

**THE CONCEPT AND ESSENCE OF THE LAW "ON THE PUBLIC CIVIL SERVICE"
AND ITS SIGNIFICANCE IN LABOR RELATIONS**

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Abstract: *This article describes and construes the adoption of the Law "On State Civil Service" by the President and the Law on recruitment to the State Civil Service, rights and obligations in labor relations, personnel rotation, their working hours and specific features of State Civil Service, business trips as well as the social protection of the civil servant which is carried out by the government*

Keywords: *Law, State civil servant, state registry, rights and obligations, rotation.*

Introduction. On August 8, 2022, the President of the Republic of Uzbekistan signed the Law "On State Civil Service", which defines the legal status of more than 118 thousand state civil servants' services for state bodies and organizations and regulates their activities based on unique rules.

This Law was adopted by the Legislative Chamber on March 2, 2022, approved by the Senate on May 28, 2022, and after being signed by the President, it was registered with the number O'RQ-788 by the Register of Laws of the Republic of Uzbekistan and put into force on November 10, 2022.

The law consists of 10 chapters and 64 articles.

If we talk briefly about the background of this law, the adoption of this law has been eagerly awaited for almost 30 years. It is a programmatic normative legal document that will make life easier for 35 million people, and will directly affect their mood.

The purpose of this Law is to regulate relations in the field of state civil service.

Labor relations of state civil servants, which is not regulated by this Law is regulated by the Labor Code of the Republic of Uzbekistan.

Resources and methods.

Who does this law apply to?

The state registry of civil service occupations is maintained, and the Law applies to the activities of state civil servants in the occupations included in this registry.

It is applied to the activities of state civil servants in occupations included in the state registry of state civil service employments.

The state registry of civil service employment consists of groups and categories of occupations classified on the basis of qualification requirements established on the level of state bodies and organizations (national, republican, regional and district).

The state registry of civil service employments is approved by the President and maintained by the Civil Service Development Agency.

This law does not apply to the following?

The President, members of the legislative chamber and members of the senate, members of the Supreme Council and Councils of People's Deputies of the Republic of Karakalpakstan, employees of the offices of the Parliamentary Chambers, members of the Central Election Commission, judges and employees of the judicial system, members of the Central Bank Board, Prosecutor's Office, internal affairs, defense, emergency situations, customs and state security bodies and employees of

the National Guard, technical, production and service employees of state bodies and organizations of state bodies.

First of all, we need to know the basic concepts of the Law on State Civil Service.

The following basic concepts are used in this Law:

state body - an organizationally separate structure that has the powers of state power and is included in the list of state bodies and organizations where the state civil service is implemented;

public civil service is a type of public service, which represents the paid professional activity of citizens of the Republic of Uzbekistan to ensure the implementation of the powers of state bodies in the occupations of public civil service;

professional competence of a state civil servant - a set of knowledge, skills and abilities necessary for the proper implementation of the powers of a state body;

state civil service employment – an occupation included in the state registry of State civil service employment for the implementation of the powers of a state body;

Code of conduct of civil servants of the state is a set of norms of conduct that must be observed by civil servants of the state;

qualification requirements - work experience and professional competence requirements determined by the state body for candidates applying for a certain qualification level of the state civil service and (or) to occupy a specific occupation of the state civil service.

The legal status of the state civil servant

The legal status of a state civil servant is the sum of his rights and obligations.

Citizens working in the occupations included in the state registry of civil service occupations are considered state civil servants.

A citizen has the legal status of a state civil servant from the moment he is appointed to a position in the state civil service and loses it upon termination of his activity.

Results. Article 12 of the law defines the obligations of the State Civil Servant, according to which the State Civil Servant shall:

Compliance with the Constitution, laws and other legal documents of the Republic of Uzbekistan;

conscientiously fulfill his service obligations, comply with the rules of etiquette established by the state body, the procedure for working with information related to the service, as well as other rules related to the performance of state civil service;

to comply with the restrictions related to the completion of state civil service established by this Law;

not to allow conflict of interests, to be unbiased and impartial;

from actions (inaction) that may bring down the authority of the state body or raise doubts about its conscientious performance of its service obligations, including any form of discrimination, partiality or special treatment towards someone while performing its service obligations abstinence;

not to use his official position for personal or other illegal purposes, as well as not to allow illegal influence on his service activity, the activities of state bodies, their officials and citizens;

to comply with the requirements for the protection of information constituting state secrets or other secrets protected by law, as well as not to disclose such information received during the performance of his service obligations, including the activities of a state civil servant non-disclosure after completion;

to submit a declaration of income and property within the terms and procedure established by law;

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to ensure the proper preservation of state property, to use state property entrusted to him only for service purposes;

must regularly improve his professional competence.

State civil servants may have other obligations in accordance with the law¹.

In the regulation of labor relations, there are also restrictions related to the completion of state civil service, which is specified in Article 13 of the Law.

