**The General People’s Committee**

**Decree No. (797) of 1423 FBP**

**on Regulating the Referral at the Disposal of the General**

**Authority for Manpower, in Implementation of the Provisions of Law**

**No. (31) of 1423 FBP**

**The General People’s Committee
Upon review of:**

* Law No. (55) of 1976 AD on the Civil

Service;

* Law No. (15) of 1981 on the Salary System of National Workers

in the Socialist People’s Libyan Arab Jamahiriya;

* Law No. (13) of 1980 AD on Social Security;
* Law No. (9) of 1992 AD on the Exercise of Economic Activities and the Implementing

Regulations thereof;

* Law No. (3) of 1423 FBP on the People’s Committees and the Implementing

Regulations thereof;

* Law No. (31) of 1423 FBP, on Approving Certain Provisions on

National Service, Employment and Manpower; and

* The General People’s Committee Decree No. (461) of 1423 on the Formation of

the Committee Mandated with the Preparation for the Execution of Employment and Transition to Production Program Legislations, and

* Based on the conclusions reached by the Committee formed for such purpose,

**has decreed the following:**

**Article (1)**

The General Authority for Manpower shall prepare a record of employees under referral at disposal. Such record shall include data on the employee’s date of birth, academic qualification, grade at the time of referral, date of reaching such grade, the old job, the job which the employee wishes to be rehabilitated for, residence address and the dates prescribed to visit the Authority’s branch. Subject to his signature thereon, the employee shall be given a proof of registration in the record and the dates specified for visiting the branch.

**Article (2)**

In filling vacancies in various public entities, priority shall be given to employees under referral at disposal as a result of terminating the administrative unit or cancelling the job. Such employee shall be given the opportunity to choose the job he wishes, if possible, providing that such employee meets the vacant job’s requirements and this does not lead to a delay in commencing service or training at the specified times.

**Article (3)**

The General Authority for Manpower shall organize a rehabilitation and training program for employees under referral at disposal. Absence from or discontinuation of work or training or failure to visit the General Authority for Manpower at the prescribed dates shall be considered absence from work, and the procedures stipulated in the legislation regulating work shall apply in his regard.

**Article (4)**

An employee under referral at disposal may appeal the procedures taken with regard to job or training placement, if he believes that such procedures have caused a damage thereto or breached the priority-based placement system, or wasted an opportunity for his training or placement in jobs he satisfies the requirements thereof.

In this case, a written appeal shall be submitted to the General Authority for Manpower’s branch, for registration, in consideration of a receipt. In case of non-response thereto or no decision is issued therein within one month from the date of submission, the employee under referral at disposal may submit the appeal to the Authority’s Management Committee to decide upon the same, based on an investigation to be conducted in this regard.

**Article (5)**

If an employee wishes to be transferred to production, he shall submit a written application to the competent branch of the General Authority. Such application shall specify the profession he wishes to practice and the type of help he desires. The Authority shall register the said employee in the record prepared for this purpose, and complete the relevant procedures in coordination with the entities concerned with implementing Transition to Production programs. A decision on the employee’s transfer shall be issued by the Management Committee of the General Authority for Manpower.

**Article (6)**

If an employee under referral at disposal wishes to be transferred to production, he may be paid his salary for the entire under referral period, which he should have spent at the disposal of the General Authority for Manpower, as a lump sum. The employee’s employer shall pay his salary and the financial consideration of the leaves to which he is entitled throughout the term of his service in accordance with the law.

**Article (7)**

An employee may not be referred at disposal if he is called for national service, until the expiry of the call period. Referral at disposal shall not repeal the decisions related to disciplinary measures, including suspension from work for the benefit of the investigation.

**Article (8)**

An employee under referral at the disposal of the General Authority for Manpower shall be considered in-service throughout the referral period. The Management Committee of the Authority shall have all the powers vested in his employer in relation to his functional affairs.

**Article (9)**

The employer shall be informed of the decision to refer the employee to retirement in order to take, on an expedited manner, the applicable measures in this regard and coordinate with the Social Security Fund’s management to ensure that the employee's pension is allocated at the prescribed times.

**Article (10)**

This Decree shall enter into force as of the date of its issuance and shall be published in the official gazette.

**The General People’s Committee**

**Issued on: 19 Jumada Al-Akhera 1404 FDP**

**Corresponding to: 3 December 1423 FBP**