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ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

Pursuant to Article 75, paragraphs 1 and 2 of the Constitution of the Republic of North Macedonia, the President of the Republic of North Macedonia and the President of the Assembly of the Republic of North Macedonia hereby issue

DECREE ON THE PROCLAMATION OF THE LAW ON INTERNAL AFFAIRS

The Law on Internal Affairs is hereby proclaimed,
which the Assembly of the Republic of North Macedonia adopted at the session held on
29 July 2025.

No. 08-4235/1
29 July 2025
Skopje

President of the Republic
North Macedonia,
Gordana SILJANOVSKA-DAVKOVA,
handwritten signature

President of the Assembly of the Republic of North Macedonia
Afrim Gashi, handwritten signature
LAW ON INTERNAL AFFAIRS

I. GENERAL PROVISIONS
Subject of the law

Article 1

This law regulates the internal affairs, the general principles for the employees in the Ministry of Interior (hereinafter: the Ministry), the organization and competence of the Ministry, the status and special duties and authorizations of the employees in the Ministry, the classification of the working positions in the Ministry, the cooperation, the control of the performance of the work in the Ministry, the rights and obligations of the employees in the Ministry, the material liability, i.e. the compensation of damages and the disciplinary liability of the employees in the Ministry, as well as the processing of personal data and other data and records kept in the Ministry.

Internal affairs

Article 2

- (1) Internal Affairs within the meaning of this Law shall be:
- realization of the public security system,
 - prevention of the violent destruction of democratic institutions established by the Constitution of the Republic of North Macedonia,
 - protection of the life, personal safety and property of citizens,

- prevention of fostering and fuelling national, racial and religious hatred and impatience,
- prevention of committing crimes and misdemeanors, detection and apprehension of their perpetrators and taking other measures stipulated by law to prosecute the perpetrators of those crimes,

- civil affairs and
- other matters determined by this and special law.

(2) In addition to the matters referred to in paragraph (1) of this Article, the Ministry may:

- organize and implement publishing activity in accordance with the law,
- organize scientific and research work for the needs of security and organize scientific and scientific-technical cooperation in the field of security with institutions outside the country, in accordance with the law,
- implement a procedure for the construction of objects of security importance and their entry in the public book for recording the rights of real estate and
- perform other works upon request of external entities (natural and legal persons, state administration bodies, institutions, etc.).

(3) The costs for performing the works referred to in paragraph (2) line 4 of this Article shall be borne by the applicant and shall be determined in accordance with the costs actually incurred for the service rendered.

(4) Objects of security importance within the meaning of paragraph (2) line 3 of this Article shall mean the facilities used by the Ministry to carry out the works within its competence determined by law.

(5) The data on the objects referred to in paragraph (4) of this Article do not represent data of public character and the regulations in the field of security of classified information shall apply to them.

(6) For the objects referred to in paragraph (4) of this Article, the Ministry in the process of construction shall be exempt from paying a fee for the arrangement of construction land.

(7) The manner of organizing and exercising the publishing activity referred to in paragraph (2) line 1 of this Article shall be determined by the Minister of Interior.

Meaning of Separate Expressions

Article 3

Certain expressions used in this law shall have the following meaning|

1. "Public Security Bureau" is a body within the Ministry that performs police work in the Ministry and whose organization and competence is regulated by the provisions of this Law, the Law on Police and other law;

2. "Ministry employee" is an authorized official in accordance with the provisions of this Law;

3. "Mentor" is an employee in the Ministry who has completed training as a mentor and who is assigned to a working position that is identical in type or is kind of higher than the type of working position to which the employee who mentors him/her is assigned;

4. "Workplace" is the smallest unit in the organizational structure of the Ministry, which presents a set of working tasks setting up a whole, to which a person can be employed, assigned, promoted or a Ministry employee can be engaged which shall be described by type, title, level, status, general and special conditions, and other data of interest for the working position, in the Act for systematization of working positions in the Ministry;

5. "Vacant working position" is a working position to which an employee has not been assigned or promoted or hired with an employment contract or by a decision;

6. "Work competencies" are a set of knowledge, skills and ability of the employee to perform work and working tasks in the workplace and they can be general and special;

7. "Vocational qualifications" means the employee's formal education and other forms of vocational education for which he or she holds a diploma or certificate;

8. "Assignment " is the transfer of an employee to another workplace, under the conditions and procedure established by this Law;

9. "Promotion" is the transfer of an employee to a working position, which compared to the previous working position of the employee is higher in type in the hierarchy of working positions in the Ministry;

10. "Referral" within the meaning of this law shall be sending a police officer to an investigative center of the public Prosecution Office, who by a decision of referral is selected to perform work for a specified time in accordance with the law;

11. "Direct managing employee" is an employee who manages or leads the work of the organizational unit before whom the employee is directly responsible for his/her work;

12. "Security risk" is a risk of a breach of security in the performance of works under the jurisdiction of the Ministry;

Enabling performance of duties and providing expert assistance

Article 4

(1) Citizens, legal entities and state bodies shall enable the Ministry to perform smoothly the works within his competence.

(2) The Ministry within its competence provides professional assistance to citizens, legal entities and state bodies in the exercise of prescribed rights and obligations, protection of life and personal security of citizens and property.

Notification of the public on issues within the competence of the Ministry

Article 5

(1) The Ministry informs the public about issues within its competence.

(2) To citizens, legal entities and state authorities, the Ministry provides information, data and notifications on issues within its scope in which they are directly interested.

(3) No information, data and notifications that according to the law are classified with an appropriate degree of classification or present personal data shall be provided, except when the conditions determined by a special law are met.

(4) The information, data and notifications referred to in paragraphs (1) and (2) of this Article shall be provided by the Minister of Interior (hereinafter: the Minister) or by an authorized employee thereof.

Obligation for employees

Article 6

Employees in the Ministry shall be obliged to protect the life and property of citizens in the performance of their duties and working tasks, to respect the freedoms and rights of persons and citizen and to only apply the measures and means of coercion specified by law or other regulation in a prescribed manner only.

II. GENERAL PRINCIPLES FOR THE EMPLOYEES IN THE MINISTRY

- Principle of legality

Article 7

The employees of the Ministry perform the work and working tasks in accordance with the Constitution of the Republic of North Macedonia, the law, other regulations adopted on the basis of the law and international agreements ratified in accordance with the Constitution of the Republic of North Macedonia.

Principle of adequate and equitable representation

Article 8

(1) Upon employment in the Ministry, citizens belonging to all communities shall be adequately and equitably represented, respecting the criteria of expertise and competence.

(2) Upon employment in the Ministry, the principle of gender equality shall be respected.

Principle of management of employees' performance

Article 9

(1) The Ministry shall manage the employees' performance by their continuous monitoring and evaluation, as well as proposing measures to improve them.

(2) The performance evaluation is a measure of the employee's contribution to the efficient and effective functioning of the Ministry, which is measured by the quality, dynamics, respect of deadlines, level of achieving work objectives and aims, professionalism and behavior of the employee, as well as by other criteria of interest to the Ministry determined by this Law.

Principle of professional ethics, impartiality and objectivity

Article 10

(1) When performing the works and the working tasks, the employees in the Ministry shall maintain high standards of personal integrity, professional ethics and care for the protection of the public interest and adhere to the acts governing these standards.

(2) The employees of the Ministry in the performance of their duties and tasks shall ensure impartial and objective application of laws and other regulations, whereby citizens and legal entities shall be afforded protection and exercise of their rights, and this shall not be to the detriment of other citizens and legal entities, nor contrary to the public interest established by law.

(3) The employees in the Ministry shall perform their work and working tasks politically impartially, without being influenced by their political beliefs and personal, material and financial interests.

(4) The employees shall respect the goals, interests, reputation and integrity of the Ministry and the state.

Principle of transparency and confidentiality

Article 11

(1) The employees in the Ministry shall provide access to public information during the performance of works and working tasks, under conditions determined by law.

(2) Employees in the Ministry in the performance of work and working tasks at the workplace, shall handle personal data and classified information under terms determined by law.

Principle of responsibility

Article 12

The employees in the Ministry shall be responsible before the Ministry for the consequences of their action, non-action or decision making, i.e. non-decision making, as well as for the quality, timely and efficient performance of entrusted tasks.

Principle of Preventing Conflict of Interests

Article 13

The employees in the Ministry shall not bring personal material and immaterial interest into conflict with the public interest and with their status that may cause a conflict of interest, in accordance with the law.

Principle of economical use of assets

Article 14

The employees in the Ministry shall use material means, equipment and other means of work in an economical, reasonable and efficient way.

III. COMPETENCE AND ORGANIZATION OF THE MINISTRY

1. COMPETENCE OF THE MINISTRY

Competence of the Ministry

Article 15

(1) The Ministry shall be responsible for performing the internal affairs referred to in Article 2 of this Law and other matters determined by this and other Laws.

(2) In carrying out the works referred to in paragraph (1) of this Article, the Ministry shall cooperate with other state authorities, institutions and bodies.

(3) In carrying out the works referred to in paragraph (1) of this Article, the Ministry shall also cooperate with competent authorities and bodies of other countries and international organizations.

2. ORGANIZATION OF THE MINISTRY

Organization of the Ministry

Article 16

The organizational structure of the Ministry shall consist of:

- organizational units for the needs of the Ministry and
- a body within the Ministry.

Organizational units for the needs of the Ministry

Article 17

The organizational units for the needs of the Ministry referred to in Article 16 line 1 of this Law shall be organizational units competent to perform professional work in connection with the performance of internal affairs, for the needs of the entire Ministry.

A body within the Ministry

Article 18

The body within the Ministry shall be the Bureau for Public Security (hereinafter: the Bureau).

Competence of the Bureau

Article 19

The Bureau shall be responsible for carrying out police work, under conditions determined by the provisions of this Law, the Law on Police and other law.

Internal Organizational Setup of the Bureau for Public Security

Article 20

(1) The internal organizational setup of the Bureau shall be based on a linear and territorial principle and shall be regulated by the Law on Police and this Law.

(2) The Bureau may also establish other organizational units for the performance of the works within its competence, as well as organizational units for the performance of professional works for the needs of the Bureau.

Director of the Bureau and Deputy Director

Article 21

(1) The Bureau shall be managed by a director, who is appointed and dismissed under conditions determined by the Law on Police.

(2) The director shall have a deputy, who is appointed and dismissed under conditions determined by the Law on Police.

IV. STATUS AND SPECIAL DUTIES AND AUTHORIZATIONS

Status of the employees in the Ministry

Article 22

The employees in the Ministry shall have the status of:

- authorized officials to perform professional work and
- police officers.

Status of the Minister, Deputy Minister, State Secretary, Director and the Deputy Director

Article 23

(1) The Minister, the Deputy Minister and the State Secretary shall have the status of an authorized official.

(2) The Director of the Bureau and the Deputy Director of the Bureau shall have the status of a police officer.

State Secretary

Article 24

(1) The State Secretary of the Ministry shall be appointed and dismissed by the Government of the Republic of North Macedonia, upon proposal of the Minister, for a period of four years.

(2) A person who meets the following conditions may be appointed Secretary of State:

- 1) be a citizen of the Republic of North Macedonia,
- 2) does not have the citizenship of another country;
- 3) at the time of appointment, he/she has not been sentenced by a final court judgment to a penalty or misdemeanor sanction, prohibition from performing a profession, activity or duty
- 4) has acquired at least 240 ECTS credits or completed a first-cycle higher education degree;
- 5) a minimum of five years of relevant work experience.
- 6) possesses internationally recognized certificates or certificates of active knowledge of the English language, such as: TOEFEL IBT at least 74 points, IELTS - at least 6 points, ILEC (Cambridge English: Legal) - at least B2 level, FCE (Cambridge English: First) - passed, BULATS - at least 60 points or APTIS - at least level B2 or possesses a certificate, certificate and/or assertion confirming the knowledge of one of the three most commonly used languages of the European Union (English, French or German) at least at the level B2 from the European Framework of Reference for Languages, issued by an institution or institution in the country or from abroad, registered as a provider of this service and
- 7) has passed a psychological test and an integrity test.

(3) The office of the State Secretary shall cease before the expiration of the term of office:

- Upon request of the officeholder,
- if eligible for a pension or
- if he/she permanently loses the ability to perform the function.

(4) The State Secretary of State may be dismissed from office before the expiration of his term of office if:

- He/she performs the function unprofessionally and unconsciously;
- He/she fails to act in accordance with the provisions of the Law on Prevention of Corruption and Conflict of Interest or
- ceases to meet any of the conditions set forth in paragraph (2) of this Article.

Special Duties and Authorizations of the Employees

Article 25

The employees in the Ministry shall have special duties and authorizations, determined by this and other laws, due to the type, complexity and severity of the work, as well as the conditions and manner of its performance.

Performing the special duties and authorizations

Article 26

(1) Employees in the Ministry with the status of authorized officials to perform professional work, special duties and authorizations shall perform them under conditions determined by this Law and other regulations.

(2) Employees in the Ministry with the status of police officers shall apply police authorizations and act under conditions determined by this Law, the Law on Police and other regulations.

Collection of data, notifications and information

Article 27

Employees in the Ministry with the status of authorized officials to perform professional work, in the performance of special duties and authorizations shall collect data, notifications and information within the scope of work of the Ministry, in accordance with the law.

Official ID and badge

Article 28

(1) To the employees in the Ministry with the status of authorized officials, the Ministry shall issue special official IDs and badges to perform professional work.

(2) To the employees in the Ministry with the status of police officers, the Ministry shall issue official IDs and badges in accordance with the Law on Police.

(3) For the issued IDs referred to in paragraphs (1) and (2) of this Article, the Ministry shall keep records on paper or electronically containing: name and surname of the employee, his/her photograph, date of issuance of the official identification, registration number and blood type of the employee.

(4) The data from the records referred to in paragraph (3) of this Article shall be kept for a maximum of 90 days after the termination of the employee's employment.

(5) For control of the entry and exit from the Ministry and only for identification for security purposes, biometric data of the employees in the Ministry may also be processed, in accordance with the regulations for personal data protection.

Free Legal Aid

Article 29

(1) If criminal, misdemeanor or civil proceedings are initiated against the employee in the Ministry due to the use of means of coercion or other interventions in the performance of the work, as well as for participation in a motor vehicle accident during the performance of the work, the Ministry shall provide him/her with free legal assistance in connection with the proceedings.

(2) The Ministry shall also provide free legal assistance to a citizen who has offered assistance to an employee of the Ministry in the performance of his/her official duty, if criminal, misdemeanor or civil proceedings have been initiated against him/her, for an action committed in connection with the assistance.

IV. TYPES OF ORGANIZATIONAL UNITS AND CLASSIFICATION OF WORKING

POSITIONS IN THE MINISTRY

Types of organizational units in the Ministry

Article 30

The following organizational units may be established in the Ministry and the Bureau:

- department, i.e. Police Academy in the Ministry (hereinafter: Police Academy),
- sector, i.e. interior sector for internal affairs, i.e. unit,
- section,
- sub-section, i.e. police station, i.e. company and
- police section i.e. platoon.

Categories of working positions

Article 31

(1) The working positions in the Ministry shall be classified into two categories:

- category of managing employees and
- category of workers.

(2) In addition to the categories referred to in paragraph (1) of this Article, special advisory positions in the cabinets in the Ministry have been systematized in the Ministry.

Types of Working position

Article 32

(1) In the category of managing employees in the hierarchy of working positions, five types of working positions have been identified, as follows:

1. Head of Department/Head of Police Academy;
2. Head of sector/Head of Sector for Internal Affairs/ Commander of unit/ Head of a secondary police school;
3. Head of Section/Assistant Head of Sector for Internal Affairs or Division/Assistant Commander of Unit;
4. Head of sub-section/Commander of Police Station Commander/Commander of company;
5. Commander of police sub-section/platoon commander.

(2) According to the level of education provided for the working position, for the category of workers the following shall be determined:

- working positions with higher education and
- working positions with secondary education.

(3) In the category of workers in the hierarchy of working positions with higher and secondary education, five types of working positions shall be specified, as follows:

1. Chief
2. Independent
3. Senior
4. Basic work position and
5. Junior

(4) Titles of the working position titles shall be determined in the Act for systematization of working positions in the Ministry.

Levels of Working positions in the Ministry

Article 33

(1) The working positions in the categories of managing employees and workers, depending on the level of the organizational unit shall be systematized into:

- strategic level;
- tactical level and

- operational level.

(2) The strategic level shall cover working positions systematized in the organizational units of the strategic level responsible for long-term planning, policy development, decision-making and general guidelines for the operation of the Ministry.

(3) The tactical level shall cover working positions systematized in the organizational units of the tactical level that are responsible for developing and coordinating plans, measures and activities in accordance with strategic guidelines.

(4) The operational level shall cover working positions systematized in the organizational units at the operational level responsible for the direct implementation of tasks on the ground.

Criteria for systematization of working positions

Article 34

(1) Each type of working position, with a specific title shall be systematized into an appropriate category and level, in accordance with the provisions of this Law, the Act on Organization and Work and the Act on Systematization of Working positions in the Ministry.

