

**Decree-Law No. 27/2008**  
**of**  
**11 August**

**REGIME FOR THE CAREERS AND THE SENIOR AND MIDDLE MANAGEMENT  
POSITIONS IN PUBLIC ADMINISTRATION**

Decree-Law No. 19/2006 of 15 November approved the Regime for the Careers and the Senior and Middle Management Positions in Public Administration and established basic rules for the organization of the Civil Service.

In order to implement the said Regime, there is a need to introduce some amendments with a view to better adapt it to the principles established by the IV Constitutional Government and, in the short term, render feasible the transitional rules for the careers.

Thus, pursuant to article 115(p) of the Constitution of the Republic, and to article 36 of Law No. 8/2004 of 16 June, the Government enacts the following to have the force of law:

**CHAPTER I**  
**Object and scope**

**Article 1**  
**Object**

The present decree-law establishes the general regime for the careers in Public Administration, the senior and middle management positions, and provides for the special regime of the careers that are integrated in specific sectors of activity.

**Article 2**  
**Scope**

1. The provisions contained in the present decree-law shall apply to personnel and agents of Public Administration, including those in autonomous organisms, on a subsidiary basis.
2. The present statute shall also apply to personnel and agents of Public Administration working in the Presidency of the Republic, in the National Parliament, or in other organs of the State, save to the extent where the contrary results expressly from specific rules.

**Article 3**  
**Right to embark on a career**

Without prejudice to the principle according to which fixed-term administrative employment/work contracts are established by reference to categories, degrees and

echelons of the general or special career regimes, only permanent civil servants shall be entitled to a career.

#### **Article 4 Definition of concepts**

For the purposes of the present statute, the following concepts shall have the following meanings:

- a) **General career regime** – a career regime corresponding to common areas of activity of Public Administration services or to specific functions proper of one or more services although, in the latter case, with development and educational or professional requirements similar to the requirements for the careers pertaining to the common areas of the degree in which they are inserted;
- b) **Special career regime** – a career regime corresponding to specific functions of one or more services in the Public Administration with specific positioning and development or educational and professional requirements owing to the specialty nature of its functional content;
- c) **Promotion** – shall mean the promotion of one degree in the careers to the subsequent degree in the vertical scale, with the promotee taking on tasks of greater complexity and responsibility;
- d) **Progression** – shall mean the horizontal echelon progression within the same degree, corresponding to a salary increment contingent upon the result of a performance evaluation, without however signifying an alteration in the complexity of the tasks.
- e) **Category** – shall mean the set of functions defined on the basis of a generic characterization of the functional content of the diverse degrees;
- f) **Degree** – shall mean each of the levels of positioning described in accordance with its complexity, demands, and level of responsibility;
- g) **Echelon** – shall mean a salary increment within each degree, granted in accordance with criteria of time and subject to the result of a performance evaluation;
- h) **Selection by merit** – shall mean the recruitment and promotion based on demonstration of skills, qualifications, experience, personal qualities and work performance standards, evaluated in an objective manner in accordance with the available evidence related to the functions of a given position;

- i) **Senior Technician** – a category of the careers in degrees A and B the functions of which denote a significant degree of responsibility and autonomy for making decisions and require the demonstration of specialized technical knowledge, analytical capacity, ethics, discernment and leadership.
- j) **Professional Technician** – a category of the careers in degrees C and D the functions of which denote a certain degree of responsibility and autonomy for making decisions in their immediate working area and require the demonstration of significant technical knowledge, professional leadership, ethics and discernment.
- k) **Administrative Technician** – a category of the careers in degree E the functions of which are of an administrative nature, requiring practical and ethical responsibility in the implementation of administrative procedure routines.
- l) **Assistant** - a category of the careers in the degrees F and G the functions of which are of an executive or manual nature, requiring application of practical knowledge and manual skills.

