpaid leave the Director General of Office shall direct the Civil Service Corps member to a position at least corresponding, as far as salary is concerned, to a position that he/she held prior to appointment to a senior public position and in accordance with his/her professional qualifications and preparation.

#### *Article 201*

A Civil Service Corps member, referred to in Article 193, Section 4, Article 194, Section 4, as well as, a person referred to Article 195 Section 3, shall be entitled to remuneration in the amount equivalent to his/her hitherto remuneration, in case it was higher than the one he/she is entitled to at his/her new position, for the period of:

- 1) one month – provided that he/she held his/her position, upon the day the Act enters into force, for the period not exceeding 3 months;
- 2) two months – provided, that he/she held his/her position, upon the day the Act enters into force, for the period exceeding 3 months and not exceeding 12 months;
- 3) three months – provided, that he/she held his/her position, upon the day the Act enters into force, for the period exceeding 12 months.

#### *Article 202*

Within 10 years from the day the Act enters into force, the condition of having managerial competences for positions referred to in Article 52, as well as in Acts amended by Articles 135–139, 141–143, 145–147, 149–156, 158, 159, 161–185 and 187–189 is considered as fulfilled by those persons, who:



- 1) obtained certificate confirming the qualifications relevant for holding a high-ranking post, issued in accordance with Article 7, Section 5 or Article 8 Section 7 of the Act repealed by Article 214;
- 2) obtained mark entitling them to appointment, as a result of qualification procedures for Civil Service employees applying for appointment in Civil Service, in accordance with Act repealed by Article 215.

*Article 203*

Within one year from the day the Act enters into force, while conducting recruitment for senior positions in the Civil Service, the conditions specified in Article 53 points 4 and 5 shall not apply to persons referred to Article 202.

*Article 204*

1. Within 24 months from the day the Act enters into force, a Civil Service employee may be transferred to the position, referred to in Article 54 Section 2, who obtained from his/her direct superior a positive opinion, concerning his/her work performed within last 6 months prior to his/her transfer to other position.
2. The provision of Section 1 shall apply respectively to a Civil Servant, who did not go under periodic evaluation in accordance with hitherto provisions within 24 months prior to his/her transfer to other position.

*Article 205*

1. Till 31<sup>st</sup> December, 2009, monthly remuneration of a Civil Service Corps member holding a senior position in the Civil Service shall consist of basic salary, functional bonus and a bonus for long-term employment with the Civil Service .
2. In order to determine basic salary and functional benefit for persons, referred to in Section 1, executive provisions, issued in accordance with Article 17 Section 5 of the Act repealed by Article 214 shall apply.
3. The provision of Section 1 shall not apply to persons holding managerial positions in foreign service.

*Article 206*

1. Till 31<sup>st</sup> December, 2009, remuneration of a person holding position of the head and his/her deputy of the state organisational unit subordinated to or supervised by the Prime Minister or a respective minister, as well as, director of department and his/her deputy (head of equivalent unit) within the state organisational unit subordinated to or supervised by the Prime Minister or relevant minister shall consist of basic salary, functional bonus and seniority bonus.
2. Till 31<sup>st</sup> December, 2009, the provisions of Article 91, Article 93, Section 1 and Articles 94 and 95 shall apply respectively to the person referred to in Section 1.

3. In order to determine basic salary and functional bonus for the person, referred to in Section 1, executive provisions, issued in accordance with Article 17, Section 5 of the Act repealed by Article 214 shall apply.
4. In order to determine seniority bonus for the person, referred to in Section 1, the provisions of Article 90 and executive provisions, issued in accordance with Article 99, shall apply.
5. The provisions of Sections 1-4 shall not apply, if conditions of remuneration for work, as well as, of granting other benefits related to the work of persons mentioned in Section 1 shall be specified by separate provisions.

