

Translation by Surakiat Thitathan *

LOCAL PERSONNEL ADMINISTRATION

B.E. 2542 (1999)

BHUMIBOL ADULYADEJ, REX.

Given on the 18th Day of November, B.E. 2542;

Being the 54th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on Local Personnel Administration;

Be it, therefore, enacted by the king, by and with the advice and consent of the National Assembly as follows;

Article 1 This Act is called the “Local Personnel Administration Act, B.E. 2542.

Article 2 Act shall come into force as from the day following the date of its publication in the Government Gazette.

Article 3 In this Act:

“Local Administration Organization” means a Provincial Administration Organization, Municipality, Commune Administration Organization, Bangkok Metropolitan Administration, Pattaya City Administration, or a Local Administration Organization of other kind established by law;

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The Department of Local Administration

“Local Official” means an official of a Provincial Administration Organization, an employee of a Municipality or Commune Administration Organization, an official of Bangkok Metropolitan Administration, an employee of Pattaya City Administration, and an official or employee of a Local Administration Organization of other kind established by law, who is recruited and appointed to perform service and receives salary from the budget of a Local Administration Organization under the salary category, or from the government budget under the subsidy category for a Local Administration Organization and such Local Administration Organization has allocated such money as salary for its official or employee.”

Article 4 The Minister of the Interior shall have charge and control of the execution of this Act.

CHAPTER 1

Personnel Administration in Provincial Administration Organization

Article 5 In each Provincial Administration Organization, there shall be a committee on Provincial Administration Organization Personnel consisting of –

- (1) The Provincial Governor as Chairperson;
- (2) Three head from the provincial articles announced by the Provincial Governor as relevant articles; in case of necessity and for the purpose of personnel administration, the Provincial Governor may announce the change of such relevant articles as he deems suitable;
- (3) Four delegates of the Provincial Administration Organization consisting of the Provincial Administration Organization President, a Provincial Administration Organization Member selected by the Provincial Administration Organization Council,

the Provincial Administration Organization Clerk, and a delegate of the Provincial Administration Organization officials selected from among themselves;

(4) Four qualified members selected from experts in the fields of local administration, local personnel administration, civil service, administration and management or other fields beneficial to the personnel administration of the Provincial Administration Organization;

In selecting the qualified members under (4), the Committee members under (1) and (2) shall nominate a list of six candidates and the Committee member under (3) shall nominate another list of six candidates so that the twelve candidates hold a meeting to select four among themselves.

Rules and procedure for selecting a delegate of the Provincial Administration Organization officials shall be in accordance with criteria and conditions prescribed by the Central Committee or Provincial Administration Organization personnel.

The Provincial Governor shall have duty to provide the selection of a delegate of the Provincial Administration Organization personnel.

The Provincial Administration Organization Clerk shall act as Secretary of the Committee Provincial Administration Organization personnel.

Article 6 The qualified members shall have the qualifications and shall not be under any prohibition as follows:

- (1) being of Thai nationality;
- (2) being not less than forty years of age;
- (3) not being a State official holding a position or receiving regular salary;
- (4) not being an official or employee of a State agency, State enterprise or local government Organization
- (5) not being a holder of political position;

(6) not being a member of Local Administration Organization Council or an executive of Local Administration Organization;

(7) not being a holder of any position of a political party;

The person selected as a qualified member must have his name in the house register in the jurisdiction of the province for the consecutive time period of not less than one year to the day of his nomination.

Article 7 A member who is a delegate of the Provincial Administration Organization officials and a qualified member shall hold office of a term of four years and may be re-selected.

In the case where the member who is a delegate of the Provincial Administration Organization officials or a qualified member vacate office, a selection of a member to fill the vacancy shall be made promptly in accordance with the criteria and conditions stipulated in article 5; and the newly selected member shall hold office for the remainder of the term of his predecessor.

During the time when the selection of a member to fill the vacancy under paragraph two has not finished and the remaining members comprise more than one-half of the number of the original members, the remaining members can perform duties as Committee as usual.

