

Decree Law No. 4/2009

CREATES THE NATIONAL CENTER FOR EMPLOYMENT AND PROFESSIONAL TRAINING

This Statute creates the National Center for Employment and Professional Training, hereby named CNEFP.

In conformity with articles 17, 19 and 59 of the Constitution of the Democratic Republic of East Timor and article 16 of Decree Law no. 7/2007, the government creates the National Center for Employment and Professional Training as a public institute, in conformity with the Agreement of Cooperation established with the Portuguese State, with the purpose of promoting professional training with a priority emphasis on civil construction and the goal of becoming a center for excellence in East Timor, with the potential to extend its activities to other industries as well.

CNEFP will have administrative and financial autonomy and its own capital, allowing it to work independently and with total neutrality, which will in turn ensure transparency and sustained development to the Center, under the tutelage of the Member of Government responsible for professional training.

Thus, the government hereby resolves the following, under the terms of no. 3 of article 115 of the Constitution, to be in effect as law:

Article 1 Constitution

1. The National Center for Employment and Professional Training, or CNEFP in its abbreviated form, is constituted as a public institute with administrative and financial autonomy and its own capital.
2. CNEFP is a successor in all rights and obligations to the National Center for Employment and Professional Training in Tibar.
3. CNEFP is governed by the provisions in this Statute, its respective Act, and the Internal Rules to be approved by the Tutelage.

Article 2 Tutelage

CNEFP is subject to the tutelage of the Member of Government responsible for Professional Training, who will be in charge of the following:

- a) Approving CNEFP policies as proposed by management;

- b) Approving an activities plan and annual budget for CNEFP and eventual amendments, as proposed by management;
- c) Approving the financial reports submitted by CNEFP management;
- d) Approving the Internal Rules;
- e) Approving the staff;
- f) Nominating and exonerating the CNEFP Director;
- g) Nominating and exonerating the Statutory Audit Committee;
- h) Nominating and exonerating the Advisory Board.

Article 3 Principle of Specialty

CNEFP will only perform activities pertaining to its object and cannot utilize its resources to accomplish objectives different from those for which it was made responsible.

Article 4 Territorial Jurisdiction and Head Offices

1. CNEFP can perform its activities anywhere in the country.
2. CNEFP has head offices in Tibar, District of Liquiçá.
3. Territorial delegations and decentralized services may be created, as necessary.

Article 5 Responsibilities

1. The mission of CNEFP is the promotion of professional training activities and its responsibilities will include:
 - a) Scheduling, facilitating and evaluating the Center's professional training actions;
 - b) Organizing a Center for Technical and Teaching Resources and keeping it updated;
 - c) Collaborating with Tutelage in assessing professional training needs, based on the economic and social realities of East Timor;

- d) Providing technical support to other entities with similar training objectives by way of the Resource Center, making all technical and teaching resources available as necessary;
 - e) Collaborating with the appropriate entities in evaluating, from a technical and teaching perspective, the training provided by other entities;
 - f) Collaborating with Tutelage in all activities intended to train and to certify instructors.
2. The focus of CNEFP will be training professionals for the civil construction industry.

Article 6 Composition

1. CNEFP will have the following divisions:
- a) Director;
 - b) Advisory Board;
 - c) Statutory Audit Committee or a Single Auditor.
2. The attributions of each division of CNEFP are foreseen in the Act attached to this Statute, of which it is an integral part.

Article 7 Internal Organization

The internal organization of CNEFP is the one foreseen in the respective Act, attached to this Statute, and in the respective Internal Rules referred to in no. 3 of article 1.

Article 8 Staff

1. CNEFP will have its own Staff, approved by a ministerial Statute jointly issued by Tutelage and the Members of Government responsible for finances and public administration.
2. The professionals hired for management positions CNEFP will work under a service commission work regimen.

