

Rwanda

Presidential Order establishing the Special Statutes Governing of Employees of the Office of the Auditor General of State Finances Presidential Order 38 of 2017

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Presidential Order 38 of 2017

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Assented to on 22 February 2017

Commenced on 23 February 2017

[This is the version of this document from 23 February 2017.]

We, KAGAME Paul,

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122 and 176;

Pursuant to Law n° 79/2013 of 11/9/2013 determining the mission, organization and functioning of the Office of the Auditor General of State Finances, especially in Article 20;

Pursuant to Law n° 86/2013 of 11/09/2013 establishing the general statutes for public service, especially in Article 2;

On proposal by the Minister of Public Service and Labour;

After consideration and adoption by the Cabinet, in its session of 25/05/2016;

HAVE ORDERED AND HEREBY ORDER:

Chapter One

General provisions

Article One – Purpose of this Order

This Order establishes the special statutes governing all employees of the Office of the Auditor General of State Finances.

Article 2 – Definition of the term “Office”

For the purpose of this Order, the term “Office” refers to the Office of the Auditor General of State Finances.

Chapter II

Recruitment, appointment and probation period

Article 3 – Conditions for recruitment

Recruitment is carried out only if:

- 1° the job position exists on the organizational structure;

2° the job position was budgeted for;

3° the job position is vacant.

Conditions for admission as a staff member are as follows:

1° to be a Rwandan;

2° to be at least eighteen (18) years old;

3° not to have been sentenced in a final judgment to a term of imprisonment of at least six (6) months;

4° to fulfil requirements for the position;

5° not to appear on the blacklist of persons who cannot be public servants.

Article 4 – Recruitment and appointment procedures

Recruitment is carried out through competition.

With exception of the Auditor General, Deputy Auditor General and the Secretary General, other employees of the Office are recruited by the Office and appointed by the Auditor General.

The internal rules and regulations of the Office determine the modalities for recruitment and appointment of the staff.

Article 5 – Duration of the probation period

Every new employee is subject to a probation period of six (6) months upon which an evaluation of performance in relation to competence, skills and conduct is carried out by his/her immediate supervisor and approved by his/her supervisor at second level.

The immediate supervisor is required to inform the employee of his/her performance results within five (5) working days from the end of the performance evaluation.

Chapter III

Statutory positions of an employee of the Office

Article 6 – Statutory positions of an employee of the Office

An employee of the Office is governed by this statute under the following situations:

1° in service;

2° on transfer;

3° on secondment;

4° on disposal to another administration;

5° on suspension of duties;

6° on leave of absence for a specific period.

Article 7 – Employee of the Office in service

An employee of the Office is in service if he/she occupies a position to which he/she was appointed and effectively performs duties related to that position.

An employee of the Office is considered to be in service when he/she is:

- 1° on leave;
- 2° on official mission;
- 3° on training.

Article 8 – Types of leaves

In addition to statutory annual leave, an employee of the Office may benefit an incidental leave, maternity leave, sick leave or authorized absence in accordance with provisions of the law establishing the general statutes for public service.

Article 9 – Mission

In the interests of service, the Auditor General may send an employee of the Office on a mission within or outside the country.

Modalities for the mission and related benefits are in accordance with regulations governing missions for public servants under the law establishing the general statutes for public service.

Article 10 – Training

In the interests of service, the Auditor General may send an employee of the Office for training within or outside the country.

Modalities for training and related benefits are in accordance with regulations governing training for public servants under the law establishing the general statutes for public service.

Article 11 – Management of other statutory positions of employees of the Office

Statutory positions referred to in Article 6 of this Order, in points 2°, 3°, 4°, 5° and 6° apply in accordance with provisions applicable to public servants governed by the law establishing the general statutes for public service.

Chapter IV Rights, professional conduct and obligations

Article 12 – Rights of an employee of the Office as a citizen

An employee of the Office enjoys the rights and freedoms as other citizens. He/she exercises them in accordance with laws and regulations into force in the country.

