

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

D E C R E E

**on Promulgation of the Law on amending and supplementing the Law on
the Assembly of the Republic of Macedonia**

The Law on amending and supplementing the Law on the Assembly of the Republic of Macedonia,

adopted by the Assembly of the Republic of North Macedonia, at its Session held on 16 January 2020, is promulgated.

No 08 – 432/1
16 January 2020
S k o p j e

**PRESIDENT
OF THE REPUBLIC OF NORTH MACEDONIA**
Stevo Pendarovski, sig.

**PRESIDENT
OF THE ASSEMBLY OF THE REPUBLIC
OF NORTH MACEDONIA**

Talat Xhaferi, sig.

That this copy is true to the original is certified by:

**DEPUTY SECRETARY GENERAL
OF THE ASSEMBLY OF THE REPUBLIC OF
MACEDONIA**

Nexhbedin Ibraimi

DRAFT LAW
AMENDING THE LAW ON THE ASSEMBLY OF THE
REPUBLIC OF MACEDONIA

Article 1

In Article 27 Paragraph (1) Line 5 of the Law on the Assembly of the Republic of Macedonia (Official Gazette of the Republic of Macedonia no. 104/2009) the conjunction “and” shall be substituted with “,” (comma) and two new lines shall be added as follows:

- „ – give financial approval to the Annual Employment Plan,
 - adopt a Decision stipulating the value of the point for the Assembly servants and.“
- Line 6 shall become Line 8.

Article 2

Article 40 shall be amended as follows:

„ (1) The Staff of the Assembly (hereinafter: Staff) shall perform expert, administrative and other affairs for the needs of the Assembly, the President of the Assembly, the working bodies and the MPs. The Staff shall perform expert, administrative and other affairs for the Inter Community Relations Committee and other working bodies of the Assembly.

(2) The Staff shall function as a sole service.

(3) The sole functioning of the Staff shall be provided through mutual cooperation between the Units and the harmonization of their work

(4) The sole functioning of the Staff shall be ensured by the Secretary General of the Assembly (hereinafter: Secretary General).“

Article 3

After Article 40, 19 new Articles: 40-a, 40-b, 40-c, 40-d, 40-e, 40-f, 40-g, 40-h, 40-i, 40-j, 40-k, 40-l, 40-m, 40-n, 40-o, 40-p, 40-q, 40-r and 40-s, and 6 new Chapters shall be added to read as follows:

„1. Internal Organization of the Staff

Article 40-a

(1) Primary Organization Units and Organization Units in Composition shall be established within the Staff.

(2) The Organization Units shall be established according to the type, similarity and interconnectedness of their assignments.

(3) The establishment of the Organization Units must not cause overlap in their scope of work.

Article 40-b

(1) The Primary Organization Units which can be established within the Staff shall be: the Cabinet, the Departments and the Special Organization Units.

(2) The Cabinet shall be established for the needs of the President of the Assembly. The Cabinet shall be comprised of at least two Units. The Cabinet shall be led by the Head of the Cabinet, accountable to the President of the Assembly and the Secretary General.

(3) A Department shall be established to integrate several interconnected functions and assignments, as well as to organize, monitor and coordinate affairs within the competence of its Units and to promote their mutual cooperation. The Department shall be comprised of at least two Units. The Department shall be led by the Head of Department accountable to the Secretary General. The Head of Department within the Special Organization Unit Parliamentary Institute shall be accountable to the Head of the Special Organization Unit.

(4) Special Organization Units shall be established pursuant to Law and shall not be subject to restrictions on the number of work positions. The official who is leading the Special Organization Unit shall be accountable to the Secretary General, while the Head of the Special Organization Unit - Parliamentary Institute shall also be accountable to the Steering Council.

Article 40-c

(1) The Primary Organization Units from Article 40-b Paragraphs (2) and (3) of this Law shall be comprised of Units due to immediate execution of the duties and assignments of the Primary Organization Units.

(2) In a Unit, a minimum of five posts, including the Head of Unit shall be systematized. The Unit shall be led by the Head of Unit who shall be accountable to the Head of Department.

Article 40-d

- (1) Assembly State Advisors shall be systematized as work positions in the Staff for different areas in the competence of the Assembly.
- (2) The Assembly State Advisors shall be accountable to the Secretary General.