## **CHAPTER II**

### **Requirements for joining**

#### **Article 5**

#### **Joining the Public Administration career**

1. As part of a selection process based on merit, joining the Public Administration career shall be preceded by a competition in which the candidates shall sit for examination, followed by a probation period in those cases where this is required.
2. Unless otherwise provided, joining the Public Administration career shall be in the first echelon of the corresponding degree.

#### **Article 6**

#### **Academic qualifications**

1. The academic qualifications must be compatible with the characterization of the functional content of each degree, in accordance with Annex II to the present Decree-Law.
2. Substitution of the academic qualification with the equivalent professional experience for the categories of professional technician, administrative technician, and assistant shall be accepted.

3. The requirement of a certain academic qualification or its substitution with equivalent professional experience shall always be indicated in the notice of competition.
4. Academic qualifications required by the General Regime of Careers and acquired from an unofficial teaching institution in Timor-Leste shall be subject to the process of validation, pursuant to the law.
5. Until such time as legislation on this matter is approved, academic qualifications obtained outside of the country shall only be recognized if the teaching institution is recognized in its country of origin.
6. For purposes of validation, differences in the nomenclature of the diverse academic degrees shall be settled by the Ministry of Education in articulation with the Ministry of State Administration and Territorial Planning.

**Article 7**  
**Professional qualification**

1. Professional qualification shall mean the possession of a training course adequate to the exercise of certain functions obtained from an official teaching institution or of a course recognized pursuant to the law.
2. Professional qualification may substitute the lack of academic qualifications, pursuant to the law.

**Article 8**  
**Command of languages**

Where the nature of the functions so require, the notice of competition may demand that applicants have knowledge of one or more languages in addition to the knowledge of at least of one official language.

**Article 9**  
**Probation**

1. Probation for joining the careers shall have a probationary nature and shall be required whenever:
  - a) It has been provided for by law for the special regime careers;
  - b) It has been established by statute of the Minister of State Administration and Territorial Planning for the general or special regime careers;
2. Probation shall be regulated by specific legislation.

**CHAPTER III**  
**General regime careers**

**Article 10**  
**General regime**

1. General regime careers shall be classified into categories and degrees in accordance with Annexes I and II to the present Decree-Law.
  - a) Categories shall refer to Senior Technician, Professional Technician, Administrative Technician, and Assistant;
  - b) The degrees shall be distributed among A, B, C, D, E, F, and G;
2. The development and details of the functional contents of the diverse degrees shall be the object of a ministerial statute of the Ministry of State Administration and Territorial Planning.

**Article 11**  
**Horizontal echelon progression**

1. Salary echelon progression in each degree shall be contingent upon the length of work time and the performance evaluation.
2. The result of the performance evaluation shall determine whether the time of permanence for progression to the immediate salary echelon is 2 or 3 years.
3. Upon verification of the requirements contained in paragraphs 1 and 2 above, the competent services shall proceed to changing the echelon and shall mandatorily register it in the individual file of the staff member.
4. The change of echelon shall be effective from the date on which verification of the requirements referred to in paragraphs 2 or 3 occurs.

**Article 12**  
**Merit-based recruitment and promotion**

Recruitment and promotion in degree shall result from merit-based competition process, as defined in the Regime for Recruitment to be approved by the Government.

**Article 13**  
**Professional reconversion**

1. Where, by virtue of extinguishment or restructuring of services, or of redimensioning of its needs on human resources, or of extinguishment of careers, there is under-occupied staff or staff whose functions cease to correspond to the

- pursued objectives, and where no transfer of such staff can take place, professional reconversion may apply.
2. Reconversion shall consist in the transition of the staff referred to in paragraph 1 above to careers of identical or higher degree.

**Article 14**  
**Functional content**

1. Description of functional contents of careers shall consist in the generic characterization of the tasks comprised in the functions of the categories inserted therein in accordance with Annex I to the present Decree-Law.
2. Refusal to execute tasks on account of them not being included in the respective description of the functional content shall only be legitimate where such tasks are manifestly typical of other areas and the worker does not possess the necessary qualifications.
3. It shall be incumbent upon the National Directorate of Civil Service and the National Institute of Public Administration to define the functional content of the careers of a general regime and issue an opinion on the definition of the functional content of special regime careers proposed by other public services.

