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Federal Civil Servants Disciplinary and Grievance Procedure Council of Ministers
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COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR FEDERAL CIVIL SERVANTS DISCIPLINARY AND GRIEVANCE PROCEDURE

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No.4/1995 and Article 88(1) of the Federal Civil Servants Proclamation No.262/2002.

PART ONE
General Provisions

1. Short Title
These Regulations may be cited as the “Federal Civil Servants Disciplinary and Grievance Procedure Council of Ministers Regulations No. 77/2002”.

2. Definitions
In these Regulations unless the context requires otherwise:
1) “Proclamation” means the Federal Civil Servants Proclamation No. 262/2002;
2) the definitions provided for in Article 2 of the Proclamation shall be applicable to these Regulations;
3) “grievance” means a complaint of a civil servant which has not been resolved through discussion between the civil servant and his immediate supervisor or the concerned official and which has to be redressed through formal review mechanism;

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PART TWO
Disciplinary Procedure
CHAPTER ONE
Powers and Responsibilities to Take Disciplinary Measures

3. Minor Disciplinary Offenses
The powers and responsibilities of taking disciplinary measures against a civil servant who commits minor disciplinary offenses shall be as follows:

1) written warning by the concerned official having a rank not lower than a division head;

2) unless a decision of dismissal is rendered against an accused civil servant to conduct an inquiry.

3) fine not exceeding one month’s salary by the administrative head of the government office.

4. Grave Disciplinary Offenses
The head of a government office, upon receiving reports of inquiry conducted in accordance with these Regulations, shall have the powers and responsibilities to take disciplinary measures against a civil servant who has committed grave disciplinary offense entailing fine not exceeding three month’s salary, down grading or dismissal depending on the severity of the offense.

5. Suspension from Duty

1) Where a Civil servant is suspended in accordance with Article 68 of the Proclamation, he shall be notified, in writing, of the grounds of his suspension.

2) Unless a decision of dismissal is rendered against an accused civil servant, the salary withheld at the time of suspension shall be paid to him without interest.

3) The suspension of a civil servant shall neither deprive him of his rights nor relieve him from his duties which are not affected by the suspension.

CHAPTER TWO
Disciplinary Inquiry

6. Summary Inquiry

1) Where a civil servant commits a minor disciplinary offense punishable under Sub-Article (1) or (2) of Article 3 of these Regulations, the concerned official may, where he deems it necessary, assign one or two civil servants to conduct an inquiry.

2) The inquiry officer shall send the charge to the accused and request him to reply in writing.

3) Where the accused replies in admission, the inquiry officer shall, after examining the appropriate evidence, submit his recommendation on the basis of the reply.

4) Where the civil servant denies the charge, the inquiry officer shall, after examining the appropriate evidence, submit his recommendation to the concerned official.
5) The concerned official shall, after examining the recommendation submitted to him, decide the case; provided however, that where the disciplinary penalty to be imposed is beyond his authority, he shall submit his recommendation to his superior.

7. Formal Inquiry
Where a civil servant is charged with disciplinary offenses punishable under Article 3(3) or 4 of this Regulations, the charge shall be investigated in accordance with the following provisions.

8. Charges
1) A disciplinary charge shall be signed by the administrative head of the government office and bear the seal of the government office and contain the following:
   (a) the name of the accused;
   (b) partisans of the offense;
   (c) the time and place of the offense;
   (d) the contravened provisions of the law; and
   (e) the list of evidence.
2) Where a civil servant is charged with more than one offense, each count shall be described separately in accordance with Sub-Article 1(b)-(e) of this Article.

9. Amendment of Charge
1) A disciplinary charge containing essential errors or omissions may be amended at any time before submitting a recommendation thereon.
2) The administration of the government office may amend a disciplinary charge pursuant to Sub-Article (1) of this Article on its own initiative or upon the request of the disciplinary committee.

10. Discontinuance of Charge
1) Where the service of an accused civil servant is terminated on any ground, the hearing of the charge shall be discontinued.
2) Where a civil servant accused of grave disciplinary offense resigns and is reappointed by any government office, the hearing of the charge shall resume.

11. Service of Charge
1) The disciplinary committee shall cause the charge to be served on the accused together with copies of evidence attached therewith and summon him to appear with his statement of defense.
2) The summons shall indicate the place, date and time of the hearing and shall be served at least ten days before the date of the hearing.
3) Where the charge could not be served either because the whereabouts of the accused is unknown or he is unwilling to receive it, the summons shall be posted on the notice board of the government office for fifteen days.