Article 9
Principles of economic and financial management

1. The economic, financial and asset management of CNEFP, including organization and performance of accounting procedures, will be regulated by the same standards applicable to public institutes in all that is not specifically foreseen in this Statute.
2. The economic and financial management will be regulated by the following instruments:
 - a) Annual activities plan;
 - b) Annual budget;
 - c) Annual accounts and balance sheets;
 - d) Annual activity reports.

Article 10
Revenues

1. CNEFP will have at its disposal the revenues originated from the corresponding appropriations in the State Budget.
2. CNEFP will also have at its disposal the following self-generated revenues:
 - a) Equity, subsidies and donations from projects of cooperation with other countries or international organizations;
 - b) Revenues from financial investments;
 - c) Revenues from services rendered, sales of goods produced, including goods produced as a result of the professional training courses and publication sales, all within its responsibilities;
 - d) Subsidies, donations, inheritances and bequests;
 - e) The product of alienation or assignment, under any title, of any capital assets or rights;
 - f) Any other revenues applicable by law, contract or other.
3. Any balance from the revenues foreseen in the previous item will transfer to the following year.

Article 11
Expenses

The expenses of CNEFP will be the ones inherent to its operations and activities performed in accordance with the obligations foreseen in this Statute.

Article 12
Capital

The capital of CNEFP is all its assets, rights and obligations, including facilities, furniture, equipment and vehicles of the former National Center for Employment and Professional Training of Tibar.

Article 13
Exemptions

CNEFP will be exempt from all taxes, charges and emoluments of any nature in legal cases, as well as in any notary and registration acts it may be involved in.

Article 14
Final and transitory provisions

1. The Director of CNEFP will have 90 days to submit the Internal Rules of the Institute for approval of the Tutelage, under the terms foreseen in line d) of article 2.
2. The current workers of the National Center for Employment and Professional Training of Tibar will keep their respective contractual relationship with CNEFP, under the same terms and conditions of the existing contract.

Article 15
Revocation

All provisions contrary to this Decree Law are hereby revoked.

Article 16
Date of Effectiveness

This Statute will be in effect 15 days after its publication in the Official Gazette.

Approved by the Council of Ministers on November 19, 2008

The Prime Minister,

Kay Rala Xanana Gusmão

Enacted on 12/18/08

For publication.

The President of the Republic,

José Ramos-Horta

APPENDIX

ACT CONSTITUTING THE NATIONAL CENTER FOR EMPLOYMENT AND PROFESSIONAL TRAINING (CNEFP)

CHAPTER I PURPOSE AND ATTRIBUTIONS

Article 1 Constitution

The CNEFP is constituted as a public institute with the purpose of promoting professional training activities, with particular emphasis to the civil construction industry, with the potential of extending its activities to other industries as well.

Article 2 Territorial Jurisdiction and Head Offices

1. CNEFP can perform its activities anywhere in the country.
2. CNEFP has head offices in Tibar.
3. CNEFP has a delegation in Díli.
3. Territorial delegations and decentralized services may be created, as necessary.

Article 3 Responsibilities

1. The responsibilities of CNEFP are:
 - a) Scheduling, facilitating and evaluating the Center's professional training actions;
 - b) Organizing a Center for Technical and Teaching Resources and keeping it updated;

- c) Collaborating with the Tutelage in assessing professional training needs, based on the economic and social realities of East Timor;
 - d) Providing technical support to other entities with similar training objectives by way of the Resource Center, making all technical and teaching resources available as necessary;
 - e) Collaborating with the appropriate entities in evaluating, from a technical and teaching perspective, the training provided by other entities;
 - f) Collaborating with the Tutelage in order to train and to certify instructors.
2. The focus of CNEFP will be training professionals for the civil construction industry, with the potential to extend its activities to other industries as well.

CHAPTER II GENERAL FRAMEWORK

SECTION I AGENCIES

Article 4 Agencies

The following are agencies of CNEFP:

- a) Director;
- b) Advisory Board;
- c) Statutory Audit Committee or a Single Auditor.