**Article 15**  
**Establishment, change, or extinguishment of careers**

The establishment, restructuring, reconversion, change, or extinguishment of careers at the initiative of the public services shall require an opinion of the National Directorate of Civil Service and the National Institute of Public Administration.

**Article 16**  
**Salary indexes**

1. Salaries attributed to the diverse degrees and echelons and to the senior and middle management positions shall be those provided for in the table contained in Annex I to the present Decree-Law.
2. For the senior and middle management positions, joining the functions shall be in initial salary column.
3. Salary increment until the maximum of the final salary column shall be contingent upon the results of the performance evaluation.

**Article 17**  
**Secretariat**

1. The secretarial functions shall be exercised following appointment by the highest service leader from among staff of the careers of Professional Technician or Administrative Technician, as per Annex I to the present decree-law.
2. For exercising the secretarial functions, the staff member so appointed shall be entitled to a pecuniary compensation of forty American dollars.
3. No remuneration shall be due to secretarial staff for work provided beyond normal working hours.

**CHAPTER IV**  
**Senior and Middle Management Positions**

**Article 18**  
**Definition**

1. Senior and middle management positions shall refer to those positions corresponding to the exercise of management activities in public services and organisms.
2. The following shall be considered senior management positions:
  - a) Director-General;
  - b) National Director; and
  - c) District Director.
3. The following shall be considered middle management positions:
  - a) Head of Department; and
  - b) Head of Section.
4. Whenever specific designations are established with powers of senior or middle management of organic units or sub-units, provisions must be made for equating such designations to one of the positions listed in the preceding paragraphs.
5. The position of District Director shall be extinguished following approval of legislation relating to administrative decentralization and local government.

**Article 19**  
**Heads of department and heads of section**

1. Positions of head of department may be established as long as the volume or complexity of the respective coordination tasks so justifies and whenever there is

supervision of, at least, twenty workers, or whenever the complexity of the coordination task is duly certified.

2. Positions of head of section may be established as long as the volume or complexity of the respective coordination tasks so justifies and whenever there is supervision of, at least, ten workers.
3. The establishment of the positions of head of department or head of section shall take place by Joint Ministerial Statute of the Government Member in charge of the respective portfolio and the Minister for State Administration and Territorial Planning and shall be subject to budgetary availability.

### **Article 20 Appointment**

Appointments for senior and middle management positions shall be contingent upon prior merit-based selection process.

### **Article 21 Secondment**

1. Senior and middle management staff shall be appointed on secondment.
2. Where no other timeframe is established by law or by the letter of appointment, the secondment shall have the duration of two years, renewable for a similar or shorter period of time.

### **Article 22 Cessation and suspension of secondment**

1. Secondment of senior and middle management staff may be terminated:
  - a) For service reasons;
  - b) At the request of the interested party, tendered with a 30-day minimum period of advance notice.
2. The request of termination referred to in paragraph 1(b) above shall be considered to have been granted if no instruction of dismissal has been granted on the same request within 15 days from the date the request was tendered.
3. Secondment shall cease automatically:
  - a) Following extinguishment of the respective public service or organic sub-unit;
  - b) Following inauguration and discharging of functions in another position or function.



**Article 23**  
**Working hours**

1. The number of working hours required from senior and middle management staff shall not be limited to the minimum of working hours set forth in the Civil Service Statute.
2. The provision of paragraph 1 above shall include the mandatoriness for senior and middle management staff to report to work whenever requested to do so, shall not exempt them from complying with the minimum working hours, nor shall it imply payment of extra-working hours.