Article 8 A member who is a delegate of the Provincial Administration Organization officials shall vacate office before the expiration of term when he submits a written resignation to the Chairperson, or when he ceases being an official of the Provincial Administration Organization.

Article 9 In addition to the vacation of office upon the termination of the term, a qualified member vacates office upon:

(1) death;

- (2) resignation, by submitting a written resignation to the Chairperson;
- (3) being a bankrupt;
- (4) being an incompetent or quasi-incompetent person;
- (5) being disqualified or being under any of the prohibitions under article 6;
- (6) being imprisoned by a final judgment.

Article 10 At a meeting of a Committee on Provincial Administration Organization Personnel, the presence of not less than one-half of the total number of existing members shall constitute a quorum. If the Chairperson does not attend the meeting or is unable to perform his duties, the member present shall elect one among themselves to preside over the meeting.

In a meeting, if there is a consideration of a matter in which a member has an interest, that member has no right to attend such meeting.

The decision of the meeting shall be made by majority of votes. Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as casting vote.

Article 11 A Committee on Provincial Administration Organization Personnel may appoint sub committees to perform the tasks as entrusted by the Committee.

Article 12 A member of Committee on Provincial Administration Organization Personnel and a member of its sub committee shall receive remuneration in accordance with the regulations as prescribed by the Central Committee on Provincial Administration Organization Personnel.

In prescribing the remuneration under paragraph one, must consider its workload, expenses. The remuneration can be adjusted to a higher or lower rate in accordance with its workload and financial status in each Provincial Administration Organization.

Article 13 A Committee on Provincial Administration Organization Personnel has authority to prescribe criteria relating to personnel administration in Provincial Administration Organization as follows:

(1) to stipulate necessary qualifications and prohibition specifically applied to officials of the Provincial Administration Organization;

(2) to stipulate the number of positions, salary rates and procedure of paying salary and other benefits to officials of the Provincial Administration Organization;

(3) to prescribe criteria and conditions relating to personnel recruitment, selection, appointment, transfer, level-promotion, salary-raise, investigation, disciplinary punishment, removal from office, appeal and grievance;

(4) to lay down regulations relating to administration and performance of duties of the Provincial Administration Organization officials;

(5) to oversee, examine, advise, promote and develop knowledge for Provincial Administration Organization officials.

The performance under (1) to (5) must be accompanied with the approval of the Central Committee on Provincial Administration Organization Personnel.

Article 14 In prescribing the criteria and operating relating to personnel administration under article 13, each Committee Provincial Administration Organization Personnel has the power to adjust to the needs and environment of its Provincial Administration Organization on a proper basis, yet within the general standard umbrella stipulated by the Central Committee on Provincial Administration Organization Personnel in accordance with article 17.

Criteria relating to personnel administration as prescribed with article 13 by the Committee Provincial Administration Organization Personnel shall openly announced at the office of the Provincial Administration Organization, and a copy of which shall

be submitted to the Central Committee on Provincial Administration Organization Personnel for information.

Article 15 The Provincial Administration Organization President shall have the authority to issue orders regarding personnel recruitment, selection, appointment, transfer, level-promotion, salary-raise, investigation, disciplinary punishment, removal from office, appeal, grievance and any other matter, and must be in accordance with the criteria prescribed by the Committee on Provincial Administration Organization Personnel. However, orders of appointment or removal must be approved by the Committee Provincial Administration Organization Personnel.

With respect to the authority relating to personnel administration under paragraph one, the Provincial Administration Organization President may appoint a head of any position in the Provincial Administration Organization to act on his behalf in accordance with criteria prescribed by the Committee on Provincial Administration Organization Personnel.