Article 40-e

(1) Project Organization Units can be established within the Staff.

(2) The Project Organization Units shall be established for the purpose of carrying out a project for a fixed period of time, until its completion. The employees in the Project Units shall be employed on a fixed-term contract which cannot be valid longer than the duration of the Project.

Article 40-f

(1) The Act on Internal Organization and the Act on Systematization of the Work Positions in the Staff shall be adopted by the Secretary General upon the proposal of the Assembly Staff Council.

(2) The Acts from Paragraph (1) of this Article shall be applied upon a received approval from the President of the Assembly

(3) The Act on Internal Organization shall stipulate:

- The type and number of Organization Units,
- The scope of work of the Organization Units and their mutual relations and
- The management of the Organization Units and accountability.

(4) The Act on Internal Organization shall include a graphic demonstration of the Organization of the Staff (Organigram).

(5) The Act on Systematization of the Work Positions in the Staff shall include a systematization on the number of work positions and the number of officials, in line with the needs for an efficient execution of Assembly's competences.

(6) The Acts from Paragraph (1) of this Article shall be submitted for notification purposes to the Ministry on Information Society and Administration by the Secretary General and shall be published on the web site of the Assembly.¹

Article 40-g

(1) The Staff shall be comprised of Assembly Servants and persons employed in the Staff who perform auxiliary-technical duties.

(2) The Assembly Servants shall be officials with a status of administrative servants. The provisions of the Law on Public Sector Employees, the Law on Administrative Servants and the regulations on labour relations shall apply to the Assembly Servants, unless otherwise provided by this Law.

(3) The persons employed in the Staff who perform auxiliary-technical duties shall not have a status of administrative servants and shall be subject to the provisions of the Law on Public Sector Employees and the regulations on labour relations.

2. Assembly Staff Council

Article 40-h

(1) The Secretary General shall establish the Assembly Staff Council (hereinafter: Council) as his/hers advisory body which shall: draft Functional Analysis; propose the Act for Internal Organization and the Act on Systematization of the Work Positions of the Staff, drafted on the basis of the functional analysis; propose filling posts in the Staff through internal and public job announcement; assist the Secretary General in regard with the functioning and coordination of the Staff and perform other functions.

(2) The Council shall be comprised of the Heads of the Primary Organization Units, while the Assembly State Advisors can participate in the work thereof.

(3) The Council shall be chaired by the Secretary General.

(4) The Council shall draft minutes for each meeting.

3. Classification of the Work Positions of the Assembly Staff

Article 40-i

(1) The Work Positions of the Assembly Staff shall be classified into three categories, pursuant to the criteria listed in the Law on Administrative Servants:

-Category B – Head Assembly Servants

-Category C – Expert Assembly Servants and

-Category D – Assistant – Professional Assembly Servants

(2) In the framework of each Category from Paragraph (1) of this Article several levels of work positions shall be stipulated:

Article 40-j

(1) In the framework of the categories, the following levels and titles of Assembly Servants shall be stipulated:

1. Category B

- B1 Assembly State Advisor, First Level Head Assembly Servant, Code SOB 01 01 B01000,

¹ This proposal means that the Secretary General shall not seek approval from the Ministry on Information Society and Administration for the Acts.

- B2 Head of Department, Second Level Head Assembly Servant, Code SOB 01 01 B02000,
- B3 Assistant Head of Department, Third Level Head Assembly Servant, Code SOB 01 01 B03000 and
- B4 Head of Unit, Fourth Level Head Assembly Servant, Code SOB 01 01 C04000.
- 2. Category C
 - C1 Advisor, First Level Expert Assembly Servant, Code SOB 01 01 C01000,
 - C2 Senior Associate, Second Level Expert Assembly Servant, Code SOB 01 01 C02000,
 - C3 Associate, Third Level Expert Assembly Servant, Code SOB 01 01 C03000 and
 - C4 Junior Associate, Fourth Level Expert Assembly Servant, Code SOB 01 01 C04000.
- 3. Category D
 - D1 Independent Officer, First Level Assistant – Professional Assembly Servant, Code SOB01 01 D01000,
 - D2 Senior Officer, Second Level Assistant – Professional Assembly Servant, Code SOB 01 01 D02000,
 - D3 Officer, Third Level Assistant – Professional Assembly Servant, Code SOB 01 01 D03000 и
 - D4 Junior Officer, Fourth Level Assistant – Professional Assembly Servant, Code SOB 01 01 D04000.

