Discipline for State and public sector employees Law (1)

No. (14) Of 1991

With its amendments

قانون إنضباط موظفي الدولة والقطاع العام

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In the name of people
Revolution Command Council

Resolution no.(144)
Date of Resolution: 7/ Thul Qi'dah / 1411 AH, 21/ 5/ 1991 AD

On the basis of the approval of the national assembly, in accordance with Article (53) of the constitution, and the Paragraph (Second) of Article (47) of the National Council Law no. (55) of 1980 as amended, on the basis of the provisions of Paragraph (a) of Article (42) of the Constitution.
The Revolution Command Council decided to issue the following law:

No.(14) of 1991

Discipline for State Employees and the public sector Law

Chapter One

Definitions and Validity of the Law

Article1

The expressions used in this law have the meanings indicating to them:
First: Minister: The competent minister. The head of an entity not affiliated with a ministry shall be deemed a minister for the purposes of this law.

Second: Head of department: Undersecretary of the Ministry and a person of his/ her rank among those with special ranks who manage a specific formation, the Director General or any other employee authorized by the Minister the power to impose the penalties stipulated in this law.(2)

Third: Employee: Any person is assigned a position within a ministry's staff or an entity not affiliated with a ministry.

Fourth: Council: General discipline council formed by the law of State Shoura Council (State Consultation Council. Translator) no. (65) Of (1979) as amended.

Fifth: Committee: The Committee of inquiry which is constituted by the minister or the head of the department for the purpose of this act.

Article 2 (3)

First: The provisions of this law shall be applied to all state and public sector employees.

Second: Members of the armed forces, the internal security forces, the national intelligence service, judges and prosecutors shall not be subject to the provisions of this law, unless there is in their laws a provision to apply its provisions.

Chapter Two
Duties of the Employee

Article 3

Public job is a national assignment of a social service its performer targets the public interest and the service of citizens in the light of the legal rules in force.

Article 4

The employee shall be bound by the following duties:

First: Performing his/ her duties by himself honestly and with a sense of responsibility.

Second: Adhering to working hours and not absenting, except by permission, and allocating all official working hours to work.

Third: Respecting his/ her superiors at work and adhering to politeness and decency in addressing them, and obeying their orders related to the performance of his/ her duties, to the extent required by the laws, regulations and instructions. If there is a violation in these orders, the employee shall indicate in writing to his/ her boss the face of the violation, and he/ she shall not be obliged to execute those orders unless confirmed in writing by his/ her boss, then the boss shall be responsible for them.

Fourth: Treating subordinates in a manner that preserves their dignity.

Fifth: Respecting citizens and facilitating the completion of their transactions.

Sixth: Maintaining and rationally using the funds of the state in his/ her possession or at disposal

Seventh: Concealing information and documents which he/ she is aware of by virtue of his/ her position or during it if they are confidential in nature, if it is feared to cause harm to the state or to persons, or in case there are orders to keep their confidentiality are issued by his/ her superiors. This duty shall remain in place even after termination of his/ her service, and he/ she may not keep confidential official documents after his/ her retirement or termination of his/ her service in any way.

Eighth: Preserving the dignity of the public job and moving away from any prejudice to the necessary respect, whether this is during the performance of his/ her job or outside the time of official working hours.

Ninth: Refraining from using a job to achieve a personal benefit or profit for him/ her or others.

Tenth: Returning tools or machines at his/ her disposal to the place designated for them at the end of the daily work, unless the nature of the work requires otherwise.

Eleventh: Observing laws, regulations and instructions for the protection of public health, safety at work and fire prevention.

Twelfth: Carrying out the duties of the job as prescribed by laws, regulations and instructions.

Article 5

The employee shall be prohibited from doing the following:

First: Combining two jobs as an original capacity or combining the job with any other work, except under the provisions of law.