Article 16 For the purpose of making the operation of the local administration of all Provincial Administration Organization to operate within the umbrella of the same standards, there shall be a Central Committee on Provincial Administration Organization Personnel consisting of-

(1) The Minister of the Interior, or a Deputy Minister of the Interior as appointed, as Chairperson;

(2) Permanent Secretary for Interior, Secretary-General of the Civil Service Commission, Director of the Budget Bureau, Director-General of the Comptroller-General's Department and Director-General of the Department of Provincial Administration.*

*(Now is a Director-General of the Department of Local Administration)

(3) Six representations of the Provincial Administration Organization selected from three of the Presidents and three of the Provincial Administration Clerk

(4) Six qualified members selected from experts in the fields of local administration, personnel administration, civil service administration administration and management or other fields beneficial to the personnel administration of the Provincial Administration Organization.

As for the selection of qualified member mentioned under (4), those members under (1) and (2) are to nominate nine people, and those under (3) another nine. Then all the 18 nominees will hold a meeting to select only six people among themselves.

The selection methods for the representatives of the Provincial Administration Organization and the experts are to be complied with the principles and conditions designed by the Commission on Local Government Standards Personnel.

Permanent Secretary of Interior is responsible for organizing selections for representatives of the Provincial Administration Organization among either the Presidents or Clerk depending on circumstances.

The Director-General of the Department of Provincial Administration* is to appoint one of the officers, not lower than the Director-General Deputy, as a Secretary to the Central Committee on the Provincial Administration Organization Personnel.

The Committee on the Provincial Administration Organization representatives, selected among the Clerk and qualified members, has a four-year term of office and could be reselected. In that case, Article 6, paragraph 1, Article 7 and Article 9 are to be enforced with necessary changes.

*(Now is a Director-General of the Department of Local Administration)

In the operation of the Central Committee on the Provincial Administration Organization Personnel, Article 10 and Article 11 are to be enforced with necessary changes.

Article 17 The Central Committee on Provincial Administration Organization Personnel has authority a follows:

(1) to Stipulate criteria and conditions of selecting representatives of a delegate of the Provincial Administration Organization officials and qualified members mentioned in Act 5 paragraph 3

(2) to Stipulate general standards of qualifications and Prohibition characteristics for officials of Provincial Administration Organization

(3) to Stipulate general standards of positioning and the standard of positions

(4) to Stipulate general standards of salaries, its payment procedures and remunerations

(5) to Stipulate general standards of selection criteria and conditions, Position Filling and appointment, transfer, level promotion and salary promotion

(6) to Stipulate general standards of discipline, discipline observation and penalties

(7) to Stipulate general standards of Dismissal

(8) to Stipulate general standards of rights to appeal, appeal investigation and complaint filing

(9) to Stipulate general standards of structure of bureaucratic division, dministration, task operation of officials of Provincial Administration Organization and activities related to personnel administration of Provincial Administration Organization

(10) Comment or give consultation on the working of the Committee on Provincial Administration Organization Personnel.

(11) to oversee, advise, promote and develop knowledge for Provincial Administration Organization officials.

(12) Perform other duties specified in this Act or other related laws

For optimize the operation and develop officials of Provincial Administration Organization the Central Committee Provincial Administration Organization Personnel has to set up criteria which facilitate its personnel to transfer mentioned in (5) to other Provincial Administration Organization within the province.

Article 18 To stipulate general standards specified in Article 17, the Central Committee on Provincial Administration Organization Personnel has to stipulate them to suit the administration and responsibilities of each Provincial Administration Organization. they must be in line with the mean principles standards of personnel administration stipulated by the Commission on Local Government Personnel Standards, according in Article 33 (1)

Article 19 The General Standards determined by the Central Committee on Provincial Administration Organization Personnel are used as the mean principles for each Committee on Provincial Administration Organization Personnel to refer to in specifying its standards in personnel administration according to Article 13.

In case any of the principles in personnel administration or resolutions of the Committee on Provincial Administration Organization Personnel Contradicts the General Standards, the Central Committee on Provincial Administration Organization Personnel must inform that particular Committee to make correction. If the Committee fails to do so, or its implementation results in serious damage, the Central Committee on Provincial Administration Organization Personnel is authorized to suspend the use of those standards or revoke that resolution.