Article 5 Director

1. The Director of CNEFP is appointed and exonerated by a ministerial Statute by the Member of Government responsible for Professional Training, for a renewable term of four years.
2. The Director is the highest hierarchical authority for all the staff and will be in charge of the management of CNEFP, with the following duties:
 - a) Organize all services;

- b) Draft the activities plan and budget and submit it to Tutelage;
- c) Read and sign all necessary documents on a daily basis;
- d) Propose all staff hiring's, promotions and exonerations to Tutelage;
- e) Take the proper disciplinary actions with CNEFP staff and students;
- f) Draft, submit to Tutelage, and enforce all internal rules;
- g) Draft and submit to Tutelage for approval, before March 31st, the report and accounts of the previous year.
- h) Keep Tutelage informed on a regular basis about the progress in the execution of the activities plan and about the financial status of CNEFP, as well as any eventual alterations in the forecasts and objectives of said plan, duly approved by Tutelage;
- i) Propose to Tutelage all the initiatives it deems useful for the successful operations and development of CNEFP;
- j) Promote the establishment of Partnerships for the development of joint initiatives, specifically professional training actions;
- k) Execute Protocols for professional training actions;
- l) Be responsible and accountable before Tutelage for the appropriate use of all budget amounts made available to CNEFP;
- m) Preside at Advisory Board meetings and ensure scheduling and organization of said meetings.

Article 6

Advisory Board

1. The Advisory Board (*Conselho Consultivo, or CC*) is the consultation agency for the Director and has the following responsibilities:

- a) Review and issue a written opinion about the Annual Activities Plan of CNEFP;
- b) Review and issue a written opinion about the annual budget, reports and accounts of CNEFP;

- c) Track all the activities of CNEFP, issue written opinions about its services and submit proposals, suggestions and recommendations, as well as clarification requests to the Director.
2. The Advisory Board (CC) is constituted by the CNEFP Director, who will preside it, and by representatives of unions and industry associations.
3. All CC members will have two year renewable terms and will be appointed and exonerated by decision of the Member of Government responsible for professional training, observing the equitable representation of the associations referred to in the previous item.
4. The CC will hold general meetings once every quarter and special meetings whenever called by the president, by his own initiative, or upon request of two thirds of its members.
5. The CC may meet with a majority of its members present and all deliberations will be valid with a simple majority of votes.
6. Minutes will be drafted for every board meeting.

Article 7 **Statutory Audit Committee**

1. The Statutory Audit Committee is the agency responsible for budgetary control and for ensuring proper management of CNEFP; its responsibilities are:
 - a) Supervise and inspect the budgetary process and proper management of CNEFP;
 - b) Draft periodic and detailed opinions about the items foreseen in letter a) of this article;
 - c) Draft opinions, when required by law;
 - d) Draft opinions on acquisitions, financial burden, leasing and alienation of real estate;
 - e) Inform Tutelage about every instance of proven or suspected irregularities found in the administrative or budgetary management of CNEFP, and propose the necessary corrective actions.
2. The Statutory Audit Committee is formed by three members, appointed by the Member of Government responsible for Finances and appointed by the Member of Government responsible for Professional Training.

3. The Committee members are appointed for a two-year term and may be appointed for another term of equal duration.

4. In order to perform their duties, all Committee members will have free access to the physical facilities and documentation of CNEFP.

5. Besides the report attached to the document submitting accounts, the Audit Committee must also submit reports on a regular basis or whenever requested by Tutelage.

6. Tutelage may decide to appoint a Single Auditor to perform all duties of the Statutory Audit Committee.

SECTION II ORGANIC UNITS

Article 8 Organic Units

The framework of CNEFP includes the following organic units:

- a) Resource Management Unit;
- b) Professional Training Unit;
- c) Resource Center

Article 9 Resource Management Unit

1. The Resource Management Unit, directed by a unit coordinator, has the generic responsibilities of managing the human, material and financial resources of CNEFP.