(2) The working positions in the Ministry shall be systematized in an appropriate category and level in the act for systematization of working positions, according to the following criteria:

- hierarchical setting and the level of the organizational unit in which the working position is systematized within the organizational structure of the Ministry;
- decision making
- management of work processes;
- responsibility;
- complexity of work and working tasks;
- workload;
- professional qualifications;
- work experience;
- general working competencies and
- other workplace-relevant criteria.

(3) The general work competences shall be determined in the Framework of General Competences for Employees in the Ministry, which is prescribed by the Minister.

Act on Organization and Work of the Ministry

Article 35

(1) The organization and work of the Ministry shall be determined by a Decree adopted by the Government of the Republic of North Macedonia, upon proposal of the Minister, which also incorporates the organization and work of the Bureau.

(2) The Decree referred to in paragraph (1) of this Article shall stipulate:

- the organization and work of the Ministry and the Bureau;
- the organizational structure in the Ministry and in the Bureau;
- types of organizational units in the Ministry and in the Bureau;
- the level of organizational units in the Ministry and the Bureau;
- the competence of the organizational units and more.
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Act on systematization of working positions in the Ministry

Article 36

(1) The Act on Systematization of Working positions in the Ministry, which incorporates the systematization of working positions in the Bureau shall be adopted by the Minister with the prior consent of the Government of the Republic of North Macedonia.

- (2) The act referred to in paragraph (1) of this Article shall specify the following:
- the type of organizational unit in which the working positions are systematized;
 - the level of the organizational unit;
 - the total number of workers within the organizational unit, increased by up to 10% of the total number of employees for whom the need to be assigned to the working positions in the organizational unit has been determined, and for whom funds for salaries and allowances have been provided in the budget of the Ministry;
 - the type and title of the workplace;
 - level of the workplace
 - status of the workplace
 - type and level of education;
 - the type of security certificate for access to information classified with an appropriate degree of classification according to law, if a need has been determined according to the description of working tasks of the workplace;
 - description of working tasks of the workplace, etc.
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V. SPECIAL ADVISORY WORKING POSITIONS IN THE CABINETS IN THE
MINISTRY

Special advisory working positions in the cabinets

Article 37

(1) The Act on systematization of the working positions in the Ministry shall systematize special advisory working positions for performing work of an advisory character for the needs of the cabinets of the elected and appointed persons in the Ministry, as follows:

- Cabinet of the Minister,
- Cabinet of the Deputy Minister,
- Cabinet of the State Secretary,
- Cabinet of the Director of the Bureau and
- Cabinet of the Deputy Director.

(2) The cabinets referred to in paragraph (1) of this Article shall have systematized two types of special advisory working positions:

- State Advisor
- special advisor.

(3) The special advisory positions in the cabinets referred to in paragraph (1) of this Article, by decision of the Minister, in a non-transparent procedure, shall be temporarily filled in by employees from the Ministry engaged throughout the duration of the term of office of the elected or appointed person in whose cabinet the employee is engaged.

(4) The engagement of the employee of the Ministry in a special advisory position in a cabinet in the Ministry shall cease:

- upon the expiration of the term of office of the elected or appointed person in whose office the employee has been engaged or
- before the expiration of the term of office of the elected or appointed person in whose office the employee has been engaged as follows: upon request of the elected or appointed person or upon request of the employee.

(5) If the employee in the workplace referred to in paragraph (2) of this Article has been subject to a disciplinary measure referred to in Article 175 paragraph (1) item 3) and paragraph (2) item 3) of this Law, the measure shall be implemented from the workplace from which the employee has been engaged in the cabinet.

Assignment of cabinet employees in the Ministry, after the termination of their engagement

Article 38

(1) The employee whose engagement in a cabinet in the Ministry, has terminated in accordance with the provisions of this Law shall be assigned to the working position to which he/she was assigned prior to being engaged in the cabinet in the Ministry.

(2) If the working position referred to in paragraph (1) of this Article is not vacant, and that working position belongs in the category of managing employees, the employee shall be assigned to another vacant working position which in the hierarchy of working positions referred to in Article 32 paragraph (1) of this Law, is equal in type to the type of working position to which the employee was assigned before the engagement. If there is no such type of working position available, the employee, consequently, shall be assigned to another working position that is one place lower in the category of managing employees, but only up to a working position type "chief" in the category of workers.

(3) If the working position referred to in paragraph (1) of this Article is not vacant, and that working position belongs in the category of workers, the employee shall be assigned to a working position identical in type to the type of working position to which he/she was assigned before the engagement in the cabinet.

(4) The assignment referred to in paragraphs (2) and (3) of this Article shall be made in accordance with the conditions for assignment referred to in Article 92 paragraph (1) items 1, 2 4 and 5 and Article 92 paragraphs (2), (3) and (5) of this Law.

VI. COOPERATION

Cooperation between organizational units performing professional work and cooperation between them and the Bureau

Article 39

The organizational units performing professional work for the needs of the Ministry shall cooperate with each other and shall cooperate with the Bureau.

Cooperation between the Ministry of Interior and the Public Prosecution Office

Article 40

The manner of exercising the rights, obligations and responsibilities determined by law and collective agreement of the police officers seconded to an investigative center of the Public Prosecution Office shall be regulated by a cooperation agreement concluded between the Ministry and the Public Prosecution Office.

Decision for secondment to an investigative center of the Public Prosecution Office

Article 41

(1) For a police officer who is seconded to an investigative center of the public Prosecution Office a decision on secondment shall be made by the Minister.

(2) The police officer seconded to an investigative center of the Public Prosecution Office shall exercise the rights, obligations and responsibilities under the conditions and procedure established by this law and a collective agreement, as well as in the manner prescribed by the regulations adopted on the basis of the law.

(3) The implementation of the procedures for exercising the rights, obligations and responsibilities of the police officer seconded to the investigation center of the public Prosecution Office shall be carried out on the basis of a proposal, request or initiative of the public prosecutor.

VII. CONTROL OF THE PERFORMANCE OF THE MINISTRY 'S WORKS AND PREVENTIVE ACTIVITIES

1. CONTROL OVER THE WORK OF THE MINISTRY

Types of control

Article 42

Control of the performance of the work of the Ministry shall be exercised as internal and external control.

Internal control:

Article 43

(1) Internal control of the work and actions of employees in the Ministry shall be performed by a special organizational unit of the Ministry responsible for internal control.

(2) In order to protect and exercise their rights or when they believe that the actions of an employee in the Ministry violate their freedoms and rights, every person has the right to file a complaint with the competent organizational internal control unit.

(3) The organizational unit referred to in paragraph (1) of this Article shall be obliged to verify the allegations in the complaint referred to in paragraph (2) of this Article and within no more than 30 days from the date of receipt of the complaint, to inform the complainant in writing of the established state of affairs and the measures taken.

(4) The employees of the Ministry shall be obliged to cooperate with the employees of the organizational unit referred to in paragraph (1) of this Article in undertaking the activities necessary for the performance of the works within its competence.

(5) The employees in the Ministry may not be held accountable for addressing the organizational unit referred to in paragraph (1) of this Article, except in the case of false reporting.

(6) The organizational unit referred to in paragraph (1) of this Article shall publish a report on its operations on a quarterly basis.

External control by the People's Ombudsman of the Republic of North Macedonia

Article 44

(1) External control of the work of the Ministry shall be exercised by the People's Ombudsman.

(2) The control referred to in paragraph (1) of this Article shall be exercised by the Ombudsman under conditions determined by a special law.

**Notification of the Section for Investigation and Prosecution of Crimes committed by persons with
police authorizations and members of the prison police in the
Basic Public Prosecution Office for the Prosecution of Organized Crime and Corruption**

Article 45

Upon receipt of a criminal complaint or an intelligence that an employee of the Ministry with the status of a police officer has committed a crime while performing an official act or has committed a crime outside the service by using a serious threat, force or means of coercion resulting in death, serious bodily injury, bodily injury, unlawful deprivation of liberty, torture and other cruel, inhuman or degrading treatment and punishment, if the law provides for ex officio criminal prosecution, the Ministry shall without delay notify the Section for investigation and prosecution of crimes committed by persons with police authorizations and members of the prison police in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption. The Ministry, together with the notification, shall submit to the Section all intelligence about the committed crime, the perpetrator and the victim, and other information at its disposal.

2. PREVENTIVE ACTIVITIES

Professional integrity test

Article 46

(1) In order to prevent illegal actions of the employees in the Ministry, and in order to strengthen their integrity and preventive action, the Ministry shall perform a professional integrity check, by conducting professional integrity tests in electronic form or in a simulated situation.

(2) To conduct the professional integrity test in a simulated situation, the Ministry may also engage members of security authorities of other countries.

Professional integrity test in electronic form

Article 47

(1) The professional integrity test in electronic form shall be conducted on the basis of a Plan for conducting a professional integrity test in electronic form, which shall be adopted by the Head of the competent organizational unit for internal control.

(2) The plan for conducting the professional integrity test in electronic form may be adopted if the competent organizational unit for internal control, within its work, establishes facts or on the basis of the data it processes, comes to the knowledge that a certain employee in the Ministry does not act in accordance with the law, i.e. acts contrary to the rules and regulations.

(3) The result of the professional integrity test in electronic form can be positive or negative. |

(4) If the employee has a negative result on the professional integrity test in electronic form:

- a test shall be conducted to check professional integrity in a simulated situation or
- the competent organizational unit for internal control shall conduct control of the performance of the works and tasks performed by the employee who was subject to test in the past year.

Professional integrity test in simulated situation

Article 48

(1) The test of professional integrity in a simulated situation shall be control of the behavior of the employee in the Ministry in a simulated situation, which is identical to his/her working tasks and activities, without the obligation to notify in advance the organizational unit in which the employee is assigned and works.

(2) The result of the professional integrity test in a simulated situation can be an indicator for initiating a pre-investigation procedure, assessing and analyzing the risk of corruption, changing the methodology and work procedures, determining the type and need for employee training, as well as grounds for initiating disciplinary proceedings.

(3) The professional integrity test in a simulated situation shall be conducted on the basis of a Plan for conducting the professional integrity test in a simulated situation, which shall be adopted by the Head of the competent organizational unit for internal control in the Ministry.

(4) The plan for conducting the professional integrity test in a simulated situation may be adopted in the event that the competent organizational unit for internal control, within its operations, establishes facts or on the basis of the data it processes, comes to knowledge that a certain employee in the Ministry does not act in accordance with the law, that is, acts contrary to the rules and regulations, or in the case where the result of the professional integrity test in electronic form of the employee were negative.

(5) In the course of conducting the test of professional integrity in a simulated situation, the principle of legality, fundamental human freedoms and rights and the dignity of the employee being tested shall be respected.

(6) During the implementation of the professional integrity test in a simulated situation, the employee being tested must not be encouraged to commit a criminal act or violate official duties and authorities.

(7) The activities undertaken during the implementation of the professional integrity test in a simulated situation do not constitute part of the special investigative measures prescribed by the Law on Criminal Procedure.

(8) The procedure for conducting the test referred to in paragraph (1) of this Article may be documented on video and audio recordings, and during its conduct false information may be provided and fabricated means and documents may be used.

(9) The result of the professional integrity test in a simulated situation can be positive or negative.

(10) The test has a negative result if it shall be established that during the implementation of the simulated situation, the employee did not act in accordance with the law, acted in violation of rules and regulations or showed a propensity for corruption.

(11) The employees in the competent organizational unit for internal control and the persons referred to in Article 46 paragraph (2) of this Law, who are conducting the test of professional integrity, cannot be held responsible if during the implementation of the test they have taken actions with which they have committed a violation or have acted contrary to the rules and regulations in the Ministry, if such actions are in accordance with the Plan for conducting the test of professional integrity in a simulated situation.

IX.LABOUR RELATIONS

Regulations regulating the rights and obligations from employment of employees in

Ministry

Article 49

The rights and obligations from the employment relationship shall be exercised by the employees in the Ministry in accordance with this Law, the Law on Police, the regulations in the field of labor relations and the Collective Agreement of the Ministry.

EMPLOYMENT

Conditions for employment in the Ministry

Article 50

(1) An employment in the Ministry at a workplace with special duties and authorizations may be established by a person who meets the following general conditions:

- Be a citizen of the Republic of North Macedonia,
- to be of age,
- to actively use the Macedonian language and its Cyrillic alphabet;
- to be in good health and psycho-physical condition,
- have completed at least four years of secondary education;
- a security check has established that there is no security risk of employment of the person;
- not have been sentenced by an enforceable judgment to a ban on performing a profession, activity or duty;
- not be a member of a political party or a member of organs and bodies of a political party and
- to have passed an integrity test.

(2) In addition to the general conditions for employment in the Ministry under paragraph (1) of this Article, the Act on systematization of working positions in the Ministry may determine other special conditions.

Medical Committee

Article 51

(1) To determine the psychophysical and general health ability referred to in Article 50 paragraph (1) line 4 of this Law and to control the psychophysical and general health ability of the employees in the Ministry, the Minister shall establish a Medical Committee.

(2) The Medical Committee referred to in paragraph (1) of this Article shall be composed of a president and four members, of which at least two doctors - specialists. If necessary, depending on the type of working position for which the employment procedure is being conducted, several specialist doctors may participate in the work of the Medical Committee.

Security Check

Article 52

(1) Prior to employment in the Ministry, a security check of the person shall be carried out for the purpose of determining a security risk, by a competent authority in accordance with the law.

(2) The security check referred to in paragraph (1) of this Article shall be carried out on the basis of the prior written consent of the person.

(3) The person who refuses the security check shall be considered not to meet the conditions for employment in the Ministry.

Degree of security check

Article 53

The security check of a person shall be carried out as a second-degree security check, in accordance with the regulations in the field of classified information.

Security questionnaire

Article 54

(1) The security check shall begin by completing a security questionnaire.

(2) The data in the security questionnaire referred to in paragraph (1) of this Article shall form part of the content of the security check.

Integrity test upon employment

Article 55

The integrity test upon employment shall be conducted by the Ministry in written or electronic form.

Asset and Interests Declarations

Article 56

(1) Upon employment in the Ministry, and no later than 30 days from the day of signing the employment contract, the employees in the Ministry shall submit a Declaration of assets and interests to the competent organizational unit for internal control, on a form prescribed by the State Committee for Prevention of Corruption, in accordance with the law.

(2) The employees in the Ministry shall be obliged to report any increment of their assets i.e. of the assets of a member of their family, as well as the change in the interests within 30 days from the date of occurred change in a procedure and under conditions determined by law, to the competent organizational unit for internal control, on a form prescribed by the State Committee for Prevention of Corruption in accordance with the law.

(3) Employees in the Ministry must submit a statement of assets and interests to the competent organizational unit for internal control in the Ministry within 30 days from the day of termination of the employment contract.

(4) An organizational unit referred to in paragraph (1) of this Article shall record the submitted declarations of assets and interests by the employees in the Ministry.

(5) If the organizational unit referred to in paragraph (1) of this Article establishes facts or comes to knowledge indicating that a certain employee in the Ministry acts in violation of the provisions of this Article, in cooperation with other organizational units in the Ministry, it shall conduct a procedure for verifying the accuracy of the data reported in the statement of assets and interests and shall exercise control over the changes in the financial situation of that employee.

2. METHODS AND PROCEDURE FOR EMPLOYMENT IN THE MINISTRY

Employment in the Ministry

Article 57

(1) The employment in the Ministry shall be based on a public announcement, under conditions determined by this and special law.

(2) Notwithstanding paragraph (1) of this Article, employment in the Ministry may also be based without public announcement in accordance with Article 62 of this Law.

Public Vacancy Announcement

Article 58

(1) The public vacancy announcement for employment in the Ministry shall be published on the website of the Ministry, as well as in at least two daily newspapers, of which at least in one of the newspapers published in the Macedonian language and in the newspapers published in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian being published on the entire territory of the Republic of North Macedonia.

(2) The public vacancy announcement referred to in paragraph (1) of this Article shall specify the work position and the general and special conditions for employment.

(3) The deadline for submitting the public vacancy announcement referred to in paragraph (1) of this Article cannot be shorter than 15 days, or longer than 20 days from the date of its publication on the Ministry's website, or in the daily newspapers referred to in paragraph (1) of this Article.

Application for employment in the Ministry

Article 59

(1) Candidates for employment in the Ministry for a published public vacancy announcement shall submit an application in electronic or paper form, which shall contain at least the following data:

- name and surname, date and place of birth, address and place of residence;
- last level of education and acquired diplomas, previous levels of education and acquired diplomas (for candidates with a master's degree and/or doctorate), dates of diplomas, numbers of diplomas, educational institutions that have issued them;
- previous work experience - yes/no, detailed description (if any), including employer's name, position, working position description, length of service, employer's address and reasons for leaving the working position;
- knowledge of one of the three most commonly used languages of the European Union -English, French or German, at least level B2 which is confirmed by a certificate and/or assertion, if it is established in the act for systematization of working positions for the specific working position;
- computer skills for office work - yes/no, which, if determined in the act for systematization of working positions for the specific working position and
- reasons for applying for the specific working position, working position expectations and career goals.

