

Pursuant to Article 95 item 3 of the Constitution of Montenegro I hereby pass the

**DECREE PROMULGATING THE LAW ON WAGES OF CIVIL SERVANTS AND
STATE EMPLOYEES**

(Official Gazette of Montenegro No 86/09 of 25 December 2009)

I hereby promulgate the Law on Wages of Civil Servants and State Employees, adopted by the Parliament of Montenegro of the 24th assembly, at the sixth sitting of the second regular session in 2009 on 17 December 2009.

Number: 01-3160/2
Podgorica, 22 December 2009

The President of Montenegro
Filip Vujanović, m.p.

Pursuant to Article 82 paragraph 1 item 2 and Article 91 of the Constitution of Montenegro, the Parliament of Montenegro of the 24th assembly, at the sixth sitting of the second regular session in 2009 on 17 December 2009 adopted the

**LAW ON WAGES OF CIVIL SERVANTS AND STATE
EMPLOYEES**

I BASIC PROVISIONS

**Subject-Matter of the Law
Article 1**

A civil servant or state employee exercises the right to wage, allowance, and other earnings in the manner and under conditions as set forth by this Law and the General Collective Bargaining Agreement.

**Funds for Wages
Article 2**

The funds for wages, allowances, and other earnings of civil servants or state employees shall be provided for in the Budget of Montenegro (hereinafter referred to as the Budget).

**Wage Setting
Article 3**

The wage of a civil servant or state employees shall be set by an individual legal document, in accordance with law.

Protection of Rights Article 4

A civil servant or state employee shall exercise the protection of the right to wage, allowance, and other earnings in accordance with a regulation governing civil servants and state employees.

Use of Gender-Sensitive Vocabulary Article 5

All terms in this Law used for natural persons in the masculine gender shall include the same terms in the feminine gender.

Public Nature of Wages Article 6

Data on wages of civil servants or state employees shall be accessible by the public, in accordance with law.

General Labour Regulations Article 7

General labour regulations shall apply to wages, allowances, and other earnings of civil servants or state employees in respect of the issues not regulated otherwise by this Law, the General Collective Bargaining Agreement, or by other regulations.

II WAGE OF A CIVIL SERVANT AND STATE EMPLOYEE

Application of Law Article 8

Provisions of this Law shall also apply accordingly to the employees in local self-government authorities.

Wage Structure Article 9

The wage of a civil servant or state employee shall consist of:

- Fixed part;
- Variable part;
- Wage supplement.

Wage Grades and Multipliers

Article 10

For the purpose of setting the fixed part of the wage, the titles of civil servants or state employees shall be classified into thirty eight wage grades stated by multipliers, depending on the complexity, responsibility, work importance and conditions, and so as follows:

Wage grades	Multiplier
1	9.90
2	9.75
3	9.23
4	8.71
5	8.19
6	7.15
7	7.02
8	6.89
9	6.76
10	6.63
11	6.50
12	6.37
13	6.24
14	6.11
15	5.98
16	5.85
17	5.72
18	5.59
19	5.46
20	5.33
21	5.20
22	5.01
23	4.81
24	4.68
25	4.55
26	4.42
27	4.29
28	4.10
29	3.77
30	3.58
31	3.45
32	3.32
33	3.19
34	3.06
35	2.93
36	2.86
37	2.34
38	2.00

The Government of Montenegro (hereinafter referred to as the Government) shall propose increase in the set wage grades scale, depending on the capacity of the Budget.