**Article 24**  
**Substitution**

1. Senior and middle management positions may be exercised under a regime of substitution:
  - a) Where the position is vacant following cessation of functions by its holder;
  - b) While the respective holder is absent or impeded.
2. Substitution shall observe the following order:
  - a) A substitute designated by law;
  - b) A staff or agent of the respective service who exercises functions which are compatible with the position.
3. Substitution shall take place in accumulation with other senior or middle management position that may be hypothetically occupied.
4. Substitution shall be considered to be occurring for urgent service reasons and shall be determined:
  - a) Following instruction by the Minister of the respective service for the positions of general-director, national director, or district director;
  - b) Following instruction by the national director for the remaining positions.
5. Substitution cannot last for more than 3 months, and can only be extended once for an equal period of time.
6. Except in the situation provided for in paragraph 2(a) above, substitution may cease at any time following decision of the person who determined it, upon return of the holder of the position, or at the request of the substitute.

7. A substitute is only entitled to the wage and other privileges granted to the substituted in case the period of substitution is longer than 30 days.
8. For all legal purposes, the period of substitution shall count as time of service rendered by the substitute both in the position or place previously occupied by the substituted and in his or her original position.

#### **Article 25**

##### **Competencies required from senior and middle management staff**

1. Competencies required from senior and middle management staff shall be those provided for in the law as well as those delegated or sub-delegated to them.
2. The competencies required from directors-general or their equivalent may be delegated to senior or middle management staff of the respective service.
3. The exercise of functions under the regime of substitution shall cover the powers delegated and sub-delegated to the substitute, save where the instruction to delegate or sub-delegate competencies, or the entity determining the substitution, expressly provides otherwise.

#### **Article 26**

##### **Exercise of delegation of competencies**

1. Delegation of competencies shall involve the power to sub-delegate, save where the law or the delegating entity provides otherwise.
2. Delegations and sub-delegations of competencies are revocable at any time and shall forfeit with the cessation of the functions of the delegating entity or the delegatee.
3. Under no circumstance shall the delegation and sub-delegation of competencies prejudice the right to recall and the power to issue directives that are binding for the delegated or sub-delegated entity.
4. The delegated entity shall mention such capacity in the acts practiced by delegation or sub-delegation, save where the instruction has been published in the *Official Gazette*.

#### **Article 27**

##### **Delegation to sign**

Delegation of power to sign the correspondence or the expedient merely needed to ensure conduct of proceedings and execution of decisions is hereby permitted.

## **CHAPTER V**

### **SPECIAL REGIME CAREERS**

#### **Article 28 Establishment**

The establishment of special regime careers shall be governed by specific statutes and shall be justified in accordance with the following elements:

- a) Specialty of the functional area;
- b) Need for own structure and development.

#### **Article 29 Designation and salary scales**

1. Unless otherwise provided for, special regime careers shall have the designations provided for in law, including the development and salary indexes corresponding to categories and degrees contained in Annex I in which they are inserted.
2. No special regime careers can be established within the organic structure of the services.

## **CHAPTER VI MAPS OF VACANCIES AND STAFF**

#### **Article 30 General principles**

1. Maps of vacancies and staff shall enlist the needs of staff indispensable to the functioning of services, the filled positions, and the strategy for filling the vacant positions.
2. Vacancies outside of the staffing table shall be established on the basis of the annual plan of activities of the services, namely the projects intended for execution, and shall be subject to the contingencies established annually by Government statute.
3. The maps of vacancies and staff shall be published annually by each entity of the State together with the State Budget and the private budgets of the autonomous entities and should contain the appropriations for the staff belonging to the staffing table and outside of the staffing table, including for the filled and the vacant positions.

**Article 31**  
**Processing, form and approval**

1. Every fiscal year, the services shall prepare and substantiate the maps of vacancies and staff for the ensuing fiscal year and, no later than the 30<sup>th</sup> of July, forward them to the Ministry of Finance together with the budget proposal.
2. The Ministry of Finance shall inform of the existing financial availabilities taking into account the increase of workers proposed by each service.
3. The maps of vacancies and staff, including the information referred to in paragraph 1 above shall, no later than the 30<sup>th</sup> of August, be forwarded to the Ministry of State Administration and Territorial Planning, which has the responsibility to analyse the proposals of the services and propose the limit of the quantity of staff to be employed outside of the staffing table.
4. The proposal of the Ministry of State Administration and Territorial Planning shall be presented to the Government no later than 30 September.
5. Changes to the maps of vacancies and staff shall be accepted in cases of changes in the administrative structures following reorganization or establishment of services and with a favorable opinion of the Ministry of State Administration and Territorial Planning and the Ministry of Finance.
6. Changes of maps of vacancies and staff shall have the form of ministerial statute.

