

Civil Service Act, B.E. 2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX;

Given on the 23rd Day of January B.E. 2551 (2008);

Being the 63rd Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on civil service;

Whereas it is aware that this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 31, Section 33, Section 43 and Section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows.

Section 1

This Act is called the "Civil Service Act, B.E. 2551 (2008)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

The following shall be repealed:

- (1) Civil Service Act B.E. 2535 (1992);
- (2) Civil Service Act (No. 2) B.E. 2537 (1994);
- (3) Civil Service Act (No. 3) B.E. 2538 (1995);
- (4) Civil Service Act (No. 4) B.E. 2544 (2001).

The Order of the Head of the Revolutionary Party No. 38/2519, dated 21st October B.E. 2519 (1976) shall not apply to civil officials.

Section 4

In this Act:

"Civil official" means a person instated and appointed to government service under this Act and draws salaries from budgetary appropriations to civil ministries and departments;

"Government official" means civil official and other official in a civil ministries and departments under the law on administration of such type of official;

"Ministry" includes the Office of the Prime Minister and sub-ministries;

"Minister in Charge" means a minister in charge of a ministry, minister in charge of a sub-ministry and includes the Prime Minister in the capacity of person in charge of the Office of the Prime Minister and the Prime Minister or Minister in the capacity of the person in charge of a departmental level government agency not attached to any ministry;

“Permanent Secretary” includes the Permanent Secretary of the Office of the Prime Minister and Permanent Secretary of a sub-ministry

“Department” includes a government agency having the status of a department;

“Director-General” means head of a government agency having the status of a department or equivalent to a department;

“Government agency” means government agencies under the law on reorganization of ministries, sub-ministries, departments and government agencies established under the law on national administration having a status not lower than a department.

Section 5

The Prime Minister shall have charge and control of the execution of this Act.

TITLE I

CIVIL SERVICE COMMISSION

Section 6

There shall be a Civil Service Commission, abbreviated as “CSC”, comprising the Prime Minister or Deputy Prime Minister designated by the Prime Minister as Chairman, Permanent Secretary of the Ministry of Finance, Director of the Budget Bureau and Secretary-General of the Office of the National Economic and Social Development Board as *ex officio* commissioners, and no fewer than five but not more than seven commissioners appointed by the King from persons qualified in human resource management, administration and management and law whose works are renowned in the relevant fields and being persons recruited under the rules, procedures and conditions prescribed by CSC Regulation, and the Secretary-General of the Civil Service Commission shall be a commissioner and secretary.

A commissioner appointed by the King shall not be a holder of a political position, executive committee member or holder of a position responsible for the administration of a political party or an official of a political party, and not already being an *ex officio* commissioner.

Section 7

A commissioner appointed by the King shall hold office for a term of three years. If the office of a commissioner becomes vacant prior to the expiration of term and there are no fewer than three commissioners remaining, the remaining commissioners shall continue to serve in office.

When the office of a commissioner becomes vacant prior to the expiration of term, the appointment of a replacing commissioner shall be carried out within thirty days, except where the term of remaining commissioners is less than one hundred and eighty days in which case the appointment of a replacing commissioner is not required. The person appointed as a replacing commissioner shall be in office only for the remaining term of the replaced commissioner.

A commissioner vacating office may be re-appointed by the King.

In the case where commissioners vacates office upon the expiration of term but new commissioners have not yet been appointed by the King, such commissioners shall continue to serve in office until new commissioners are appointed by the King.

Section 8

The CSC shall have the following powers and duties:

- (1) to make proposals and advise the Council of Ministers on public human resource management policies and strategies with respect to standard for remuneration,

- management and development of human resource, as well as the manpower planning and other matters, which are to be adopted as operational guidelines for government agencies;
- (2) to report to the Council of Ministers with respect to considerations for the appropriate revision of salaries, positional allowances, subsistence supplements, welfare or other fringe benefits for government officials;
 - (3) to prescribe rules, procedures and standards for the management and development of human resources of civil officials to be adopted as operational guidelines for government agencies;
 - (4) to approve the manpower framework of government agencies;
 - (5) to issue CSC Regulations and rules governing human resource management in pursuance of this Act, including to give advice or guidelines for the performance of functions under this Act; a CSC Regulation shall come into force upon approval by the Council of Ministers and publication in the Government Gazette;
 - (6) to give interpretations and rulings on problems arising from the application of this Act, including to lay down practice guidelines for problem cases; a resolution of the CSC under this sub-Section shall be enforceable under the law upon approval by the Council of Ministers;
 - (7) to supervise, oversee, monitor, inspect and evaluate the human resource management of civil officials in ministries and departments in order to maintain fairness and human resource management standards, including to inspect and monitor the performance of functions under this Act; in this regard, the CSC shall have the power to summon documents and evidence from government agencies, or to summon representatives of government agencies, officials or other persons to give statements of facts, and the power to issue rules requiring ministries and departments to file reports on human resource management of civil officials within their scope of authority with the CSC;
 - (8) to formulate policies and issue rules concerning King's scholarships and government scholarships so as to correspond with human resource management policies with respect to government officials, as well as to assign scholarship recipients to government services in ministries and departments or State agencies upon completion of studies;
 - (9) to issue directives or rules pertaining to the provision of education, supervision and assistance to public personnel, King's scholars, government scholars and private students under care of the CSC, including to collect service fees for the supervision and administration of education; in this regard, services fees for the supervision and administration of education shall be deemed as revenues of a government agency providing publicly beneficial services under the law on budgetary procedures;
 - (10) to prescribe rules and procedures for accrediting the credentials of holders of degrees, vocational certificates or other credentials for the purpose of instatement and appointment as civil officials, and to determine the salary rates or remuneration as well as the position levels and categories for such credentials;
 - (11) to determine rates of fees for the performance of functions pertaining to human resource management under this Act;
 - (12) to consider the installment of a personnel record system and the alteration of personnel records with respect to the date of birth, and the control of retirement by age of civil officials;
 - (13) to carry out other duties as provided in this Act and other laws.

In issuing a CSC Regulation under (5), in the case where it is deemed appropriate, the Office of the Civil Service Commission shall also consult the relevant ministries in conjunction with the considerations of the CSC.

Section 9

In the case where the CSC passes a resolution that a ministry, department or person performing a function under this Act has not acted in accordance with this Act, or acted inconsistently or contrary to the guidelines laid down by this Act, the CSC shall notify such ministry, department or person to carry out remedies, rescind or terminate such acts within the prescribed period. In the case where such ministry, department or person fails to comply with the CSC resolution within the prescribed period without reasonable grounds, such Permanent Secretary, Director-General or person, as the case may be, shall be deemed to be in breach of discipline.

Disciplinary procedures under paragraph one and punishment orders shall be the powers and duties of the CSC pursuant to the rules, procedures and conditions prescribed by CSC Regulation.

In the case where the person in breach of CSC resolution under paragraph one is the Minister in Charge, the CSC shall report to the Prime Minister to consider to proceed further appropriate orders.

Section 10

In the case where the CSC is of the opinion that human resource management with respect to a matter which all or certain types of government officials should be subject to central standards or rules, the CSC shall hold a meeting for joint consultation among a representative of the CSC, representative of the Public Sector Development Commission and representatives of the relevant central personnel administration body for various types of government officials in order to prescribe central standards or rules for human resource management on such matters and make a proposal to the Council of Ministers. Upon approval of the Council of Ministers, such central standard or rules shall apply to all or such types of government officials, as the case may be.

The provisions of paragraph one shall also apply *mutatis mutandis* to problems relating to public human resource management procedures on any particular matter.

Section 11

The provisions on committees authorized to carry out administrative proceedings under the law on administrative procedures shall apply *mutatis mutandis* to the meetings of the CSC, except for the case of Section 36 paragraph two.

Section 12

The CSC is empowered to appoint a special sub-commission, abbreviated "Special CSSC", to act on its behalf.

The numbers, qualifications, rules and procedures for the appointment of the Special CSSC, including recruitment procedures, terms of office and retirement from office shall be as prescribed by CSC Regulation.

Section 13

There shall be an Office of the Civil Service Commission, abbreviated "OCSC" with the Secretary-General of the CSC as the superior official in charge of the officials and administration of the OCSC, directly accountable to the Prime Minister.

The OCSC shall have the following powers and duties:

- (1) to act for the CSC and MSPC in the performance of their official functions and to perform other duties as assigned by the CSC or MSPC;

- (2) to make proposals and give advice to ministries and departments in relation to the rules, procedures and guidelines for public human resource management;
- (3) to develop, promote, analyze and conduct researches in relation to policies, strategies, systems, rules, procedures and standards on the human resource management of civil officials;
- (4) to monitor and evaluate the human resource management of civil officials;
- (5) to carry out acts in relation to manpower planning of civil officials;
- (6) to be the center of database on public human resources;
- (7) to prepare strategies, to coordinate and to carry out acts in relation to the human resources development of government officials;
- (8) to promote, coordinate, disseminate, provide consultation and advice and carry out acts in relation to the provision of welfare and the enhancement of quality of life for public human resources;
- (9) to carry out acts in relation to King's scholarships and government scholarships in accordance with policies or rules of the CSC under Section 8 (8);
- (10) to carry out acts in relation to the care of public personnel and scholars in accordance with directives or rules of the CSC under Section 8 (9);
- (11) to carry out acts in relation to the accreditation of degrees, vocational certificates or other credentials of persons for the purpose of instatement and appointment of civil officials and to determine the salary rates or remuneration as well as the position levels and position categories for such credentials;
- (12) to carry out acts in relation to the maintenance of personnel records and to oversee the retirement by age of civil officials;
- (13) to prepare an annual report on human resource management in the civil service for submission to the CSC and the Council of Ministers;
- (14) to perform other duties as provided in this Act, other laws or as assigned by the Council of Ministers, Prime Minister or CSC.

Section 14

There shall be a Civil Service Sub-Commission, abbreviated "CSSC", to act as a human resource management body in various government agencies, as follows:

- (1) a Ministerial Civil Service Sub-Commission, abbreviated "Ministry CSSC", identified by the ministry's name;
- (2) a Departmental Civil Service Sub-Commission, abbreviated "Department CSSC", identified by the department's name;
- (3) a Provincial Civil Service Sub-Commission, abbreviated "Province CSSC", identified by the province's name;
- (4) Civil Service Sub-Commissions for other government agencies apart from (1), (2) and (3).

The names, composition and powers and duties of the CSSC's under (4) shall be as prescribed by CSC Regulation.