A state civil servant is not entitled to:

with persons who are closely related or related by god (parents, brothers, sisters, sons, daughters, spouses, as well as parents, siblings of spouses) , sisters and children) to serve together in exactly one state body, if their service together means that one of them is directly subordinate to the other or occupying a state civil service position under his control, except for the cases stipulated by the law;

to engage in paid activities other than pedagogical, scientific and creative activities, with the exception of the cases provided for by the laws of the Republic of Uzbekistan and the decisions of the President of the Republic of Uzbekistan;

to engage in business activities;

to organize business entities, to be their founder (participant), to perform organizational-management, administrative-economic tasks in the business entity, except for the cases of ownership of freely traded shares of joint-stock companies within the requirements established by law;

to receive shares, stakes and shares in organizations that are under the control of the state body he serves or have relations and interests with, directly or through representatives;

to receive any rewards, benefits or gifts from them in exchange for performing or not performing their service powers in the interests of individuals and legal entities;

to acquire the citizenship of a foreign country;

to use benefits, preferences or advantages not provided for by law in connection with their service position;

Accounts opened for the purpose of opening and owning accounts outside the territory of the Republic of Uzbekistan, owning real estate and other property, for the purpose of education, internship and medical services in a foreign country, as well as state citizenship excluding property received and disclosed before entering the service;

to exercise his authority in the interests of political parties, other public associations and their bodies.

The procedure for suspending entrepreneurial activity after a person engaged in entrepreneurial activity is accepted into the state civil service is determined by legislative documents.

The list of types of remunerated activities that cannot be engaged in by a state civil servant is determined by specially authorized state bodies for fighting against corruption and state civil service.

Non-observance of the restrictions stipulated in the first part of Article 12 shall be the basis for bringing the state civil servant to disciplinary and other responsibility in accordance with the law.

If we talk about entering the state civil service, it is done in the following order. Entry into the civil service of the state is carried out by appointment on the basis of competition².

Discussion. The following persons are not admitted to the State civil service:

persons under the age of eighteen;

persons found to be incompetent or have limited legal capacity;

is deprived of the right to hold public civil service occupations for a certain period of time;

persons found guilty of corruption-related crimes;

¹ Law of the Republic of Uzbekistan. On the state civil service. August 8, 2022. ORQ-788.

² Law of the Republic of Uzbekistan. On the state civil service. August 8, 2022. ORQ-788.

persons who have been convicted of serious and extremely serious crimes;
 persons whose state of health does not allow them to hold a position in the state civil service.

The following persons are admitted to the State civil service:

Citizens who know the state language and meet the relevant qualification requirements and other requirements for holding civil service occupations are accepted.

Candidates for public civil service occupations are guaranteed equal rights, regardless of gender, race, nationality, language, religion, social origin, faith, personal and social status.

The term of public civil service covers the period from the moment of appointment to the date of termination of the activity of the civil servant.

How is an employment contract concluded with a person entering the state civil service?

According to Article 30 of the Law, the employment contract is concluded in the following manner

An employment contract with a person entering the state civil service is concluded in writing for a specific or indefinite period based on labor legislation.

An employment contract will not be concluded with state civil servants belonging to the political group of state civil service occupations.

The employment contract specifies the principles and conditions of public civil service, the rights, obligations and responsibilities of a public civil servant, restrictions related to public civil service, as well as provisions related to its legal and social protection.

Model requirements for the employment contract concluded with a state civil servant are determined by a specially authorized state body³.

Determining the working hours of state civil servants is carried out in the following manner.

Working hours of state civil servants.

A five-day working week is established for a state civil servant in a state body. In this case, the duration of working hours should not exceed forty hours per week.

One of the parents who are civil servants of the state with children under the age of three (a person who replaces the parents) is assigned a working time of no more than thirty-five hours per week.

Depending on the specific characteristics of the service activity of a state civil servant, a six-day work week may be established, taking into account the length of working hours specified in the first part of Article 34, and observing the rules of the internal labor procedure.

Work beyond the duration of working hours established by the state body for civil servants is considered overtime work.

In the case of natural and man-made emergency situations, the state body may engage the state civil servant to work outside working hours without his consent.

Engagement of state civil servants to work outside of working hours and on weekends and non-working holidays is carried out on the basis of the decision of the head of the state body, in compliance with the requirements of the labor legislation.

Compensation for overtime work of a state civil servant is carried out by paying at least two times the amount of hours actually worked outside of working hours or by giving additional rest time corresponding to the duration of overtime.

Job description of the state civil servant.

The job description of a state civil servant is a document that defines the authority, service obligations and responsibilities of a state civil servant.

³ Law of the Republic of Uzbekistan. On the state civil service. August 8, 2022. ORQ-788.

The job description of the state civil servant is approved by the head of the state body or determined by legislation.