12. Preliminary Objection
1) An accused who has been served with a charge in accordance with Article 11 of these Regulations may raise objection to the hearing of the charge on the ground that:
13. **Statement of Defense**

1) Where an accused civil servant admits or denies a disciplinary charge, he shall do so in writing and by specific admission or denial of every element of the alleged offense.

2) Any statement of defense shall be signed by the accused or his duly authorized representative and shall contain the following:

   a) the response given to every alleged fact or offense in the charge; and

   b) the list of evidence on which the accused relies for his defense.

3) The accused shall annex to his statement of defense copies of documentary evidence in his possession and indicate the custodians of those documents he wished to be produced at the request of the disciplinary committee.

14. **Admission or Denial of Charge**

1) Where the accused admits the charge, the disciplinary committee shall, unless it finds it necessary to make further investigations, examine the charge and the statements of the accused and thereby give its recommendation.

2) Where the accused denies the charge, the disciplinary committee shall investigate the charge by hearing the testimony of witnesses of both parties and by examining the documentary evidence.

15. **Production of Evidence**

The disciplinary committee shall require the concerned body to produce copies of documentary evidence demanded by the accused.

16. **Summoning of Witnesses**

1) The disciplinary committee shall summon the witnesses of both parties to give their testimonies.

2) Witnesses required to testify on the same or related issues shall be summoned to appear at the same time and be heard separately.

3) The disciplinary committee may, on its own motion, call any additional witness where it deems it necessary.

17. **Examination of Witness**

1) The disciplinary committee shall examine witnesses in the presence of the accused and the representative of the government office.
1) After the conclusion of the inquiry, the disciplinary committee shall give the accused the opportunity to express his final opinion.

18. Final Opinion of the Accused

Prior to the conclusion of the inquiry, the disciplinary committee shall give the accused an opportunity to express his final opinion.


1) After the conclusion of the inquiry, the disciplinary committee shall forthwith submit to the head of the government office a report on the findings of the inquiry and its recommendation.

2) Where the accused is found guilty at the conclusion of the inquiry, the recommendation of the disciplinary committee shall indicate the penalty to be imposed.

3) The disciplinary committee shall, in recommending the imposition of a penalty, take into consideration:

(a) the gravity of the offense and the circumstances under which it was committed;

(b) the commendable ethical conduct and accomplishment of the accused manifested in his past performances; and

(c) the past disciplinary records of the accused.

4) Where the accused is found not guilty at the conclusion of the inquiry, he shall be provided with a letter evidencing his acquittal.

20. Decision of the Head of the Government Office

1) The head of the government office may, upon examining the report submitted under Article 19 of these Regulations, approve the recommendation of the disciplinary committee or where he has good reasons:

(a) decide otherwise; or

(b) order the committee to further investigate the charge.

2) Notwithstanding the provisions of Sub-Article (1) of this Article, where either party fails to appear while being informed of the date of the hearing:

(a) prosecution witnesses may be examined in the absence of the accused; or

(b) defense witnesses may be examined in the absence of the representative of the government office.

3) The disciplinary committee shall question the witness to explain facts related to the charge on the basis of what he has personally seen, heard or observed and record his testimony in a form of direct speech.

4) Notwithstanding the provisions of Sub-Article (3) of this Article, the party that called the witness may further question him and demand the additional testimony to be recorded.

5) Prosecution and defense witnesses may be cross-examined by the accused and the representative of the government office respectively, and those additional witnesses called by the disciplinary committee may be cross-examined by both parties.

6) Questions put in cross-examination shall tend to show to the disciplinary committee what is untrue in the answers given in the examination-in-chief.
CHAPTER THREE
Disciplinary Committee

2. The decision of the head of the government office shall be communicated to the accused in writing. Where it becomes impossible to hand the decision to the accused either because his whereabouts is unknown or due to any other reason it shall be posted on the notice board of the government office for ten days.

3. Where a disciplinary penalty involving demotion or dismissal is imposed, a copy of the decision shall be made to the Commission.

21. Execution of Decision

1) A penalty involving demotion or a fine exceeding one month’s salary shall be enforced after 30 days from the date the decision is communicated to the accused in accordance with Article 20(2) of these Regulations; provided, however, that where the accused appeals against the decision in accordance with Article 37(2) of these Regulations, the execution of the decision shall stay until the appeal is decided.