Section 15

The Ministry CSSC shall comprise the Minister in Charge as Chairman, the permanent secretary as Vice-Chairman, and one representative of the CSC appointed from civil officials in the OCSC as

ex officio sub-commissioner, and the following sub-commissioners appointed by the CSSC Chairman:

- (1) not more than three qualified persons in the fields of human resource management, administration and management and law, whose works are renowned in the relevant fields and who are not officials in such ministry;
- (2) not more than five civil officials holding higher level executive positions in such ministry who are elected from civil officials holding such positions.

This CSSC shall appoint one person as secretary.

Section 16

The Ministry CSSC shall have the following powers and duties:

- (1) to consider the formulation of policies, systems and rules and procedures for human resource management in the ministry, which must be consistent with the rules, procedures and standards prescribed by the CSC under Section 8 (3);
- (2) to consider the redistribution of manpower among government agencies within the ministry;
- (3) to consider matters pertaining to disciplinary proceedings and orders of discharge from government service as provided in this Act;
- (4) to carry out other acts under this Act and assist the CSC in the performance of functions pursuant to this Act as assigned by the CSC.

Section 17

The Department CSSC shall comprise the director-general as Chairman, a deputy director-general designated by the director-general as Vice-Chairman, and the following sub-commissioners appointed by the CSSC Chairman:

- (1) not more than three persons qualified in the field of human resource management, administration and management and law, whose works are renowned in the relevant fields and who are not officials in such department;
- (2) not more than six civil officials holding executive positions or managerial positions in such department who are elected from civil officials holding such positions.

This CSSC shall appoint one person as secretary.

Section 18

The Department CSSC shall have the following powers and duties:

- (1) to consider the formulation of policies, systems and rules and procedures for human resource management in the department, which must be consistent with the rules, procedures and standards prescribed by the CSC under Section 8 (3) and the policies and human resource management system prescribed by the Ministry CSSC under Section 16 (1);
- (2) to consider the redistribution of manpower among government agencies within the department;
- (3) to consider matters pertaining to disciplinary proceedings and orders of discharge from government service as provided in this Act;
- (4) to carry out other acts under this Act and assist the CSC in the performance of functions pursuant to this Act as assigned by the CSC.

Section 19

The Province CSSC shall comprise the Provincial Governor as Chairman, a Provincial Deputy Governor designated by the Provincial Governor as Vice-Chairman, and the following sub-commissioners appointed by the CSSC Chairman:

- (1) not more than three persons qualified in the field of human resource management, administration and management and law, whose works are renowned in the relevant fields and who are not civil officials in such province;
- (2) not more than six civil officials holding executive or managerial positions, who have been appointed by ministries or departments to posts in such province, and are elected from civil officials holding such positions, whereby each person shall not be attached to the same ministry.

This CSSC shall appoint one person as secretary.

Section 20

The Province CSSC shall have the following powers and duties:

- (1) to consider the formulation of guidelines and procedures for human resource management, which must be consistent with the rules, procedures and standards prescribed by the CSC under Section 8 (3);
- (2) to consider matters pertaining to disciplinary proceedings and orders of discharge from government service as provided in this Act;
- (3) to perform duties assigned by a Ministry CSSC or Department CSSC;
- (4) to carry out other acts under this Act and assist the CSC in the performance of functions pursuant to this Act as assigned by the CSC.

Section 21

Rules and procedures for the recruitment and selection of persons for appointment as sub-commissioners under Section 15 (1) and (2), Section 17 (1) and (2) and Section 19 (1) and (2), terms of offices and the minimum number of such sub-commissioners shall be as prescribed by CSC Regulation.

Section 22

In the case where there are exceptional reasons for a ministry, the CSC may approve the establishment of only a Ministry CSSC to perform the duties of a Department CSSC.

In the case where a government agency having the status of a department and not being attached to a ministry, but being under the charge of the Prime Minister or Minister, or a government agency having the status of a department and the head of the government agency is directly accountable to the Prime Minister or Minister in the performance of functions, all the powers and duties of the Ministry CSSC shall also be the powers and duties of the Department CSSC. However, in the performance of such duties, the Minister in Charge shall be Chairman and the director-general shall be Vice-Chairman, and a representative of the CSC appointed from civil officials in the OCSC shall be *ex officio* sub-commissioner.

In the case of the Office of the Minister, the Department CSSC of the Office of the Permanent Secretary shall perform the duties of the Department CSSC of the Office of the Minister.

Section 23

Section 11 shall apply *mutatis mutandis* to meetings of the Special CSSC and CSSC.

TITLE II
MERIT SYSTEM PROTECTION COMMISSION

Section 24

There shall be a Merit System Protection Commission, abbreviated "MSPC", consisting of seven commissioners appointed by the King in accordance with Section 26.

MSPC commissioners must work full-time.

The Secretary-General of the CSC shall be the secretary of the MSPC.

Section 25

A person appointed as a MSPC commissioner must possess the following qualifications:

- (1) being of Thai nationality;
- (2) having attained not less than forty-five years of age;
- (3) having one of the following other qualifications:
 - (a) being or having been a qualified commissioner of the Civil Service Commission, Teachers Commission, Teachers and Educational Personnel Commission, University Officials Commission, Higher Education Institution Officials Commission or Police Commission;
 - (b) being or having been a Councilor of State;
 - (c) being or having been in government service in a position not lower than a judge of the Court of Appeals or its equivalent, or a chief judge of the Administrative Court of First Instance;
 - (d) being or having been in government service in a position not lower than a special district state attorney or its equivalent;
 - (e) being or having been in government service in a higher level executive position or its equivalent as determined by the CSC;
 - (f) being or having been an instructor in the field of law, political science, public administration, economics, social sciences or a subject related to national administration in a higher education institution, and holding a position or having held a position not lower than associate professor, provided that in the case of holding the position of associate professor, such person shall hold the position or have held the position for not less than five years.

Section 26

There shall be a MSPC Selection Committee comprising the President of the Supreme Administrative Court as chairman, a Vice-President of the Supreme Court designated by the President of the Supreme Court, a qualified CSC commissioner elected by the CSC, and the Secretary-General of the CSC shall be a member and secretary.

The Selection Committee shall have the duty of selecting seven persons having the qualifications under Section 25.

The persons selected under paragraph two shall meet and elect one amongst themselves to become Chairman of the MSPC and shall be presented by the Prime Minister to the King for appointment.

The rules and procedures for selection of MSPC commissioners shall as prescribed by the Selection Committee.

Section 27

A MSPC commissioner shall not be under the following prohibitions:

- (1) be an official;
- (2) be an employee or wage-earner of a State agency or any person;
- (3) be a holder of a political position, member or holder of an executive position in a political party, member of a political party or officer of a political party;
- (4) be a board member of a State enterprise;
- (5) be a commissioner in a central agency for personnel administration of State agencies;
- (6) engage in another occupation or profession or hold a position or undertake any activities or be a committee member in a State or private agency which conflicts with the performance of duties as prescribed by Royal Decree.

Section 28

A person selected to become a MSPC commissioner who is under a prohibition under Section 27 shall resign from the state of having the prohibited qualities or present credible evidence that he/she has ceased to engage in the such occupation or profession or activity which is prohibited to the secretary of the MSPC within fifteen days as from the date of selection.

In the case where a person selected to become a MSPC commissioner does not resign or cease to engage in such occupation or profession or activity within the period specified in paragraph one, it shall be deemed that such person has never been selected to become a MSPC commissioner and proceedings shall be carried out to select a new MSPC commissioner.

Section 29

MSPC commissioners hold office for a term of six years as from the date of appointment by the King and shall hold office for only one term.

MSPC commissioners who retire from office upon the expiration of term shall remain in office to perform duties until new MSPC commissioners have been appointed by the King.

Section 30

Apart from retirement from office upon the expiration of term, a MSPC commissioner retires from office upon

- (1) death;
- (2) resignation;
- (3) attaining the age of seventy years;
- (4) lacking the qualifications or being under a prohibition under Section 25 or Section 27;
- (5) being subject to a final sentence of imprisonment, regardless of the sentence having been suspended, except for the suspension of a sentence for an offence committed negligently, a minor offence or a defamation offence;
- (6) not being able to perform duties full-time on a regular basis as prescribed by MSPC Regulations.

Upon the occurrence of an event under paragraph one, the remaining MSPC commissioners shall continue to perform duties and the MSPC shall be deemed as comprising the remaining MSPC commissioners, except where there are less than five MSPC commissioners remaining.

Upon the occurrence of an event under paragraph one or in the case of MSPC commissioners retiring at the expiration of term, the MSPC Selection Committee shall carry out the selection of MSPC commissioners to replace the retiring MSPC commissioners expeditiously.

Section 31

The MSPC shall have the following powers and duties:

- (1) to submit proposals to the CSC or other central personnel administration agencies in order for the CSC or other central personnel administration agency to undertake the provision of or to revise human resource management policies pertaining to the preservation of merit system;
- (2) to consider appeals under Section 114;
- (3) to consider complaints under Section 123;
- (4) to consider matters on the preservation of merit system under Section 126;
- (5) to issue MSPC Regulations, rules, regulations and procedures for the performance of functions under this Act; a MSPC Regulation shall come into force upon its publication in the Government Gazette;
- (6) to appoint persons having the qualifications and not being under a prohibition prescribed by the MSPC to become members of an appeals commission or members of a complaints commission.

Section 32

MSPC commissioners, appeals commissioners and complaints commissioners shall receive position allowances and other benefits as prescribed by Royal Decree and shall have the right to receive the same travel allowances under the Royal Decree on allowances for official travel as higher-level executive position holders.

Section 33

Meetings of the MSPC commission, appeals commission and complaints commission shall be as prescribed by MSPC Regulation.

TITLE III GENERAL PROVISIONS

Section 34

The organization of civil officials shall be undertaken with a view to the result-based outcome, efficiency and good value in the discharge of State functions, and to make officials perform their duties with quality and virtuously and have a good quality of life.

Section 35

There shall be 2 categories of civil officials, being:

- (1) civil servants, namely civil officials who are in the government service by instatement and appointment under the provisions in TITLE IV CIVIL SERVANTS;
- (2) royal household civil officials, namely civil officials who are in the government service by instatement and appointment to royal household posts as prescribed by Royal Decree.