(2) Enclosed to the application referred to in paragraph (1) of this Article, the candidate shall be obliged to provide the following evidence of the data specified therein, in electronic or paper form:

- birth certificate
- certificate/diploma of completed level of education;
- certificate and/or assertion of proficiency in one of the three most commonly used languages of the European Union - English, French or German, at least level B2, if specified in the act for systematization of working positions for the specific working position;
- certificate for work with computer programs for office work, if it is so required as special conditions for the working position and
- hand-signed statement confirming that the candidate is not a member of a political party or a member of organs and bodies of a political party.

(3) The evidence referred to in paragraph (2) line 1 of this Article shall be deemed to be submitted in addition to the application and shall be obtained by the Ministry ex officio, through the National Interoperability Platform, in accordance with the regulations in the field of electronic management and electronic services.

(4) In addition to the application referred to in paragraph (1) of this Article, the candidate may also attach:

- a record of employment history, if the candidate was previously employed, issued by the Employment Agency of the Republic of North Macedonia;
- recommendations from previous working positions containing contact details from the person recommending them;
- certificates from attended trainings, professional certificates from other professional qualifications and specializations, papers and publications;
- internationally recognized certificate of proficiency in one of the six official languages of the United Nations;
- a certificate of volunteer service, issued by the volunteer registry of the Ministry of Economy and Labor, and signed by the manager of the institution in which the volunteer service was realized, and
- other documents of interest for the working position.

(5) After completing the application referred to in paragraph (1) of this Article, the candidate shall be obliged, under material and criminal responsibility, to confirm that the data in the application are accurate, and that the submitted evidence is true to the original.

(6) By submitting the application in electronic form, the candidate shall receive an identification code.

Selection procedure for employment with a public vacancy announcement

Article 60

(1) The selection procedure for employment in the Ministry on the basis of a public vacancy announcement shall include several stages, as follows:

- administrative selection
- written tests;
- psychological tests;
- integrity test;
- interview and
- medical examinations.

(2) Depending on the type of working position for which selection is made, in addition to the stages set out in paragraph (1) of this Article, the selection procedure may also cover other states as determined by a bylaw of the Minister.

(3) For candidates who during the administrative selection were found not to meet the conditions set out in the public vacancy announcement, the selection shall be terminated.

Selection committee

Article 61

(1) To implement the selection process for employment in the Ministry on the basis of a public vacancy announcement, the Minister shall form a selection committee.

(2) The Committee referred to in paragraph (1) of this Article shall be composed of a President, at least four members and their deputies. A registrar secretary shall also participate in the work of the committee, without the right to vote.

Employment without a public vacancy announcement

Article 62

(1) An employment without a public vacancy announcement in the Ministry shall be made:

- for working positions for which the Act for Systematization of Working Positions stipulates that employment procedure may be conducted without public vacancy announcement due to the type, the nature and the special terms under which those work positions are performed;

- with persons who have graduated from a secondary police school, in accordance with the law;

- with an employee of another body of state administration, another body of state government, an institution, the municipal administration and the administration of the City of Skopje, if the officials managing those bodies and the employee agree to this;

- with scholarship holders with whom the Ministry has concluded an agreement and

- with the best students from the faculties with which the Ministry has concluded an agreement.

(2) Election of persons for employment without public announcement for the working positions in accordance with paragraph (1) line 1 of this Article shall be made out of the persons who have submitted a CV and a motivation letter for employment in the Ministry in written or electronically on a special application created for this purpose, on the website of the Ministry.

(3) A person who shall be employed in the Ministry without a public vacancy announcement must meet the general conditions established by this Law and the special conditions determined by the Act for Systematization of Working Positions in the Ministry.

(4) The employment procedure without public vacancy announcement shall be conducted with due consideration of the provisions from Article 59 paragraphs (2), (3) and (4) of this Law.

Types of employment contracts

Article 63

(1) The Ministry shall conclude an employment contract as probationary employee for a specific working position with a person who starts working for the first time at a position appropriate to the type of their professional education and has no previous work experience for which the person shall be trained for independent and professional realization of the duties, by attending training in duration of nine months, under conditions stipulated by this Law. The probation shall be in duration of nine months

(2) For a person who starts working in the Ministry appropriate to the type of his/her professional education, has no previous work experience in the area of his/her education, but has work experience in another area, an employment contract shall be concluded for a specific work position which by its type is systematized lowest in the category of workers and the person shall be trained for independent performing of the duties, by attending training for the specific work position for a period of nine months, under conditions stipulated by this Law.

(3) For a person who starts working in the Ministry appropriate to the type of his/her professional education and has previous experience in the area under the contract for employment, an employment contract shall be concluded for the specific work position which is necessary to be filled.

Statement

Article 64

(1) Persons concluding an employment contract for work positions for which the Act for Systematisation of Work Positions stipulates for the employees to have status pursuant to Article 22, line 1 of this Law shall be obliged upon employment in the Ministry to sign a Statement containing the following text: „I commit to respect the Constitution and Laws of the Republic of North Macedonia while performing my work and I commit to consciously and regularly exercise internal affairs and to observe the fundamental human and civil rights and freedoms guaranteed by the Constitution, by the laws and international agreement ratified pursuant to the Constitution of the Republic of North Macedonia."

(2) The signed statement referred to in paragraph (1) of this Article shall be kept in the personal file of the employee in the Ministry.

(3) If the employee in the Ministry refuses to sign the statement referred to in paragraph (1) of this Article, the employment contract shall be deemed not to have been concluded.

(4) Persons concluding an employment contract for working positions in the Police shall sign a statement established by the Law on Police.

Signing Employment Contract for work position - police officer

Article 65

(1) For the position - police officer, employment in the Ministry shall be based on:

- without a public vacancy announcement - with individuals who have graduated from a police high-school in accordance with the law or
- based on a public vacancy announcement - with candidates for police officers who have completed basic police officer training.

(2) The police education within a secondary police school and the basic training for a police officer referred to in paragraph (1) of this Article shall be conducted in the Police Academy, in accordance with the provisions of this and the special law.

(3) Students shall be enrolled in a police high-school under conditions and procedure determined by a special law.

(4) Candidates for police officers who have been selected upon a public vacancy announcement of the Ministry in accordance with this Law shall be referred to the Police Academy for basic police training.

3. TRAINING IN THE MINISTRY

Right and obligation for training

Article 66

(1) An employee in the Ministry has the right and obligation to receive training throughout the year in accordance with the needs of the Ministry.

(2) After completing the training, the employee shall be obliged to transfer the acquired knowledge to other employees.

Informing employees about professional development training

Article 67

The Ministry shall inform the employees about training opportunities for professional career development (management training, vocational training for specific areas and other training in accordance with the Training Catalogue in the Ministry and the annual Continuing Training Calendar in the Ministry).

Cases when training is conducted in the Ministry

Article 68

(1) Training in the Ministry shall be conducted in the following cases:

- when a person becomes employed for the first time (probation training);
- when a person has been selected for candidate for police officer, based on conducted selection procedure (basic training for police officer),
- for the purpose of training an employee for independent work on a specific work position and
- for the purpose of continuous training of an employee.

(2) In cases where the training referred to in paragraph (1) paragraphs 1 and 3 of this Article is conducted, if the working tasks determined for the workplace are intended to be performed by a employee with the status of a police officer, at least one month of the training shall be conducted at the Police Academy, in order to acquire appropriate competencies for the use of police authorizations and the use of means of coercion and firearms in accordance with the law.

Method of conducting training

Article 69

Training in the Ministry may be conducted by physical presence, electronically (online training) or combined (hybrid training).

Examination for trainee and for an employee who is trained to do the work independently at the Ministry

Article 70

In the cases referred to in Article 68 paragraph (1) lines 1 and 3 of this Law, the employee shall take a special exam after the end of the training, in a manner determined by the Collective Agreement of the Ministry.

Competence to conduct training

Article 71

(1) The training in the Ministry in the cases referred to in Article 68 of this Law shall be conducted by:

- A mentor or
- the Police Academy.

(2) Training of employees may also be carried out by engaging other persons and entities.

3.1. TRAINING BY MENTOR

MENTORING

Article 72

(1) Mentoring is a method of transferring knowledge and skills between employees and it can be advisory or practical.

(2) Advisory mentoring is the transfer of knowledge and skills through specific advice of the mentor and is carried out for the purpose of developing the general competencies of the employee.

(3) Practical mentoring is carried out by monitoring the work of the mentoree, constant consultations, practical work and is carried out in order to develop the special competencies of the employee.

MENTOR

Article 73

(1) A mentor may, as a rule, be any employee who has completed training as a mentor and who is assigned to a working position that is identical in type to the type of the working position of the employee being mentored.

(2) A mentor can also be an employee who has completed a mentor training and who is assigned to a working position that is one type higher than the type of working position the mentoree is assigned to.

(3) The mentor shall be appointed by a decision of the Minister or an authorized employee thereof.

Mentor training

Article 74

The mentor shall provide training to:

- a trainee, when the Ministry concludes an employment contract and
- an employee for independent performance of the works for a particular working position.

Mentor database

Article 75

The organizational units responsible for human resources management in the Ministry shall manage mentors database.

Statement of completed mentoring

Article 76

(1) The mentor and the mentoree, after successfully completing the mentoring, shall prepare statements for completed mentoring.

(2) In addition to the statements referred to in paragraph (1) of this Article, the mentor shall submit a report containing information on the completed tasks and activities for each month separately, which are stated in the Training Program conducted by the mentor.

3.2. TRAINING AT THE POLICE ACADEMY

Types of training

Article 77

(1) The Police Academy may conduct:

- training of an employee who becomes employed in the Ministry for the first time (probation training);

- Basic training for police officer
- Employee training for the purpose of independent performance of duties for a specific work position,
- continuous training and
- international training in accordance with a signed agreement.

(2) In addition to the trainings referred to in paragraph (1) of this Article, the Police Academy shall conduct management trainings and other specialized trainings in accordance with the Catalogue of continuous trainings in the Ministry.

(3) The employee who completes or attends training at the Police Academy referred to in paragraphs (1) and (2) of this Article shall be issued a certificate of completed or attended training.

(4) The training referred to in paragraph (1) line 4 of this Article may also be provided for employees in other related domestic and foreign institutions and organizations, in accordance with a concluded agreement or act.

(5) For the training referred to in paragraph (4) of this Article, the Police Academy may issue a certificate of completed or attended training in English as well.

2.3 BASIC POLICE OFFICER TRAINING

Candidate Selection Committee

Article 78

(1) Basic police officer training shall be conducted for police officer candidates selected upon the public vacancy announcement referred to in Article 65 paragraph (1) line 2 of this Law.

(2) The selection of candidates for police officer referred to in Article 65 paragraph (1) line 2 of this Law shall be made by the Committee for Selection of Candidates for Police Officer, based on the conducted selection procedure.

(3) The Committee referred to in paragraph (2) of this Article shall be established by the Minister and it shall be composed of a President and four members. A secretary-minute taker shall also participate in the work of the Committee, without the right to vote.

(4) The President and the members of the Committee referred to in paragraph (3) of this Article shall have their deputies.

(5) To the basic training for a police officers referred to in paragraph (1) of this Article, the Committee refers for 10% more than the total number of persons for whom there is a need to conclude an employment contract in the Ministry for the work position of a police officer.

Selection of candidates for police officer training

Article 79

(1) Following the selection of candidates for police officer training by the Committee referred to in the Article 78 paragraph (2) of this Law, the Minister shall adopt a decision on the selection of candidates for police officer training.

(2) Against the decision referred to in paragraph (1) of this Article, an objection may be filed within 15 days from the date of receipt of the decision, through the Ministry, to the State Committee for Decision Making in Administrative Procedure, the Employment Procedure and the Supervision of Second-Degree Inspections.

(3) The objection against the decision shall not postpone the execution of the decision.

Basic Police Officer Training Agreement

Article 80

(1) With the candidates for police officer referred to in Article 78 paragraph (1) of this Law, the Ministry shall conclude a contract for basic training for a police officer.

(2) The training agreement referred to in paragraph (1) of this Article shall regulate the special rights and obligations between the Ministry and the candidate for a police officer.

Duration of the basic police officer training

Article 81

The basic police officer training shall last one year.

Boarding type Accommodation

Article 82

During the basic training as a police officer, the candidate for a police officer shall be obliged to reside at the Police Academy (boarding type accommodation), where he/she will be provided with accommodation and meals.

Certificate for conducted basic police officer training

Article 83

Upon completion of the training referred to in Article 81 of this Law, the Police Academy, based on the results shown to the candidates for police officer during the training, shall prepare a ranking list and the candidates for police officer shall be issued a certificate for completed basic training for police officer.

Selection of trained candidates for police officer

Article 84

(1) The Minister shall adopt a decision on the selection of trained candidates for police officer from the best-trained candidates for police officer from the ranking-list referred to in Article 83 of this Law, and in accordance with the determined need for the number of police officers for whom the public vacancy announcement has been made.

(2) The decision referred to in paragraph (1) of this Article shall contain the personal data (name, surname and address of residence) of the best-ranked trained candidates for police officer from the ranking list referred to in Article 83 of this Law.

(3) An integral part of the decision referred to in paragraph (1) of this Article shall be the ranking – list referred to in Article 83 of this Law.

(4) Against the decision referred to in paragraph (1) of this Article, an appeal may be filed within 15 days from the date of receipt of the decision, through the Ministry, to the State Committee for Decision making Administrative Procedure, the Employment Procedure and the Supervision of Second-Degree Inspections.

(5) The appeal against the decision shall not postpone the execution of the decision.

Employment contract

Article 85

(1) With the candidates for police officer referred to in Article 84 of this Law, the Ministry shall conclude an employment contract, granting the status of police officer - trainee to the candidates for police officer.

(2) The contract referred to in paragraph (1) of this Article shall regulate the mutual rights and obligations and shall stipulate that the police officer shall be obliged to remain at work in the Ministry for at least five years from the date of conclusion of the employment contract.

(3) The probation police officer who will act contrary to the provision of paragraph (2) of this Article shall be obliged to reimburse the costs incurred for his/her training increased by three times.

Right of the candidate for a police officer who did not conclude an employment contract with the Ministry

Article 86

(1) The candidate for a police officer from the ranking-list referred to in Article 83 of this Law, who has not concluded an employment contract with the Ministry, and has once again applied to another public vacancy announcement for a work position - a police officer in the Ministry, for which he/she meets the conditions for employment in the Police in accordance with the Law on Police, shall be obliged to submit a certificate for completed basic training for a police officer in the Ministry.

(2) With the candidate referred to in paragraph (1) of this Article, the Ministry shall not conclude a contract for basic training for a police officer and shall not refer the person once again training, but on the basis of the enclosed certificate for completed basic training for a police officer and the achieved results from the training he/she attended when he/she acquired the certificate, the Police Academy shall include him/her in the ranking-list referred to in Article 83 of this Law, which it prepares for the candidates for a police officer.

Obligation for Reimbursement of the Expenses for Accommodation, Food and Meeting Other Needs at the Police Academy

Article 87

The candidate for a police officer who will be excluded due to his/her fault from further carrying out of the basic training for a police officer in the cases determined by the contract for basic training for a police officer, the candidate for a police officer whose basic training for a police officer becomes terminated upon his/her request, as well as a probation police officer who will refuse to work at the work position - a police officer, to which he/she will be assigned after the completion of the basic training and the conclusion of the employment contract, shall be obliged to reimburse the costs related to the implementation of the basic training at the Police Academy.

Duration of the probation period for probation police officer

Article 88

The probation period for police probation officer shall be six months.

2.5 TRAINING FOR INDEPENDENT PERFORMANCE OF DUTIES FOR A SPECIFIC WORK POSITION

Contract for employee training for independent performance of duties for a specific work position

Article 89

(1) In order to train an employee to perform the work independently in a particular work position, the Ministry shall conclude a contract for training for the duration of:

- nine months - with the employee referred to in Article 63, paragraphs (1) and (2) of this Law and

- six months - with the employee who is assigned to a workplace in an organizational unit in which the same or related work is not performed with the work performed in the workplace from which the employee is being assigned from

(2) The contract referred to in paragraph (1) of this Article shall regulate the mutual rights and obligations of the employee and the Ministry, under conditions determined by this Law and shall stipulate that the employee is obliged to remain in the organizational unit in which he/she has been assigned for at least two years from the day of completion of the training.

3.3. CONTINUOUS TRAINING

Purpose of continuous training

Article 90

(1) Continuous training of employees in the Ministry shall be carried out for the purpose of more successful performance of the working tasks by the employee at the workplace to which he/she is assigned, that is, in order to ensure effective performance of the competencies of the Ministry.

(2) For referring the employee to continuous training, in case the training lasts longer than 15 days, the Ministry shall conclude a contract with the employee for continuous training.

(3) As an exception to paragraph (2) of this Article, when the training lasts less than 15 days, and the costs of the training are borne by the Ministry and cause greater fiscal implications, the Ministry shall conclude a training contract with the employee.

(4) The agreement referred to in paragraphs (2) and (3) of this Article shall regulate the rights and obligations between the Ministry and the employee.

(5) The employee who will not meet the conditions of the contract referred to in paragraphs (2) and (3) of this Article shall be obliged to reimburse the costs incurred for his/her training increased by three times.

3.4. REALIZATION OF TRAINING BY AN EMPLOYEE IN THE MINISTRY

Realization of training by a Ministry employee

Article 91

(1) Training may also be carried out by an employee who works at a particular work position in an organizational unit in the Ministry, pursuant to the nature of the works carried out at the work position to which he/she is assigned and having previously completed training for a trainer.