Before signing the employment contract, the state civil servant must be familiarized with the state civil servant position instructions by signing.

In addition, Article 36 of the Law specifies the procedures for evaluating the effectiveness of the civil servant's activity, Article 37 for promotion in the State Civil Service, and Article 38 for transferring to another state civil service position.

Features of public civil service:

Performance evaluation is a system of evaluating the performance of a state civil servant based on the most important indicators in order to motivate him and ensure that he is promoted on the basis of objective and fair criteria.

Service promotion is the appointment of a civil servant to a higher position or a higher level of qualification based on the efficiency of his service activities due to continuous improvement of his professional competence.

Rotation - transferring with one's consent to another position equal to the one held in order to develop personal and professional qualities, increase efficiency, form a reserve of managerial personnel, and prevent corruption risks.

Continuous improvement of professional competence - retraining, professional development and independent education in order to acquire the knowledge, skills and qualifications necessary for the effective functioning of a civil servant.

Compensation - base salary, seniority bonus, skill level bonus, key performance bonus, and year-end incentive payments.

Incentive measures include additional increases in salary, monetary award, award of extraordinary qualification level, announcement of appreciation, valuable gift, souvenir or reward with a badge or label.

Disciplinary punishment - non-observance of job instructions and rules of conduct, restrictions established by the Law is the basis for applying disciplinary punishment measures. Disciplinary measures are carried out in the following forms: fine, not more than thirty percent of the average monthly salary, reduction of qualification level, demotion, dismissal from the position held.

The rotation of the state civil servant is carried out in the following order.

Rotation of State Civil Servant.

The rotation of the state civil servant is carried out in order to develop his personal and professional qualities, to increase the efficiency of his activities, to form a reserve of managerial personnel and to prevent corruption risks.

The rotation of the state civil servant is carried out by transferring him to another position equal to the position of the state civil service held by him with his consent.

In order to prevent crimes related to corruption in the state civil service, a list of occupations of the state civil service that must be rotated is determined. The rotation of state civil servants holding these occupations is carried out without their consent.

The following public civil servants are not rotated:

undergoing training, retraining and professional development;
pregnant women, as well as women with children under the age of three;
based on a medical report, the health status of themselves or their family members living with them does not allow them to fulfill their service obligations in the position of the state civil service that is being rotated.

The terms of rotation of the state civil servant are stipulated in the employment contract.

If a state civil servant is dissatisfied with the decision on rotation, he has the right to appeal to a higher state body or a specially authorized state body or to a court.

The order of rotation in the state civil service, the list of occupations of the state civil service that must be rotated, as well as the period of being in the occupations to be rotated are determined by the President of the Republic of Uzbekistan.

Business trips of civil servants.

A state civil servant is sent on a business trip for a certain period of time in accordance with the decision of a state body to perform official duties. A business trip can be made within the territory of the Republic of Uzbekistan or outside its territory.

The duration of the duty trip of a state civil servant is determined by the head of the state body, taking into account the scope, complexity and other aspects of the duty.

When sending a state civil servant on a business trip, his position and average salary are kept, living expenses, transportation expenses, as well as other expenses related to the business trip are covered by the state body.

The procedure for organizing a business trip of a state civil servant to foreign countries is determined by the President of the Republic of Uzbekistan.

Conclusion. The fact that the social protection of the state civil servant is also determined by the law is an extremely urgent issue. In today's dangerous times, it is definitely necessary to protect the state civil servant from the social side⁴.

Acknowledgement. Social protection of state civil servants is carried out by the state and is provided through:

when giving labor leave and social leave, the civil servant of the State shall be given annual basic leave of not less than twenty-seven calendar days.

The civil servant of the state is given annual additional work holidays for many years of service and special working conditions.

The procedure for granting annual additional vacations for long-term service and special working conditions and their duration is determined by the Cabinet of Ministers of the Republic of Uzbekistan.

Depending on the category of the state civil service position, the legislation may specify different durations of annual basic and additional work holidays.

Social holidays are granted to state civil servants in accordance with the procedure established by the labor legislation.

In addition, mandatory insurance of their life and health, compensation for damage to life, health and property, state pension provision and all types of social allowances paid to citizens on the grounds and amounts established by law are applied to civil servants of the State.

The civil servant of the state is guaranteed the following social protection measures:

providing medical services;

reimbursement of expenses related to the transfer to the civil service position of another state in the order of rotation;

provision of service housing, service transport or monetary compensation for housing and transport costs.

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2. Labor Code of the Republic of Uzbekistan. Tashkent city, 2021.
3. Law of the Republic of Uzbekistan. On fighting corruption. Tashkent city, January 3, 2017, ORQ-419.
4. Law of the Republic of Uzbekistan. On the state civil service. August 8, 2022. ORQ-788.

⁴ Law of the Republic of Uzbekistan. On the state civil service. August 8, 2022. ORQ-788.