Section 36

A person entering the civil service must have general qualifications and not be under a prohibition, as follows:

A. General Qualifications:

- (1) being of Thai nationality;
- (2) being at least 18 years of age;
- (3) being a person with pure faith in the democratic form of government with the King as Head of State;

B. Prohibitions:

- (1) being a holder of a political position;
- (2) being an incompetent person, quasi-incompetent person, insane or mentally disabled person, or suffering from a disease prescribed by CSC Regulation;
- (3) being a person suspended from government service or temporarily discharged from government service under this Act or other laws;
- (4) being morally defective to the extent of being socially objectionable;
- (5) being a committee member or holder of an executive position in a political party or an officer of a political party;
- (6) being adjudged bankrupt;
- (7) having been imprisoned by final sentence of imprisonment for a criminal offence, with the exception of sentences for offences committed negligently or minor offences;
- (8) having been punished by discharge, dismissal or expulsion from a State enterprise or other State agencies;
- (9) having been punished by discharge or dismissal for breach of discipline under this Act or other laws;
- (10) having been punished by expulsion for a breach of discipline under this Act or other laws;
- (11) having cheated in an entrance examination for the government service or for entry to work in other State agencies.

The CSC may consider a waiver and allow entry into the government service for persons entering the civil service who are under the prohibitions in B. (4), (6), (7), (8), (9), (10) or (11), provided that in the case of the prohibition under (8) or (9), such person must have already retired from work or retired from government service for more than two years, and in the case of the prohibition under (10), such person must have already retired from work or retired from government service for more than three years, and in no event shall the retirement from work or retirement from government service be on account of malfeasance in office. A resolution of the CSC on such waiver shall receive the votes of not less than four-fifths of the number of commissioners present at the meeting. Votes shall be cast by secret ballot.

An application for waiver under paragraph two shall be as prescribed by CSC Regulation.

In the case of paragraph two, the CSC may grant an individual waiver or may issue a notification granting a general waiver.

Section 37

Payment of salaries and position allowances to civil officials shall be as prescribed by CSC Regulation approved by the Ministry of Finance.

Section 38

Civil officials may receive supplemental allowances for foreign posts, posts in certain areas, positions in certain class series or positions entailing special grounds as prescribed by CSC Rule approved by the Ministry of Finance.

Civil officials may receive temporary subsistence allowances pursuant to economic conditions under the rules and procedures prescribed by the Council of Ministers.

When submitting a proposal to the Council of Ministers for action under paragraph two, the CSC shall also make a concurrent submission of proposals for other categories of officials.

Section 39

Working hours, traditional public holidays, annual public holidays and official leaves for civil officials shall be as prescribed by the Council of Ministers.

Section 40

Uniforms of civil officials and rules on wearing uniforms shall be governed by the laws and rules pertaining thereto.

Section 41

Gratuities and pensions for civil officials shall be governed by the laws pertaining thereto.

TITLE IV

CIVIL SERVANTS

Chapter 1

Organization of Civil Servants

Section 42

The organization of civil servants under this Act shall take into account the following merit system:

- (1) the admission of a person for instatement to the government service and appointment to a position shall take into account the knowledge and competence of persons, equality, fairness and interests of the government service;
- (2) the human resource management must take into account the end-result and efficiency of the organization and the nature of work without unfair discrimination;
- (3) the consideration of merit, promotions and conferment of other benefits to officials must be carried out fairly through considerations of work products, capacities and behaviors, and political views or political party affiliations shall not be taken into consideration;
- (4) disciplinary proceedings must be carried out justly and without prejudice;
- (5) the human resource management must be politically impartial.

Section 43

Civil servants have the liberty to assemble as a group as provided in the Constitution, provided that such assembly does not affect the efficiency of national administration and continuity of public services and must not have a political objective.

The rules, procedures and conditions for assembly under paragraph one shall be as prescribed by Royal Decree.

Chapter 2

Position Classification and Payment of Salaries and Position Allowances

Section 44

Apart from the positions prescribed by the law on national administration, the Ministry CSSC may prescribe positions with other titles for the benefit of work administration, which such prescription shall be notified to the CSC.

Section 45

There are 4 categories of civil servant positions, as follows:

- (1) executive positions, namely heads of government agencies and deputy heads of government agencies at ministerial and departmental levels and other positions prescribed by the CSC as executive positions;
- (2) managerial positions, namely heads of government agencies at levels lower than departments and other positions prescribed by the CSC as managerial positions;
- (3) knowledge worker positions, namely positions which require holders of bachelor degrees as prescribed by the CSC for performing duties in such positions;
- (4) general positions, namely positions which are not executive positions, managerial positions and knowledge worker positions, as prescribed by the CSC.

Section 46

There shall be the following levels for civil servant positions:

- (1) executive positions shall have the following levels:
 - (a) primary level;
 - (b) higher level;
- (2) managerial positions shall have the following levels:
 - (a) primary level;
 - (b) higher level;
- (3) knowledge worker positions shall have the following levels:
 - (a) practitioner level;
 - (b) professional level;
 - (c) senior professional level;
 - (d) expert level;
 - (e) advisory level;

- (4) general positions shall have the following levels:
- (a) operational level;
 - (b) experienced level;
 - (c) senior level;
 - (d) highly skilled level.

The determination of position categories and position levels shall be made pursuant to rules prescribed by CSC Regulation.

Section 47

The determination of civil servant positions in specific government agencies, the numbers and categories of civil servant positions, as well as the class series and levels thereof shall be as prescribed by the Ministry CSSC, which prescription must take into account efficiency, effectiveness, non-overlap and economy as primary considerations, in accordance with rules and procedures prescribed by the CSC and which must comply with the class specifications prescribed under Section 48.

Section 48

The CSC shall draw up class specifications by classifying positions into categories and class series according to the nature of work, and placing positions of the same category and class series requiring approximately the same quality of work into the same level. In this regard, account must be taken of the characteristics of the duties, responsibilities and qualities of works.

In the class specifications, the titles of positions in the class series, primary duties and responsibilities and qualification requirements shall also be specified.

Section 49

Subject to the law on national administration, a position in charge of civil officials in any government agency or agency, in any capacity, shall be as prescribed by the supervising official authorized to make an instatement order under Section 57 by means of a letter pursuant to rules prescribed by the CSC.

Section 50

Civil servants shall receive salaries pursuant to each position category as stipulated in the schedule of salary scale for civil servants annexed to this Act.

The amount of salary payable to a holder of any position category, class series and level under the schedule of salary scale for civil servants shall be as prescribed by CSC Regulation.

Civil servants may receive position allowances in accordance with the schedule of position allowances for civil servants annexed to this Act pursuant to the rules and conditions prescribed by the CSC.

The rate of position allowance payable to a holder of any position category, class series and level under the schedule of position allowances for civil servants annexed to this Act shall be as prescribed by CSC Regulation.

Position allowances under this Section shall not be regarded as salaries for the purpose of calculating gratuities and pensions under the law on official gratuities and pensions.

Section 51

The Council of Ministers may consider the adjustment of salary rate or position allowances for civil servants for greater appropriateness as required. Adjustments of salary rate or position allowances by not more than ten percent of the applicable salaries or position allowances shall be

effected by enactment of a Royal Decree, and the salary rate and position allowances annexed to such Royal Decree shall be deemed as salary rate and position allowances annexed to this Act.

Upon the adjustment of salaries or position allowances under paragraph one, the adjustment of salaries or position allowances of existing civil servants to the rates in the newly adjusted schedule shall be in accordance with the rules and procedures prescribed by the Council of Ministers.

Chapter 3

Recruitment, Instatement and Appointment

Section 52

The recruitment of persons for instatement to the government service as a civil servant and appointment to a position shall be carried out in accordance with the merit system and account for the ethical behavior of such person as well as the benefits to the government service, as prescribed in this Chapter.

Section 53

The instatement of a person to the government service as a civil servant for appointment to a particular position shall be made from candidates passing competitive examination for such position and according to the order in the list of the passing candidates.

Competitive examinations, lists of the passing candidates and details on examinations shall be in accordance with rules, procedures and conditions prescribed by the CSC.

The provisions of paragraph one shall not apply to the instatement of persons to the government service under Section 55, Section 56, Section 63, Section 64 and Section 65.

Section 54

An applicant for competitive examinations for a particular position must have the general qualifications and not be under a prohibition, or has been granted a waiver in the case of a prohibition under Section 36, and must also have the qualification requirements or received the approval of the CSC under Section 62.

A person under a prohibition under Section 36 B. (1) shall be eligible to apply for examinations, but shall be entitled for instatement as a civil servant having been passing examination only upon ceasing to be a holder of a political position.

Section 55

In special circumstances, a supervising official authorized to make an instatement order under Section 57 may select persons for instatement to the government service and appoint to positions without conducting competitive examinations under Section 53, pursuant to the rules, procedures and conditions prescribed by the CSC.

Section 56

A ministry or department which has exceptional reasons and necessities may instate persons possessing high levels of knowledge, competence and expertise to the government service and appoint to knowledge worker positions at professional, senior professional, expert or advisory levels, or to general positions at highly skilled level, pursuant to rules, procedures and conditions prescribed by the CSC.