Second: Practicing business and establishment of companies and membership in their boards of directors expect:

a. Purchasing shareholders.

b. The works that concern his/ her money which devolved to him/ her through inheritance, or managing the money of his/ her spouse or relatives up to the third degree devolved to them through inheritance, and the employee shall inform his/ her department about it within (30) days, and the minister, if he/ she considers that is affecting the performance of the employee's duties or detrimental to the public interest, shall give him/ her the choice between staying in the job, liquidating those funds or giving up the management within a year from the date of his/ her being notified of this, and asking for resignation or retirement.

Third: Participation in bids.

Fourth: Participation in auctions conducted by the state departments and the public sector for the sale of movable and immovable property if he/ she is legally authorized to certify the sale considering the assignment as definitive, if he/ she is a member of assessment or sale committees, he/ she made a decision to sell or rent such property or an employee of the general directorate or its equivalent to which the property belongs.

Fifth: Using materials, machines, means of transportation and others belonging to the state and public sector for special purposes.

Sixth: Using any machine, device or any other production machinery that his/ her immediate boss does not charge him/ her to use.

Seventh: Failure to make proper use of working hours and means of production in order to complete the work assigned to him/ her, negligence or laziness at work, resulting in damage to production, services or property.

Eighth: Tampering with the project or damaging the machinery, raw materials, tools or supplies.

Ninth: Deliberate reduction or damage to production.

Tenth: Delay in the completion of the work resulting in disabling others' works.

Eleventh: Borrowing, accepting a reward, gift or benefit from citizens, contractors, undertakers contracted with his/ her department or anyone whose work has a relationship with the employee because of the job.

Twelfth: Attendance to the place of his/ her job in a state of drunkenness or appearing in a state of obvious drunkenness in a public place.

Thirteenth: Retaining for himself/ herself the origin of any paper of official document or removing this origin from the files intended for keeping it to dispose of it for non-official purposes.

Fourteenth: Making any statement or announcement about the work of his/ her department to the media and publishing which is directly related to the works of his/ her job, except if he/ she is authorized to do so by the competent boss.

Article 6

First: An employee who occupies a position falling within the seventh grade of the Civil Service Law no. (24) of (1960) or its equivalent or below may work outside the time of official working hours for

his/ her own benefit or for others' benefit, provided that he/ she informs his/ her department of the place and nature of his/ her work annually, and that him/ her work outside the time of official working hours does not affect the duties of his/ her job.

Second: The competent minister or whomever he/ she authorizes may permit a employee not covered by Paragraph (First) of this article to work outside official working hours for a renewable period of one year.

Third: The employees who shall be excluded from the provisions of this article are:

a. Appointed by presidential decree.
b. Associates of the ministry of foreign.
c. Working in Foreign Service.

Article 7

If an employee contravenes the duties of his/ her job or performs a prohibited act, he/ she shall be punished by one of the penalties provided for in this law and this shall not prejudice any other actions that may be taken against him/ her in accordance with the laws.

Chapter Three
Penalties, Their Effects and Measures of Imposition

Article 8

The penalties that may be imposed on the employee are:

First: Calling-attention: A written notification for the employee of his/ her breach and guidance to improve his / her career behaviour. This penalty shall result in a delay of employee's promotion or an increase of salary for a period of three months.

Second: Warning: In-writing notification of the violation the employee has committed and warning him/ her against future breach of his/ her duties. This penalty shall result in a delay of six months employee's promotion or increase of salary.

Third: Salary cut: This penalty shall be imposed by calculating the daily instalment of an employee's salary for a period not exceeding ten days by written order stating the violation committed by the employee that required the imposition of the penalty, and resulting in delaying the employee's promotion or increase of the salary in accordance with the following:

a. Five months in case of salary cut for a period not exceeding (5) five days.
b. One month per day of salary cut in case the penalty period exceeds (5) five days.

Fourth: Reprimand: An in-writing notification for the employee of the breach he/ she has committed and of the reasons why his/ her conduct is unsatisfactory and requires him/ her to avoid the violation and improve his/ her career behaviour. This punishment shall entail

delaying employee's promotion or increase of salary for one year.