(2) The Codes of the Assembly Servants from Paragraph (1) of this Article shall be incorporated in the Catalogue of Work Positions in the Public Sector drafted by the Ministry on Information Society and Administration.

Article 40-k

(1) In consideration of the needs of the President, Vice Presidents and the Secretary General, the Act on Systematization of the Work Positions shall establish the special work positions - Cabinet Staff in a number as follows:

- Five work positions as Cabinet Staff for the needs of the President of the Assembly,
- One work position as Cabinet Staff for the needs of each Vice President of the Assembly and
- Three work positions as Cabinet Staff for the needs of the Secretary General of the Assembly.

Article 40-l

(1) In consideration of the needs of the President, Vice Presidents and the Secretary General, for the purpose of performing special assignments, the work positions - Special Advisors shall be established in a number as follows:

- Five work positions, Special Advisors for the needs of the President of the Assembly,
- One work position, Special Advisor, for the needs of each Vice President of the Assembly and
- Three work positions, Special Advisors for the needs of the Secretary General of the Assembly.

4. Manners of employment

Article 40-m

(1) Recruitment in the Staff shall be executed through a procedure for:

- Employment, via publication of public job announcement,
- Promotion, via publication of internal job announcement and

- Mobility, via transfer or taking over.

(2) The recruitment process from Paragraph 1 of this Article shall be carried out in a transparent, fair and competitive procedure, respecting the principle of appropriate and equitable representation.

(3) Recruitment via internal announcement is a priority in the process of Staff employment.

(4) The recruitment procedure from Paragraph (1) Lines 1 and 2 of this Article shall be applied upon a received approval for allocations from the President of the Assembly, in the framework of the provided allocations from the Budget for the Assembly and the Annual Employment Plan.

Article 40-n

(1) The procedures for employment and promotion of Assembly Servants shall be implemented pursuant to the Law on Administrative Servants.

(2) The procedures for mobility of Assembly Servants shall be implemented pursuant to the Law on Public Sector Employees.

(3) The recruitment procedures for the auxiliary-technical staff shall be implemented pursuant to the Law on Public Sector Employees and the regulations on labour relations.

(4) The recruitment procedures via making a fixed term contract on any basis, as well as for the engagement of experts and other officials, shall be applied upon a received approval for allocations from the President of the Assembly, in the framework of the provided allocations from the Budget for the Assembly.

4. Procedure for Adoption of the Annual Employment Plan

Article 40-o

(1) The Secretary General shall be obliged to prepare a Draft – Annual Employment Plan and submit it, together with the Draft - Budget Request to the Budget Council of the Assembly for approval.

(2) The Budget Council shall be obliged to adopt a Decision on Allocations, i.e. provide remarks to the Annual Employment Plan within 15 days from the day of receiving the Draft – Annual Plan.

(3) The Secretary General shall be obliged to act upon the remarks, i.e. to harmonize the Draft – Annual Plan.

(4) Upon receiving the approval, i.e. upon the harmonization of the Plan, the Secretary General shall be obliged immediately, or by 1 September the latest to adopt the Plan.

(5) The Secretary General shall submit the Annual Plan and the Approval to the Ministry of Finance, the Ministry on Information Society and Administration and to the Agency on Administration, for notification purposes.

(6) In the event that the Budget Council does not act upon the request for approval of the Draft –Plan within 15 days, it shall be considered that approval is granted.

Article 40-p

The Secretary General shall submit to the Ministry on Information Society and Administration a report on the execution of the Plan from Article 40-o of this Law, for notification purposes, biannually, no later than 15 July for the period January – June of the current year, i.e. 15 January for the period July – December of the previous year.