Section 57

For instatements to the government service as civil servants and appointments to positions under Section 53, Section 55, Section 56, Section 63, Section 64, Section 65 and Section 66, the following authorized persons shall make the instatement and appointment orders:

- (1) for the instatement and appointment of a higher level executive position that is the head of a ministerial level government agency and head of a departmental level government agency under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, the Minister in Charge shall submit a nomination to the Council of Ministers for approval; upon approval by the Council of Ministers, the Minister in Charge shall order the instatement and the Prime Minister shall present the matter to the King for appointment;
- (2) for the instatement and appointment of a higher level executive position that is the deputy head of a ministerial level government agency, head of a departmental level government agency, deputy head of a departmental government agency under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, or other positions prescribed by the CSC as higher level executive positions, the supervising permanent secretary or head of departmental level government agency under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, shall submit a nomination to the Minister in Charge for proposal to the Council of Ministers for approval; upon approval by the Council of Ministers, such supervising permanent secretary or head of departmental level government agency shall order the instatement and the Prime Minister shall present the matter to the King for appointment;
- (3) for the instatement and appointment of a primary level executive position, the supervising permanent secretary or head of departmental level government agency under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, shall order the instatement and appointment;
- (4) for the instatement and appointment of an managerial position, knowledge worker position at practitioner, professional, senior professional and expert levels, and general positions in the Office of the Minister, the Minister in Charge shall order the instatement and appointment;
- (5) for the instatement and appointment of higher level managerial positions, the supervising permanent secretary or head of departmental level government agency under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, shall order the instatement and appointment;
- (6) for the instatement and appointment of primary level managerial positions, the supervising director-general shall order the instatement and appointment upon the approval of the permanent secretary; as for the instatement and appointment of primary level managerial positions in departmental level government agencies under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, the supervising director-general shall order the instatement and appointment;
- (7) for the instatement and appointment of advisory level knowledge worker positions, the Minister in Charge shall submit a nomination to the Council of Ministers for approval; upon the approval of the Council of Ministers, the Minister in Charge shall order the instatement, and the Prime Minister shall present the matter to the King for appointment;

- (8) for the instatement and appointment of expert level knowledge worker positions, the permanent secretary or head of departmental level government agency under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, shall order the instatement and appointment;
- (9) for the instatement and appointment of senior professional level knowledge worker positions and highly skilled level general positions, the supervising director-general shall order the instatement and appointment upon the approval of the permanent secretary; as for the instatement and appointment of senior professional level knowledge worker positions and highly skilled level general positions in departmental level government agencies under the charge of or directly accountable in the performance of functions to the Prime Minister or Minister, as the case may be, the supervising director-general shall order the instatement and appointment;
- (10) for the instatement and appointment of practitioner and professional level knowledge worker positions and operational, experienced and senior level general positions, the supervising director-general or person designated by the director-general shall order the instatement and appointment;
- (11) for the instatement and appointment under Section 53 and relocation under Section 63 to a position under (9) which is not a highly skilled level general position and the instatement and appointment of positions under (10) in the regional administration, the supervising provincial governor shall order the instatement and appointment.

The nomination for appointment of a civil servant to a position shall be accompanied by a report on suitability as well as reasons in accordance with the rules and procedures prescribed by the CSC.

Section 58

Where any civil servant holding an executive position has performed the same duties for four consecutive years, the supervising official authorized to make an instatement order under Section 57 shall undertake proceedings to effect an exchange of duties, relocation or transfer to perform other duties, except where it is necessary for the benefit of the government service, in which case the approval of the Council of Ministers may be requested for such person to continue performing the same duties for not more than two years, in accordance with the rules and procedures prescribed by the CSC.

The provisions of paragraph one does not apply to holders of positions prescribed by the CSC as positions having specific nature of work.

Section 59

A person instated and appointed under Section 53 paragraph one or Section 55 shall perform official duties on a probationary basis and shall be developed to learn on the regulations and arrangements of the government service and the good conduct of officials, as prescribed by CSC Regulation.

Where a person performing official duties on a probationary basis under paragraph one has achieved an evaluation result on the probationary performance of official duties as prescribed by CSC Regulation which is not lower than the prescribed standards, the supervising official authorized to make an instatement order under Section 57 shall order such person to continue serving in the government service. If such person addresses an evaluation result on the probationary performance of official duties which is lower than the prescribed standards, the supervising official authorized to make an instatement order under Section 57 may discharge such person from government service regardless of whether or not the probation period has expired.

A person discharged from government service under paragraph two shall be regarded as if such person has never been a civil servant.

However, there shall be no prejudice to any acts of such person in the performance of official duties or the receipt of salaries or other benefits received or entitled to receive from the government service while such person remained in the probation period.

Where a person in the probation period is subject to reasonable grounds to allege a breach of discipline, the supervising official shall undertake disciplinary proceedings as provided in Chapter 7 Disciplinary Proceedings, and if such person is also subject to a cause for discharge from government service under paragraph two, the supervising official shall preliminarily proceed under paragraph two.

The provisions of paragraph one, paragraph two and paragraph three shall apply *mutatis mutandis* to officials or employees in the local administration transferred under Section 64 during the probationary performance of official duties.

Section 60

Where a civil servant serving in the probation period is discharged from government services under Section 111 and it subsequently appears that such person is subject to a cause for discharge from government service under Section 59 or other Sections, the supervising official authorized to make an instatement order under Section 57 or an authority under other Sections, as the case may be, shall have the power to modify the order as a discharge from government service under Section 59 or under such other Section.

Section 61

The appointment of a civil servant to a position in a class series not provided in the class specifications shall not be made.

Section 62

A person appointed to any civil servant position must possess the qualification requirement for such position as provided under the class specifications.

In the case where there are reasons and necessity, the CSC may approve the appointment of a civil servant possessing qualifications different from the qualification requirements as provided under the class specifications.

In the case where the CSC stipulates a degree, vocational certificate or any credential as a qualification requirement, it shall mean degrees, vocational certificates or credentials recognized by the CSC.

Section 63

The relocation, transfer or promotion of a civil servant to a civil servant position within the same or other ministry or department, as the case may be, shall be as prescribed by CSC Regulation.

The temporary transfer and reappointment of a civil servant from a ministry or department to a civil servant position in a foreign country under another ministry or department for a specified period may be effected under the rules and procedures prescribed by the CSC.

The relocation or transfer and reappointment of a civil servant to a position at a lower level may not be effected, except where the consent of such civil servant has been obtained.

The instatement of a civil servant who has retired due to being discharged from government service for entry to the military service under the law on military service, or who has received the approval of the Council of Ministers to perform any work whereby such period shall be fully included in the calculation of gratuities and pensions as official working period, or a retirement from government service which was not a retirement during the probation period, back to government service in the ministry or department, including the instatement and appointment of

such person to position categories, class series, levels, and the determination of salary amount of such person, may be effected under the rules and procedures prescribed by the CSC.

For the purposes of government service period determination under this Act and under the law on official gratuities and pensions, a civil servant who has retired due to being discharged from government service for entry military service under the law on military service, or who has received the approval of the Council of Ministers to perform any work whereby such period shall be fully included in the calculation of gratuities and pensions as government service period, upon reinstatement to the government service, shall be entitled to aggregate the days in government service prior to the discharge from government service with the days in military service under the law on military service or days of performing any work as approved by the Council of Ministers, as the case may be, and days in government service upon reinstatement to the government service as a consecutive government service period as if such person was never discharged from the government service. A person discharged from government service which was not a discharge during the probation period, and reinstated to the government service under paragraph four, shall be entitled to include government service time prior to the discharge from government service for the purpose of counting government service periods under this Act.

Section 64

The transfer of local officials, transfer of officials who are not civil servants under this Act and not political officials, and the transfer of personnel from other State agencies prescribed by the CSC, to instatement as civil servants, as well as the appointment to any position category, class series, level, and the determination of salary amount, may be effected under the rules and procedures prescribed by the CSC.

For the purposes of government service period determination, the government service period or working period of the person transferred to government service under paragraph one shall also be deemed as government service period of civil servants under this Act.

Section 65

In the event that a local official who has not retired from work during the probation period or an official who is not a civil servant under this Act, and not a political official, extraordinary official, or official who has retired from government service during the probationary performance of official duties, who has already retired from work or the government service, applies for entry to the government service as a civil servant and the official authorities intends to admit such person to the government service, the supervising official authorized to make an instatement order under Section 57 shall undertake considerations on such application by taking into account the interests of the official authorities. The instatement and appointment to a particular position category, class series, level and the determination of salary amount of such person shall be in accordance with the rules and procedures prescribed by the CSC.

For the purposes of government service period determination, the government service period or working period of the person entering the government service under paragraph one whilst being an official or local official shall also be the government service period of civil servant under this Act.

Section 66

If it subsequently appears that any civil servant who has already been appointed to a position under Section 62 does not meet the qualification requirement for such position, the supervising official authorized to make an instatement order under Section 57 shall forthwith re-appoint such person to the original position or other position in the same category and level.

However, there shall be no prejudice to any act of such person performed pursuant to powers and duties and the receipt of salaries or other benefits received or entitled to receive prior to the receipt of re-appointment order to the original position or other position in the same category and level.

The salaries payable, rights and benefits of persons re-appointed to the original position or other position in the same category and level under paragraph one shall be in accordance with the rules and procedures prescribed by the CSC.

In the case where it is not possible for any reason to make a reappointment to the original position or other position in the same category and level under paragraph one, the CSC shall make an individual consideration.

Section 67

If it subsequently appears that a person instated to the government service as a civil servant and appointed to a position under Section 53 paragraph one, Section 55, Section 56, Section 63, Section 64 and Section 65 lacks general qualifications or is under a prohibition without a waiver under Section 36, or lacks the qualification requirements for such position without an approval of the CSC under Section 62 before the instatement or there being an existing allegation and subsequently such person lacks qualifications due to such allegation after the instatement, the supervising official authorized to make an instatement order under Section 57 shall forthwith order the discharge of such person from the government service.

However, there shall be no prejudice to the acts performed by such person pursuant to the powers and duties and the receipt of salaries or other benefits received or entitled to receive from the official authorities prior to such discharge order, and if entry to the government service was made in good faith, the discharge shall be deemed as having been made for the purpose of granting compensatory gratuities and pension under the law on official gratuities and pensions.

Section 68

In the case where a civil servant position becomes vacant, or the holder of a position is unable to perform official duties, and the case is not provided for in the law on national administration, the supervising official authorized to make an instatement order under Section 57 shall have the power to order a civil official considered appropriate to temporarily act in such position.

The acting official under paragraph one shall have the powers and duties of the position he/she is temporarily assuming. In the case where other laws, regulations, rules, directives, Council of Ministers resolutions, resolutions of committees established under law, or order of a supervising official appoint such position holder to become a committee member or to have any power or duty, the acting official shall perform the duties of the committee member or other such powers and duties while acting in that position, as the case may be.

Section 69

In the case where there are reasons of necessity, the supervising official authorized to make an instatement order under Section 57 has the power to order a civil servant to be temporarily attached to a government agency and be relieved from the original position as provided by CSC Regulation.

Salary payments, appointments, salary increases, disciplinary proceedings and retirements from government service of the civil servant under paragraph one shall be as provided by CSC Regulation.

Section 70

In the case where there are reasons of necessity, the supervising official authorized to make an instatement order under Section 57 shall have the power to remove a civil servant from a position as well as the rate of salary in the original position, and to be paid salaries as reserves workforce for a period prescribed by the CSC. The foregoing shall be in accordance with rules and procedures prescribed by CSC Regulation.

The removal from position, salary payments, appointments, salary increases, disciplinary proceedings and retirements from government service of the civil servant under paragraph one shall be as provided by CSC Regulation.

