



INTERNAL REGULATION OF THE NATIONAL AGENCY FOR QUALITY ASSURANCE IN EDUCATION AND RESEARCH

Issue II¹, Review 0


Approved by the Governing Board of
the National Agency for Quality Assurance in Education and Research,
Decision no. 57 of April 28, 2022

President

Andrei CHICIUC

Chisinau, 2022

¹ Issue I - approved by the decision of the GB of ANACEC no. 38 of 25.01.2019

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 2/11

Chapter I. General provisions

Art. 1. This internal regulation is a legal act that regulates the employment relationships of all employees of the National Agency for Quality Assurance in Education and Research (hereafter ANACEC) and approved by the Governing Board of ANACEC. The internal regulation is drawn up in accordance with the provisions of the Labour Code, Law no. 25/2008 on the civil servant's code of conduct, Law no. 158/2008 on the public office and the status of the civil servant, Law no. 186/2008 on occupational health and safety, Law no. 270/2018 on the unitary payroll system in the budget sector, the Regulation on the organization and operation of ANACEC and other laws and normative acts, which contain the rules on labour law.

Art. 2. One of the basic obligations of employees is compliance with work discipline.

Art. 3. Work discipline is ensured in the Agency by the creation by the employer of the economic, social, legal and organizational conditions necessary for the performance of high-productivity work, by forming a conscious attitude towards work, by applying incentives and rewards for conscientious work, as well as of sanctions in case of committing disciplinary offences.


Art. 4. The provisions of the Regulation do not exclude rights or obligations of management or employees, which are provided for in other normative acts, which concern labour relations and work discipline, applicable in the central public administration.

Art. 5. The principle of equal treatment for all employees is applied within the framework of labour relations.

Chapter II. Duties of the Agency's management

Art. 6. The President of the Governing Board fulfils, under the conditions of the normative framework, the following duties:

- a) manages the administrative apparatus of the Agency;
- b) represents the Agency in relations with public authorities and institutions, with natural and legal persons in the country and abroad;
- c) organizes the internal managerial control system, as well as the internal audit function in the Agency;
- d) leads the meetings of the Governing Board and ensures the implementation of their agenda;
- e) coordinates the development of the draft institutional plan of the Agency and other documents related to the internal activity and submits them for approval to the Governing Board;
- f) ensures the conduct of the evaluation process in general education, vocational education and training, higher education and continuous training;
- g) approves or modifies the staffing and staffing scheme of the Agency within the limits of the labour remuneration fund and the structure and staff-limit established by the Government;
- h) appoints to public office, modifies, suspends and terminates the labour relations of civil servants within the Agency, under the conditions of Law no. 158/2008 on the public office and the status of the civil servant;
- i) hires and releases the contracted staff of the Agency;
- j) coordinates the development of the annual report on the Agency's activity;

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 3/11

- k) establishes the duties of the vice-president and the secretary general;
- l) approves the activity regulations of the Agency subdivisions;
- m) informs the evaluated institution and the Ministry of Education and Research about the results of the external evaluation;
- n) ensures the transparency of the Agency's activity;
- o) performs other duties within the limits of the present Regulation and the normative framework.


Art. 7. In the absence of the president of the Governing Board, his/her duties are exercised by the vice-president.

Art. 8. The secretarial activity of the Governing Board is ensured by the secretary general.

Chapter III. The rights and obligations of civil servants and employees with individual employment contracts

Art. 9. Civil servants have the following rights:

- a) to examine issues and make decisions within the limits of their competence;
- b) to request, within the limits of their competence, and to receive the necessary information from other public authorities, as well as from natural and legal persons, regardless of the type of property and their legal form of organization;
- b¹) to know their rights and duties stipulated in the job description;
- c) to benefit from normal working conditions and hygiene to protect their physical and mental health and integrity, as well as from a salary corresponding to the complexity of the duties of the position;
- d) to address the Government on cases of violation of the legislation related to the public office and the status of the civil servant;
- e) to benefit from stability in the held public office, as well as the right to be promoted to a higher public office;
- f) to benefit from equal opportunities and treatment between men and women in terms of access to employment in public office, to the process of continuous professional development and promotion;
- g) to opinion;
- h) to free access to their personal file and personal data included in the register of public functions and civil servants;
- i) to the free release of copies of the existing documents in his personal file, as well as documents attesting to the activity carried out, the total seniority in work and in the public office, other necessary data;
- j) to be informed about all decisions that directly concern them;
- k) to the timely and full payment of the salary, in accordance with their qualification;
- l) to rest, by granting rest hours and non-working public holidays, paid annual holidays;
- m) to address to the employer, patronages, trade unions, central and local public administration bodies, labour jurisdiction bodies;
- n) to conduct collective negotiations and conclusion of the collective labour contract and collective agreements, to information regarding the implementation of the respective contracts and agreements, to the defence of their labour rights, and their legitimate interests and freedoms;

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 4/11


- o) to the settlement of individual labour disputes and collective labour conflicts, in the manner established by the Labour Code and other legislative and normative acts;
- p) to the compulsory social and medical insurance, in the manner prescribed by the legislation;
- q) to the reparation of the material and moral damage caused in connection with the fulfilment of work obligations, in the manner established by the legislation in force;
- r) to associate in trade unions and participate in their activity outside of working hours;
- s) to benefit from legal protection, in accordance with their status.

Art. 10. Employees with individual employment contracts have the right:

- a) to conclude, modify, suspend and terminate the individual employment contract, in the manner established by the Labour Code;
- b) to work, according to the clauses of the individual employment contract;
- c) to the timely and full payment of the salary, in accordance with their qualification, with the complexity, quantity and quality of the work performed;
- d) to rest, ensured by establishing the normal duration of working time, by granting rest days and non-working holidays, paid annual holidays;
- e) to full and truthful information about working conditions and the requirements of safety and health at the workplace;
- f) to address to the employer, patronages, trade unions, central and local public administration bodies, labour jurisdiction bodies;
- g) to professional training, retraining and improvement, in accordance with the Labour Code and other regulatory acts;
- h) to participate in the administration of the unit, in accordance with the Labour Code and the collective labour agreement;
- i) to conduct collective negotiations and conclusion of the collective labour contract and collective agreements, through their representatives, to information regarding the implementation of the respective contracts and agreements;
- j) to defend, through methods not prohibited by law, their labour rights, freedoms and legitimate interests;
- k) to the settlement of individual labour disputes and collective labour conflicts, including the right to strike, in the manner established by the Labour Code and other normative acts;
- l) to the reparation of material and moral damage caused in connection with the fulfilment of work obligations, in the manner established by the Labour Code and other normative acts;
- m) to the compulsory social and medical insurance, in the manner prescribed by the legislation;
- n) employees cannot waive their rights recognized in the Labour Code. Any agreement aimed at waiving the employee's employment rights or limiting them is null and void.

Art. 11. Employees have the following obligations:

- a) to conscientiously fulfil their work obligations provided for by the individual employment contract and the job description;
- b) to comply with the established work norms;
- c) to comply with the internal regulations;
- d) to respect the work discipline;

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 5/11


- e) to show non-discriminatory behaviour in relation to other employees and the employer;
- f) to respect the right to dignity at work of other employees;
- g) to comply with occupational health and safety requirements and fire safety measures;
- h) to show a household attitude towards the assets of the employer and other employees;
- i) to repair the material damage caused to the employer by their fault;
- j) to immediately inform the employer or the direct manager about any situation that presents a danger to the life and health of people or to the integrity of the employer's patrimony.

Art. 12. Civil servants have the following obligations:

- a) to comply with the Constitution, the legislation in force, as well as the international treaties to which the Republic of Moldova is a party;
- b) to strictly respect the rights and freedoms of citizens;
- c) to be loyal to the public authority where they work;
- d) to carry out all work duties with responsibility, objectivity and promptness, in a spirit of initiative and collegiality;
- e) to keep, in accordance with the law, state secrets, as well as confidentiality in relation to the facts, information or documents of which they become aware in the exercise of their public office;
- f) to comply with the rules of professional conduct provided by law;
- g) to comply with the internal regulation;
- h) to comply with the provisions of art. 7 paragraph (2) of Law no. 325 of December 23, 2013 on the assessment of institutional integrity;
- i) to respect work discipline;
- j) to comply with the provisions (orders, commands, mandatory indications for execution) received from their direct manager and from the manager of the public authority in which they exercise their public office;
- k) to submit, in accordance with the law, the declaration of personal wealth and interests;
- l) to strictly observe the legal regime of the conflict of interests;
- m) to show a household attitude towards the property of the unit and of other employees;
- n) to immediately inform the management of the Agency or the immediate manager about any situation that presents a danger to the life and health of officials, or to the integrity of the institution's assets;
- o) to implement the decisions of the public authorities in a timely and qualitative manner in the matters related to their competence;
- p) to timely examine proposals, requests and complaints of citizens in the field of their activity, in accordance with the legislation;
- q) to constantly improve their professional competences;
- r) to comply with the occupational health and safety requirements.

Chapter IV. Employment, modification and termination of employment or work relations

Art. 13. The employment of employees is done in accordance with the provisions of Law no. 158/2008 on public office and the status of civil servants, in the case of public offices and of the Labour Code in the case of contractual positions in the Agency.

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 6/11

Art. 14. The transfer, as a way of changing the service/work relations in the case of civil servants/contractual employees, can take place in the interest of the work or at the request of the civil servant/contractual employee, under the conditions of the law.

Art. 15. Employees can be delegated or seconded, as the case may be, within another public authority or public institution, in accordance with the provisions of the Labour Code or the Law on Public Servants.

Chapter V. Working time, rest time, attendance and access to the Agency

A. Working time

Art. 16. The normal length of working time is 8 hours per day and 40 hours per week. The President of the Governing Board of the Agency can establish, with the written consent or at the written request of the employee, individualized work schedules, with a flexible working time regime, respecting the duration of the working time of 40 hours per week. The working day schedule is from Monday to Friday between 08:00 and 17:00, with a lunch break between 12:00 and 13:00.

Art. 16¹. The President of the Governing Board of the Agency can determine, with the employee's written consent, that work be carried out at home or remotely. The clauses regarding the conclusion of the Individual Employment Agreement/Contract will be reflected according to the regulatory framework in force, including:

Reflecting the workplace:

- a) The employee performs the work specified in this Individual Work Agreement/Contract outside the employer's location (remotely).
- b) The place of work is the place designated by the Employee, representing the domicile / residence / the place where he/she actually lives (if this does not correspond to the legally declared domicile or residence), being located at the address: Chisinau municipality, Igor Vieru str. 15 /3 (example).

Reflecting additional working conditions:

- a) The employee provides the direct manager with a daily and weekly report on work activity.
- b) The daily and weekly reports are provided electronically to the email address of the direct manager.
- c) The daily report is provided on the employee's working days by 17:00.
- d) The weekly report is sent by 17:00 on the last working day of the week.


Art. 17. The duration of the working day on the eve of non-working public holidays is reduced by at least one hour for all employees, except for those who have been established a reduced duration of working time or a partial working day.

B. Rest time

Art. 18. For the work performed, employees are entitled to a paid annual holiday.

Holiday is granted annually for a duration of:

- a) 35, 38, 40 or 42 calendar days - for employees with civil servant status, depending on seniority;

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 7/11

b) 28 calendar days - for employees with individual employment contracts.

Art. 19. Additional annual vacations for employees with individual employment contracts are granted to employees in strict accordance with art. 121 para. (4) and art. 1241 para. (2) of the Labour Code:

- a) One of the parents who have 2 or more children aged up to 14 years (or a child with disabilities) is granted, based on a written request, an additional paid annual holiday of 4 calendar days;
- b) Paternity leave, 14 calendar days, is granted based on a written request, in the first 56 days after the birth of the child. A copy of the child's birth certificate is attached to the application. During the period of paternity leave, the employee benefits from a paternal allowance which cannot be lower than the size of the average salary due for that period and which is paid from the social insurance fund.

Art. 20. The annual vacation can be granted in full or, based on a written request of the employee, it can be divided into parts, one of which will last at least 14 calendar days.

Art. 21. The scheduling of annual vacations for the following year is done by the employer at least 2 weeks before the end of each calendar year.