2) penalty involving dismissal shall be enforced as of the date the decision is communicated to the accused in accordance with Article 20(2) of these Regulations unless a stay of execution is granted on appeal made in accordance with Article 37(2) of these Regulations.

22. Establishment

Any government office shall establish a disciplinary Committee that conducts formal disciplinary inquiry and submits recommendations.

23. Members

1) The committee shall have five members and a secretary.

2) The chairperson, two of the members and the secretary of the committee shall be assigned by the head of the government office.

3) Two members of the committee shall be elected by the civil servants of the government office.

24. Requirement for Membership

A member of the committee shall be a civil servant who:

1) is commendable for his ethical conduct and performance;

2) has no disciplinary record in the last two years;

3) has more than two years of service in a government office.

25. Term of Office

The term of office of disciplinary committee members shall be two years; provided, however, that they may be reassigned or reelected at the end of their term of office.

26. Meetings of the Committee

1) The disciplinary committee may meet as frequently as required for discharging its duties.

2) There shall be a quorum where the chairperson and two other members are present at a meeting of the committee.

3) Any recommendation of the committee shall be passed by a majority vote; in case of a tie, the chairperson shall have a casting vote. A dissenting member shall clearly write down the reasons thereof.
27. Dismissal and Removal of Members

1) Any member of the committee who has been proved to have a quarrel with the accused or to be related to him by consanguinity or by affinity shall be removed from the sessions on which the charge against the accused is heard.

2) Any member of the committee may be dismissed from membership where he has:
   (a) disclosed secrets involving cases under inquiry;
   (b) obstructed in any manner the activities of the committee; or
   (c) failed to meet the requirements specified under Article 24 of these Regulations.

PART THREE

Grievance Procedure

28. Objectives

The objectives of the civil servants grievance procedure shall be to promote the maintenance of smooth employment relations by providing:

1) speedy redress to complaints;
2) corrective measures to mistakes and weaknesses causing grievances; and
3) fair and equal treatment to all civil servants.

29. The Right to Petition

1) Any civil servant shall have the right to petition to the government office for redress if he has been aggrieved of being denied a right or unfairly treated.

2) Without limiting the generality of Sub-Article (1) of this Article, any civil servant may lodge a complaint where he feels unfairly treated in connection with:
   (a) the interpretation or enforcement of laws and directives;
   (b) the enjoyment of rights and privileges;
   (c) occupational health and safety conditions;
   (d) performance evaluation;
   (e) an assignment to a duty not falling under his job descriptions;
   (f) undue influences resulting from arbitrary acts of supervisors;
   (g) disciplinary measures; or
   (i) other conditions of services.

30. Petitions

1) A civil servant seeking a redress to his grievance may lodge a petition to the grievance review committee of the government office.

2) Any petition shall contain the following:
   (a) the name and address of the petitioner;
   (b) his job title;
   (c) the name of his immediate supervisor;
   (d) causes of his grievance;
   (e) supporting evidences (if any);
   (f) the redress sought;
   (g) date and signature.
3) Civil servants having the same cause of action for their grievances may petition in group through their representative.

31. **Period of Limitation**

1) An aggrieved civil servant may lodge his petition to the grievance review committee of the government office within ten working days from the date he has discussed his complaint with his immediate supervisor or with the concerned official.

2) A civil servant who is unable to lodge his petition within the period specified under Sub-Article (1) of this Article due to force majeure may lodge his petition within ten working days after the cessation of the force majeure.

32. **Review of Grievances**

1) The grievance review committee of any government office shall receive and register a petition after ascertaining its compliance with the provisions of Article 30 of these Regulations.

2) The committee shall review a grievance by:
   (a) examining petition and relevant evidence;
   (b) holding discussions with the applicant and with his immediate supervisor or the official who has decided the case; and
   (c) referring to the relevant laws, regulations, directives and practices.

3) The committee shall submit a report containing its findings and recommendations to the head of the government office not later than 15 working days from the date of receipt of the petition.

33. **Decisions**

1) The head of the government office or the official delegated by him may, within ten working days from the date of receipt of the committee's report, approve the recommendation of the committee or, if he has good reasons:
   (a) give a decision different from the recommendation of the committee; or
   (b) instruct the committee to further review the case.