In the case where there is no longer a necessity or the period of salary payments as reserves workforce has expired, the supervising official authorized to make an instatement order under Section 57 shall remove such civil servant from payment of salaries as reserves workforce and appoint such person to the original position or other position in the same category and level.

Section 71

In the case where the Administrative Courts has a final judgment revoking an order appointing a civil servant, it shall be the duties of the CSC upon approval of the Council of Ministers to proceed the appropriate orders to effect remedies and modifications or take actions as deemed appropriate.

Chapter 4

Efficiency Enhancement and Motivation-Building in the Performance of Official Functions

Section 72

A government agency shall be under a duty to implement actions to enhance the efficiency and build motivation amongst civil servants in order to obtain civil servants that possess quality, virtue, ethics, and have good morale and quality of life, inspiration and enthusiasm in performing official functions to achieve the desired result-based outcome of the State's tasks. The foregoing shall be in accordance with the rules and procedures prescribed by the CSC.

In the case where it is considered appropriate and economical, the OCSC may provide for efficiency enhancement and motivation-building on behalf of a government agency under paragraph one.

Section 73

A supervising official must conduct oneself towards persons under his/her charge with virtue and fairness, and build motivation amongst those under his/her charge to conduct themselves as good officials.

Section 74

Where a civil servant who has conducted himself/herself ethically and adhered to disciplinary rules, and has performed official functions efficiently and achieved the desired result-based outcome in State's tasks, the supervising official may consider a salary increase as appropriate in such case as provided by CSC Regulation, and may also grant other rewards which may be a commendation, mark of distinction or prize.

Section 75

Further studies, training, work visits or research activities carried out domestically or in a foreign country of a civil servant shall be in accordance with the rules, procedures and conditions prescribed by the CSC.

Section 76

A supervising official shall be under a duty to evaluate the performance of official functions of those under his/her charge as part of the considerations for appointment and salary increase, in accordance with the rules and procedures prescribed by the CSC.

Evaluation results under paragraph one shall also be applied for the purpose of developing and enhancing efficiencies in the performance of official functions.

Section 77

Where a civil servant dies as a result of performing official functions, the supervising official shall consider the salary increase of such person as a special case for the benefit of gratuity and pension calculations, or to grant other benefits as provided by rules prescribed by the Council of Ministers.

Chapter 5

Upholding the Ethics of Officials

Section 78

A civil servant must uphold the ethics of officials as prescribed by the government agency with the objective of achieving good officials who exhibit honor and dignity as officials, in particular with respect to the following matters:

- (1) adherence and relentless insistence on taking the correct action;
- (2) honesty and responsibility;
- (3) transparent and accountable performance of duties;
- (4) performance of duties without any unfair discrimination;
- (5) result-based determination.

A government agency shall prescribe rules on ethics of officials in accordance with the work descriptions in such government agency pursuant to technical principles and professional ethics.

When prescribing rules on ethics of officials under paragraph two, a hearing shall be held for officials and the rules shall be published for public notice.

Section 79

Where a civil servant fails to comply with the ethics of officials which does not constitute a breach of discipline, the supervising official shall issue a warning, apply the matter to considerations for appointment, salary increase or to order such official to take development.

Chapter 6

Discipline and Maintenance of Discipline

Section 80

A civil servant must at all times strictly maintain discipline by carrying out acts and refraining from acts as provided in this Chapter.

A civil servant performing official functions in a foreign country, in addition to maintaining discipline as provided in this Chapter, must also maintain discipline by carrying out acts and refraining from acts as prescribed by CSC Regulation.

Section 81

A civil servant must in good faith support the democratic form of government with the King as Head of State.

Section 82

A civil servant must act in accordance with the following directives:

- (1) to perform official duties faithfully, honestly and fairly;
- (2) to perform official duties in accordance with laws, regulations, rules of official authorities, Council of Ministers resolutions, government policies and act in accordance with the regulatory framework of official authorities;
- (3) to perform official duties with a view to obtaining desirable results and in advancement of the government service with determination, diligence, attention and an awareness to preserve the interests of official authorities;
- (4) to act in compliance with orders of supervising officials made in the course of official duties in accordance with the law and regulations of official authorities, and to not disobey or avoid compliance with such orders; however, if the civil servant finds that compliance with such order will cause detriment to the government service, or will not be a preservation of the interests of official authorities, a written opinion must be immediately submitted to the supervising official to review such an order; upon submission of the opinion, if the supervising official confirms that the original order should be complied with, the subordinate official must comply;
- (5) to devote one's time to the government service, and not leave or neglect official duties;
- (6) to preserve official secrets;
- (7) to be courteous, preserve harmony and cooperate with other officials and colleagues in the performance of official functions;
- (8) to be hospitable, accommodating, fair and supportive to members of the public who comes into contact with respect to one's duties;
- (9) to be politically impartial in the performance of official duties and in other undertakings which involve the public, as well as to act in accordance with regulations of official authorities on political conduct of officials;
- (10) to preserve one's reputation and to preserve the dignity of one's official position from any discredit;
- (11) to perform other acts prescribed by CSC Regulation.

Section 83

A civil servant must not commit any of the following prohibitions:

- (1) to not make false reports to the supervising official; the concealment of facts that should be disclosed shall also be deemed as a false report;
- (2) to not perform official functions which amounts to bypassing one's superior official, except where one's superior official has ordered the act or special permission has been given on a case-by-case basis;
- (3) to not use or consent to other's use of one's official position for the exploitation of gains for oneself or others;
- (4) to not act negligently in the discharge of official duties;
- (5) to not commit acts or consent to other's commission of acts in seeking gains which may prejudice fairness or be detrimental to the honor of one's official position;
- (6) to not be a managing director or manager or hold any other position entailing a similar nature of work in a partnership or a company;

- (7) to not commit any act which amounts to an abuse, oppression or intimidation of others in the performance of official functions;
- (8) to not commit acts which amount to a sexual violation or harassment as prescribed by CSC Regulation;
- (9) to not insult, disparage, oppress or intimidate members of the public in contact with officials,
- (10) to not commit any other act as prescribed by CSC Regulation.

Section 84

A civil servant who does not comply with the directives under Section 81 and Section 82 or violates a prohibition under Section 83 is in breach of discipline.

Section 85

Disciplinary breaches of the following description are gross breaches of discipline:

- (1) wrongfully performing or refraining to perform official duties in order to cause severe detriment to any person, or malfeasant performing or refraining to perform official duties;
- (2) leaving or neglecting of official duties without reasonable cause which results in severe detriment to the government service;
- (3) leaving official duties for more than fifteen consecutive days on the same occasion without reasonable cause, or where circumstances indicate an intention to not comply with regulations of official authorities;
- (4) committing an act which is attributable as a gross misconduct;
- (5) severely insulting, disparaging, oppressing, intimidating or harming members of the public contacting officials;
- (6) committing a criminal offence which results in a term of imprisonment or a heavier penalty than imprisonment by a final sentence of imprisonment or a heavier penalty than imprisonment, with the exception of an offence committed negligently or a minor offence;
- (7) refraining from or committing any act not in compliance with Section 82 or in violation of a prohibition under Section 83 causing severe detriment to the government service;
- (8) refraining from or committing any act not in compliance with Section 80 paragraph two and Section 82(11), or in violation of a prohibition under Section 83 (10), which has been prescribed by CSC Regulation as a gross breach of discipline.

Section 86

The CSC Regulations under Section 80 paragraph two, Section 82(11), Section 83(8) and (10) and Section 85(8) shall apply to acts occurring subsequent to such CSC Regulations coming into force.

Section 87

A supervising official shall have a duty of promoting and developing the discipline of subordinates and preventing breaches of discipline by subordinates, in accordance with the rules and procedures prescribed by the CSC.

Section 88

A civil servant who commits a breach of discipline must receive a disciplinary punishment, unless there is reasonable cause for exempting punishment as provided in Chapter 7 Disciplinary Proceedings.

There are 5 modes of disciplinary punishment, as follows:

- (1) written reprimand;
- (2) deduction of salary;
- (3) reduction of salary;
- (4) dismissal;
- (5) expulsion.

Section 89

Punishment of a civil servant shall be effected by an order. The person ordering the punishment must impose a punishment which is appropriate to the offence and must be made justly and without prejudice. The punishment order shall indicate the particular disciplinary breaches committed by the person receiving the punishment and the Sections relied upon.

Chapter 7 Disciplinary Proceedings

Section 90

When there is an allegation or a case of suspicion that a civil servant has committed a breach of discipline, the supervising official is under a duty to quickly report to the supervising official authorized to make an instatement order under Section 57, and the supervising official authorized to make an instatement order under Section 57 shall expeditiously carry out proceedings under this Act with justice and without any prejudice.

The supervising official or supervising official authorized to make an instatement order under Section 57 who neglects the duty under paragraph one, or performs the duty in bad faith, shall be deemed as having committed a breach of discipline.

The powers and duties of the supervising official authorized to make an instatement order under Section 57 under this Chapter may be delegated by the supervising official authorized to make an instatement order under Section 57 to a lower level supervising official under the rules prescribed by the CSC.

Section 91

Upon receipt of a report under Section 90, or such matter becomes apparent to the supervising official authorized to make an instatement order under Section 57, the supervising official authorized to make an instatement order under Section 57 shall expedite proceedings or order investigations or take preliminary considerations as to whether or not the case has sufficient merit to allege that such person has committed a disciplinary breach. If it is found that the case did not contain sufficient merit to allege a disciplinary breach, the matter may be terminated.

In the case where it is found that there is sufficient merit to allege that a civil servant has committed a disciplinary breach whereby preliminary evidence is already available, further proceedings may be taken under Section 92 or Section 93, as the case may be.

Section 92

In the case where the investigation result or consideration under Section 91 finds that the case has merit, if such alleged offence does not constitute a gross disciplinary breach, and notice of the allegations and summary of evidence has been given to the alleged person, as well as after having heard the alleged person's reply, and the supervising official authorized to make an instatement order under Section 57 finds that the alleged person has committed the alleged breach, the supervising official shall order punishment as appropriate to the case without having to appoint a commission of inquiry.

In the case under paragraph one, if the supervising official authorized to make an instatement order under Section 57 finds that the alleged person has not committed the alleged breach, such supervising official shall order the termination of the matter.

Section 93

In the case where the investigation result or consideration under Section 91 finds that the case has merit to constitute a gross disciplinary breach, the supervising official authorized to make an instatement order under Section 57 shall appoint a commission of inquiry. In conducting the inquiry, notice of the allegations and summary of evidence shall be given to the alleged person and the alleged person's reply shall be heard. Upon conclusion of proceedings by the commission of inquiry, the inquiry results and opinions shall be reported to the supervising official authorized to make an investigation order under Section 57.