Fifth: Salary decrease: Deducting employee's salary by no more than (10%) of his/ her monthly salary for a period of not less than six months and not more than two years. This shall be done by a written order received by the employee explaining the act employee has done, this penalty shall entail delaying employee's promotion or increase of salary for two years.

Sixth: Rank downgrade: A written order in which the employee shall be notified of the violation he has committed, and this penalty entails:

a. For employee who is subject to laws, regulations, rules or service instructions within the system of financial ranks and promotions, the employee's salary shall be downgraded to the minimum rank below his/ her rank directly with granting him/ her the bonuses he/ she received in the rank he/ she has been downgraded from (by measuring the determined bonus in rank to which he/ she is downgraded) and he/ she shall be returned to the salary he/ she was receiving before downgrading his/ her rank after spending three years from the date of the imposition of the penalty, with recycling the period spent in his/ her last salary before the imposition of the penalty.

b. For an employee who is subject of laws, regulations, rules or service instructions including increase every two years, two increases shall be reduced from his/ her

salary and he/ she shall be returned to the salary he/ she was receiving before his/ her rank was lowered after spending three years from the date of imposition of the penalty with recycling the period spent in his/ her last salary before the imposition of the penalty.

c. For an employee subject to laws, regulations, rules or service instructions including annual increase system, three annual increases shall be deducted, with recycling the period spent in his/ her last salary before the imposition of the penalty.

Seventh: Dismissal: An employee shall be dismissed for a period specified by the dismissal decision including the reasons for imposing the penalty as follows:

a. A period of not less than one year and not more than three years if an employee is penalized with two of the following penalties, or one of them twice, then he/ she commits, in the third time within five years of the date of the imposition of the first punishment, an act that deserves to be punished by one of them:
   1. The reprimand.
   2. Salary Decrease.
   3. Rank downgrading.

b. Period of his/ her staying in prison if he/ she is sentenced to detainment or imprisonment for a not dishonourable crime from the date of his/ her sentence. The period of his/ her suspension shall be considered to be part of the term of dismissal, and the halves of the salaries paid to him/ her during the stopping power period shall not be recovered from him/ her.

Eighth: Permanent Dismissal: It is dismissing an employee permanently and he/ she shall not be re-employed in the state departments and the public sector, this shall be by reasoned decision by the Minister in one of the two following cases:

a. If it is proven that he/ she has been committed a wrong act, which makes his/ her continuation in the service detrimental to the public interest.
b. If he/ she is sentenced to an offence arising out of his/ her job or in his/ her official capacity.
c. If he/ she is penalized with dismissal or returned to his/ her job and then commits an act that requires dismissal again.

Article 9

First: The durations of the delay in promotion or the increase of salary resulting from the penalties mentioned in Article (8) of this law shall be valid from the date of entitlement of the employee to promotion or increase of salary.

Second: If the employee is penalized with more than one penalty within one functional rank, the more severe penalty shall be imposed on him/ her in respect of the delay in promotion as established in the preceding paragraph.

Second: The head of department or the authorized employee may impose any of the following penalties on an employee who contravenes the provisions of this law:

a. Calling attention.

b. Warning

c. Salary Cut for a period not exceeding five days.

d. Reprimand.

Third: If the committee recommends that a more severe penalty be imposed than what is provided for in paragraph (Second) of this article, the head of the department or the authorized employee shall refer it to the minister for deciding on it.

(Fourth) and (Fifth): Repealed. (4)

Article 12 (5)

First: Taking into account the provisions of Article (10) of this law, the minister may impose call-attention penalty, warning or salary cut on an employee who holds the post of director-general and above when he/ she commits an act contrary to the provisions of this law.

Second: If the minister finds through the investigation that the employee covered by Paragraph (1) of this article has committed an act requiring a more severe penalty than the minister is authorized to do, he/ she shall bring the matter to the council of ministers with a proposal to impose the penalties provided for in this law.

Third: An official covered by the provisions of this article may appeal the penalties imposed on him/ her under Items (First) and (Second) of this article, in accordance with the provisions of Article (15) of this law.

Article10

First: The minster or the head of the department shall set up an investigative committee from the head and two experienced members, with one of them having a primary university degree in law.