Article 20 The Central Committee on Provincial Administration Organization Personnel must have responsibility for sorting and organizing the salary and other benefits of all the Provincial Administration Organization in each level using the same standard.

Article 21 Compensation given to the Central Committee on Provincial Administration Organization Personnel and its sub-committees must be according to what specified in the Royal Decree.

Article 22 All provisions in this chapter are also applied to the personnel administration Provincial Administration Organization Personnel employees with necessary changes Mutatis Mutandis Provided that the specified general standards, principles, or treatments are appropriate to the operation Provincial Administration Organization Personnel employees.

CHAPTER 2

Personnel Administration of Municipality

Article 23 A Committee on Municipal Personnel functioning as an administrator of personnel for all municipalities in that particular province is comprised of:

- (1) The Provincial Governor as Chairperson;
- (2) Five heads of various government offices in that province which are specified as related office by the Governor; if needed in the best interest of personnel administration, the Governor can amend the list of related offices any time.
- (3) Six municipality's representatives:
 - (a) Speakers of the municipality councils select two representatives among themselves in Provinces area

(b) 2 mayors voted by all the mayors in that province

(c) 2 representatives of municipal officers elected from municipal officers of that province

(4) Six qualified members selected from those who have expertise in local administration, especially in personnel administration, bureaucracy, administration and management or other areas beneficial to the municipal personnel administration.

The governor of the province is responsible for organizing the selection of the Speakers of municipal council, mayor, and representative of municipal officers. The selection is to be conducted in accordance with guidelines and conditions stipulated by the Central Committee on Municipal Personnel.

In selecting the qualified members under (4), the committee members under (1) and (2) nominate 9 candidates and committee members under (3) nominate another 9 candidates. The 18 candidates meet and choose 6 among themselves according to guidelines and conditions stipulated by the Central Committee on Municipal Personnel.

The governor assigns one government official or municipal officer to be the secretary for Committee on Municipal Personnel.

The representatives of municipal officers and experts in this committee hold office four years at a time and may be re-elected and Articles 6, 7 , 8 and 9 can be applied to the case with necessary changes.

Articles 10, 11, 12, 13, 14 and 15 apply to the performance of the Committee of Municipal Officers with necessary changes. The duties assigned in those articles are given to the Central Committee on Municipal Personnel, the Committee on Municipal Personnel or the mayor, as appropriate.

Article 24 So that the personnel administration of each municipal office meets the consistent standards, the Central Committee on Municipal Personnel is set up, and it consists of the following:

(1) The Minister of the Interior or his assigned deputy as the president of the committee

(2) Permanent Secretary for Interior, Secretary-General of Civil Service Commission, Director of the Bureau of the Budget, the Director General of the Comptroller-General's Department, and the Director General of the Department of Local Administration

(3) Six municipal representatives, three of whom are elected from mayors and the other three from municipal clerk

(4) Six qualified members selected from those who have expertise in local administration, personnel administration, administration and management or other areas beneficial to the municipal personnel administration

In selection the qualified member under (4), those members under (1) and (2) nominate 9 candidate and committee members under (3) nominate other 9 candidates. The 18 candidates must and choose 6 among themselves.

The selection methods for the municipal representatives and the experts are to be complied with the criteria and conditions designed by the Commission on Local Government Personnel Standards.

Permanent Secretary for Interior is responsible for organizing selections for municipal representatives among either the Mayors or City Clerks depending on circumstances.

Director-General of the Department of Local Administration is to appoint one of the officers, not lower than the Director-General Deputy, as a Secretary to the Central Committee on Municipal Personnel.

The committee of municipal representatives, selected among the City Clerks and qualified members has a four-year term of office and could be reselected. In that case, Article 6, paragraph 1, Article 7 and Article 9 are to be applied with necessary changes

In the operation of the Central Committee on Municipal Personnel, Articles 10, 11, 17, 18, 19, 20, 21 and 22 are to be enforced with compromise under the authorization of either the Central Committee on Municipal Personnel or the Committee on Municipal Personnel depending on circumstances.