**CHAPTER VII**  
**TRANSITION FOR THE CURRENT STAFF**

**Article 32**  
**Integration of permanent staff**

Where the opportunity exists for integrating them in the general regime career, the current permanent staff shall be integrated in the echelons of their respective degrees, with due respect for their seniority in service acquired from the first recruitment, in accordance with the following scale:

- a) permanent staff members with up to 3 years of uninterrupted service shall be integrated in the 1<sup>st</sup> echelon;
- b) permanent staff members with more than 3 years but less than 6 years of uninterrupted service shall be integrated in the 2<sup>nd</sup> echelon;
- c) permanent staff members with more than 6 years of uninterrupted service shall be integrated in the 3<sup>rd</sup> echelon.

**Article 33**  
**Transitional rules for the general regime careers**

1. Transition of salary levels of permanent staff members for the degrees of the general regime careers shall take place in accordance with the following correlation:
  - a) Level 7 – Senior Technician – Degree A;
  - b) Level 6 – Senior Technician – Degree B;
  - c) Level 5 – Professional Technician – Degree C;
  - d) Level 4 – Professional Technician – Degree D;
  - e) Level 3 – Administrative Technician – Degree E;
  - f) Level 2 – Assistant – Degree F;
  - g) Level 1 – Assistant – Degree G.
2. The same correlation of degrees shall apply to staff members under (temporary) work contract regime, without implying the right to career, promotion or progression.
3. The integration of permanent staff members in the degrees shall be revised during a maximum of two years for granting of promotion to the immediately upper degree for those holding adequate academic qualifications as set forth in Annex II.
4. Such promotions shall be contingent upon the result of the functional performance evaluation and the demonstration of holding the knowledge and skills deemed necessary to the exercise of the functions of a higher degree.
5. Permanent staff members integrated in a degree for which they do not hold compatible academic qualifications shall submit themselves to professional requalification, without which they shall not have access to promotion or progression.

**Article 34**  
**Transition of senior technicians**

1. Upon applying the rule of seniority provided for in article 33, permanent staff members occupying salary level 7 and holding a PhD shall also have a right to progression of 2 echelons in degree A of the career for senior technicians.
2. Upon applying the rule of seniority provided for in article 33, permanent staff members occupying salary level 6 and holding a master or a PhD shall also have a right to progression of 2 echelons in degree B of the career for senior technicians.

**CHAPTER VIII**  
**FINAL AND TRANSITIONAL PROVISIONS**

**Article 35**  
**Time of service**

For all legal purposes, the time of service of the staff referred to in the present statute shall be counted as time of service rendered in the career, save where otherwise expressed in a rule.

**Article 36**  
**Positions to be extinguished**

Admission of staff in the careers the positions of which are to be extinguished once they become vacant is hereby prohibited.

**Article 37**  
**Safeguarding of rights**

Under no circumstance shall the application of the present statute result in reduction of a salary already being paid to a staff member.

**Article 38**  
**Processing**

1. Tables of vacancies and staff shall be adapted to the structure resulting from the present statute following ministerial statute to be published within 90 days at the initiative of the services and preceded by an opinion of the National Directorate of Civil Service.
2. The list of staff to be submitted for professional requalification shall be subject to an opinion by the National Directorate of Civil Service.
3. Application of the provisions of the present statute to staff not appointed definitively and outside of the staffing table shall occur by simple annotation in the fixed-term administrative employment/work contract instrument.