Second: The committee shall investigate in writing with the offending employee referred to it, and in order to perform its task, it may hear and record the statements of the employee and witnesses and see all the documents and data that it considers necessary to have access to them, and it may draw up a record in which it proves the measures it takes and the statements it hears, along with its causal recommendations either by not holding the employee accountable and closing the investigation or by imposing one of the penalties stipulated in this law, it shall submit all of this to the authority to which the employee was referred.

Third: If the committee considers that the act of the employee referred to it constitutes an offence arising out of his/ her job or committed it in his/ her official capacity, it shall recommend that he/ she be referred to the competent courts.

Fourth: As an exception to the provisions of paragraphs (First and Second) of this article, the minister or the head of the department, after the interrogation of the offending employee, may impose directly any of the penalties provided for in paragraphs (First, Second and Third) of Article (8) of this law.

Article 11

Taking into account the provisions of Article (10) of this law:

First: The minister may impose any of the penalties provided for in article (8) of this law on an employee who contravenes its provisions.

Chapter Five
Stopping the Power

Article 13 (6)

First: The minister may repeal any of the penalties imposed on an employee provided for in paragraphs (First), (Second), (Third) and (Fourth) of Article (8) of this law when the following conditions are met:

a. Passing one year since the sentence was imposed.

b. Doing his/ her work in a way that is more distinguished than his/ her peers.

c. He/ she was not be punished with any penalty within the period provided for under Item (a) of this paragraph.

Second: The decision to abolish the penalty shall entail removing its effects if it has not come to end.

Article 14 (7)

First: The president of the republic or whomever he/ she authorizes may impose any of the penalties prescribed by this law on his/ her employees.

Second: The prime minister, the minister or the head department that is not linked to the ministry may impose one of the following penalties on an employee under his/ her ministry or department covered by the provisions of this act.

a. Salary decrease.

b. Rank downgrade.

c. Dismissal.

d. Permanent Dismissal.

Third: An employee under paragraphs (First) and (Second) of this Article may appeal against the decision to impose a penalty in accordance with the provisions of Article (15) of this law.

Article 15 (8)

The council shall deal with the following:

First: Considering objections to decisions to impose the penalties provided for in Article (8) of the law after an appeal against them, as provided for in Paragraph (Second) of this Article, and it may decide to approve the decision or to reduce or abolish the penalty.

Second: Before submitting an appeal against the decision to impose a penalty to the general discipline board, it is required that there be a grievance against the decision with the authority that issued it within (30) thirty days of the date on which the employee is notified of the imposition of the penalty. The authority shall be required to decide on this grievance within (30) thirty days from the date of its submission. If it is not been decided on despite the expiry of this duration, this shall be considered a rejection of the grievance.

Third: An appeal to the public discipline board is required to be filed within (30) thirty days of the date of the employee's notification of the refusal of the grievance, in fact or in judgment.

Fourth:

a. The decision not appealed within the period provided for in paragraphs (Second) and (Third) of this Article shall be deemed final.

b. The decision of the public discipline board may be appealed to the public body of Shoura council (State Consultation Council. Translator) within (30) thirty days starting from the date of its

notification or what is deemed a notification. The decision of the public body issued as a result of the appeal shall be final and binding.

Fifth: The public discipline council, when considering the appeal, shall take into account the provisions of Code of Criminal Procedure in a manner appropriate to the provisions of this law and its sessions shall be confidential.

Sixth: The public body of the Shoura council (State Consultation Council. Translator) shall exercise the powers of the Court of Cassation stipulated in the Code of Criminal Procedure when considering the appeal against the decisions of the public discipline council and in accordance with the provisions of this law.

Seventh [11]:

a. A lump fee of (10000) ten thousand dinars shall be collected from the employee when objecting to decision to impose a disciplinary penalty on him/ her before the public discipline board.

b. A lump fee of (4000) four thousand dinars shall be collected from the appealer upon cassation appeal against the decision in the case provided for in (a) of this paragraph.