If the supervising official authorized to make an instatement order under Section 57 finds that the alleged person has not committed the alleged breach, the matter shall be terminated. However, if it is found that the alleged person has committed the alleged breach, further proceedings shall be taken under Section 96 or Section 97, as the case may be.

Section 94

For the appointment of a commission of inquiry in the case of civil servants of different positions, or different departments or different ministries, being alleged to have jointly committed a disciplinary breach, the following proceedings shall be taken:

- (1) for civil servants in the same department, where the director-general or permanent secretary is alleged to have jointly committed a disciplinary breach with a subordinate, the permanent secretary or Minister in Charge, as the case may be, shall be the appointer of a commission of inquiry;
- (2) for civil servants in different departments of the same ministry who are alleged to have jointly committed a disciplinary breach, the permanent secretary shall be the appointer of a commission of inquiry, except in the case where the permanent secretary is also jointly alleged, the Minister in Charge shall be the appointer of a commission of inquiry;
- (3) for civil servants in different ministries being alleged to have jointly committed a disciplinary breach, the supervising officials authorized to make an instatement order under Section 57 shall jointly appoint a commission of inquiry, except in the case where the alleged persons also includes a holder of a higher level executive position, the Prime Minister shall be the appointer of a commission of inquiry;
- (4) other cases shall be as prescribed by CSC Regulation.

Section 95

The rules, procedures and time periods pertaining to disciplinary proceedings shall be as prescribed by CSC Regulation.

In the case of an apparent breach as prescribed by CSC Regulation, disciplinary proceedings may be taken without inquiry.

Section 96

Where a civil servant who commits a non-gross disciplinary breach, the supervising official authorized to make an instatement order under Section 57 shall order punishment in the form of a written reprimand, salary deduction or salary reduction as appropriate to the case and commensurate with the breach.

In the case where there are extenuating circumstances, such circumstances may be taken into consideration as mitigating factors, provided that a written reprimand shall only be imposed in the case of a minor disciplinary breach.

In the case of a minor disciplinary breach and existence of a cause for refraining punishment, punishment may be refrained and a written parole or admonishment may be issued instead.

When imposing a punishment under this Section, the extent of powers of the supervising official authorized to make an instatement order under Section 57 to impose a punishment upon a subordinate for a particular offence and scale of punishment shall be as provided by CSC Regulation.

Section 97

Subject to paragraph two, a civil servant who commits a gross disciplinary breach shall be punished by dismissal or expulsion according to the severity of the case. Extenuating circumstances may be taken into consideration as mitigating factors, but in no event shall punishment be reduced to less than a dismissal.

In the case where the commission of inquiry or the appointer of a commission of inquiry under Section 93 paragraph one, or an authorized person under Section 94, finds that a civil servant has committed a gross disciplinary breach, the supervising official authorized to make an instatement order under Section 57 shall refer the matter to the Province CSSC, Department CSSC or Ministry CSSC, to which the alleged person is attached, for consideration, as the case may be. Upon a resolution of such CSSC, the supervising official authorized to make an instatement order under Section 57 shall issue an order or comply with such resolution. The foregoing shall be in accordance with rules and procedures prescribed by CSC Regulation.

In the case where the supervising official authorized to make an instatement order under Section 57 does not exercise powers under Section 93 paragraph one, Section 94 or this Section, the supervising official under Section 57 at a higher level shall have the power to take proceedings under Section 93 paragraph one, Section 94 or this Section.

A person punished by dismissal shall have the right to receive gratuities and pensions as if such person resigned from government service.

Section 98

Where a civil servant provides information to the supervising official, or gives a statement as a witness to the person carrying out the investigation, inquiry or inspection pursuant to the law or regulations of official authorities, which is greatly beneficial and helpful to the official authorities, the supervising official may consider granting a reward as a special case.

Where a civil servant in a position of potentially being alleged of jointly committing a disciplinary breach with another official, provides information to the supervising official, or gives a statement to a person or group of persons under the provisions of paragraph one with respect to the disciplinary breach that has been committed, thereby being a cause for a disciplinary inquiry to be taken on the instigator of the breach, the supervising official may exercise a discretion to designate such person as a witness or consider the reduction of disciplinary punishment as appropriate to the case.

A civil servant who provides false information or statement as a witness under paragraph one or paragraph two shall be deemed as having committed a disciplinary breach.

The rules and procedures for granting rewards, witness designation, reduction of punishment and protection of witnesses shall be as prescribed by CSC Regulation.

The CSC Regulation on witness protection under paragraph four may provide rules and procedures for the OCSC or supervising official authorized to make an instatement order under Section 57 to effect the relocation, transfer or take any other action without the consent or approval of the supervising official of such person, and without having to comply with the steps or processes provided in this Act.

Section 99

The members of the commission of inquiry under Section 93 paragraph one shall be competent officials under the Penal Code and shall have the same powers as inquiry officials under the Criminal Procedure Code in so far as they relate to the powers and duties of the commission of inquiry, and in particular, shall also have the following powers:

- (1) to summon a ministry, department, government agency, State enterprise, other State agency or partnership or company to give facts, submit the relevant documents and evidence, send a representative or person attached thereto to give a statement or account in relation to the matter under inquiry;
- (2) to summon the alleged person or any person to give a statement or account or submit documents and evidence in relation to the matter under inquiry.

Section 100

Where a civil servant is subject to a written allegation for having acted or neglected to act which constituted a gross disciplinary breach, if the allegation was made towards the supervising official of such person, or towards a person carrying out investigations and inquiries or inspections pursuant to the law or regulations of official authorities, or the allegation was made by the supervising official of such person, or is subject to a criminal prosecution or is suspected of having committed a criminal offence which is not an offence committed through negligence unconnected to the government service or a minor offence, even if subsequently such person retires from government service for reasons other than death, the person authorized to undertake disciplinary proceedings shall have the power to undertake investigations or considerations and continue with disciplinary proceedings as provided in this Chapter as if such person has not yet retired from the government service, provided that the supervising official authorized to make an instatement order under Section 57 must carry out the inquiry under Section 93 paragraph one within one hundred and eighty days as from the date of such person's retirement from the government service.

In the case of paragraph one, if the result of inquiry and consideration finds such person to have committed a non-gross disciplinary breach, punishment shall be refrained.

Section 101

Where a civil servant is subject to an allegation of having committed a gross disciplinary breach thereby resulting in the appointment of a commission of inquiry or a criminal prosecution or becoming a suspect for the commission of a criminal offence, except for offences committed through negligence or a minor offence, the supervising official authorized to make an instatement order under Section 57 shall have the power to order a suspension from government service or a provisional discharge from government service pending the result of the inquiry or consideration or case outcome.

If subsequently the inquiry or consideration finds that such person did not commit a breach or the breach did not call for punishment by dismissal or expulsion, and there are no other causes for discharge from government service, such authorized person shall order such person to resume performance of official functions or resume government service in the original position or

other position in the same category and level, or in a position category and level prescribed by the CSC, provided that such person meets the qualification requirements for such position.

Where a civil servant is subject to an order of suspension or provisional discharge from government service, if it subsequently appears that such person is subject to another allegation of having committed a gross disciplinary breach, the supervising official authorized to make an instatement order under Section 57 shall have the power to conduct investigations or consideration and appointment of a commission of inquiry under Section 93, including the power to continue with disciplinary proceedings as provided in this Chapter.

In the case where a person provisionally discharged from government service is ordered to resume government service, or is ordered to discharged from government service for reasons other than a punishment for commission of a gross disciplinary breach, such person shall retain the status of a civil servant throughout the period of provisional discharge from government service as if such person was suspended from government service.

Salaries, other monthly payments and other allowances, and the payment of such monies to the person suspended from government service and person provisionally discharged from government service, shall be in accordance with laws or regulations governing such matters.

A suspension from government service shall remain effective throughout the period of inquiry or consideration, except where the person suspended from government service files a petition under Section 122 and the authorized person to consider the petition finds that it is appropriate to order such person to resume official duties prior to the completion of the inquiry or consideration because the conduct of the person suspended from government service does not pose an obstacle to the inquiry or consideration, and does not cause further disorder, or because the disciplinary proceedings have lasted for one year from the date of suspension from government service and not yet completed and the person suspended from government service no longer exhibits such conducts, in which case the person authorized to order the suspension from government service shall order such person to resume official duties prior to the completion of the inquiry or consideration.

The provisions of paragraph six shall also apply to the case of an order of provisional discharge from government service.

The rules and procedures relating to suspension from government service, provisional discharge from government service, period of suspension from government service and provisional discharge from government service, resumption of official duties, or resumption of government service and proceedings consequential of results of inquiries and considerations shall be as prescribed by CSC Regulation.

Section 102

Punishment of a civil servant in a government agency governed by a specific law on official discipline, in the case of a non-gross disciplinary breach under this Act, may be imposed as provided in this Act or an admonishment or punishment under such law on official discipline may be imposed as appropriate to the case and circumstances. However, in the case of a gross disciplinary breach under this Act, regardless of whether an admonishment was administered or punishment already imposed under such law, the supervising official shall undertake proceedings as provided in this Act.

Section 103

After a supervising official has ordered punishment under this Act or admonishment under a specific law on official discipline, or ordered the termination of the matter, or refrained punishment, a report shall be submitted to the Ministry CSSC to which the person subject to disciplinary proceedings is attached for consideration, except for the case of disciplinary proceedings on officials from different ministries or the case of a disciplinary proceeding

pursuant to a resolution of the Ministry CSSC under Section 97 paragraph two where a report shall be submitted to the CSC. The foregoing shall be as prescribed by CSC Rule.

In the case where a Ministry CSSC or CSC finds that a disciplinary proceeding is incorrect or inappropriate, if there is a resolution, the supervising official shall order or implement the resolution of the Ministry CSSC or CSC.

In the case under paragraph two and in proceedings under Section 104, the CSC shall have the power to instigate a new inquiry or a supplemental inquiry under the rules and procedures prescribed by the CSC under Section 95.