Article 13 – Salaries and fringe benefits for employees of the Office and their period of prescription

Salaries and fringe benefits for employees of the Office are determined in accordance with principles on determination of salaries and fringe benefits for public servants governed by the law establishing the general statutes for public service.

The right to outstanding salary and fringe benefits for employee of the Office expires after two (2) years from the date the right was established. However, the expiry is suspended by a written request of the employee to be paid or in case the employer started computing employment termination benefits for the employee.

Article 14 – Salary for an acting employee

An employee who is in acting position for more than thirty (30) days is entitled to the salary and other monthly benefits of that acting position if the associated benefits are higher. However, such benefits shall not be cumulated with those of his/her usual job position.

The salary and benefits for an acting employee are calculated from the thirty first (31st) day in the acting position.

Article 15 – Healthcare of employees of the Office and their dependents

The Office provides healthcare support to employees and their dependents in accordance with relevant laws.

Article 16 – Professional conduct

The internal rules and regulations of the Office establish the code of professional conduct for employees of the Office.

Article 17 – Prohibition to disclose information

An employee of the Office is prohibited from disclosing any information he/she has seen or heard related to audit report that is yet to be released officially.

The Auditor General or any person delegated by him/her is solely responsible for the release of an audit report. He/she also has the prerogative to authorize the release of the content of such a report after having assessed whether such a release is of general interest.

Article 18 – Incompatibilities

The following activities are incompatible with the status of employee of the Office:

- 1° to work for another public institution either on a permanent or on contractual basis;
- 2° to bid for public tenders;
- 3° to carry out an activity that is likely to cause conflict of interest in regard to his/her duties;

An employee of the Office is not also allowed:

- 1° to audit activities of a family member by virtue of marriage, adoption or blood relationship;
- 2° to work for an institution which the employee audited unless one (1) year has elapsed since that auditor was involved in the audit of that institution.

Article 19 – Modalities of imposing a disciplinary sanction

Modalities of investigating and imposing a disciplinary sanction to an employee of the Office who committed a disciplinary fault are in accordance with relevant provisions of the law establishing general statutes for public service.

However, the Office shall not be required to seek prior opinion from the Ministry in charge of public service before imposing a heavy disciplinary sanction.

Article 20 – Right to appeal

An employee of the Office who is dissatisfied with a decision taken against him/her has the right to administrative appeal.

Article 21 – Modalities of administrative appeal

An employee who is not satisfied with a decision against him/her may submit a written appeal to the Auditor General of State Finances within five (5) working days from the date he/she was notified of the decision and the answer to his/her appeal is taken within a period not exceeding fifteen (15) working days from the date of receipt of the appeal.

Article 22 – Filing a case in court

An employee of the Office who is not satisfied with a decision taken by the authority who took the decision at the appeal level or when no answer was provided within the period mentioned in Article 21 of this Order, may file a case to the competent court in accordance with relevant laws.

Chapter V Termination of service

Article 23 – Grounds for termination of service

Termination of service takes place if an employee of the Office:

- 1° is granted leave of absence for a non-specific period;
- 2° deliberately resigns;
- 3° is removed from office;
- 4° is dismissed;
- 5° retires;
- 6° dies.

Article 24 – Provisions governing termination of service

Modalities for termination of service for employees of the Office are in accordance with relevant provisions of the law establishing the general statute for public service.

Chapter VI Miscellaneous and final provisions

Article 25 – Management of performance contracts

Modalities of result based performance management for employees of the Office are determined by internal rules and regulations of the Office.

Article 26 – Application of the Law establishing the general statutes for public service

The Law establishing the general statutes for public service is applicable to employees of the Office in case of any lacuna in this Order.

Article 27 – Authorities responsible for the implementation of this Order

The Minister of Public Service and Labour and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

Article 28 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 29 – Commencement

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.