5. Salary and Value of Points in Salary Calculations

Article 40-q

(1) The basic component of the salary of the Assembly Servants shall be comprised as follows:

- Part of the salary for the Degree of education
- Part of the Salary for Level
- Part of the Salary for Career

(2) The Part for the degree of education, which is the legal minimum for the appropriate level of work position, shall be valued as follows:

1. Level of qualification/education:

- Level of qualifications VI A, 240 credits according to ECTS or completed VII/1 degree, 200 points;
- Level of qualifications VI B or 180 credits according to ECTS, 175 points;
- Level of qualifications VA, 60 to 120 credits according to ECTS or a Higher Education, 150 points and
- Level of qualifications IV, 240 credits according to ECVET or MCSGE or four years secondary school education, 100 points.

(3) The Part of the salary for the level of employment of the Assembly Servant shall be valued as follows:

- B1 – First Level Head Assembly Servant, 671 points;
- B2 - Second Level Head Assembly Servant, 645 points;
- B3 - Third Level Head Assembly Servant, 528 points;
- B4 - Fourth Level Head Assembly Servant, 450 points;
- C1 – First Level Expert Assembly Servant, 365 points;
- C2 - Second Level Expert Assembly Servant, 320 points;
- C3 - Third Level Expert Assembly Servant, 300 points;
- C4 - Fourth Level Expert Assembly Servant, 261 points;
- D1 – First Level Assistant – Professional Assembly Servant, 255 points;
- D2 - Second Level Assistant – Professional Assembly Servant, 235 points;
- D3 - Third Level Assistant – Professional Assembly Servant, 216 points and
- D4 - Fourth Level Assistant – Professional Assembly Servant, 190 points.

(4) The Part of the Salary for the Career of the Assembly Servant shall be valued in the amount of 0.5% of the parts of salary for the degree of education and for the level for each completed year of career, but not more than 20%.

Article 40-r

(1) The value of the point for calculation of salaries of the Assembly Servants shall be determined each year by a Decision from the Budget Council upon the proposal of the Secretary General, which shall be adopted within 15 days from the day of adoption of the National Budget, and in the framework of the planned budget allocations for the Assembly and on the basis of the total number of Assembly Servants set on particular levels in the current year.

(2) In the event that the Budget Council does not determine the value of the point within the timeline from Paragraph (1) of this Article, the value of the point determined for the previous year, prior to the adoption of the Decision shall be applied in the calculation of the salaries, until the Decision is adopted.

Article 40-s

(1) The Assembly Servants may be entitled to additional compensation due to the particularity of the tasks and assignments, the manner and conditions for their performance, constant availability, increased workload and due to the fact that the Assembly is in constant session.

(2) The compensation from Paragraph (1) of this Article may not be higher than 30% from the amount of the base salary and it will be paid for a fixed period of time.

(3) The criteria for the compensation payment from Paragraph (1) of this Article will be set forth in an Act by the Secretary General.”.

Article 4

After Article 42, a new Article 42-a shall be added as follows:

„Article 42-a

A Special Organization Unit, Unit - Parliamentary Budget Office, shall be established within the Staff, in line with the promotion of the parliamentary financial oversight, drafting expert financial and budget analyses for the needs of the MPs and Working Bodies.”.

TRANSITIONAL PROVISIONS

Article 5

The Secretary General shall, within 30 days from the day this Law enters into force, convene the Assembly Staff Council.

The Secretary General shall be obliged to adopt the Acts from Article 40-f and Article 40-s Paragraph 3 of this Law within 6 months from the day this Law enters into force, and the application thereof shall be initialized on 1 January 2021.

The Provisions from Article 1 Paragraph 1 Line 2 and Articles 40-m, 40-n Paragraph (2), 40-p, 40-q, 40-r and 40-s of this Law shall apply from 1 January 2021.

The Decision on the value of the point for calculation of the salaries of the Assembly Servants shall be adopted by the Budget Council within ten days from the day of adoption of the National Budget for 2021.

Article 6

The time spent in the current post, until the date of application of the acts referred to in Article 5 Paragraph 2 of this Law, in accordance with the Law on Administrative Servants, shall be calculated in the total time for determining the conditions in the promotion procedures.

Article 7

The career grade points earned by the Assembly Servant by the date of entry into force of this Law shall be added to the points in the Part of the salary for the level of employment set forth in Article 40-q, Paragraph (3) of this Law.

FINAL PROVISION

Article 8

This Law shall enter into force on the eighth day from the date of publication in the Official Gazette of the Republic of North Macedonia”.