2) The decision given in accordance with Sub-Article (1) of this Article shall be communicated to the petitioner in writing.

34. **Establishment of Grievance Committee**

1) Any government office shall establish a committee that reviews the grievances of civil servants in accordance with Article 32 of these Regulations.

2) A grievance review committee shall have five members and a secretary.

3) The chairperson, two of the members and the secretary of the committee shall be assigned by the head of the government office.

4) Two members of the committee shall be elected by the civil servants of the government office.

5) The provisions of Articles 24-27 of these Regulations shall mutatis mutandis be applicable to grievance review committees.
PART FOUR

35. Grounds of Appeal

1) A civil servant may appeal to the Tribunal on grounds specified under Article 71 of the Proclamation if the case has been decided by the head of the government office or a decision is not given within the time limit provided for in Article 33 (1) of these Regulations.

2) A civil servant who is dissatisfied with a final response given at the level of the government office regarding job classification and grading may submit his complaint within 90 days to the Commission for review in accordance with Sub-Article (1) (d) of Article 4 of the Proclamation.

36. Notice of Appeal

1) Where a civil servant appeals in accordance with Article 35 of these Regulations against a decision based on the recommendation of the disciplinary or grievance review committee of the government office, he may submit a notice of appeal to the government office to provide him with a copy of records of the committee.

2) The government office shall give the civil servant the requested copy within five working days from the date of receipt of the notice of appeal in accordance with Sub-Article (1) of this Article.

37. Appeal Procedure and Period of Appeal

1) Any appeal to be submitted by a civil servant shall clearly indicate the grounds of the appeal and the redress sought.

2) Any appeal to be made in accordance with Sub-Article (1) or (2) of Article 71 of the Proclamation shall be barred unless submitted within 30 days from the date the decision is communicated to the civil servant in writing.

3) Any appeal to be made in accordance with Sub-Article (3) or (4) of Article 71 of the Proclamation shall be barred unless submitted within 90 days from the date the decision is communicated to the civil servant in writing; provided, however, that where the appeal under Sub-Article (4) is based on denial of a response to a claim arising from injury, it shall be barred unless submitted within one year from the date it is due.

4) Notwithstanding the provisions of Sub-Article (2) and (3) of this Article, the civil servant may, within 15 days following the ceasing of the force majeure, apply to the Tribunal for leave to appeal out of time where the appeal is delayed due to proven force majeure; provided, however, that no appeal against a decision of dismissal or demotion may be accepted after 6 months from the date of the decision.

5) An application to be submitted in accordance with Sub-Article (4) of this Article for leave to appeal out of time shall specify the reason why the appeal was not made in time; and supporting evidence, if any, shall be attached.

6) Where the Tribunal accepts the plea made in accordance with Sub-Article (5) of this Article, the appellant shall submit his memorandum of appeal within ten days.
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38. Memorandum of Appeal

1) A memorandum of appeal shall be signed by the appellant and contain the following:
(a) the name and address of the appellant;
(b) the name of the respondent government office;
(c) the grounds of appeal;
(d) the redress sought;
(e) the list of evidence attached and those to be produced by order of the Tribunal.

2) A memorandum of appeal to be submitted by more than one appellants shall be signed by all of them or by their representative.

3) A memorandum of appeal to be submitted in accordance with this Article shall be presented to the registrar of the Tribunal in two copies.

39. Registration of Appeal

1) The registrar of the Tribunal shall register an appeal upon ascertaining that the memorandum of appeal complies with the provisions of Article 38 of these Regulations.

2) The registrar shall keep a register wherein appeals shall be recorded by numbering them in the order of their submission.

40. Rejection of Appeal

Where the Tribunal, upon examining the memorandum of appeal, finds that the ground of appeal does not fall within the coverage of Article 71 of the Proclamation, it shall reject the appeal without calling on the respondent government office to appear.

41. Admission of Appeal

1) Where the Tribunal, upon examining the memorandum of appeal, is satisfied with the ground of appeal, it shall fix a day for hearing the appeal and communicate same to both parties.

2) A copy of the memorandum of appeal shall be served on the respondent government office and it shall be summoned to appear and reply in writing on the day fixed for the hearing.

42. Presence of Parties.

1) The Tribunal shall hear the appeal in the presence of the parties.