Section 104

In proceedings of the Ministry CSSC under Section 97 paragraph two or Section 103 paragraph two, if a representative of the CSC who is a sub-commissioner in such Ministry CSSC finds that the proceedings of the supervising official or Ministry CSSC resolution constitutes a non compliance of this Act or an inappropriate application, a report shall be submitted to the CSC for further action to be taken as appropriate to the case, and upon a resolution of the CSC, the supervising official shall order or implement the CSC resolution. The foregoing is subject to an exception where the punished person has appealed the punishment order of the supervising official to the MSPC, in which case the CSC shall inform the MSPC of its resolution as part of the appeals consideration.

Section 105

When there is a cause for imposing a heavier punishment, reducing punishment, refraining punishment or pardon, the ordering official shall issue a new order, and such order shall order the repeal of the original order along with a specification of proceedings to be taken with respect to the punishment already served, as prescribed by CSC Regulation.

Section 106

Where a civil servant transferred under Section 64 was involved in a disciplinary breach prior to the date of transfer instatement, the supervising official of such civil servant shall *mutatis mutandis* undertake disciplinary proceedings under this Chapter. However, if the matter is pending investigation or consideration or inquiry by the previous supervising official prior to the date of transfer, the investigation or consideration or inquiry shall continue until completion and the matter shall be referred to the supervising official of such civil servant for further proceedings under this Chapter *mutatis mutandis*, provided that a disciplinary punishment order shall be in accordance with the breach and punishments under the law on local personnel administration or law on administration of the transferred official, as the case may be.

Chapter 8

Retirement from Government Service

Section 107

A civil servant retires from government service upon:

- (1) death;
- (2) retirement from government service under the law on official gratuities and pensions;
- (3) resignation from government service with grant to resign, or a resignation which becomes effective under Section 109;

(4) discharge under Section 59, Section 67, Section 101, Section 110 or Section 111;
or

(5) dismissal or expulsion.

The date of retirement from government service under (4) and (5) shall be as prescribed by CSC Rule.

Section 108

A civil servant who attains the age of sixty years at the end of the budget year and the government service necessarily requires the continued performance of technical duties or duties requiring individual skills in a position under Section 46 (3) (d) or (e) or (4) (c) or (d) may continue in government service for no more than ten years as prescribed by CSC Regulation.

Section 109

A civil servant who wishes to resign from government service shall submit a letter of resignation to the immediate supervising official, which submission shall be made at least thirty days in advance of the resignation date, in order to enable the supervising official authorized to make an instatement order under Section 57 to make a consideration prior to the resignation date.

In the case that the person wishing to resign submits a letter of resignation less than thirty days in advance, and the supervising official authorized to make an instatement order under Section 57 finds that there are sufficient reasons and necessity, leave may be granted to resign on the requested date of resignation.

In the case where the supervising official authorized to make an instatement order under Section 57 finds it necessary in the interests of the government service, the resignation may be withheld for no longer than ninety days as from the requested date of resignation. In such case, if the person requesting resignation does not withdraw the resignation prior to the expiration of the withholding period, it shall be deemed that the resignation takes effect upon the expiration of the withholding period.

In the case where the supervising official authorized to make an instatement order under Section 57 does not withhold under paragraph three, the resignation shall take effect as from the requested date of resignation.

In the case where a civil servant wishes to resign from government service in order to assume a position in an independent agency under the Constitution, political position, or other position prescribed by CSC, or to apply for candidacy in an election of members of the National Assembly, members of local assemblies or local administrators, a letter of resignation shall be submitted to the supervising official under paragraph one, and the resignation shall become effective as from the date of resignation requested by such person.

Rules and procedures pertaining to resignation, consideration of leave for resignation, and the withholding of resignation from government service shall be as prescribed by CSC Rule.

Section 110

A supervising official authorized to make an instatement order under Section 57 has the power to discharge a civil servant from government service to receive compensatory gratuities and pensions under the law on official gratuities and pensions in the following cases:

- (1) when a civil servant suffers from an illness and is unable to perform official duties with regularity;
- (2) when a civil servant applies for an assignment as desired by official authorities;

- (3) when a civil servant lacks the general qualifications under Section 36A.(1) or (3), or is under a prohibition under Section 36B.(1), (3), (6) or (7);
- (4) when the official authorities terminate or dissolve an agency or position which is assumed or held by the civil servant, whereby a person retiring from government service in this case shall also receive compensation under the rules, procedures and conditions prescribed by the Ministry of Finance;
- (5) when a civil servant is unable to perform official functions efficiently and at a level of effectiveness satisfactory to the official authorities;
- (6) when a civil servant is reduced in competence with respect to the performance of official duties, defective in official duties, or conducts oneself inappropriately to the official responsibilities, where the continued service of such person would be detrimental to the government service;
- (7) when a civil servant is subject to an inquiry on a gross disciplinary breach under Section 93 and the inquiry results does not make a sufficiently clear finding for the imposition of a punishment under Section 97 paragraph one, but there is such dishonor or skepticisms in the case under inquiry that allowing continued service will be detrimental to the government service;
- (8) when a civil servant serves a term of imprisonment pursuant to a final sentence of imprisonment for an offence committed negligently or a minor offence or serve a term of imprisonment by court order which does not call for a dismissal or expulsion.

An order of discharge from government service under paragraph one shall be as prescribed by CSC Regulation, whereby Section 97 paragraph two shall apply *mutatis mutandis* to a discharge from government service under the case of lacking the general qualification under Section 36 A.(3) of (3), the case of (6) and the case of (7).

Upon a supervising official authorized to make an instatement order under Section 57 discharges a civil servant from government service under this Section, a report shall be submitted to the Ministry CSSC or CSC, as the case may be, and Section 103 shall apply *mutatis mutandis*.

Section 111

When a civil servant enters the military service under the law on military service, the supervising official authorized to make an instatement order under Section 57 shall discharge such person from government service.

Where a person is discharged from government service under paragraph one, and it subsequently appears that such person is subject to a case which calls for a discharge from government service under another Section prior to entry to the military service, the supervising official authorized to make an instatement order under Section 57 shall have the power to modify the discharge order under paragraph one to a discharge from government service under such other Section.

Section 112

In the case where a supervising official authorized to make an instatement order under Section 57 does not exercise powers under Section 110 without reasonable grounds, a higher level supervising official authorized to make an instatement order under Section 57 shall have the power to take proceedings under Section 110.

Section 113

A retirement from government service of a civil servant holding a position appointed by the King shall be presented to the King for a Royal Command of removal from the position as from

the date of retirement from government service, except where the retirement was as a result of death, in which case the matter shall be presented to the King for acknowledgement.

Chapter 9

Appeals

Section 114

A person subject to a punishment order under this Act or discharged from government service under Section 110 (1), (3), (5), (6), (7) and (8) has the right to appeal to the MSPC within thirty days of knowledge or imputed knowledge of the order.

Appeals and considerations of appeals under paragraph one shall be as prescribed by CSC Regulation.

Section 115

The MSPC may carry out an appeals consideration by itself, or may appoint an appeals commission to carry out consideration of the appeal, as prescribed by MSPC Regulation.

Section 116

Upon a ruling of an appeal by the MSPC, the supervising official authorized to make an instatement order under Section 57 shall carry out the implementation of the ruling within thirty days as from the date of MSPC ruling.

In the case where the appellant disagrees with the ruling of the MSPC, a plaint shall be filed at the Supreme Administrative Court within ninety days as from the date of knowledge or imputed date of knowledge of the MSPC ruling.

A supervising official who does not comply with paragraph one shall be deemed to have intentionally committed a wrongful neglect to perform official duties in order to cause detriment to another person.

Section 117

In the performance of duties under this Act, members of the MSPC and appeals commission shall be competent officials under the Penal Code and shall have the following powers:

- (1) to order the supervising official making the punishment order or order of discharge from government service which was the cause of the appeal to send the files on inquiry and punishment to the MSPC within the prescribed time;
- (2) to order a ministry, department, State enterprise and other State agency, including relevant local administrative organizations to undertake a new inquiry or supplemental inquiry or send an official or officer attached thereto to give a statement, in which case a time period may also be prescribed for the new inquiry or supplemental inquiry;
- (3) to issue a summons to an official, employee or wage earner of a ministry, department, government agency, State enterprise and other State agency or local administrative organization or any relevant person to give a statement or submit relevant documents or evidence;
- (4) to enter buildings or any premises related to the performance of duties by the MSPC, at a time between dawn and dusk, or during the operational hours of such premises;
- (5) to carry out a new inquiry or supplemental inquiry.

Section 118

An appeals consideration under Section 114 shall be completed within one hundred and twenty days as from the receipt date of the appeal, except where there is a difficulty preventing the completion of the consideration within such time period, the time period may be extended for no more than twice, each extension not exceeding sixty days, and the difficulties shall be recorded and made apparent.

Section 119

A civil servant transferred under Section 64 who was subject of a disciplinary punishment prior to the date of transfer instatement, and such person has the right of appeal under the law on local personnel administration or law on administration of the transferred official, but has not yet exercised the right of appeal under such law, shall have the right of appeal under Section 114. However, if such person has already exercised the right of appeal under the law on local personnel administration or law on administration of the transferred official, and, on the date which such person transferred for instatement as a civil servant, the appeals consideration is still pending, the matter shall be referred to the MSPC for consideration of the appeal.

Section 120

In an appeals consideration, the MSPC shall have the power to refuse to hear the appeal, dismiss the appeal or make a ruling to amend or repeal the punishment order and award remedies for damages to the appellant, or require other actions in the interest of justice, as prescribed by MSPC Regulation.

In ruling requiring an amendment or other actions under paragraph one, the MSPC may not impose a heavier punishment, except where it is notified by the CSC under Section 104 that a heavier punishment is appropriate, in which case the MSPC has the power to make a ruling for a heavier punishment.

Section 121

In the following cases, an appeals commissioner may be objected:

- (1) being aware of the events in the disciplinary breach for which the appellant was punished or discharged from government service;
- (2) having an interest in the disciplinary breach for which the appellant was punished or discharged from government service;
- (3) having a cause for resentment against the appellant;
- (4) being an alleging party, or being or having been a supervising official making the punishment order or order of discharge from government service;
- (5) having an involvement in the disciplinary proceedings or the discharge from government service which the appellant was punished or discharged from government service;
- (6) having a connection through relative or marital relationship with a person under (1), (2), (3) or (4) which may cause unfairness to the appellant.

An appeals commissioner having a case under paragraph one shall notify the Chairman of the MSPC and withdraw from the appeals consideration.

The submission of an objection and consideration of an objection shall be as prescribed by MSPC Regulation.