(2) With the employee referred to in paragraph (1) of this Article, the Ministry shall conclude a contract for a trainer.

(3) The employee under paragraph (1) of this Article shall not be assigned to a work position for the needs of the Ministry or upon his/her request in which the same or similar tasks are not performed as the work position to which he/she is assigned for a period of three years from the date of conclusion of the contract for trainer.

(4) By way of derogation from paragraph (3) of this Article, if the employee at his/her request is assigned to a workplace where the same or related work is not performed with the work performed at the workplace to which he/she has previously been assigned, he/she is obliged to reimburse the costs of the training increased by three times.

X. ASSIGNMENT AND PROMOTION OF EMPLOYEES IN THE MINISTRY AND MOVEMENT OF EMPLOYEES IN THEIR CAREER DEVELOPMENT

1. ASSIGNMENT OF EMPLOYEES IN THE MINISTRY

Terms of Assignment

Article 92

(1) Assignment of an employee in the Ministry may be carried out if the following conditions are met:

1. the working position at which the assignment is carried out is vacant;
2. the employee being assigned meets the conditions set out in the Act on systematization of working positions in the Ministry;
3. the type of working position to which the employee is assigned, in the hierarchy of working positions to be equal in type to the type of working position from which the employee is assigned from, in accordance with Article 32 of this Law;
4. the workplace to which the employee is assigned is in an organizational unit in his/her place Of residence and
5. the work at the workplace to which the employee is assigned is related to the work at the workplace from which the employee is assigned from, according to the List of related areas and works performed in the Ministry, adopted by the Minister.

(2) By way of derogation from paragraph (1) item 4 of this Article, if there is no vacancy in the Organizational unit at the employee's place of residence, the employee may be assigned to a workplace in another organizational unit at a maximum distance of 30 kilometers from his/her place of residence.

(3) Notwithstanding paragraph (1) item 4 of this Article, due to the configuration of the terrain, the location of certain facilities of the Ministry, work at border crossing points, the organizational setup of the Ministry and the number of workers in the organizational units, the employee may also be assigned to a workplace in an organizational unit distant more than 30, and up to 50 kilometers from the employee's place of residence. In this case, the Ministry shall pay the employee compensation for travel expenses in the real amount of the costs amounting to the lowest price of a public traffic ticket, if no other type of transport is organized by the Ministry. If in these cases public transport or other types of transport cannot be used, the employee shall be entitled to reimbursement of costs of using a privately owned vehicle for official purposes of 30% of the sale price for one liter of fuel for the respective vehicle, per kilometer with a travel order.

(4) The change of the employee's place of residence after employment or after his/her reassignment to another working position shall not affect the compensation of the transportation costs when the reassignment is made upon employee's request.

(5) The employee who is assigned to a working position in the category of workers systematized by type "chief" shall be subject to a written test for the area, which includes the working tasks determined for the working position to which the employee is assigned, in according to the Training Catalogue in the Ministry. The professional written test shall have eliminatory character.

(6) The provision of paragraph (5) of this Article shall not apply in cases of temporary reassignment, where the employee is temporarily reassigned to a working position in a category of workers systematized with the type "chief".

Assignment method

Article 93

Assignment of employees in the Ministry shall be carried out:

- in a transparent procedure by internal vacancy announcement and
- in a non-transparent procedure.

1.1 ASSIGNMENT OF EMPLOYEES IN A TRANSPARENT PROCEDURE

Assignment in a transparent procedure

Article 94

(1) An employee in the Ministry may be assigned to another working position in a transparent procedure, by an internal vacancy announcement.

(2) An internal vacancy announcement for vacancies in the Ministry shall be opened by the organizational units for human resources management, based on a specific need.

1.2. ASSIGNMENT OF EMPLOYEES IN A NON-TRANSPARENT PROCEDURE

Assignment in non-transparent procedure

Article 95

Non-transparent procedure may be carried out for:

1. Assignment to specific working positions set out in the List of working positions in the Ministry for which no transparent procedure is carried out;
2. Assignment for the needs of the service;
3. Assignment at the request of the employee;
4. Assignment in other cases:
 - a) reassignment of an employee on the basis of a disciplinary measure,
 - b) assignment of an employee based on a finding, assessment and opinion of a competent Medical Committee;
 - c) reassignment when changes in the organizational structure in the Ministry are made or changes are made in reference to the number of working positions in organizational units in the Ministry determined in the act for systematization of working positions in the Ministry, and there is no established need to reduce the number of employees in the Ministry;
 - d) reassignment of an employee to a working position that is lower in type in the hierarchy of working positions than the type of working position in which the employee works, if the employee in the previous year received a grade "not satisfactory";
 - e) assignment in the event that an employee has not been issued or has been deprived of the security certificate for access to classified information, which is set out as a condition in the systematization act for the workplace in which the employee works; and
 - f) when acting in accordance with court decisions and acts of other bodies and institutions and
5. Temporary Assignment.

Assignment to specific working positions determined not to be subject to transparent procedure

Article 96

(1) An employee in the Ministry may be assigned in a non-transparent procedure to specifically determined working positions.

(2) The working positions referred to in paragraph (1) of this Article shall be set out in the List of working positions in the Ministry for which no transparent procedure is carried out, and shall be adopted by the Minister together with the most numerous representative trade union.

(3) The List referred to in paragraph (2) of this Article shall determine specific working positions in the Ministry for which, due to the nature of the working tasks, as well as the special conditions under which they are performed, it has been determined that a transparent procedure may not be conducted.

Assignment for the needs of the service

Article 97

(1) An employee may be assigned to another workplace in a non-transparent procedure and for the needs of the service.

(2) The need from paragraph (1) of this Article shall be determined by the organizational unit for human resources management and the head of the organizational unit in which the working position to be filled is systematized.

(3) The need from paragraph (1) of this Article shall be determined on the basis of an evaluation that it is necessary to move an employee from one workplace to another, when:

- the work at a specific workplace in the organizational unit are required to be carried out continuously;
- the workload in the organizational unit has increased;
- better organization of the work process in the organizational unit is needed or
- it is necessary to provide conditions for greater efficiency and smooth functioning of the organizational unit and the Ministry as a whole.

(4) In the event that the employee assigned to a working position for which a work wage allowance has been determined due to special working conditions and life danger, i.e. the existence of a high risk in the performance of the works and tasks, does not have the necessary physical fitness to perform the working tasks at the workplace determined by an act of the Minister, the employee may be assigned to another working position in accordance with his/her professional training.

Assignment upon request of the employee

Article 98

(1) An employee may be assigned in a non-transparent procedure to another work position, based on his/her personal written request, submitted to the organizational human resources management unit.

(2) The request referred to in paragraph (1) of this Article shall contain the type of specific working position to which the employee requests to be assigned to or the name of the organizational unit where he/she requests to be assigned or a city or settlement where he/she requests to be assigned, as well as the reasons for which he/she is asking for the re-assignment (change of place of residence, personal reasons, health reasons, etc.).

(3) Upon the request referred to in paragraph (1) of this Article, the competent organizational unit for human resources management shall be obliged to submit a response within 30 days from the date of receipt of the request.

Assignment in other cases

Article 99

(1) Assignment of an employee in a non-transparent procedure shall also be carried out in case:

1. when an employee in the category of workers has been imposed with a disciplinary measure to be assigned to a working position that is one work position lower in type than the type of working position where the employee currently works, as well as when an employee in the category of managing employees has been imposed with a disciplinary measure to be assigned to a working position in the category of workers, to a working position systematized as type "chief";

2. when a finding, assessment and opinion of a competent Medical Committee in accordance with the regulations in the field of pension and disability insurance determines that the employee is incapable of performing the work and tasks at the workplace where he/she works, due to impaired psychophysical or health ability that occurred as a result of an injury at work or occupational disease;

3. when changes are made in the organizational structure of the Ministry or changes are made in relation to the number of working positions in the organizational units determined in the act for systematization of the working positions of the Ministry, and there is no established need to reduce the number of employees in the Ministry;

4. when the employee in the previous year received a grade "not satisfactory";

5. when the employee has not been issued or has been deprived of the security certificate for access to classified information, which is established as a condition in the systematization act for the workplace in which the employee works or

6. when acting in accordance with court decisions and acts of other bodies and institutions.

(2) In the cases referred to in paragraph (1) item 2 of this Article, the employee shall be obliged to submit the issued finding, evaluation and elaboration to the competent organizational unit for human resources management, no later than 30 days from the date of issue.

(3) In the case referred to in paragraph (1) item 3 of this Article, when the employee has not applied at the internal vacancy announcement or has not been assigned to another working position on the basis of an open internal vacancy announcement, the employee shall be assigned to a working position in the hierarchy of working positions that is equal in type to the type of working position from which the employee is assigned from.

(4) By way of derogation from paragraph (3) of this Article, if there is vacant such type of working position, and that working position is in the category of managing employees, the employee shall be assigned to a working position which by its type is one place lower in the category of managing employees. If there is no vacant and no such type of working position, the employee, consequently, shall be assigned to a lower working position in type in the hierarchy of working positions, but not lower than a working position type "chief" in the category of workers.

(5) In the case referred to in paragraph (1) item 4 of this Article, the employee may be assigned to a working position that is one position lower in type than the type in which the employee works, according to the hierarchy of working positions in the Ministry. The reassignment shall be made upon an elaborated proposal from the direct managing officer of the employee who received that grade.

(6) In the case referred to in paragraph (1) item 5 of this Article, the employee shall be assigned to another working position for which the act on systematization of working positions in the Ministry does not determine the need for a security certificate for access to classified information or determines a lower degree of security certificate than that determined for the working position from which he/she is assigned from.

Temporary Assignment

Article 100

(1) A temporary assignment can be made in the Ministry.

(2) The temporary reassignment referred to in paragraph (1) of this Article shall be carried out in a non-transparent procedure, in the event that:

- there is a need for immediate filling of a vacancy;
- there is a need to fill in a working position due to absence of the employee from that working position due to illness, secondment to the Investigation Center at the Public Prosecution Office, etc.;
- there are exceptional reasons for filling a vacancy that is more than 50 km from the employee's place of residence, in order to ensure smooth and efficient functioning of the Ministry or
- the employee has been deprived of his/her official weapon in accordance with the law.

(3) The assignment referred to in paragraph (2) line 1 of this Article may last for a maximum of six months from the date of assignment of the employee during a calendar year.

(4) The assignment referred to in paragraph (2) line 2 of this Article shall be made for the period of time during which the employee is absent.

(5) The assignment referred to in paragraph (2) line 3 of this Article may be made when in a particular organizational unit there is:

- lack of employees with a certain type of education, with certain work experience, with appropriate vocational training or with working ability for specific working positions and tasks or
- need for expert assistance in the performance of works and tasks.

(6) The temporary reassignment in accordance with paragraph (2) line 3 of this Article shall be carried out for a period of time of up to six months and no reassignment of the employee on the same basis may be made before the expiration of four years from the expiration of the last re-assignment.

(7) In the case referred to in paragraph (2) line 3 of this Article, the employee shall be entitled to:

- a one-time compensation in the amount of a one-month net salary made in the last month before the assignment;
- reimbursement of travel and moving expenses;
- a place to stay or apartment provided,
- seven days paid leave after the expiration of three months and
- reimbursement of transportation costs for visiting immediate family from whom the employee lives separately, up to four trips per month, with attached proof of transportation costs.

(8) The employee temporarily assigned to another workplace in accordance with paragraph (2) lines 1, 2 and 3 of this Article:

- shall keep the salary determined for the working position from which he/she is assigned, if it is more favorable for him/her, and
- after the expiration of the assignment period, he/she shall return to the previous working position.

(9) When an employee who is authorized to carry an official weapon is subject to temporarily seizure of the weapon and the ammunition in accordance with the law, the employee shall be temporarily assigned to an appropriate workplace without authorization to carry and use the official weapon. The re-assignment shall last until the enforceability of the decision made in the procedure against that employee for an act for which he/she was deprived of his/her official weapons and ammunition, in accordance with the law.

Reasons due to which the employee cannot be assigned to another working position

Article 101

(1) An employee of the Ministry may not be assigned to another working position during absence from work due to illness or injury, pregnancy, birth and parenthood, as well as during other cases of paid and unpaid leave from work, in accordance with this Law and the regulations in the field of labor relations.

(2) A police officer in the Ministry may not be assigned to another working position also during the time he/she is referred to work in an investigative center of the Public Prosecution Office.

2. PROMOTION OF EMPLOYEES IN THE MINISTRY

Purpose of promotion

Article 102

The promotion procedure shall have the aim to enable employees in the Ministry to advance in their careers, i.e. move from lower to higher positions in the hierarchy of positions, by type or category.

Promotion of employees

Article 103

An employee in the Ministry may be promoted to another job position that is higher in type or category in the hierarchy of jobs in the Ministry than the previous job position.

Conditions for promotion to another work position

Article 104

(1) An employee may be promoted to another working position if the following conditions are met:

1. the working position at which he/she is promoted is vacant;
2. the promoted employee meets the conditions laid down in the act on systematization of working positions for the workplace in which the promotion is carried out;
3. in the last year before the promotion, the employee was evaluated with grades "exceptional performance" or "good performance", in accordance with this Law;
4. the workplace where the employee is promoted is up to two working positions higher in type than the type of workplace from which the employee is being promoted. The position of the higher workplace relative to the place from which the employee is promoted shall be considered in such a way that all types of working positions that are immediately higher than the workplace from which the employee is promoted shall be counted sequentially, having in mind that such an approach shall also imply transition to a higher type of working position from the category of workers to the category of managing employees;
5. at least one year has passed since the last promotion of the employee;
6. in the last year he/she has not been punished for violation of the working order and discipline or non-fulfillment of the work obligations established by law, the Collective Agreement of the Ministry and an employment contract and

7. the work at the workplace where the employee is promoted is related to the work at the workplace from which the employee is promoted, according to the List of related areas and works performed in the Ministry.

(2) When promoting employees at work positions in the organizational units for the needs of the Ministry, in order to fulfill the requirement of paragraph (1) item 4 of this Article, all types of organizational units shall be taken into account in accordance with the act on organization and work of the Ministry in the organizational unit in which the employee is promoted.

(3) When promoting employees at work positions in the Bureau, the fulfillment of the requirement of paragraph (1) item 4 of this Article shall be considered taking into account all types of organizational units in accordance with the act on organization and work of the Ministry, in the organizational unit in which the promotion of the employee is carried out.

(4) When promoting employees from work positions in organizational units for the needs of the Ministry in organizational units for the needs of the Bureau and vice versa, the fulfillment of the requirement of paragraph (1) item 4 of this Article shall be considered taking into account all types of organizational units in accordance with the act on organization and work of the Ministry in the organizational unit in which the employee is promoted.

(5) The employee who is promoted for the first time to a managing position in the category "managing employees", in addition to the conditions of paragraph (1) of this Article, must also have completed management training, which is conducted in accordance with the provisions of this Law and have passed a management test. The management test shall have an eliminatory character.

(6) The employee who is promoted to a working position in the category of workers for a working position systematized with type "chief", in addition to the conditions of paragraph (1) of this Article, must also have passed the professional written test referred to in Article 92 paragraph (5) of this Law.

(7) The provisions of paragraphs (5) and (6) of this Article shall not apply in cases of temporary promotion referred to in Article 107 paragraph (3) of this Law.

(8) When an employee is promoted, and that employee was previously assigned, promoted to a higher-ranking job position than the type of job position he/she is working at the time of the promotion for more than six months, the calculation of two higher-ranking jobs, in accordance with paragraphs (1) point 4 of this article, shall be made from the highest-ranking job position that the employee held in his/her career development, except in the case when the employee is assigned to a lower-ranking job position from the highest job position on the basis of a disciplinary measure imposed in accordance with the provisions of this law.

Manner of promotion

105

The promotion of employees in the Ministry shall be carried out:

- as a rule in a transparent procedure, by publishing an internal vacancy announcement and
- exceptionally, in a non-transparent procedure.

2.1 PROMOTION OF EMPLOYEES IN A TRANSPARENT PROCEDURE

Promotion in a transparent procedure

106

(1) Promotion of employees in the Ministry shall, as a rule, be carried out in a transparent procedure, by publishing an internal vacancy announcement.

(2) The internal vacancy announcement is published by the organizational unit for human resources management.

2.2 PROMOTION OF EMPLOYEES IN NON-TRANSPARENT PROCEDURE

Promotion in non-transparent procedure

107

(1) Promotion of employees in non-transparent procedure may be carried out only exceptionally, in the following cases:

1. to fill specific working positions, which are set out in the List of Working positions in the Ministry for which a transparent procedure is not carried out;

2. temporarily, for a specific period of time.

(2) Promotion in accordance with paragraph (1) item 1 of this Article may be made only for specific working positions in the Ministry determined in the List of working positions in the Ministry for which no transparent procedure is carried out. The List shall identify working positions for which due to the nature of the working tasks, as well as the special conditions under which they are performed, it is determined that a transparent procedure may not be conducted.