**Article 39**  
**Revocation**

1. Decree Law No. 19/2006 of 15 November, Decree Law No. 3/2007 of 21 March, and Government Decree No. 3/2007 of 29 August are hereby revoked.
2. The following UNTAET legislation is hereby revoked:
  - a) Directive No. 2004/4 of 30 June;

- b) Directive No. 2001/9 of 18 July;
  - c) Directive No. 2002/2 of 5 March.
3. Any legislation contrary to the present statute is also hereby revoked.

**Article 40**  
**Production of effects and entry into force**

1. The present decree law shall enter into force on the day immediately after its publication, with financial effects counted from 1 January 2009.

Approved by the Council of Ministers on 7 November 2007.

*The Prime Minister*

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*Kay Rala Xanana Gusmão*

*The Minister of Finance*

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*Emília Pires*

*The Minister of State Administration and Territorial Planning*

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*Arcângelo Leite*

*Promulgated on 4 August 2008.*

*For publication*

*The President of the Republic*

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*José Ramos-Horta*





## ANNEX I

### Index Table for the General Careers Regime

Category	Degree	Echelons and Wage Indexes									
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
Senior Technician	A	510	527	544	561	578	595	612	629	646	663
	B	374	387	400	412	425	438	451	463	476	489
Professional Technician	C	298	310	323	336	349	361	374			
	D	221	230	238	247	255	264	272			
Administrative Technician	E	166	174	183	191	200	208	217			
Assistant	F	136	140	145	149	153	157	162			
	G	115	119	123	128	132	136	140			

### Index Table of the Additional for senior and middle management positions

Senior and Middle Management Staff	Designation	Initial salary	Final salary
Senior Management	<b>Director-General</b>	<b>765</b>	<b>850</b>
	<b>National Director</b>	<b>640</b>	<b>725</b>
	<b>District Director</b>	<b>520</b>	<b>600</b>
Middle Management	<b>Head of Department</b>	<b>425</b>	<b>510</b>
	<b>Head of Section</b>	<b>300</b>	<b>350</b>

**ANNEX II**  
**Category, Degrees and Functional Contents**

<b>Category</b>	<b>Characterization of Functional Contents</b>	<b>Degree of Career and Minimum Academic Qualification Required</b>
<b>Senior Technician</b>	Consultative functions and functions of investigation, study, conception and adaptation of scientific and technical methods and processes, of a general or specialized scope, executed with autonomy and responsibility, with a view to informing superior decisions, which require a specialization and a bachelor's degree as basic academic qualification	<b>A</b> <b>Post-Graduate Studies</b>
	Functions of study and application of methods and processes of a technical nature, with autonomy and responsibility, integrated in an established planning, which require a specialization as well as professional knowledge acquired through a tertiary education course.	<b>B</b> <b>Bachelors Degree</b> <b>(5 years or equivalent)</b>
<b>Technical-Professional</b>	Functions of an executive nature and of technical application based on knowledge or on adaptation of methods and processes, integrated in well defined directives, requiring technical knowledge, both theoretical and practical, acquired through professional academic qualifications	<b>C</b> <b>Bacharelato</b> <b>(3 or 4 years or equivalent professional experience)</b>
	Functions of an executive	<b>D</b>

	nature of technical application, based on the establishment or adaptation of methods and processes, integrated in well defined directives.	<b>Post-Secondary Diploma (1 or 2 years or equivalent professional experience)</b>
<b>Technical-Administrative</b>	Functions of an executive nature, integrated in general instructions and well defined procedures, with a certain degree of complexity, relating to one or more areas of administrative activity, namely accountancy, personnel, logistics and property, secretariat, archive, and digitation.	<b>E 12 years of scholarship or equivalent professional experience</b>
<b>Assistant</b>	Functions of an executive nature of manual or mechanical character, with variable degrees of complexity, integrated in well defined general instructions, requiring a specific training in an art or profession and normally implying physical effort.	<b>F 9 years of scholarship or equivalent professional experience</b>
	Functions of an executive nature of manual or mechanical character, of productive activities and/or repair and maintenance, implying mainly physical efforts and requiring knowledge of a practical order susceptible of being acquired in the work place.	<b>G 6 years of scholarship or equivalent professional experience</b>