2. The Resource Management Unit will also have specific responsibilities, as follows:

- a) Prepare all elements necessary for drafting the Activities Plan and Annual Budget, in cooperation with the Professional Training Unit;
- b) Ensure the proper management and accounting control of all expenses, internal revenues and donor contributions;
- c) Track the execution of the Activities Plan and approved Budget, in cooperation with the Professional Training Unit, draft the physical and financial execution reports and organize the account reporting instruments;
- d) Ensure preparation of all accounting, budgetary and financial information, as well as accountability to Tutelage;

- e) Prepare all elements necessary for accounting reports to Donors in the case of projects and/or activities with joint financing, in conformity with the Cooperation Agreements with other countries;
- f) Draft all internal staff rules;
- g) Manage all staff related activities, including registering all workers, controlling time clock and processing wages and benefits;
- h) Ensure the processing of payments to the students, in cooperation with the Professional Training Unit;
- i) Design and implement the Administrative Procedures Manual;
- j) Attend to all general duties and reception of visitors;
- k) Execute all procedures related to acquisition of goods and services necessary for the regular operations of CNEFP and ensure all economic functions;
- l) Ensure good management, conservation, cleanliness and safety of all facilities and vehicles;
- m) Organize and update the register of all assets.

Article 10 Professional Training Unit

1. The Professional Training Unit, directed by a unit coordinator, has the generic responsibility of managing all the courses offered at CNEFP, including identification of training needs, drafting of training plans, recruiting and training of instructors and students, and evaluation of all courses offered.
2. The Professional Training Unit has the following specific responsibilities:
 - a) Collaborate in the assessment of professional training needs, to conform with the economic and social realities of East Timor;
 - b) Plan and execute all training activities foreseen in the CNEFP Activities Plan, in cooperation with the Resources Management Unit;
 - c) Build the framework of all instructor activities and coordinate and support them from the technical and teaching perspective;
 - d) Ensure the organization of all technical and teaching reports regarding professional training activities performed by CNEFP;

- e) Design and validate all final evaluation tests for the activities subject to certification;
 - f) Design and propose rules for training and students;
 - g) Plan and execute the internal training plan, specifically for instructors and other staff;
 - h) Manage the facilities and equipment for the training sessions, in cooperation with the Resources Management Unit;
 - i) Draft all physical execution reports to be submitted to the Resources Management Unit.
3. The Unit is subdivided into the sections foreseen in its Internal Rules.

Article 11
Resources Center

Reporting directly to the CNEFP Director, the Resources Center has the generic responsibility of organizing and creating the teaching resources of CNEFP, including all training programs and all technical, didactics and pedagogical documentation, including audiovisual aids.

SECTION III
GENERAL PROVISIONS

Article 12
Economic and Financial Management

The economic and financial management of CNEFP is regulated by the following instruments:

- a) Annual activities plan;
- b) Annual budget;
- c) Annual accounts and balance sheets;
- d) Annual activity reports.

Article 13
Representation

1. CNEFP is bound before third parties by the signature of two officers, the Director and the coordinator of the Resources Management Unit, except in simple day-to-day actions, when only one signature will be required.

2. In the absence of the Director, the powers may be delegated to one of the unit coordinators.

3. In the absence of the coordinator of the Resources Management Unit, he will be replaced by the coordinator of the Professional Training Unit.

Article 14 Responsibility

1. While performing their duties, all CNEFP members will be liable for actions and omissions performed in detriment of their legal and legislated duties, except when they can prove to have acted by no fault of their own.

2. Actions and omissions practiced by CNEFP members in detriment of the provisions of the previous number will not exclude the criminal and disciplinary liabilities foreseen for each case.

Article 15 Staff

CNEFP has its own staff, approved by a ministerial Statute issued jointly by Tutelage and the Members of Government responsible for the financial and public administration areas.

Article 16 Work Regimen

1. The executive officers of CNEFP will work on a service commission basis, in accordance with CNEFP internal rules.

2. CNEFP workers will work in accordance under an individual work agreement, as foreseen in the Labor Code.