(3) The temporary promotion referred to in paragraph (1) point 2 of this Article may be made when:

- there is a need to fill a working position due to absence of the employee from that working position due to illness, secondment to the Investigation Center at the Public Prosecution Office etc., or

- there is a need for urgent filling of a vacant work position.

(4) The promotion referred to in paragraph (3) line 1 of this Article shall be made for the period of time during which the employee is absent.

(5) The promotion referred to in paragraph (3) line 2 of this Article may last for a maximum of six months from the date of the promotion of the employee during one calendar year.

(6) The employee who has been temporarily promoted to another working position, different from the one in which he/she previously worked:

- shall keep the salary determined for the working position from which he/she is promoted, if it is more favorable for him/her and

- after the expiration of the period of the temporary promotion, he/she shall return to the previous working position.

3. ASSIGNMENT AND PROMOTION IN THE MINISTRY FROM A WORK POSITION WITH THE STATUS OF "AUTHORIZED OFFICIAL PERSON TO PERFORM PROFESSIONAL WORK" TO A WORK POSITION WITH THE STATUS OF "POLICE OFFICIAL"

Assignment and promotion from a work position with the status of "authorized official for performing professional work" to a working position with the status of "police officer"

Article 108

(1) An authorized official to perform professional work may be assigned or promoted to a working position with the status of a police officer, if:

- the conditions for assignment or promotion provided for by this Law are met and

- the employee has work experience for performing work related to the work for a working position to which he/she is assigned or promoted, in accordance with the List of related areas and works performed in the Ministry referred to in Article 92 paragraph (1) item 5 of this Law. The work experience of the employee must be at least the same or greater than the work experience determined for the working position for which the employee is applying.

(2) If the employee has no work experience referred to in paragraph (1) line 2 of this Article, he/she may only be assigned to a working position with a status police officer who is the lowest in type in the category of "workers".

(3) For the employee referred to in paragraphs (1) and (2) of this Article, training for a police officer shall be conducted in accordance with Article 68 paragraph (2) of this Law, along with a test to check the acquired competencies for the application of police authorizations and the use of means of coercion and firearms in accordance with the law. The check of the acquired competencies for the application of police authorizations and the use of means of coercion and firearms shall be carried out by the Police Academy.

4. PROCEDURE FOR ASSIGNMENT AND PROMOTION IN THE MINISTRY

Procedure for assignment or promotion

109

(1) The selection procedure for the assignment and promotion of employees in the Ministry in accordance with this Law shall include several stages, as follows:

- Administrative selection
- interview, when an assignment or promotion is carried out in a transparent procedure and
- written test for working position type "chief" or written test for the first promotion to a working position in the category of managing employees.

(2) Depending on the type of working position for which selection is made, in addition to the stages set out in paragraph (1) of this Article, the selection procedure may also include other phases determined by a bylaw adopted by the Minister.

Competence to carry out assignment and promotion procedures

Article 110

(1) The transparent procedure for assignment and promotion by opening an internal vacancy announcement shall be carried out by the organizational unit for human resources management and the special committees for assignment and promotion in a transparent procedure.

(2) The non-transparent assignment and promotion procedure shall be carried out by the organizational unit for human resources management.

Committees for Assignment and Promotion in Transparent Procedure

111

(1) For the assignment and promotion of employees in a transparent procedure, the Minister by a decision shall establish special committee.

(2) The committees referred to in paragraph (1) of this Article shall consist of:

- president-employee from the Ministry;
- three members - employees from the Ministry, one of whom is a variable member and is the head of the organizational unit where the working position for which the procedure for assignment or promotion being carried out is systematized;
- one member - representative of the representative trade union in the Ministry, i.e. one member - representative of the representative trade unions in the Ministry, if there are multiple representative trade unions and
- secretary – minute taker, without the right to vote.

(3) The President and the members of the committees referred to in paragraph (2) of this Article shall have deputies.

(4) The committees referred to in paragraph (1) of this Article shall decide by majority vote on the total number of members of the Committee.

(5) In the selection process for assignment and promotion in a transparent procedure, the committees must conduct an interview with all employees who meet the conditions in accordance with this Law.

(6) When in the promotion procedure, the employee is promoted for the first time to a position in the category of managing employees, the committee must carry out a written management test with that employee in accordance with Article 104 paragraph (5) of this Law.

(7) In the procedure for assignment and promotion of employees to working positions in the category of workers for a working position positioned with type "chief", the committee must carry out a written test in accordance with Article 92 paragraph (5) of this Law for the area where the working tasks determined for the working position to which the employee is assigned or promoted, in accordance with the Training Catalogue in the Ministry.

(8) In the procedure conducted after the opened internal vacancy announcement, the committees referred to in paragraph (1) of this Article shall prepare minutes with a ranking of candidates who meet the conditions provided for the working position for which the internal vacancy announcement has been opened.

(9) In the procedure for assignment or promotion upon an opened internal vacancy announcement, the employee who is first ranked in the ranking referred to in paragraph (8) of this Article shall be elected.

Method of carrying out assignment and promotion

Article 112

1) Assignment and promotion of an employee shall be carried out by a decision made by the Minister or by a managing employee authorized by him/her.

(2) The decision referred to in paragraph (1) of this Article shall be obligatory to contain an elaboration explaining the reasons for the assignment or promotion.

(3) To an employee who, for unjustified reasons, within three days from the date of delivery of the decision, does not appear at the workplace to which he has been assigned or promoted, the Ministry shall cancel the employment contract.

(4) Against the decision referred to in paragraph (1) of this Article, the employee shall be entitled to an appeal, which shall be submitted through the Ministry within 15 days from the date of receipt of the decision to the State Committee for Decision Making in Administrative Procedure, the Employment Procedure and the Supervision of Second-Degree Inspections.

(5) The appeal against the decision referred to in paragraph (1) of this Article shall not postpone the execution of the decision.

5. EVALUATION OF THE WORK OF THE EMPLOYEES IN THE MINISTRY

Meaning and purpose of the evaluation

113

The evaluation of the work of the employees in the Ministry shall be the basis for monitoring and promoting the work of the employees in the Ministry, important for their career development and their promotion, and shall have the aim at achieving the strategic goals and plans of the Ministry.

Continuous monitoring of employees' work

114

(1) The Direct managing employee shall be obliged to continuously monitor the work of the employees he/she manages, on a monthly basis throughout the calendar year and, if necessary, to propose measures to improve their work.

(2) If in the process of monitoring the work of the employee, the direct managing employee determines that the employee whose work is being monitored has not met the set goals or shows unsatisfactory results, does not show the necessary expertise and competence, has significant errors in the work and handling, does not perform the work tasks in a timely manner or shows no interest in the quality of performance of the working tasks, he/she shall initiate a procedure to improve the effect of the work of that employee.

(3) In the procedure for improving the effect of the work of the employee, additional trainings are proposed and a written indication is issued in which the employee is warned of the possibility of being evaluated with a negative grade if, despite the indications and the proposed measures, by the end of the year for which the evaluation is carried out, he/she does not improve the work.

Criteria for evaluating employees

115

Evaluation of an employee in the Ministry shall be carried out on the basis of the criteria relating to the results of his/her work, as well as the personal qualities he/he has shown during the work, as follows:

- expertise;
- scope of work (the quantity of work size of completed work);
- timeliness (when was the work performed),
- independence
- creativity
- precision
- confidentiality
- cooperation
- organization of work
- interdisciplinarity;
- relationship towards other clients;
- communication and coordination
- other work-related competencies.

Types of Grades

Article 116

Evaluation of the employee shall be carried out with the following grades:

- "Exceptional performance" - grade „5", with a value from 4.51 to 5.00;
- "Good performance" - grade „4", with a value from 3.51 to 4.50;
- "Satisfactory performance" - grade „3", with a value of 2.51 to 3.50;
- "Partially satisfactory performance" - grade „2", with a value of 1.51 to 2.50 and
- "Unsatisfactory performance" – grade „1", with a value from 1.00 to 1.50.

Evaluation of the work of employees

Article 117

(1) The work of the employees in the Ministry shall be evaluated in two evaluation cycles: on a semi-annual and annual level, with one final annual evaluation grade. The final annual evaluation grade shall be the average of the employee's evaluations obtained during the two evaluation cycles of the current year. If the employee is not evaluated in one assessment cycle, the final evaluation grade shall be the evaluation of the evaluation cycle when the employee was evaluated, if he/she has worked on that working position for more than six months in the calendar year.

(2) The evaluation of the employee shall be performed by the direct managing employee (hereinafter: the evaluator).

(3) Control of the work of the employee shall be performed by the direct managing employee of the evaluator (hereinafter: the controller).

(4) In cases where the controller does not agree with the evaluator's assessment, the assessment shall be carried out by the controller.

(5) The evaluator and the controller shall be obliged to be in possession of a Certificate of Completed Evaluation Training issued by the Police Academy and before starting the evaluation process in his/her organizational unit, he/she should be evaluated by his/her direct managing employee with a grade not lower than "satisfactory performance". If the managing employee has been evaluated with a grade less than "satisfactory performance", the evaluation shall be carried out by the higher managing employee in the organizational unit where the employee under evaluation works, who is in possession of a certificate of completed training for evaluator issued by the Police Academy and who has been evaluated with a grade not lower than "satisfactory performance".

(6) The evaluator in the evaluation process shall evaluate the quality, effectiveness of the work, compliance with the deadlines and the level of fulfillment of set working goals and objectives, the level of involvement and commitment to the work, the contribution to the implementation of the plan of the organizational unit, the implementation of the individual plan for professional development and the behavior of the employee.

(7) The evaluator shall be obliged to submit a report on annual evaluations for all employees no later than 30 January of the following year to the competent organizational unit for human resources management.

(8) Evaluation shall not be performed for:

- employees who worked less than three months within one evaluation cycle, i.e. less than six months during the calendar year and
- trainees.

Subject responsible for evaluation of employees in certain specific cases

Article 118

(1) If there is no managing employee in the organizational unit in which the employee works, the evaluation shall be performed by the direct senior managing employee, who shall meet the conditions of Article 117 paragraph (5) of this Law.

(2) The managing employee in the organizational unit who is assigned or promoted to another working position during the year or to whom the employment in the Ministry will cease, shall prepare a written report on the work of the employees he/she managed until then. In these cases, the evaluation of the employees shall be carried out by the new direct managing employee, based on the written report of the previous direct managing employee.

(3) The evaluation of a police officer seconded to the Investigation Center of the Public Prosecution Office shall be carried out by the person referred to in paragraph (1) of this Article, in the manner determined in the agreement referred to in Article 40 of this Law.

Right to an appeal

Article 119

(1) The employee who is not satisfied with the evaluation may, within eight days from the date of submission of the evaluation form, submit an appeal of the evaluation to the committees for re-examination established by the Minister.

(2) The appeal of the police officer seconded to the Investigation Center of the Public Prosecution Office shall be handled in the manner determined in the agreement referred to in Article 40 of this Law.

(3) The committees referred to in paragraph (1) of this Article shall be composed of a president-employee of the Ministry, two members-employees of the Ministry and one member-representative of the representative trade union in the Ministry, i.e. one member-representative of the representative trade unions in the Ministry, if there are several representative trade unions, a secretary-minute taker shall also participate in the work of the Committee, without the right to vote.

(4) The President, members and representative (s) of the representative trade union(s) of the committees referred to in paragraph (1) of this Article shall have their deputies.

(5) The committees referred to in paragraph (1) of this Article shall take decisions by majority vote of the total number of members of the Committee.

XI. SALARY OF EMPLOYEES IN THE MINISTRY

Salary

Article 120

(1) The employee in the Ministry shall be entitled to a salary in accordance with this law, a collective agreement and the employment contract.

(2) The salary shall be calculated in gross amount, and shall be paid in net amount once a month in the current month, for the previous month.

Components of the salary

Article 121

(1) The salary of the employee in the Ministry shall consists of:

1. base salary
2. value for the employee's work experience;
3. salary allowances for the workplace, if such have been determined for the workplace of the employee in the act referred to in Article 127 of this Law and
4. salary allowances for work on other grounds.

(2) The Minister, the Deputy Minister and the State Secretary shall receive a 20% increase in the base salary, and the Director of the Bureau and the Deputy Director shall receive a 30% increase in the base salary.

Base Salary

Article 122

(1) The base salary shall value the type of working position in the Ministry, taking into account the level of education and the hierarchical positioning of the work places.

(2) The base salary shall be expressed in points.

(3) The base salary shall be determined individually for each type of working position in:

- the Cabinets;
- the category “managing employees” and
- the category “workers”.

(4) The base salary for work positions with status of police officer status shall be higher by 10% compared to the base salary for work positions with status "authorized official to perform professional work".

(5) The base salary determined for the lowest type of working position in the category of workers with secondary education shall not be lower than the minimum salary in the country determined by law.

Determining the value of the point for the type of working position

123

The value of the point referred to in Article 122 paragraph (2) of this Law shall be determined by the Government of the Republic of North Macedonia, upon proposal of the Minister.

Valuing the employee 's work experience

124

The employee's work experience shall be valued in the amount of 0.5% of the employee's base salary for each completed year of work experience, and up to 20%.

Working position Salary Allowances

125

(1) For certain working positions in the Ministry, salary allowances per working position may be determined.

(2) The salary allowances referred to in paragraph (1) of this Article shall be calculated on the base salary of the employee.

(3) The salary allowances for a working position referred to in paragraph (1) of this Article shall be:

- salary allowance for the level of the workplace;
- salary allowance for complexity of work in the workplace;
- salary allowance for workload;
- salary allowance due to special working conditions and danger to life, i.e. the existence of a high risk in the performance of the works and tasks of employees in certain working positions and
- salary allowance due to the impact on the labor market and the outflow of staff or for the retention of professional staff, as well as the needs of the Ministry for certain vocations and educational profiles that are necessary for the smooth exercise of the responsibilities of the Ministry. The Ministry shall review the working positions for which this salary allowance has been determined once a year.

(4) For a particular working position in the hierarchy of working positions in the Ministry, one or more allowances from paragraph (3) of this Article may be determined.

Salary allowances for work on other grounds

126

(1) Salary allowances for work on other grounds shall be:

- Work longer than full working time (overtime work);
- Work on Sunday
- work during holidays and non-working days determined by law;
- Night work
- Work in shifts
- home duty.

(2) The amount of the salary allowances for work referred to in paragraph (1) of this Article shall be set out in the Collective Agreement of the Ministry.

(3) The salary allowances referred to in paragraph (1) of this Article shall be calculated on the base salary of the employee.

Establishing points and salary allowances for working positions

Article 127

The points for the types of working positions for calculating the base salary of the employees in the Ministry and the salary allowances for the working positions shall be determined in the Act on salaries for the working positions in the Ministry, which shall be adopted by the Minister in agreement with the most representative trade union in the Ministry.

Determining salary of employee in case of assignment and promotion

Article 128

When an employee is assigned or promoted to a particular working position in accordance with the provisions of this Law, the salary shall consist of:

1. base Salary
2. salary allowances for a working position, if determined for the working position to which the employee is assigned, i.e. promoted, in accordance with the salary act for the working positions in the Ministry and
3. increase in base salary for the value of the employee's work experience.

Good Performance Reward

Article 129

(1) The employee shall be rewarded for good work performance in proportion to the work performed at the workplace where he/she works, i.e. the entrusted works and his/her contribution to the overall work of the organizational unit in which he/she works and the Ministry as a whole.

(2) The reward referred to in paragraph (1) of this Article shall be made in the manner specified in the Collective Agreement of the Ministry.

1. TRAINEE 'S SALARY AND EMPLOYEE 'S SALARY DURING TRAINING

Salary of a trainee and salary during training of an employee who does not have the status of an apprentice

Article 130

(1) The salary of a trainee shall be determined in the amount of 80% of the amount of the basic salary determined for the working position for which the employment contract has been concluded, but not less than the gross minimum salary in the country determined by a special law.

(2) During the training, the employee who does not have the status of a trainee shall be paid a salary in the amount of 80% of the basic salary determined for the working position for which the employment contract was concluded, but not less than the gross minimum wage in the country determined by a special law.

Salary during training for enabling employee to independently perform work in a specific workplace

131

During the training for enabling an employee for an independent work performance at the workplace to which he/she is assigned, the employee shall be paid 80% of the salary determined for the working position to which he/she is assigned, but not less than the gross minimum wage in the country determined by a special law.

2. REMUNERATION FOR MEMBERS OF THE RESERVE COMPOSITION

Remunerations granted to members of the reserve composition

132

(1) To perform works and tasks, members of the reserve composition shall be entitled to the following remuneration:

- remuneration for performing the works and tasks;
- Accommodation expenses;
- Single financial assistance in case of death, injury or bodily harm;
- funeral expenses and other costs and
- other salary allowances determined by the Collective Agreement of the Ministry.

(2) Members of the reserve composition who are employed or perform independent activity, who receive monetary compensation on the basis of unemployment or receive a pension, shall be entitled to remuneration in the amount of salary or compensation paid for the last month before the call or engagement, i.e. in the amount of the pension.

(3) Members of the reserve staff who are not employed shall be entitled to monetary compensation in the amount of the net salary of an employee in the Ministry at the position of a police officer, for a full-time position.

(4) Members of the reserve composition referred to in paragraph (2) of this Article shall also be entitled to the remainder of the compensation amounting to the net salary of an employee in the Ministry at the work position of a police officer, if the compensation is lower than the salary.