Chapter Five
Stopping Power

Article 16

If the employee is suspended by a competent authority, his/ her department shall stop his/ her power in the job for the duration of the suspension.

Article 17

First: The minister or the head of department may stop the employee's power for a period not exceeding (60) days if he\she sees that the employee's continuation in the job is detrimental to the public interest or my affect the conduct of the investigation of the act for it he/ she referred to the investigation and shall be returned to the same job after the end of the said period, unless there is something warned, then he/ she shall assigned to another job.

Second: The committee may recommend that the employee's power be stopped at any stage of the investigation.

Article 18

An employee whose power is stopped shall receive the halves of his/ her salaries during the period of stopping of his/ her power.

Article 19

First: If a power-stopped employee dismissed or permanently dismissed, he/ she shall not be paid any of the his/ her

suspended salary, regardless of whether his/ her dismissal or permanently dismissal is based on this or any other law.

Second: If a power-stopped employee penalized by a salary cut or rank downgrade, the penalty shall be carried out from the date of the stopping of his/ her power, and the remainder shall be paid to him/ her from the halves of his/ her salaries.

Third: If the result of the investigation or trial is the acquittal, release or penalty of the employee without the penalties mentioned in Paragraph (Second) of this Article, he/ she shall be paid suspended halves of his/ her salaries.

Fourth: If a power-stopped employee died before a definitive decision is made in the investigation or trial, the halves of his/ her salaries shall be devolved to the party who has pension rights in accordance with the provisions of the Civil Retirement Law, and if there is not, they shall be devolved to the deceased employee's heirs.

General and Final Provisions

Article 20

No more than a penalty may be imposed under this law for a single act.

Article 21

First: If an employee is sent a letter of thanks by the presidency, cabinet, minister or whomever he/ she authorizes, and he/ she was not penalized or he/ she was penalized but the penalty has expired, he/ she shall be granted one-month seniority bonus for every thank letter directed to him/ her, provided that this seniority bonus does not exceed the annual seniority period permitted.

Second: If an employee is penalized, the thank letter shall cancel a calling-attention penalty, and if he/ she receives two thank letters, then this shall cancel the warning penalty imposed on him/ her, and if he/ she receives three and more letters of thank and he was punished with a more severe penalty than the warning, his/ her promotion delay period shall be reduced one month for every thank letter, and no more than three months a year.

Article 22 (9)

The secondment or transfer of an employee shall not prevent from being held accountable in accordance with the provisions of this law.

Article 23

An employee's acquittal or release for the act for which he/ she is referred to the competent courts shall not preclude the imposition of any of the penalties stipulated in this law.

Article 24 (10)

If it appears to the minister, the head of the department, the employee authorized by the minister or the public discipline board that in the act of the employee referred to investigation there is an offense arising from his/ her job that he/ she committed in his/ her official capacity, he/ she shall be referred to the competent courts.

Article 25

The Discipline for State Employees Law amended no. (69) Of 1936 shall be repealed and any text that contradicts the provisions of this law shall not be enforced.

Article 26

This law shall be implemented ninety days after its publication in the Official Gazette.

Saddam Hussein
Chairman of the Revolution Leadership Council

Footnotes

(1). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061) Date: 14/ 2/2008, Article 1.

(2). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 2

(3). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 3

(4). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 4

(5). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 5

(6). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 6

(7). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 7

(8). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 8

(9). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 9

(10). It was amended based on the law (Law of First amendment of State and public sector employees law) No.(5) of 2008, pursuant to Parliament's Resolution based on provisions of

Item (138/ Fifth/ C) of the constitution, Iraqi Official Gazette, Issue No. (4061), Date: 14/ 2/2008, Article 10

(11). It was amended based on the decision of the President of the Republic on 27/ 8/ 2012 to issue Law No. (51) Of 2012 (Law of Second amendment of State and public sector employees law of 1991 amended), based on Parliament Resolution No. (52), Item (First) of Article (61) and Item (Third) of Article (73) of the constitution, Iraqi Official Gazette, Issue No. (4250), Date: 10 /9 /2012, Article 1