Art. 22. The holiday is granted to employees annually according to the established schedule.

Art. 23. The request is submitted 14 calendar days before the start of the annual holiday.

Art. 24. In exceptional cases, if the full granting of annual holiday to the employee in the current work year may have a negative impact on the proper functioning of the unit, part of the holiday, with the written consent of the employee and the written agreement of the employee representatives, may be postponed for the following work year. In such cases, in the current work year, the employee will be granted at least 14 calendar days from the account of the annual holiday, the remaining part being granted until the end of the following year.


Art. 25. For family reasons and in the case of other well-founded reasons, based on a written request, the employee may be granted, with the employer's consent, an unpaid leave of up to 120 calendar days based on the Labour Code and 60 calendar days according to the Law on the public office and the status of the civil servant.

Art. 26. The employee can be recalled from annual holiday by order, only with his/her written consent and only for exceptional work situations, which make his/her presence at work mandatory. Remuneration for the work of the employee recalled from annual holiday is carried out on a general basis.

Art. 27. The recalled employee must use the rest of the annual holiday days during the same year or the following year. The employee's refusal to use the remaining part of the annual holiday is null and void.

Art. 28. The granting of unused annual holiday days in connection with the recall is made on the basis of the employee's request.

Art. 29. It is forbidden not to grant annual holiday for two consecutive years. The replacement of the unused annual holiday by a monetary compensation is not allowed, except for the cases specified in art. 43 para. (3) from Law no. 158-XVI of July 4, 2008 on the public office and the status of civil servants (in the case of civil servants) or art. 119 of the Labour Code of the Republic of Moldova (in the case of contractual staff).

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 8/11

Art. 30. In cases of temporary incapacity for work, employees are obliged to inform the manager directly from the first day of being on medical leave. After completing the medical leave, on the day of going to work, the employee is obliged to present to the Legal and Human Resources Service the medical leave certificate completed by the employee and signed by the direct manager.

Art. 31. In case of partial or total coincidence of annual holiday with medical leave or with maternity leave or with study leave, based on a written request of the employee, the unused annual holiday in whole or in part shall be extended or postponed to another period agreed upon by written agreement of the parties.

Art. 32. Apart from the holiday, in case of special family events, employees are entitled to the following paid days off:

- a) Employee's marriage - 3 days;
- b) death of the employee's parents, in-laws, husband, wife, children, grandparents, brother, sister - 3 days;
- c) parents who have children in the 1st and 2nd grades - the first day of the school year;
- d) employee's jubilee/anniversary (30, 40, 50, 60, 70, 80 years old) – 1 day;
- e) – excluded;
- f) Employee's birthday – 1 day.

These days will be granted during the occurrence of the event, by presenting the supporting documents.

Art. 33. Legal and religious holidays, established by law, are considered non-working days:

- a) January 1 – New Year;
- b) January 7 and 8 – Birth of Jesus Christ (Old-style Christmas);
- c) March 8 – International Women's Day;
- d) the first and second Easter days according to the church calendar;
- e) the Monday a week after Easter (Pastele Blajinilor);
- f) May 1 – International Day of Solidarity of Working People;
- g) May 9 – Europe Day/Victory Day and the commemoration of fallen heroes for the independence of the Motherland;
- h) August 27 – Independence Day;
- i) August 31 – „Limba noastră” holiday;
- j) December 25 - Birth of Jesus Christ (New-style Christmas);
- k) the Saint's Day of the church in the respective locality, declared in the manner established by the local council of the municipality, city, commune, village.


C. Access and attendance of employees at the workplace

Art. 34. Access to the Agency premises for employees is carried out on the basis of individual access permits.

The record of the employees' attendance and time sheets is made by:

- a) the heads of departments for the staff of the coordinated sections;
- b) heads of services for directly subordinate staff.

The monthly time sheets are sent to the legal and human resources service no later than the 25th of each calendar month. The responsibility for the veracity of the data in the time sheets of each subdivision rests with the people who draw up and sign the respective time sheets.