(5) The amount of other compensation referred to in paragraph (1) of this Article shall be determined by the Collective Agreement of the Ministry.

(6) The funds for the compensation referred to in paragraph (1) of this Article shall be provided from the Budget of the Republic of North Macedonia.

XII. RIGHTS AND OBLIGATIONS OF THE EMPLOYEES OF THE MINISTRY

Obligations of the Employees while Performing Tasks

Article 133

(1) An employee of the Ministry shall be obliged to perform the tasks conscientiously, professionally, efficiently, duly and timely pursuant to the Constitution, the laws and other legal regulations.

(2) An employee of the Ministry shall be obliged to perform his/her work impartially and unaffectedly, he/she shall not act by his/her personal financial interests, shall not misuse the powers and status and shall protect the reputation of the Ministry.

Obligation to Enforce Orders

Article 134

An employee of the Ministry shall be obliged to enforce the order given by the Minister, or a managing employee authorised by the Minister, which refers to carrying out internal affairs of the Ministry, except if the enforcement is considered to be a criminal act.

Order to Perform Urgent, Immediate and Specific Tasks

Article 135

(1) The Minister or a managing employee authorised by the Minister may issue a written order with which he/she orders the employee to perform tasks in another organisational unit different from the organisational unit where the employee works.

(2) The order under paragraph (1) of this Article shall be issued for the performance of urgent, immediate and specific tasks the scope, complexity and duration of which, exceeds the available resources of a certain organisational unit in the Ministry.

(3) As an exception, due to the performance of urgent and immediate tasks, the order under paragraph (1) of this Article may be issued orally, but it shall be issued in a written form when the conditions for doing this are created, within 24 hours.

(4) Performing tasks under paragraph (2) of this Article, for which an order has been issued, may last up to 30 days.

(5) The order under paragraph (1) of this Article shall not be issued for the performance of tasks by a police officer seconded to the Investigation Centre of the Public Prosecutor's Office.

Obligation to Protect Confidential Data and Information

Article 136

(1) An employee of the Ministry shall be obliged to protect the confidentiality of data and information which he/she encountered while performing, or on the occasion of performing internal affairs, which pursuant to a law or a regulation adopted on the basis of a law is personal information or is determined to be at an appropriate level of classified information.

(2) The obligation to protect confidential data and information under paragraph (1) of this Article shall continue to apply after the termination of the employment in the Ministry.

Right to Insurance

Article 137

The Ministry shall be obliged to insure the employees of the Ministry in case of death, bodily injury, or losing his/her work ability.

The Rights to which an Employee of the Ministry is Entitled to in Case of Losing his/her Life and the Rights of a Citizen after Providing an Employee of the Ministry with First Aid

Article 138

(1) An employee of the Ministry who during his/her work performance or during performing an activity related to his/her duties has lost his/her life, shall be buried at the expense of the Ministry, and the employee's family shall receive a single financial compensation in the amount of the total amount of the net salaries paid within the last 12 months.

(2) A citizen who upon a request by an employee of the Ministry has helped the employee while performing tasks, and thereby has been injured, has developed an illness as a consequence or in relation to the activities he/she undertook, and because of which he/she has been prevented to work for three months, and had not been insured on other grounds, shall be entitled to treatment at the expense of the Health Insurance Fund of North Macedonia, and in case he/she becomes incapable to work, he/she shall enjoy the same rights, offered by the pension, disability and health insurance, same as the persons who have suffered an injury at work.

(3) If when providing the help under paragraph (2) of this Article the citizen loses his/her life, the family has the rights under paragraph (1) of this Article and the rights from the pension insurance as the family of an employee of the Ministry who has lost his/her life while performing duties and tasks.

Right to Strike

Article 139

(1) The employees of the Ministry may exercise the right to strike in a manner and under the condition that the regular performance of internal affairs is not significantly disrupted.

(2) To prevent possible adverse consequences resulting from not enforcing the internal affairs during the strike, the Minister, or an employee authorised by the Minister shall be obliged to provide the necessary functioning of the organisational units in the work process.

(3) In the case under paragraph (2) of this Article the employees shall be obliged to act upon relevant orders.

(4) If the employees shall not act in accordance with paragraph (3) of this Article, the Minister, or, an employee authorised by the Minister shall be obliged to provide realisation of the work process by substituting them with appropriate employees.

Obligation to Announce Strike

Article 140

The strike organiser shall be obliged to announce the strike to the Minister and to submit the strike decision, as well as the programme for the manner and the scope of performing duties and tasks, which are necessary to be performed during the strike, seven days before the beginning of the strike, at the latest.

Work Performed during Strike

Article 141

During an organised strike in the Ministry it is necessary to perform the following duties and tasks:

- Organising and servicing of telecommunication and information systems and the system of cryptographic protection, for urgent needs,
- Issuing personal identification and travel documents (passport, identity card, vehicle and driving licence) for the citizens for urgent needs and
- Other duties and tasks pursuant to a separate law.

Ban on Strike

Article 142

- (1) A strike in the Ministry shall be banned during war, emergency or crisis situation.
- (2) In the case of a complex security situation, disrupted public order to a greater extent, natural disaster and epidemics or endangering the life and health of people and the property to a greater extent, more than 10% of the employees of the Ministry shall not participate in the strike simultaneously and the strike shall not last more than three days.
- (3) If the strike had started prior to the appearance to any of the cases under paragraphs (1) and (2) of this Article, the employees of the Ministry shall be obliged to end the strike immediately.

Awards, Honours and Acknowledgements

Article 143

The employees of the Ministry and other persons pursuant to a separate Act of the Minister may be given awards, honours and acknowledgements.

Right to Unpaid Leave

Article 144

- (1) An employee of the Ministry upon his/her request, and with a prior consent by the Minister shall be entitled to an unpaid leave, in the duration of maximum two years, for specialized training which is not being funded by the Ministry.
- (2) Before starting to exercise the right under paragraph (1) of this Article, the employee must sign a statement that the right will be exercised exclusively for the purpose for which it was intended pursuant to this Law.
- (3) An employee of the Ministry shall be obliged within 15 days after the completion of the unpaid leave under paragraph (1) of this Article, to come back to work and has the right to be assigned to a work position which corresponds to his/her professional training which he/she had prior to going on unpaid leave.
- (4) During the unpaid leave referred to in paragraph (1) of this Article, the employee's rights under the employment relationship shall be suspended.

Working Hours Longer than the Legally Prescribed Maximum

Article 145

Working hours for the employees of the Ministry may last longer than the legally prescribed maximum within a working week, in the case of performing urgent duties and tasks under Article 2 of this Law or with regard to those duties and tasks.

Postponement, i.e. interruption of annual leave

Article 146

(1) When urgent needs of the Ministry so require, the Minister or an employee authorized by the Minister may postpone, or terminate, the employee's use of annual leave.

(2) In the cases referred to in paragraph (1) of this Article, the employee has the right to compensation for the actual costs incurred due to the postponement, i.e. interruption of the annual leave.

Right to Salary Compensation in Case of Temporary Incapacity for Work

Article 147

(1) In the event of temporary incapacity for work arising in the performance of or in connection with the performance of work and tasks, an employee in the Ministry is entitled to salary compensation during the absence from work, in accordance with the law.

(2) The payment of the salary compensation referred to in paragraph (1) of this Article shall be made by the Ministry for the duration of the absence from work.

The right to perform certain tasks outside of working hours

Article 148

(1) An employee in the Ministry, upon prior consent of the Minister, and upon a proposal from a special commission in the Ministry, may perform certain tasks, independent or additional economic or professional activities that do not conflict with internal affairs.

(2) The Commission referred to in paragraph (1) of this Article shall be established by the Minister and shall consist of a president, four members, their deputies and a secretary.

(3) The consent under paragraph (1) of this Article shall be provided by the Minister in a procedure and under the conditions laid down by the regulations within the area of labour relations.

(4) An employee of the Ministry shall be obliged to carry out the activity under paragraph (1) of this Article, outside the working hours of the Ministry and in a manner that the performance of that activity does not affect the legal and proper enforcement of internal affairs.

Right to exercise a monetary claim before initiating legal proceedings

Article 149

(1) If an employee of the Ministry believes that he or she has the right to exercise a monetary claim in accordance with the provisions of this law, he or she shall submit a written request to the Ministry, in order to exercise the right before initiating court proceedings.

(2) Upon the request referred to in paragraph (1) of this Article, the Ministry is obliged to submit a response to the employee within 30 days from the date of receipt of the request.

Ban on Membership, Establishment, Management, Representation, Advocacy, Membership in the Leadership of a Political Party and display of party symbols

Article 150

(1) An employee of the Ministry must not be a member of a political party, establish, manage, represent and advocate a political party or be a member of organs and bodies of a political party.

(2) The employee must not carry or display party symbols in the premises nor in the service vehicle of the Ministry, nor organize party meetings or act on behalf of the party in the Ministry.

(3) Every employee in the Ministry is obliged to submit a written statement every three years that he/she is not a member of a political party, is not a founder, does not manage, does not represent or advocate a political party, i.e. is not a member of the organs and bodies of a political party. The written statement is submitted to the competent organizational unit for human resources management and is kept in the employee's personal file.

(4) Control over the implementation of the provisions of this Article shall be carried out by the competent organizational unit for internal control.

XIII. CANCELLATION AND TERMINATION OF EMPLOYMENT CONTRACT

Termination of Employment Contract

Article 151

(1) An employee of the Ministry shall have his/her employment contract terminated in accordance with the conditions established by this or a separate law.

(2) The decision to terminate the employment contract referred to in paragraph (1) of this Article shall be made by the Minister.

(3) The employee referred to in paragraph (1) of this Article has the right to appeal against the decision on terminating the employment contract within eight days from the date of receipt of the decision, to the State Commission for Decision-making in Administrative Procedures, Employment Procedures and Inspection Supervision in Second Instance.

(4) The appeal against the decision referred to in paragraph (2) of this Article shall not postpone the execution of the decision.

Cancellation of Employment Contract

Article 152

Cancellation of an employment contract in the Ministry shall be carried out due to established disciplinary liability of the employee in accordance with this law, as well as in other cases determined by this and a separate law.

Other Cases of Cancelling an Employment Contract

Article 153

The employment contract of an employee at the Ministry shall be cancelled in the event that:

- The employee was evaluated, twice in succession, or within the last five years at least three times, with a grade “unsatisfactory performance”;
- It has been established that when he/she was employed the employee had concealed data or provided false data in regard to the general and special employment criteria;
- The employee did not pass the apprenticeship exam the second time around, pursuant to the provisions of this Law;
- Within 15 days following the completion of the unpaid leave he/she did not return to work, pursuant to Article 163 of this Law or

- for unjustified reasons, within three days from the date of delivery of the decision on assignment or promotion, he/she fails to report to the workplace to which he/she has been assigned or promoted.

Cancellation of the Employment Contract due to a Final Judgement

Article 154

(1) The Ministry may terminate the employment contract of an employee if the employee has been prohibited by a final decision from performing certain duties of the employment relationship or if an educational, protective or security measure has been imposed on him/her due to which he/she cannot perform work for longer than six months or he will have to be absent from work for more than six months due to serving a prison sentence.

(2) The decision on cancelling the employment contract in accordance with paragraph (1) of this Article shall be adopted by the Minister.

Reasons due to which an Employment Contract cannot be Cancelled

Article 155

The employment contract cannot be cancelled due to:

- 1) union membership or participation in union activities in accordance with law and collective agreement;
- 2) filing a lawsuit or participating in a procedure against the Ministry regarding the violation of contractual and other obligations of the employment relationship before arbitration, judicial, administrative and other bodies;
- 3) approved leave due to illness or injury, pregnancy, childbirth and parenthood, care for a family member and unpaid parental leave;
- 4) use of approved leave of absence and annual leave;
- 5) training for the needs of the employer and
- 6) cases of suspension of employment determined by law.

Termination of an employment contract with completed years of pensionable service

Article 156

(1) The Ministry terminates the employment contracts of workers by force of law, upon the completion of 40 years of pensionable service of the worker, regardless of his age.

(2) As an exception to paragraph (1) of this Article, the Ministry may terminate the employment contract of a female employee at her request and upon completion of 38 years of pensionable service, regardless of her age.

(3) The old-age pension referred to in paragraphs (1) and (2) of this Article shall be determined in the amount of 80% of the average monthly net salary that the employee earned during the most favorable ten years of pensionable service.

(4) To workers who acquired the right to a pension in the period from January 1, 1994 to March 20, 2010 in accordance with the provisions of the Law on Pension and Disability Insurance ("Official Gazette of the Republic of Macedonia" No. 80/93, 3/94, 14/95, 71/96, 32/97, 24/2000, 96/2000, 50/2001, 85/2003, 50/2004, 4/2005, 84/2005, 101/2005, 70/2006, 153/2007, 152/2008, 161/2008, 81/2009, 156/2009, 83/10, 156/10, 24/11, 51/11 and 11/12), the amount of

their pension will be recalculated by the Pension and Disability Insurance Fund of the Republic of North Macedonia, in accordance with paragraph (3) of this article, depending on the completed pension service in the Ministry, which cannot be shorter than 35 years for women and 37 years for men, so that the pension base will be reduced by 0.5% for each year of pension service shorter than 40 years.

(5) The workers shall exercise the right to use the newly calculated amount of the pension referred to in paragraph (4) of this Article from the first day of the following month from the day of submitting the application for exercising the right to a pension.

Right to Single Reimbursement in the Form of Severance Payment

Article 157

An employee who has acquired the right to a pension is entitled to a single reimbursement in the form of severance pay, in the amount of five average monthly net salaries earned per employee in the Republic of North Macedonia, published by the day of payment.

XIV. MATERIAL LIABILITY OR COMPENSATION OF DAMAGE

Duty to Provide Timely and Quality Performance of Duties and Tasks Related to the Workplace

Article 158

The employee is obliged to perform the tasks and duties determined by his/her work position in a timely and quality manner, to respect the rules and regulations and to build professional and expert responsibility, to safeguard the means of work and to handle and use them responsibly.

Workers' liability for damage

Article 159

(1) An employee who causes damage to the Ministry in the course of his/her work, or in connection with his/her work, is obliged to compensate for it.

(2) The damage under paragraph (1) of this Article incurred during the secondment of the police officer to the Investigation Centre of the Public Prosecutor's Office shall be compensated by the police officer seconded to the Investigation Centre of the Public Prosecutor's Office.

Liability for Damage caused by Several Employees

Article 160

(1) If the damage was caused by multiple workers, each worker is responsible for the portion of the damage he or she caused.

(2) If the share of the damage caused by each worker cannot be determined individually, it is considered that all workers are equally responsible and compensate for the damage in equal parts.

(3) If multiple workers have caused damage through intentional criminal action, they are jointly and severally liable for the damage.

Commissions for Determining Material Liability

Article 161

(1) To conduct a procedure for determining the material liability of an employee, commissions for determining material liability shall be established in the Ministry.

(2) The commissions referred to in paragraph (1) of this Article shall be established by the Minister and shall consist of a Chairperson, two members and their deputies. A secretary-recordkeeper also participates in the work of the Commission, without the right to vote. The commissions make decisions by a majority vote of the total number of members of the commission.

Reporting the Damage

Article 162

(1) Each employee shall be entitled and obliged to report an incurred damage.

(2) The damage report shall be submitted to the claimants referred to in Article 163 of this Law.

Initiation of a procedure for compensation for damage

Article 163

(1) The procedure for compensation for damage shall be initiated by a request.

(2) A claim for compensation for damage may be filed by the Minister, the Director of the Bureau, the manager or the head of the relevant organizational unit.

(3) The procedure for compensation for damage caused by a police officer seconded to the Investigation Center of the Public Prosecutor's Office shall be initiated by the competent public prosecutor of the Investigation Center where the police officer was seconded, in a manner determined in the agreement referred to in Article 40 of this Law.

Conducting a procedure for compensation for damage

Article 164

The method for determining the liability of an employee in the Ministry for caused damage is governed by the Collective Agreement of the Ministry.

Exemption from Paying Damage Compensation

Article 165

(1) The Minister may exempt the employee from paying compensation for damage in whole or in part, in the event that the employee, based on his/her general financial situation, is unable to compensate for the damage without consequences for his/her necessary support, as well as for the support of his/her family.

(2) A decision on exemption from payment of compensation for damage is adopted by the Minister upon the proposal of a special commission and in a manner determined by the Collective Agreement of the Ministry.

(3) The procedure for exemption from payment of compensation for damage is initiated on the basis of a specially reasoned written request submitted by the employee who is obligated to compensate for the damage.

PRE-DISCIPLINARY PROCEDURE - EARLY PREVENTION MECHANISM AND EARLY INTERVENTION MECHANISM

1. Early Prevention Mechanism

Article 166

The Ministry undertakes measures and activities aimed at preventing the initiation of procedures for determining disciplinary liability (early prevention mechanism).

Article 167

(1) The organizational unit responsible for disciplinary procedures shall analyze cases of violation of work order and discipline or failure to fulfill work obligations by employees in the organizational units of the Ministry, in order to determine the weaknesses and reasons for negative performance results and achieve early prevention of initiating procedures for determining disciplinary liability.