2) Notwithstanding the provisions of Sub-Article (1) of this Article:
(a) the hearing of the appeal shall proceed in the absence of the respondent government office if it fails to appear on the day of the hearing;
(b) the appeal shall be struck out if the appellant fails to appear on the day of the hearing.

3) The respondent government office may, where it is unable to appear at a hearing on justifiable grounds, apply to the Tribunal, within ten days from the cessation of such grounds, to restore the appeal.

43. Preliminary Objection

1) The respondent government office may submit a preliminary objection requesting the Tribunal to reject the appeal on any of the following grounds:
1) The respondent government office’s reply to an appeal shall be signed by the concerned official or by a duly authorized person and shall contain the following:

(a) the names and addresses of the appellant and the respondent government office;
(b) the grounds of defence;
(c) the list of evidence attached;
(d) the names and addresses of witnesses, if any.

2) Every allegation of fact in a memorandum of appeal, if not denied specifically or impliedly in the reply, shall be taken to be admitted.

44. Counter-reply
The appellant shall be given an opportunity to counter-reply.

46. Amendment of Memorandum of Appeal and Reply
1) The Tribunal may, where it finds it necessary to reach a proper decision, allow the amendment of a memorandum of appeal or reply at any time before judgement.
2) Where an amendment of a memorandum of appeal or a reply is filed, the other party shall be invited to reply or counter-reply as the case may be.

47. Withdrawal of Appeal
1) The appellant may, at any time before judgement, withdraw his appeal by notifying the Tribunal in writing.
2) A civil servant who has withdrawn an appeal shall be precluded from lodging a fresh appeal in respect of the same cause of action.

48. Summoning and Examination of Witnesses
1) Where the witnesses of any of the parties are working in the respondent government office, the court may, without issuing summons to each of them, communicate its order through the government office.
2) Where a witness other than those working in the respondent government office is summoned by the Tribunal; the party calling the witness shall be responsible to serve the summon.
3) The provisions of Article 17 of these Regulations shall mutatis mutandis be applicable in respect of witnesses to be examined by the Tribunal.
49. Additional Evidence
The Tribunal may, on its own motion, order the production or appearance of additional evidence or witnesses where it deems if necessary to reach at a proper decision.

50. Judgment
1) The Tribunal shall give its judgment upon examining the pleadings and evidence of the parties and considering the relevant laws, regulations and directives.

2) Where the appeal is against the decision of the respondent government office, the Tribunal may affirm or reverse the decision or vary it in favour of the appellant.

3) Where the appeal is against denial of the head of the respondent government office to redress a grievance within the time limit provided for in Article 33 of these Regulations, the Tribunal may give judgment in favour of or against the appellant by upholding his claim wholly or partially or by rejecting the claim.

4) Any judgment of the Tribunal shall be passed by a majority vote. The opinion of a dissenting member shall be included as part of decision of the Tribunal.

5) Copies of the decision shall be given to the parties pursuant to Article 72 (2) of the Proclamation.

51. Execution
1) Where the Tribunal gives judgment in favour of the respondent government office shall forthwith execute the decision in accordance with Article 73 (1) of the Proclamation.

2) Where the Tribunal, upon receiving the complaints of the respondent government office by order of the Tribunal.

3) Where the appeal is against the decision of the respondent government office and the Tribunal may pass judgment in favour of or against the respondent government office to redress a grievance.

4) The appeal is against the decision of the respondent government office by order of the Tribunal.

5) Copies of the decision shall be given to the parties pursuant to Article 72 (2) of the Proclamation.

52. Expenses
1) The parties shall bear their own expenses incurred in the process of the appeal.

2) Notwithstanding the provisions of Sub-Article (1) of this Article, the appellant shall not be required to cover expenses relating to the production of his evidence under the custody of the respondent government office.

PART FIVE
Miscellaneous Provisions

53. Power to Issue Directives
The Commission may issue directives necessary for the proper implementation of these Regulations.

54. Repeal
1) The Public Service Regulations No. 1 (Legal Notice No. 269/1962) and the Public Service Disciplinary Directives issued thereunder are hereby repealed.

2) No regulation, directive or practice shall, in so far as it is inconsistent with these Regulations, be applicable in respect of matters provided for herein.

55. Effective Date
These Regulations shall enter into force on the date of their publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 3rd day of July, 2002.

MELES ZENA WI

PRIME MINISTER OF THE
FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

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