Wage Grade Schedule Article 11

Specific titles of civil servants or state employees shall be deployed into the following wage grades, depending on the education level and work experience, and so as follows:

Civil Servants	State Employees	Titles	Wage Grades	
			From	To
Head of the Authority or Service		Head of the Administration Authority	1	-
		President of the Misdemeanour Council	2	-
Managers and other appointed persons		Secretary of the Ministry Deputy Minister	3	-
		Deputy Head of the Administration Authority Judge of the Misdemeanour Council	4	-
		Deputy Head of the Service President of the Regional Misdemeanour Body	5	-
		Judge of the Regional Misdemeanour Body	6	-
I grade	I grade	Adviser to the Head of Authority Chief Inspector Chief Authorized Officer	8	6
		Independent Adviser I Inspector I Authorized Officer I Independent State Employee I	10	8
		Independent Adviser II Inspector II Authorized Officer II Independent State Employee II	12	10
		Independent Adviser III Inspector III Authorized Officer III Independent State Employee III	14	12
II grade	II grade	Senior Adviser I Senior State Employee I	17	15
		Senior Adviser II Senior State Employee II	19	17
		Senior Adviser III Senior State Employee III	21	19
III grade	III grade	Adviser I; State Employee I	24	22
		Adviser II; State Employee II	26	24
		Adviser III; State Employee III	28	26
	IV grade	State Employee IV	31	29
		State Employee V	33	31
		State Employee VI	35	33
	V grade	State Employee	38	36

In the event that a law or other regulation stipulates titles that are not deployed into the wage grades, such law or regulation shall allocate them into the wage grades, in accordance with requirements stipulated by the Law on Civil Servants and State Employees and pursuant to wage grades referred to in paragraph 1 of this Article.

Setting the Fixed Part of the Wage

Article 12

The amount of the fixed part of the wage for a civil servant or state employee shall be set by multiplying the multiplier stipulated for the wage grade in which his/her title is classified with the value of the multiplier as set by the Government for a fiscal year.

Exceptionally, the Government may amend the value of the multiplier during the fiscal year depending on the outturn of the Budget revenues.

The wage as set in accordance with paragraph 1 of this Article shall be increased based on the years of service pursuant to the General Collective Bargaining Agreement.

The civil servant or state employee shall be entitled to a wage supplement in accordance with the General Collective Bargaining Agreement.

Special Wage

Article 13

A civil servant or state employee who obtained the right to a part time working hours equal to the $\frac{1}{2}$ of hours of the full working hours, in accordance with law, shall be entitled to 70% of the wage for the position to which was assigned.

A civil servant or state employee who obtained the right to a leave of absence, in accordance with law, shall be entitled to 50% of the wage for the position to which was assigned before the leave of absence, for a period of two years.

A payment of a difference up to the amount of a severance payment, in case it exceeds the paid wage, shall be made to the civil servant or state employee referred to in paragraph 2 of this Article.

Variable Part of the Wage

Article 14

A civil servant or state employee having exceptional results and quality of work shall be entitled to a variable part of the wage.

The Government shall stipulate criteria and the manner of setting the variable part of the wage for civil servants and state employees by a specific regulation.

Minimum Wage Article 15

Until a General Collective Bargaining Agreement is adopted, a minimum wage of a civil servant or state employee shall be set for the current year in the amount of 33% of the average wage from the previous year in Montenegro according to data of an administration authority competent for statistical affairs.

Adoption of Decisions Article 16

A Minister in charge of the Budget-related matters shall issue a decision on the fixed part of the wage for the state administration authority, based on a decision of a head of authority on assignment or promotion of a civil servant or state employee to a higher rank, or wage grade; and in case of other state authorities, a head of authority shall adopt the decision on the fixed part of the wage based on the legal document on assignment or promotion of a civil servant or state employee to a higher rank, or wage grade.

A Minister in charge of the Budget-related matters shall issue a decision on variable part of the wage for civil servants or state employees based on a decision of a head of authority concerning the meeting of requirements for the variable part of the wage.

The decision on the variable part of the wage referred to in paragraph 2 of this Article shall be adopted depending on the amount of available Budget funds.

Right to Reimbursement of Expenses Article 17

A civil servant or state employee shall be entitled to reimbursement of expenses incurred with regard to work, as follows:

- 1) Per diems for official travel in country and abroad;
- 2) Use of own vehicle for official purposes;
- 3) Family separation.