(2) The organizational unit referred to in paragraph (1) of this article shall propose appropriate measures to the managers of the organizational units in order to improve work processes and the efficiency of the workers.

2. Early Intervention Mechanism

Article 168

(1) In cases of violation of work order and discipline or failure to fulfill work obligations established by law, collective agreement, the rules and regulations of the Ministry and the employment contract, when their commission does not result in damage to the reputation of the Ministry and does not cause major damage, measures and activities aimed at improving the employee's behavior and proper performance of his work tasks may be applied (early intervention mechanism).

(2) The measures and activities referred to in paragraph (1) of this Article shall be implemented by:

- the employee's immediate supervisor;
- the head of the organizational unit in which the employee works or
- the competent organizational unit for internal control.

(3) The measures and activities as part of early intervention, in accordance with paragraphs (1) and (2) of this article, shall consist of an indication to the employee about his/her inappropriate behavior or inadequate performance of work tasks, indicating that he/she should improve his/her performance, as well as indicating the possibility of initiating a procedure for determining disciplinary liability if he/she does not improve his behavior or performance.

(4) With the indication from paragraph (3) of this article, additional training/professional development of the employee may be recommended, which will be implemented in accordance with the regulations governing the training of employees in the Ministry.

(5) The indication referred to in paragraph (3) of this Article may be oral or written.

(6) An official note shall be prepared for the oral indication.

(7) The written indication shall be prepared in two copies, one of which is given to the employee and shall contain:

- employee's personal name;
- work position to which the employee is assigned and name of the organizational unit;
- period of time for which inappropriate behavior or inappropriate performance of work tasks has been determined;

- a brief description of the work task that was not performed or was performed poorly, i.e. a brief description of the employee's behavior;
- type of training for the employee (if its implementation is recommended);
- a period of time in which improvement in the employee's behavior and performance shall be expected, and

- consequences that will occur if the employee does not improve his or her behavior or performance.

(8) The written indication is kept in the employee's personnel file for a period of 30 to 90 days, during which time improvement in the employee's behavior and performance is expected.

XV. DISCIPLINARY LIABILITY

Reasons for Disciplinary Liability

Article 169

(1) For violation of work order and discipline or failure to fulfill work obligations, an employee in the Ministry shall be subject to disciplinary action.

(2) For the reasons referred to in paragraph (1) of this Article that arise in the Investigation Center of the Public Prosecution Office, the police officer who is seconded to the Investigation Center of the Public Prosecution Office shall be subject to disciplinary liability for the duration of the assignment.

(3) The disciplinary procedure against the police officer referred to in paragraph (2) of this Article shall be initiated upon a written initiative of the competent Public Prosecutor from the Investigative Center to which the police officer is seconded.

(4) The initiative referred to in paragraph (3) of this Article shall be submitted to the Ministry.

(5) The manner of proceeding upon the initiative referred to in paragraph (3) of this Article, for determining disciplinary liability of the employee referred to in paragraph (2) of this Article, shall be determined in the agreement referred to in Article 40 of this Law.

(6) The final decision made after the disciplinary procedure has been conducted shall be notified to the submitter of the initiative referred to in paragraph (3) of this Article.

Disciplinary liability of an employee upon the initiative of the Ombudsman

Article 170

The disciplinary procedure for determining disciplinary liability of an employee in the Ministry may also be initiated upon an initiative by the Ombudsman.

Cases when disciplinary liability is not excluded

Article 171

Responsibility for a committed action that constitutes a criminal act prosecuted ex officio or upon proposal or committed offense against public order and peace does not exclude the disciplinary liability of an employee in the Ministry.

Types of violation of work order and discipline or failure to fulfill work obligations

Article 172

An employee in the Ministry is subject to disciplinary action for minor and major cases of violation of work rules and discipline or failure to fulfill work obligations.

Minor cases of violation of work order and discipline or failure to fulfill work obligations

Article 173

An employee commits a minor violation of work order and discipline or failure to fulfill work obligations established by law, collective agreement, the rules and regulations of the Ministry and the employment contract, if he/she:

- 1) does not respect work order and discipline;
- 2) does not adhere to established working hours, schedules and use of working hours;
- 3) does not request leave or does not promptly notify the Minister, i.e. the head of the organizational unit or another responsible employee in writing about the absence from work;
- 4) is absent from work due to illness or justified reasons, and does not notify the Minister, i.e. the head of the organizational unit or another responsible employee, in writing within 48 hours;
- 5) does not handle work equipment conscientiously or in accordance with technical work instructions;
- 6) does not notify immediately the Minister, or the head of the organizational unit or another responsible employee in case damage, error or loss in the work process occurs;
- 7) does not maintain the means and equipment for occupational safety in accordance with the regulations in the field of occupational safety;
- 8) illegally or unauthorizedly uses the funds of the Ministry;
- 9) does not provide legal and other assistance within the framework of his/her powers to the party in exercising its legal rights and legal interests;
- 10) avoids training;
- 11) acts contrary to the rules and regulations of the Ministry with minor consequences caused by the violation and
- 12) did not submit a statement of assets and interests, i.e. did not report any increase in his/her assets, or the assets of a member of his/her family, as well as any change in interests, in a procedure and under conditions established by law.

Major cases of violation of work order and discipline or failure to fulfill work obligations

Article 174

An employee commits a major violation of work order and discipline or failure to fulfill work obligations, determined by law, collective agreement, the rules and regulations of the Ministry and the employment contract, if he/she:

- 1) out of unjustified reasons does not appear at work three consecutive working days or five working days within a year;
- 2) misuses sick leave;
- 3) does not perform or performs work duties negligently and untimely;
- 4) does not comply with the regulations applicable to the performance of work at the workplace;
- 5) does not comply with the regulations in the field of health protection, occupational safety, fire, explosion, harmful effects of poisons and other dangerous substances and violates the regulations in the field of environmental protection;

- 6) brings in, uses or is under the influence of alcohol and narcotics;
- 7) commits theft or in connection with the work intentionally or through gross negligence causes damage to the Ministry;
- 8) discloses classified information;
- 9) misuses personal data or violates the regulations governing the protection of personal data;
- 10) acts contrary to the rules and regulations of the Ministry with more serious consequences caused by the violation;
- 11) misuses or exceeds the given authorization;
- 12) avoids a medical examination to determine work ability;
- 13) causes a mess and behaves violently during work;
- 14) behaves indecently towards customers;
- 15) unlawfully obtains personal benefit in connection with the performance of the work and tasks;
- 16) performs a service or enables a service to be performed by another person with money or other valuables entrusted to the employee in the performance of the work and tasks;
- 17) performs certain activities, independent or additional economic or professional activity under conditions contrary to this law;
- 18) does not provide data or provides incorrect data that, according to regulations, is provided to authorized bodies or citizens;
- 19) commits an act that constitutes a criminal offence prosecuted ex officio or on a proposal or commits a misdemeanor against public order and peace;
- 20) is a member of a political party, establishes, manages, represents, advocates a political party, is a member of the party's bodies determined by its statute, expresses and represents party positions and beliefs in the performance of work and tasks, wears or displays party symbols in the premises or in official vehicles of the Ministry, organizes or acts as a party in the Ministry and
- 21) has a negative result on the professional integrity test in a simulated situation.

Types of Disciplinary Measures

Article 175

(1) In case of violation of work order and discipline or failure to fulfill work obligations established by law, collective agreement, the rules and regulations of the Ministry and the employment contract, an employee from the category of "executors" may be imposed one of the following disciplinary measures by decision:

- 1) written warning;
- 2) a fine that cannot exceed 15% of the employee's last paid monthly net salary, for a period of one to six months;
- 3) assignment to a job that is one work position lower in type than the employee's work position;
- 4) conditional cancellation of the employment contract or
- 5) cancellation of the employment contract.

(2) In the event of a violation of work order and discipline or failure to fulfill work obligations established by this Law, an employee in the category of managerial employees may be imposed one of the following disciplinary measures by decision:

- 1) written warning;

2) a fine that cannot exceed 15% of the employee's last paid monthly net salary, for a period of one to six months;

3) assignment to a work position in the category of executors, to a work position of the type "chief";

4) conditional cancelling of the employment contract;

5) cancelling of the employment contract.

(3) When imposing disciplinary measures under paragraphs (1) and (2) of this article, the degree of responsibility of the employee, the conditions under which the violation of work order and discipline or failure to fulfill work obligations was committed, the employee's previous work and behavior, the severity of the violation and its consequences, the circumstances under which the violation was committed, and other mitigating and aggravating circumstances shall be taken into account.

(4) By imposing the disciplinary measure referred to in paragraphs (1) item 4) and (2) item 4) of this Article, it is determined that it shall not be carried out if the employee, within the time to be determined, which cannot be shorter than three months nor longer than one year (test period), does not commit a new serious violation of work rules and discipline or fail to fulfill work obligations under Article 174 of this Law.

(5) The disciplinary measures referred to in paragraphs (1) and (2) of this Article may also be imposed on workers engaged in special advisory positions in the offices referred to in Article 37 of this Law.

Disciplinary measures for minor cases of violation of work rules and discipline or failure to fulfill work obligations

Article 176

For minor cases of violation of work order and discipline or failure to fulfill work obligations, the following disciplinary measures shall be imposed:

- written warning or
- a fine that cannot exceed 15% of the employee's last paid monthly net salary, for a maximum period of three months.

Disciplinary measures for major cases of violation of work rules and discipline or failure to fulfill work obligations

Article 177

(1) For major cases of violation of work order and discipline or failure to fulfill work obligations, the following disciplinary measures shall be imposed on an employee in the category of executors:

1. a fine that cannot exceed 15% of the employee's last paid monthly net salary, for a period of three to six months;

2. assignment to a work position that is one position lower in type than the type of work position the employee currently holds;

3. conditional cancellation of the employment contract or

4. cancellation of the employment contract;

(2) For major cases of violation of work order and discipline or failure to fulfill work obligations, an employee in the category of managerial employees shall be subject to the following disciplinary measures:

1. a fine in the amount of 15% of the employee's last paid monthly net salary, for a period of three to six months;

2. assignment to a work position in the category of executors, to a work position systematized with the type "chief";

3. conditional cancelling of the employment contract or

4. cancelling of the employment contract.

(3) The disciplinary measure referred to in paragraph (2) item 2 of this Article shall be imposed only if it is determined that the managerial employee with major case of violation referred to in Article 174 of this Law, during management and decision-making in management, has seriously disrupted the regular performance of the tasks within the competence of the organizational unit he/she manages or has caused serious consequences in relation to the normal, successful or efficient functioning of the organizational unit he/she manages or of the Ministry as a whole.

Right to notice period

Article 178

If an employee in the Ministry is ordered to terminate his employment contract due to serious violations of work rules and discipline or failure to fulfill work obligations, the employee has the right to a notice period of one month from the date of delivery of the decision to terminate the employment contract.

Absence from work during the notice period

Article 179

During the notice period, the Ministry is obliged to provide the employee with leave from work for the purpose of seeking new employment, for four hours during the working week.

Right to salary during the notice period

Article 180

During the notice period and absence from work due to seeking new employment, the employee is determined and paid compensation in the amount of the salary that the employee earned in the month prior to the adoption of the decision to terminate the employment contract.

Suspension

Article 181

In the cases determined by this law, a decision may be made for an employee of the Ministry to be subjected to:

- suspension with initiation of disciplinary or
- immediate suspension.

Suspension with initiation of disciplinary proceedings

Article 182

(1) An employee shall be removed from the workplace and from the Ministry (suspension), pending a decision in the disciplinary procedure conducted against the employee, if one of the following situations occurs:

- the life or health of workers or other persons is directly endangered or assets of greater value are damaged;

- attendance at work and further work at the Ministry will negatively reflect on the work, reputation and integrity of the Ministry or

- the determination of liability for violation of work obligations is thwarted or made impossible.

(2) An employee may be removed from the workplace and from the Ministry (suspension), pending a decision in the disciplinary procedure conducted against the employee, if a criminal charge has been filed against him/her for a crime committed ex officio or on a proposal.

(3) The decision on suspension is made by the Minister, the Director of the Bureau or other employees authorized by the Minister.

(4) During the suspension referred to in paragraphs (1) and (2) of this Article, the employee shall be determined and paid compensation in the amount of 80% of the salary that the employee earned in the month prior to removal from the workplace.

(5) The employee has the right to appeal against the decision referred to in paragraph (3) of this Article to a special commission, within eight days from the date of receipt of the decision..

(6) The Commission referred to in paragraph (5) of this Article shall be composed of a president, one member and one representative of the representative trade union in the Ministry, or one representative from each of the representative trade unions in the Ministry, if there are more than one representative trade union. A secretary-recordkeeper also participates in the work of the Commission, without the right to vote.

(7) The president, members and representative(s) of the representative union(s) in the committee referred to in paragraph (5) of this article shall have their deputies.

(8) The Commission makes decisions by a majority vote of the total number of members of the Commission.

(9) The Commission shall decide within eight days from the date of receipt of the complaint referred to in paragraph (5) of this Article.

(10) The decision referred to in paragraph (3) of this Article is final.

(11) The appeal against the decision referred to in paragraph (3) of this Article shall not postpone the execution of the decision.

Immediate suspension

Article 183

(1) An employee may be removed from the workplace immediately and before the initiation of disciplinary proceedings by decision of the Minister, the Director of the Bureau or other employees authorized by the Minister (immediate suspension).

(2) The decision for immediate suspension is made on the basis of a written, reasoned proposal of the competent organizational unit for internal control when there are grounds for suspicion that the employee has committed a criminal act that is prosecuted ex officio or on a proposal or when he/she has committed a serious violation of the work order and discipline referred to in Article 174 of this Law and when, as a result, the employee's further presence in the Ministry will negatively reflect on the work, reputation and integrity of the Ministry or when the employee's further presence at work will thwart or make impossible the determination of his/her responsibility.

(3) The immediate suspension referred to in paragraph (1) of this Article shall last until disciplinary proceedings are initiated against the employee, but no longer than 45 days from the date of adoption of the decision referred to in paragraph (1) of this Article.

(4) If, within the time period referred to in paragraph (3) of this Article, the competent organizational unit for internal control determines that no disciplinary proceedings will be initiated against the employee, the emergency suspension shall cease instantly upon the adoption of a decision by the Minister, the Director of the Bureau or other employees authorized by the Minister.

(5) During an immediate suspension, the employee is determined and paid compensation in the amount of 80% of the salary that the employee earned in the month prior to removal from the workplace.

(6) The employee has the right to appeal against the decision referred to in paragraph (1) of this Article, within two working days from the date of receipt of the decision, to the commission referred to in Article 182, paragraph (5) of this Law.

(7) The Commission referred to in paragraph (6) of this Article shall decide within two working days from the date of receipt of the complaint referred to in paragraph (6) of this Article.

(8) The decision referred to in paragraph (1) of this Article is final.

(9) The appeal against the decision referred to in paragraph (1) of this Article shall not postpone the execution of the decision.

Suspension of Disciplinary Proceedings

Article 184

(1) The disciplinary procedure shall be suspended when:

- it will be decided to resolve a previous issue or a competent authority will be asked to submit reliable documents and information whose preparation requires a longer time.;
- there are natural disasters in the area where a hearing to determine disciplinary responsibility is to be held and
- the employee against whom the disciplinary procedure is being conducted is in custody.

(2) The suspension of the disciplinary procedure in the case referred to in paragraph (1) line 3 of this article shall last until a decision is made to lift the detention measure.

(3) A decision is made to suspend the disciplinary procedure.

(4) For the duration of the suspension of the disciplinary procedure in the cases referred to in paragraphs (1) and (2) of this Article, the deadlines referred to in Article 185 paragraphs (3) and (5) of this Law shall cease to run.

(5) The deadlines that have ceased to run due to the suspension of the disciplinary procedure shall continue to run from the day of the adoption of the decision to continue the procedure, whereby the deadline for adopting a decision to impose a disciplinary measure on the employee shall be extended for the period of time during which the suspension lasted.

Decision on Imposing a Disciplinary Measure

Article 185

(1) A decision on imposing a disciplinary measure under Article 175 of this Law shall be adopted by the Minister upon a proposal from the organizational unit responsible for conducting disciplinary proceedings.

(2) The decision on imposing a disciplinary measure shall also contain an explanation. The explanation contains the allegations in the proposal for initiating the procedure for determining disciplinary liability, the statement on the allegations in the proposal by the employee against whom the procedure is being conducted, the facts that are assessed as established or unestablished, the evidence from which those facts are established, the reasons for which certain proposals of the employee against whom the procedure is being conducted were not accepted, the time and manner

of committing the violation, the circumstances that were taken into account when imposing and measuring the disciplinary measure, the grounds and reasons for imposing the disciplinary measure, as well as the regulations on which the imposed disciplinary measure is based.

(3) The Minister is obliged to issue a decision to impose a disciplinary measure on the employee within six months from the date of reporting the violation of work rules and discipline or failure to fulfill work obligations, and no later than 12 months from the date the violation was committed.

(4) The day of reporting is considered the day of submission of the proposal for initiating a procedure for determining disciplinary liability by an authorized applicant..