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 9/11

Chapter VI. Payroll

Art. 35. For the work performed, employees have the right to a salary, which includes the basic salary, increments, according to the salary legislation in force. The method of determining and paying the incentive payments, increments and the awarding of employee awards is stipulated in the Regulation on the method of establishing the performance increment and the Regulation on the method of awarding single awards, calculating and paying the annual award. The day of payment of salary rights is the 10th of each month.

Chapter VII. Evaluation of the employee's professional performance

Art. 36. The annual evaluation of individual professional performances aims to objectively assess the professional skills and behavioural characteristics of the employee, in order to assess the results obtained and identify the needs for professional development.

Art. 37. The evaluation of the professional performance of the civil servant is applied with the particularities provided in Law no. 158-XVI of July 4, 2008 on the public office and the status of the civil servant.

Art. 38. The evaluation of the individual performance of contractual employees is carried out based on the Agency's internal regulations.

Chapter VIII. Incentives for success at work

Art. 39. The employee is stimulated for the efficient performance of duties, the manifestation of the spirit of initiative, for long and impeccable activity in the service/public service.

Art. 40. Stimulation can be in the form of:

- a) award;
- b) gratitude;
- c) honorary diploma.

Art. 41 For special successes in the activity, merits towards society and towards the state, the civil servant can be decorated with state awards.


Art. 42. The incentives are applied by the employer through an administrative act.

Art. 43. The incentives are registered in the employee's personal file.

Chapter IX. Liability for violation of work discipline

Art. 44. Work discipline represents the obligation of all employees to comply with the rules of conduct established in accordance with the Labour Code of the Republic of Moldova, Law no. 25/2008 on the code of conduct of civil servants, Law no. 158/2008 on public office and the status of the civil servant, other normative acts, individual employment contracts, as well as with normative acts (orders, job descriptions, etc.) at the Agency level, including the internal regulations.

Art. 45. For the violation of service duties, the rules of conduct, for the material damage caused, contraventions or crimes committed during the service or in connection with the exercise of the duties of the position, the employee bears disciplinary, civil, administrative, criminal liability, as the case may be.

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 10/11

Art. 46. The disciplinary misconduct is:

- a) non-compliance with the work schedule, including absence or unjustified lateness to work or leaving before the deadline set in the schedule, admitted repeatedly;
- b) interventions in favour of the settlement of some claims beyond the legal framework;
- c) non-compliance with the requirements regarding the preservation of state secrets or the confidentiality of information that the civil servant becomes aware of in the exercise of the position;
- d) the unjustified refusal to perform the tasks and duties of the service, as well as the instructions of the manager;
- e) the actions that harm the prestige of the public authority in which they work;
- f) violation of the rules of conduct of the civil servant;
- g) conducting political activities during the work schedule;
- h) violation of provisions related to obligations and restrictions established by law;
- i) violation of the rules for organizing and conducting the competition, the rules for assessing the professional performance of civil servants;
- j) other facts considered as disciplinary violations in the legislation in the field of public office and civil servants.

Art. 47. For committing disciplinary violations, the following disciplinary sanctions may be applied to the civil servant:

- a) warning;
- b) admonition;
- c) harsh rebuke;
- d) suspension of the right to be promoted within two years;
- e) suspending the right to be advanced in salary steps for a period of one to two years;
- f) dismissal from public office;
- g) demotion in position and/or in qualification level.

Art. 48. For committing disciplinary violations, the following disciplinary sanctions may be applied to the contractual employee according to the Labour Code:

- a) warning;
- b) admonition;
- c) harsh rebuke;
- d) dismissal.


Chapter X. Occupational safety and health

Art. 49. The organization of occupational health and safety at the agency is carried out in accordance with the provisions of the Occupational Health and Safety Law no. 186-XVI of July 10, 2008 and other normative acts in the field of occupational health and safety.

Chapter XI. Final provisions

Art. 50. Subjects not regulated by this Internal regulation are regulated by the legislation in force.

Art. 52. This Internal regulation is brought to the attention of all Agency employees, under signature, and produces legal effects from the moment of notification. Violation of the provisions of this Regulation entails the application of appropriate sanctioning measures.

	REGULATION	GB_57/28.04.22
	Internal regulation of the National Agency for Quality Assurance in Education and Research	Page: 11/11

Art. 53. This Internal regulation is displayed in all subdivisions of the Agency.