III ALLOWANCES AND OTHER EARNINGS

Other Earnings Article 18

A civil servant or state employee shall be entitled to a severance payment in case if being declared a redundancy.

Decision on Increasing the Wage

Article 19

The Government may adopt a specific decision concerning jobs for which a possibility and percentage of increase of wage is established for a civil servant or state employee for specific tasks performed in the state administration authority and another state authority, at the proposal of the Ministry in charge of Budget-related matters.

Government Regulation

Article 20

The Government shall stipulate the requirements, manner of exercising and amount of allowances/reimbursements referred to in Articles 17 and 18 and the wage increase referred to in Article 19 of this Law.

Decision on Allowances and Other Earnings

Article 21

The Minister in charge of Budget-related matters shall issue a decision on allowances and other earnings in accordance with this Law and the General Collective Bargaining Agreement.

IV RECORDS AND SUPERVISION

Central and Other Records

Article 22

The Ministry in charge of the Budget-related matters shall keep the central records on wages of civil servants or state employees.

The central records referred to in paragraph 1 of this Article shall contain, including but not limited to, the data on:

- 1) Person – name and surname, address and unique citizen's identification number (JMBG);
- 2) Position and transfers within the service;
- 3) Wage grade (fixed part of the wage);
- 4) Variable part;
- 5) Wage supplement;
- 6) Wage compensation, and reimbursement of expenses, and other earnings;
- 7) Years of service, years of contributing to pension insurance, and years of service at accelerated rate;
- 8) Other data, in accordance with regulation.

The authority referred in paragraph 1 of this Article shall obtain the data for keeping records from the head of the state authority and from the administration authority in charge of human resources management.

The Ministry in charge of the Budget-related matters shall stipulate the manner of keeping the central records and other official records, content of data and forms, and submission thereof to competent authorities.

Supervision over the Enforcement of the Law

Article 23

The Ministry in charge of the Budget-related matters shall carry out the supervision over the enforcement of this Law and other regulations on wages and allowances to civil servants or state employees through an authorize person.

If the authorized person referred to in paragraph 1 of this Article in carrying out the supervision establishes illegalities and irregularities, he/she shall be obliged to undertake measures set forth by regulations on inspection supervision.

V TRANSITIONAL AND FINAL PROVISIONS

Adoption of Regulations

Article 24

Regulations for the implementation of this Law shall be adopted within six months as of the day this Law enters into force.

Until the adoption of regulations referred to in paragraph 1 of this Article, regulations adopted pursuant to the Law on Wages of Civil Servants and State Employees (*Official Gazette of the Republic of Montenegro*, No 27/04; *Official Gazette of Montenegro*, No. 17/07 and 27/08) shall apply, unless contrary to this Law.

Superseding

Article 25

As of the day this Law enters into force, the Law on Wages of Civil Servants and State Employees (*Official Gazette of the Republic of Montenegro*, No 27/04; *Official Gazette of Montenegro*, No. 17/07 and 27/08), as well as provisions of Article 35 of the Law on National Security Agency (*Official Gazette of the Republic of Montenegro*, No 28/05), Article 98 of the Law on Police Force (*Official Gazette of the Republic of Montenegro*, No 28/05), Article 54 of the Law on Defence (*Official Gazette of the Republic of Montenegro*, No 47/07), and Article 18 paragraph 1 of the Law on Protection and Rescue (*Official Gazette of Montenegro*, No. 13/07 and 05/08) shall be rescinded.

Entry into Force
Article 26

This Law shall enter into force on the eight day following its publication in the *Official Gazette of Montenegro*.

SU-SK Number 01-999/9
Podgorica, 17 December 2009

The Parliament of Montenegro, 24th assembly
The Speaker,
Ranko Krivokapić, m.p.