(5) As an exception to paragraph (3) of this Article, in the case where the Department for Investigation and Prosecution of Criminal Offences Committed by Persons with Police Authorizations and Members of the Prison Police in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption has been notified in accordance with Article 45 of this Law, the Minister shall be obliged to adopt the decision to impose a disciplinary measure on that employee within 12 months from the date of receipt of the approval from the Public Prosecutor from the Department for Investigation and Prosecution of Criminal Offences Committed by Persons with Police Authorizations and Members of the Prison Police in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, as determined by a separate law.

Appeal against the decision on imposing a disciplinary measure

Article 186

(1) The employee has the right to appeal against the decision on imposing a disciplinary measure within eight days from the date of receipt of the decision. The appeal is submitted through the Ministry to the State Commission for Decision-making in Administrative Procedures, Labor Procedures and Inspection Supervision in Second Instance.

(2) The appeal against the decision referred to in paragraph (1) of this Article shall not postpone the execution of the decision until a final decision is made on the appeal.

Organizational unit responsible for conducting disciplinary proceedings

Article 187

(1) The procedures for determining disciplinary liability in the cases determined by this law are conducted in a special organizational unit within the Ministry, competent for conducting disciplinary proceedings.

(2) The organizational unit referred to in paragraph (1) of this Article shall act in accordance with the provisions of this Law, the Collective Agreement of the Ministry and other regulations in the relevant field.

XVI. PROCESSING OF PERSONAL DATA AND OTHER DATA AND RECORDS

Processing of personal data and records

Article 188

(1) The Ministry processes personal data, i.e. biometric data, under the conditions established by this and a separate law, and keeps records of personal data, i.e. biometric data, the processing of which is authorized by this or another law.

(2) The Ministry is obliged to immediately delete personal data, i.e. biometric data, that are included in the processing processes in cases where it is determined that they are incorrect or the reasons or conditions for which the personal data, i.e. biometric data were included in those processes have ceased.

Method of collecting personal and other data

Article 189

The Ministry may collect personal data and other data in accordance with the law, as follows:

- from the person to whom those data relate;
- from existing data collections, which are maintained by competent state bodies, public institutions, authorities and other legal entities in accordance with the law and
- under other conditions determined by law.

Records and personal data in records

Article 190

(1) The Ministry keeps records about:

- the employees in the Ministry;
- the salaries and
- work injuries.

(2) In the records referred to in paragraph (1) of this Article, personal data shall be processed under the conditions established by a separate law.

(3) In addition to the data referred to in paragraph (2) of this Article, the following data shall be entered in the records referred to in paragraph (1) line 1 of this Article::

- previous employments;
- work positions to which the employee has been assigned or promoted, as well as data on the work positions to which he/she was previously assigned or promoted;
- employee promotions;
- employee evaluations;
- title acquired by the employee;
- permitted access to classified information;
- awards, certificates of appreciation and recognitions awarded;
- disciplinary measures imposed;
- pensionable service completed in the Ministry and
- period until the right to pension is exercised and others.

(4) The personal data in the records referred to in paragraph (1) of this Article shall be processed in accordance with the regulations in the field of personal data protection.

(5) In addition to the records referred to in paragraph (1) of this Article, the Ministry may keep other records under the conditions determined by this and a separate law.

Personal files of employees in the Ministry

Article 191

The data from the records referred to in Article 190 paragraph (1) line 1 of this law shall be updated and kept in the personal files of the employees.

Use, Permit to Be Used, Right to Access and Correction, Keeping and Use of Personal Data

Article 192

Personal data shall be used and made available to be used; the right to access to data and their correction shall be granted, the data shall be kept and used under conditions stipulated by this Law and the regulations which regulate the personal data protection.

Supervision of the Processing of Personal Data and Their Protection

Article 193

The Personal Data Protection Agency supervises the legality of the activities undertaken in the processing of personal data and their protection as determined by this and a separate law.

XVII. MISDEMEANOUR PROVISIONS

Article 194

(1) A fine in the amount of 200 to 400 euros in denar equivalent shall be imposed for a misdemeanor on a person who has acted contrary to Article 56 paragraph (3) of this Law..

(2) For the misdemeanor referred to in Article 56, paragraph (3) of this Law, the authorized official of the Ministry shall issue a misdemeanor payment order to the perpetrator of the misdemeanor in accordance with the law.

Article 195

(1) For the misdemeanor referred to in Article 194 of this Law, the misdemeanor procedure is conducted by the misdemeanor commission of the Ministry of Interior.

(2) The Commission referred to in paragraph (1) of this Article shall be composed of a president and two members.

(3) The president of the commission is a law graduate with a passed bar exam and at least six years of work experience in the subject matter, and the members of the commission have completed higher education and at least four years of work experience in the subject matter.

(4) The exercise of the right to a legal remedy against the decision of the commission referred to in paragraph 1 of this article, as well as the procedure for the legal remedy, shall be carried out in accordance with the Law on Misdemeanors.

XVIII. AUTHORIZATION FOR BYLAWS

Article 196

(1) The Minister shall adopt bylaws on:

- the form and content of an official identification card and badge, the manner of issuing an official identification card and badge to an employee in the Ministry with the status of an authorized official for performing professional work, and the form, content and manner of keeping records of issued identification cards;
- training at the Ministry;
- the manner of conducting the selection and election of a candidate for police officer and the manner of work of the commission for the selection of a candidate for police officer;
- the method of selection and election of persons who establish an employment relationship in the Ministry;

- the manner of conducting selection for assigning and promotion and implementing the career system of employees in the Ministry;
- the form and content of the security questionnaire for conducting a security check on a person who establishes an employment relationship with the Ministry;
- the form and content of the personal files of employees in the Ministry and the manner of their management and storage;
- the method of evaluating employees, the form and content of the evaluation form, as well as the form and content of the report on the evaluation of employees in the Ministry;
- the form and content of the Framework of General Work Competencies in the Ministry;
- prices of forms issued by the Ministry;
- the method of conducting the professional integrity test in electronic form;
- the method of conducting the professional integrity test in a simulated situation;
- the manner of performing the work of the competent organizational unit for internal control;
- the salary for work positions in the Ministry;
- work positions in the Ministry for which a transparent procedure is not carried out;
- related areas and work carried out in the Ministry;
- the manner of processing and access to personal data contained in the records referred to in Article 190 of this Law;
- the manner of performing certain works and collecting the costs for the work performed, the value of which is determined by working hours, number of engaged employees, fuel and other material and real costs, depending on the type of work performed;
- the manner of performing the work related to the construction of facilities of safety importance.

(1) The Minister, in agreement with the Minister of Health, shall adopt a by-law on the health and psychophysical abilities that a person who establishes an employment relationship with the Ministry must meet, the manner of their determination, the manner of control of the health and psychophysical abilities of workers with the status of authorized officials for performing professional work, as well as the manner of operation of the health commission.

XIX. TRANSITIONAL AND FINAL PROVISIONS

Adoption of by-laws

Article 197

The by-laws provided for by this Law shall be adopted within nine months from the date of entry into force of this Law, except:

- the act on the organization and work of the Ministry;
- the act on systematization of work positions in the Ministry;
- The Framework of General Competencies in the Ministry;
- the act on salaries for work positions in the Ministry;
- the act of determining the value of the point;
- list of related areas and work carried out in the Ministry;

- list of work positions in the Ministry for which a transparent procedure is not implemented and
- the act on the manner of conducting selection for assigning and promotion and implementing the career system of employees in the Ministry,

which will be adopted within six months from the date of entry into force of this law.

Selection and election committees for employees

Article 198

(1) The Minister shall form the commissions for selection and election of employees in the Ministry, within six months from the date of entry into force of this law.

(2) The commissions referred to in paragraph (1) of this Article shall be composed of a president, four members and their deputies. A secretary shall also participate in the work of the commissions, without the right to vote.

(3) The commissions referred to in paragraph (1) of this Article shall select and elect all employees in the Ministry for the positions determined by this Law.

(4) The commissions referred to in paragraph (1) of this article shall begin the process of selection and election of employees by publishing internal announcements for work positions in the category of managerial workers in accordance with this law.

(5) In the selection and election procedures referred to in paragraph (4) of this Article, with regard to the requirement referred to in Article 92 paragraph (1) item 3 and Article 104 paragraph (1) item 4 and paragraph (8) of this Law, the committees referred to in paragraph (1) of this Article shall take into account the type of work position to which the employee is assigned or tasks in relation to the type of work position referred to in Article 32 paragraph (1) of this Law, namely:

- An employee assigned or working in a type of work position from categories B and C of Article 47 of the Law on Internal Affairs (Official Gazette of the Republic of Macedonia No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and Official Gazette of the Republic of North Macedonia No. 108/19, 275/19, 110/21 and 89/22), may be assigned or promoted if the type of work position from which the employee is assigned is appropriate in type to the type of work position to which he/she is assigned, i.e. if the work position to which he/she is promoted is at most two work positions higher in type than the type of work position from which he/she is promoted;

- An employee from a position in category D under Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), may be promoted:

1. to the type of work position referred to in Article 32 paragraph (1) item 1 of this Law, if the employee is assigned to the type of work position of state advisor;

2. to a type of work position not higher than the work position referred to in Article 32, paragraph (1), item 2 of this Law, if the employee is assigned to a type of work position as a general advisor or senior police advisor;

3. to a type of work position not higher than the type of work position from Article 32 paragraph (1) item 3 of this Law if the employee is assigned to a type of work position as a police advisor.

- An employee assigned to or working in a type of work positions in categories E and F from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), may be promoted to a work position that is at most two work positions higher than the type of work position from which he/she is being promoted.

(6) After the selection of employees in the category of managerial workers, the commissions, in cooperation with the selected managerial workers and the organizational units responsible for human resources management, determine the work positions that will be filled according to the needs of the service, taking into account:

- the act on the organization and operation of the Ministry adopted in accordance with the provisions of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22);

- the act on systematization of work positions in the Ministry ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22);

- the act on the organization and operation of the Ministry referred to in Article 35 of this law;

- the act on systematization of work positions referred to in Article 36 of this law and

- the conditions set out in Article 92 of this Law.

(7) After determining the work positions referred to in paragraph (6) of this Article, the commissions referred to in paragraph (1) of this Article shall select employees who will be assigned to the positions as required by the service in accordance with this Law.

(8) For the positions that it has been determined cannot be filled as needed in accordance with paragraphs (6) and (7) of this article, the commissions shall publish internal announcements and select and choose workers who will be assigned or promoted to those positions.

(9) Employees who have not applied, i.e. who have not been selected in an internal announcement or have not been selected for work positions as required by the service in accordance with paragraphs (6) and (7) of this article, will be assigned in accordance with Article 92 paragraph (1) items 1, 2, 4 and 5, paragraphs (2), (3), (4), (5) and (6) of this law, namely:

- An employee from a position in category B levels B1, B2, B3 and B4 and in category C levels C1 and C2 from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22) is assigned to a position in the category of managerial workers, to a position that is appropriate for the type of position from which the employee is assigned, taking into account the nature of the work tasks he/she performed, the areas in which he/she worked in the Ministry, work experience in the Ministry and the like. If there is no such type of work position available, the employee is assigned to another work position that is one position lower in the category of managerial workers and, consequently, in that way, that employee may be assigned to another work position lower in the hierarchy of work positions, but not lower than a work position with the type of "chief";

- An employee from a position in category B level B5 and in category C level C3 from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to a position in the category of managerial workers, to a position that is appropriate for the type of position from which the employee is assigned, taking into account the nature of the work tasks he/she performed, the areas in which he/she worked in the Ministry, work experience and the like. If there is no such type of work position available, the employee shall be assigned to another work position that is one position lower in the category of "managerial workers" and, consequently, and in that way, that employee may be assigned to another work position that is lower in the hierarchy of work positions, but not lower than a position with the type of "independent";

- An employee from a position in category B levels B6, B7 and B8 and in category C levels C4, C5 and C6 from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to a position in the category of managerial workers, to a position that is appropriate for the type of position from which the employee is assigned, taking into account the nature of the work tasks he/she performed, the areas in which he/she worked in the Ministry, work experience and the like. If there is no such type of work position available, the employee is assigned to another work position that is one position lower in the category of "managerial workers" and consequently, according to such an approach, that employee may be assigned to a work position lower in the hierarchy of work positions, but not lower than a work position with the type "senior";

- an employee from a position in category D of Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to the category of executives in a position with the type "chief", taking into account the nature of the work tasks he performed, the areas in which he worked in the Ministry, work experience and the like;

- An employee from a work position in categories "E", "F", "G" and "H" from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to a work position in the category of executors in a work position that is appropriate to the type of work position from which the employee is assigned, taking into account the nature of the work tasks he/she performed, the areas in which he/she worked in the Ministry, work experience and the like.

Article 199

The Minister shall, by decision, assign or promote the workers to the positions specified in the List of Positions in the Ministry for which a transparent procedure is not implemented in accordance with the provisions of this Law.

Article 200

(1) Employees in the Ministry whose type of education is not determined as the type of education for the positions in the systematization act adopted in accordance with this Law, may be selected, as needed by the service, for a type of position that is appropriate to the type of position to which they are assigned, but not higher in type than the type of position from which they are assigned.

(2) The employees referred to in paragraph (1) of this Article shall meet the requirements of Article 92 paragraph (1), items 1, 2, 4 and 5 and paragraphs (2), (3), (4), (5) and (6) of this Law, whereby with regard to the requirement of Article 92 paragraph (1), item 2 of this Law, which refers to the type of education determined as a special requirement for the work position in the act on systematization of work positions, the length of the employee's work experience in the Ministry, the nature of the work and tasks that the employee performed in the Ministry, the areas in which he worked in the Ministry, the results of his work, and the like, shall be taken into account.

(3) By way of exception to paragraph (1) of this Article, employees in the Ministry assigned to positions in categories B, C and D of Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22) for whom their type of education is not determined as the type of education for the positions in the act on systematization of positions of this Law, which are not selected in accordance with paragraph (1) of this Article, shall be assigned in accordance with paragraph (2) of this Article, as follows:

- an employee from a position in category B levels B1, B2, B3 and B4 and in category C levels C1 and C2 from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to a position with the type "chief" in accordance with this law;

- an employee from a position in category B level B5 and in category C level C3 from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to a position with the type "independent" in accordance with this Law;

- an employee from a position in category B, level B6, B7 and B8 and in category C, level C4, C5 and C6 from Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), is assigned to a position with the type "senior" in accordance with this law;

- An employee from a position in category D under Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22), shall be assigned to a position with the type "chief" in accordance with this Law.

Article 201

(1) Based on Articles 198, 199 and 200 of this Law, all employees of the Ministry shall be assigned or promoted by a decision in accordance with this Law, calculated from the day of commencement of the application of this Law.

The commanders of the police stations of general jurisdiction elected in accordance with the provisions of the Law on Police ("Official Gazette of the Republic of Macedonia" No. 114/2006, 6/2009, 145/12, 41/14, 33/15, 31/16, 106/16, 120/16, 21/18, 21/18 and 64/18 and "Official Gazette of the Republic of North Macedonia" No. 294/21 and 89/22) until the day of the commencement of the application of this Law, continue to work in the managerial position "commander of a police station of general jurisdiction" in accordance with this Law.

Article 202

(1) For employees who are promoted to a position in the category of managerial workers for the first time in accordance with this law, management training shall be organized.

(2) The employee referred to in paragraph (1) of this Article is obliged to complete the management training in accordance with this Law and to pass the management test no later than one year from the date of entry into force of the promotion decision.

(3) If the employee does not pass the management test within the deadline referred to in paragraph (2) of this Article, he/she shall be assigned, as requested by the service, to the position from which he/she was promoted to the position in the category of management employees.

(4) An employee who is promoted to a "chief" position for the first time is obliged to pass the professional written test referred to in Article 92 paragraph (5) or Article 104 paragraph (6) of this Law, no later than one year from the date of entry into force of the promotion decision.

If the employee referred to in paragraph (4) of this Article does not pass the test within the deadline referred to in paragraph (4) of this Article, he/she shall be assigned, as required by the service, in accordance with this Law, to the type of job from which he/she was promoted to the job with the type of "chief".

(5) The provisions of Article 104 paragraph (5) of this Law, which refer to mandatory training and passing a written management test, shall not apply in the procedures for the promotion of workers who, until the day of the commencement of the application of this Law, are assigned, perform work tasks or in their career development have been assigned to management positions in categories B and C of Article 47 of the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22).

Article 203

The proceedings initiated until the day of the commencement of the application of this law shall be concluded in accordance with the law under which they were initiated.

Член 204

On the day of the commencement of the application of this law, the Law on Internal Affairs ("Official Gazette of the Republic of Macedonia" No. 42/14, 116/14, 33/15, 33/15, 96/15, 5/16, 120/16, 127/16, 142/16, 190/16 and 21/18 and "Official Gazette of the Republic of North Macedonia" No. 108/19, 275/19, 110/21 and 89/22) shall cease to be valid.

Article 205

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of North Macedonia", and shall begin to apply nine months from the day of its entry into force, except for the provisions of Articles 30, 31, 32, 33, 34, 35, 36, 37, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 120, 121, 122, 123, 124, 125, 126, 127, 128, 198, 199, 200, 201 and 202 of this Law, which shall begin to apply after six months from the date of entry into force of this law.