



LAW no. 5 of 28 January 1981 (published in the register of the Government Building on 3 February 1981)

Regulation of secondment and leave for political functions

We the Captains Regent

of the Most Serene Republic of San Marino

Hereby promulgate and order the publication of the following Law, approved by the Great and General Council during its sitting of 28 January 1981.

Art. 1

Each of the Parliamentary groups established pursuant to Law no. 28 of 5 September 1972 may employ an official, whose remuneration, including seniority steps, shall be paid exclusively by the State.

The remuneration due to officials shall be established according to parameter 250 laid down by Law on Public Employment no. 41 of 22 December 1972 and subsequent amendments and integrations, with all the rights and obligations laid down in the same Law, with the exception of the provisions of Article 4, paragraph 2.

The political parties represented in the Council and not established as a group pursuant to Law no. 28 of 5 September 1972 shall be entitled, at their own choice, either to an annual allowance paid by the State for each of its members in the Council equal to one-third of the net remuneration paid to the official on the basis of the parameter referred to in the preceding paragraph, or to the secondment for four months in the calendar year, for each of its members in the Council, of an official hired in accordance with the preceding paragraphs.

An employee called upon to perform the functions referred to in this Article shall not interrupt his/her career in the office held prior to the assignment.

Parliamentary groups shall be allocated a suitable seat in a public building.

Art. 2

The Ministers shall be authorised to employ, independently of the employment lists, one Personal Assistant and one Secretary for each Ministry.

The remuneration of the Personal Assistant shall be that provided for in parameter 220, plus 30,000 Lira per month for lump-sum overtime.

The remuneration of the Secretary shall be that provided for in parameter 140.

The benefits provided for in the Law on Public Employment no. 41 of 22 December 1972, and Annexes, shall apply to all those who perform or have performed, even before the entry into force of this Law, the functions referred to in this Article, without prejudice to the provisions of specific laws on service assessment.

Art. 3

Employees hired by a Parliamentary group or political party represented in the Great and General Council to perform political functions shall benefit from the secondment referred to in Article 4 below.

Secondment may be requested for a maximum of three persons per group or political party.

The employee's remuneration and career-related costs shall be fully borne by the body hiring such employee.

Art. 4

The employees, called upon to perform the functions referred to in Articles 1, 2 and 3 of this Law shall be entitled to secondment from their office.

The period of secondment or assignment shall be determined by the requesting body, which may revoke it at its discretion.

The office referred to in Article 2 shall be automatically revoked when the Minister's term of office ends.

Art. 5

Seconded officials and workers, pursuant to the provisions referred to in Articles 1, 2 and 3, shall be entitled to return to their previous position, with recognition of the service provided in terms of economic and legal effects.

State employees classified at a parameter lower than that provided for in Articles 1 and 2 shall be paid the difference between the parameter received as an employee and that provided for in this Law.

Art. 6

Employers shall also be obliged to grant unpaid leave to their employees when they are called upon by Parliamentary groups or State bodies to perform political and administrative functions within the framework of regularly convened public bodies and within the time limit specified in the convening notice.

Leave granted under the preceding paragraph shall not affect other benefits of the employment relationship.

For the insurance purposes referred to in Law no. 37 of 30 June 1964, those who are called upon to perform the functions referred to in this Law shall be considered to be in service for all purposes.

Art. 7

For the duration of their term of office, in addition to the right to receive the allowance provided for in the State Budget, employees elected as Captains Regent shall be remunerated by the State at the same rate as that received by them as employees, if, by virtue of law or contracts, the cost of remuneration does not fall on the employer.

In this case, the worker's career shall not be interrupted.

In addition to the right to receive the allowance provided for in the State Budget, self-employed workers and professionals who are elected Captains Regent shall be paid, by the State, an additional allowance of 3,500,000 Lira for the entire duration of their term of office.

Art. 8

The request for secondment or leave shall be made to the employer either by the Head of Parliamentary group or Party Secretariats, or directly by the person concerned.

A copy of the request shall be addressed to the Registry of the Ministry of Internal Affairs, which shall record it in a special register and notify the bodies concerned thereof, if necessary.

Art. 9

(Financial arrangements)

The costs arising from this Law shall be charged annually to the State Budget, and in particular to chapter 01040 of the current expenditure budget of the Ministry of Internal Affairs.

Art. 10

This Law shall enter into force on 15 February 1981.

**Done at Our Residence, on 2 February 1981/1680 since the
Foundation of the Republic.**

THE CAPTAINS REGENT

Gian Carlo Berardi - Rossano Zafferani

THE MINISTER OF INTERNAL AFFAIRS

Alvaro Selva