Chapter 10

Complaints

Section 122

A civil servant who has a cause for grievance caused by the treatment or non-treatment of oneself by the supervising official, and an appeal on the case is not available under Chapter 9 Appeals, has the right to lodge a complaint under the rules and procedures prescribed in this Chapter.

Section 123

A complaint due to a cause originating from a supervising official shall be lodged with the respective higher level of supervising official.

A complaint due to a cause originating from a head of departmental level government agency under the charge and control, or directly accountable in the performance of official functions to the Prime Minister or Minister, permanent secretary, Minister in Charge or Prime Minister, shall be lodged with the MSPC.

Upon a MSPC ruling on the complaint, the head of departmental level government agency under the charge and control, or directly accountable in the performance of official functions to the Prime Minister or Minister, permanent secretary, Minister in Charge or Prime Minister, as the case may be, shall undertake proceedings to implement the MSPC ruling.

Complaints and consideration of complaints under paragraph one and paragraph two shall be as prescribed by MSPC Regulation.

Section 124

In a complaint consideration, the MSPC has the power to refuse to hear the complaint, dismiss the complaint, or make a ruling to amend or repeal an order, and to award remedies for damages to the complainant, or to require other actions in the interest of justice as prescribed by MSPC Rule.

The MSPC may carry out a complaint consideration by itself, or may appoint a MSPC commissioner or appoint a complaints commission to perform the duties of considering complaints, in accordance with MSPC Regulation, and in the performance of duties under this Act, members of the complaints commission shall be competent officials under the Penal Code and shall have the powers under Section 117 *mutatis mutandis*.

Section 125

In the following cases, a member of the complaints commission may be objected:

- (1) being a supervising official of the who was the cause for concern, or being a person under the charge and control of such supervising official;
- (2) having an interest in the complaint matter;
- (3) having a cause for resentment against the complainant;
- (4) being in a relative or marital relationship with a person under (1), (2) or (3) which may cause unfairness to the complainant;

A member of the complaints commission subject to a case under paragraph one shall notify the Chairman of the MSPC and withdraw from the complaint consideration.

The submission of an objection and consideration of an objection shall be as prescribed by MSPC Regulation.

Chapter 11
Protection of the Merit System

Section 126

In the case where the MSPC finds that a regulation, rule or order issued under this Act and intended for general application is inconsistent with the merit system under Section 42, the MSPC shall notify the agency or person issuing such regulation, rule or order for an amendment or a repeal to be made as appropriate to the case.

TITLE V
ROYAL HOUSEHOLD CIVIL OFFICIALS

Section 127

The appointment and discharge of royal household civil officials shall be at the King's pleasure.

In the interest of personnel administration for royal household civil officials, a Royal Decree prescribing rules and procedures on the position classification, payment of salaries and position allowances, instatement, appointment, efficiency enhancement and motivation building in the performance of official functions, upholding ethics, maintenance of discipline, retirement from government service, appeals, complaints and other matters may be enacted as necessary, provided that there shall be no prejudice to the Royal Prerogative under paragraph one.

The Royal Decree under paragraph two may provide for the application of all or part of the provisions of this Act, or may contain different provisions from this Act.

Transitory Provisions

Section 128

The CSC, CSSC and Special CSSC performing duties on the date prior to the day which this Act comes into force shall continue to perform duties until the CSC is appointed by the King, or until a Special CSSC or subcommittee of a CSSC is appointed, as the case may be, under this Act.

Proceedings for the appointment of the CSC shall be completed within one hundred and twenty days as from the date which this Act comes into force.

Section 129

While proceedings have not yet been undertaken to establish the MSPC, the CSC shall provisionally assume the duties of the MSPC under this Act until the King appoints the MSPC under this Act.

Proceedings for the appointment of the MSPC shall be completed within one hundred and eighty days as from the date which this Act comes into force.

Section 130

A civil servant or royal household civil official under the Civil Service Act B.E. 2535 (1992) on the date prior to the date which this Act comes into force shall continue to be a civil servant or royal household civil official under this Act, as the case may be.

Section 131

While the CSC has not yet laid down class specifications under Section 48, the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD OFFICIALS shall not yet apply. The provisions in TITLE III CIVIL SERVANTS and TITLE IV ROYAL HOUSEHOLD CIVIL OFFICIALS under the Civil Service Act B.E. 2535 (1992), as amended, including the schedule of civil official salary rates and schedule of civil official position allowance rates annexed to the Salaries and Position Allowances Act B.E. 2538 (1995), as amended, shall provisionally apply to civil servants and royal household civil officials until the CSC has completed laying down class specifications and designated civil servant positions in all government agencies to position categories, class series and position levels in accordance with the class specifications, and published a notice thereof, whereby the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS under this Act shall apply as from the date of notice by the CSC, and the supervising official shall appoint officials to the new positions within thirty days as from the date of CSC notice.

In the designation of positions and appointment of civil servants under paragraph one, if there are reasons and necessities, the CSC may, in individual cases, approve the appointment of civil servants possessing qualifications different from the qualification requirements as prescribed by law.

The CSC shall proceed to issue the notice under paragraph one within one year from the date which this Act comes into force.

Section 132

While Royal Decrees have not yet been enacted, or a CSC Regulations or rules have not yet been issued, or directives or prescriptions have not yet been made, in any case, in order to carry out performance under this Act, the Royal Decrees, CSC Regulations, rules or directives, or cases that have been prescribed, that were previously in force, shall be applied in so far as are not inconsistent or contrary to this Act.

In the case where the Royal Decrees, CSC Regulations, rules or directives, or cases that have been prescribed, are inapplicable under paragraph one, proceedings shall be as prescribed by the CSC.

Section 133

A civil official who is subject to a case of disciplinary breach or a case which calls for a discharge from government service existing prior to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, the supervising official under this Act shall have the power to order the punishment of such person or order the discharge of such person from government service pursuant to the law on civil service in force at such time. Inquiries, considerations and proceedings for imposing punishment or discharge from government service shall be as provided for in this Act, except:

- (1) in the case where the supervising official has already duly ordered an inquiry under the law in force at such time prior to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, and the inquiry is still pending, the inquiry under such law shall continue until its completion;
- (2) in the case where an inquiry or consideration duly undertaken under the law in force at such time was already completed prior to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, the inquiry or consideration, as the case may be, shall be effective;
- (3) in the case where a report or a reference on a matter or presentation or submission of a file to any CSSC for consideration was duly made under the law in force at such

time, and the CSSC has not yet completed its consideration of the matter, the CSSC shall continue its consideration under such law until completion.

Section 134

Where a civil official is transferred from a local official or other types of official prior to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act comes into force, a person subject to a case of disciplinary breach or case which calls for a discharge from work, or discharge from government service under the law on local personnel administration or law on administration of such official prior to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, the supervising official under this Act shall have the power to carry out disciplinary proceedings against such person or proceedings to discharge such person from government service. Section 106 shall apply *mutatis mutandis* to the foregoing.

Section 135

Where a person is punished or discharged from government service under the Civil Service Act B.E. 2535 (1992), if an appeal or complaint has not yet been filed under such Act, and the period of appeal or complaint has not yet expired on the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, there shall be a right of appeal or complaint under this Act within thirty days as from the date which the provisions in TITLE IV CIVIL SRVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force.

Section 136

Appeals and complaints under the Civil Service Act B.E. 2535 (1992) filed prior to the date which the provisions in TITLE IV CIVIL SRVANTS and TITLE V ROYAL HOUSEHOLD OFFICIALS of this Act come into force, and falling within the scope of authority of the CSSC or CSC, shall continue to be considered by the CSSC or CSC, as the case may be, until completion.

Appeals and complaints under the Civil Service Act B.E. 2535 (1992) filed with the CSSC or CSC on or subsequent to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, and which are cases where a punishment has been imposed or ordered prior to the date which the provisions in TITLE IV CIVIL SERVANTS and TITLE V ROYAL HOUSEHOLD CIVIL OFFICIALS of this Act come into force, shall be considered by the MSPC.

Section 137

For any matter pending proceedings or previously actionable under the Civil Service Act B.E. 2535 (1992), and not provided for in this Act, or there is a case which is not actionable under this Act, appropriate further proceedings on such matter shall be as prescribed by CSC.

Section 138

Adjustments of salaries and position allowances of civil servants pursuant to the schedule annexed to this Act shall be in accordance with the rules and procedures prescribed by the Council of Ministers.

In the interest of proceedings under paragraph one, a civil servant who receives a salary lower than the salary rate for the level pursuant to the schedule of salary scale annexed to this Act shall receive a salary not less than the provisional salary rate pursuant to the schedule of salary scale annexed to this Act, and shall receive a salary adjustment up to the salary rate for the level pursuant to the schedule of salary scale annexed to this Act, in accordance with the rules and procedures prescribed by the Council of Ministers.

Section 139

In the case where the law on administration of various types of officials provides for the application or *mutatis mutandis* application of the law on civil service in the parts relating to civil servants, the Civil Service Act B.E. 2535 (1992), as amended, shall continue to apply or *mutatis mutandis* apply. The whole or partial application of this Act to such type of official may be effected by a resolution of the central personnel administration agency, or agency which performs the duties of a central personnel administration agency, for such official type, with the approval of the Council of Ministers.

Countersigned by General Surayud Chulanont as Prime Minister

Note:- The reasons for the promulgation of this Act are as follows. The National Administration Act (No. 5) B.E. 2545 (2002) has provided for the revision of the law on civil service in order to assign appropriate tasks to the Civil Service Commission and the Office of the Civil Service Commission. Also, the Civil Service Act B.E. 2535 (1992) has already been in force for a long time resulting in certain provisions which are inconsistent with development changes in the administration of government service. Therefore, in order to assign the appropriate tasks to the Civil Service Commission and the Office of the Civil Service Commission, and in order to align public human resource management with government service trends, it is expedient to revise such law by adjusting the roles of the Civil Service Commission, from being the executive's personnel management agency, the protector of merit system and organizer of government agency structure, to being merely the executive's personnel management agency. Overlap is avoided with the roles of the Public Sector Development Commission. The roles of merit protection system have been assigned to the Merit System Protection Commission. The roles of the Office of the Civil Service Commission has been adjusted from being officials involved in the operations of the Civil Service Commission, to being officials involved in the operations of the Civil Service Commission and the Merit System Protection Commission, without overlap with the roles of the Office of the Public Sector Development Commission. Positions of civil servants are categorized into groups based on nature of work, and there is a greater decentralization of public human resource management to the responsible government agency. It is therefore necessary to enact this Act.

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