*Article 207*

1. Executive provisions, issued in accordance with Article 17, Section 5 of the Act repealed by Article 214 and executive provisions, issued in accordance with Article 69 of the Act repealed by Article 215 shall remain in force till 31<sup>st</sup> December, 2009.
2. Implementing provisions, issued in accordance with Article 26, Article 52 Section 5, Article 54 Section 2, Article 65 Section 4, Article 67 Section 3, Article 70, Article 77 Section 3, Article 79, Article 87 and Article 96 of the Act repealed by Article 215 shall remain in force till the new executive provisions, issued in accordance with Article 47, Article 82, Article 84 Section 2, Article 95 Section 5, Article 97 Section 3, Article 101, Article 110 Section 3, Article 112, Article 120 and Article 130 of this Act shall enter into force.

*Article 208*

The Public Service Council, appointed in accordance with provisions of Act repealed by Article 214 shall be dissolved.

*Article 209*

Upon the day the Act enters into force:

- 1) employment relationship of a person appointed to the position of the Secretary of the Council of Ministers shall expire;
- 2) the person, who held the position of the Secretary of the Council of Ministers, shall assume the function of the Secretary of the Council of Ministers.

*Article 210*

1. The Prime Minister shall appoint, as the first composition of the Civil Service Council, 4 members of the Council, referred to in Article 20 Section 2 – for 3 years, and the remaining 4 members – for 6 years.
2. The Prime Minister shall appoint, as the first composition of the Civil Service Council, members of the Council, referred to in Article 20 Section 3, for the period left till the end of the term of office of the Sejm elected on 21<sup>st</sup> October, 2007.

*Article 211*

By the time the new Head of Civil Service shall be appointed, the Head of the Chancellery of the Prime Minister will perform the tasks of the Head of Civil Service, however, no longer than for the period of 3 months from the day the Act enters into force.

*Article 212*

1. Disciplinary commissions, established prior to the day the Act enters into force, shall be dissolved within 3 months from the day the Act enters into force, except for the Higher Disciplinary Commission of the Civil Service, which shall operate till the end of the term of office.
2. Upon the lapse of the period mentioned in Section 1, disciplinary commissions, relevant for individual offices, in which defendants were employed on the day disciplinary proceedings were initiated, shall conduct any initiated and uncompleted cases.

*Article 213*

1. With respect to any cases, initiated and uncompleted prior to the day the Act enters into force, Article 113 Section 5 shall apply, unless hitherto provisions were more favourable to the defendant.
2. With respect to the legally valid penalties, adjudicated prior to the day the Act enters into force, hitherto provisions, concerning cancellation of penalty or destruction of copy of adjudication, shall apply.

**Chapter 12****Final provisions***Article 214*

The act of 24<sup>th</sup> August 2006 on the state staffing pool and high-ranking state posts (Journal of Laws No 170, Item 1217, as amended<sup>8</sup>) shall be repealed.

*Article 215*

The act of 24<sup>th</sup> August 2006 on the Civil Service (Journal of Laws No 170, Item 1218 as amended<sup>9</sup>) shall be repealed, except for Article 6 Section 1, Articles 19–22, Article 24 and Articles 26–28, which shall be repealed on 31<sup>st</sup> December 2009.

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8Amendments to the said Act have been announced in the Journal of Laws of 2006, item 1832, of 2007 item 96, 331, 660, 847 and 1242 and of 2008 item 634.

9 Amendments to the said Act have been announced in the Journal of Laws of 2006 item 1592 and 1832, of 2007 item 162, 847 and 1242 and of 2008 item 976.

*Article 216*

The Act shall enter into force upon the lapse of 3 months from the day it was proclaimed<sup>10</sup>, except for Article 7, Section 1, Articles 40–43, Article 45, Articles 47–49, Article 160 and Article 186 items 2 – 6, which shall enter into force on 1<sup>st</sup> January, 2010.

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<sup>10</sup> The Act was proclaimed on December 23, 2008.