CHAPTER 3

Personnel Administration in Commune*

Administration Organization

Article 25 For the Commune Administration Organization in a province, there must be a Central committee on Commune Administration Organization for personnel administration for all the Commune Administration Organizations in that province. This committee consists of

- (1) Provincial governor or the Deputy provincial governor appointed Chairperson.
 - (2) Eight from District Chief officers or division heads in that province which are announced to be related office by the Governor; if needed in the best interest of personnel administration the Governor can amend the list of related offices and time.
 - (3) Nine Commune's representatives
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*(Tombon in Thai)

(a) Speakers of the Commune Administration Organization Council selected three representatives among themselves in Province.

(b) Three Chairmen of the Commune Administrative Organizations selected among themselves in Province.

(c) Three Commune personnel representatives selected among the City Clerks of the Commune Administration Organization in the province.

(4) Nine qualified members selected from those who have expertise in local administration, personnel administration, bureaucracy, administration and management or other fields which benefit personnel administration of Commune Administration Organization.

In selecting qualified members under (4), the committee under (1) and (2) nominate 15 candidates and committee members under (3) nominate another 15 candidates. The 30 candidates meet and choose 9 among themselves.

The selection methods of representatives of Commune Administration Organization and the experts members has to follow the criteria and conditions specified by the Central Committee on Commune Administration Organization Personnel.

The Governor is in charge of selecting the Speakers of Commune Council, the Chief Executive of Commune Administration Organization or the Chief Administration of the Commune Administration Organization as the case may be as a representative of Commune Administration Organization.

The Governor appoints a civil servant or a Commune officer as the Secretary of the Committee on Commune Administration Organization Personnel.

The representatives of Commune personnel and experts, serve a four-year term and may be reelected and Articles 6, 7, 8 and 9 can be applied to the case with necessary changes.

Articles 10, 11, 12, 13, 14 and 15 are apply with the operation of the Committee of Commune Personnel with necessary changes. The Central Committee on Commune Personnel, the Committee on Commune Personnel or the Chief Executive of Commune, as appropriate.

Article 26 To make sure that the personnel administration of Commune Administration Organization is of the same standard, the Central Committee on Commune Administration Organization Personnel must be set up, consisting of

(1) The Ministry of the Interior or the Deputy Ministry of Interior is the Chairperson.

(2) The Permanent Secretary of Ministry of Interior, the Secretary of Permanent Secretary for Interior, Secretary-General of the Civil Service Commission, Director of the Budget Bureau, Director-General of the Comptroller-General's Department and Director-General of the Department of Provincial Administration.*

(3) Six representatives of Commune Administration Organization are selected from the Chief Executive of Commune Administration Organization three members and the Chief Administration of the Commune Administration Organization Three members.

(4) Six qualified members selected from experts in local administration, personnel administration, bureaucratic system, administration and management or other fields which benefit personnel administration of Commune Administration Organization.

In selection the qualified member under (4), those members under (1) and (2) nominate 9 candidate and committee members under (3) nominate other 9 candidates. The 18 candidates must and choose 6 among themselves.

*(Now is a Director-General of the Department of Local Administration)

Six qualified members according under (4) come from the process of self-selection of eighteen proposed individuals – nine are proposed by the members under (2) and (3) and the other nine by the members under (3).

The selection methods for the Commune representatives and the experts members must follow the principles and conditions designed by the Commission on Local Government Personnel Standards.

The Permanent Secretary for Interior is responsible for Organizing for Chief of Executive the Commune or Chief Administration Commune to be representatives of Communes.

The Director General of the Department of Local Administration appoints one of its high ranking position holders, not less than deputy director general, to be the Secretary of the Central Committee on Commune Administration Organization Personnel.

The Committee of Commune representative, selected among Chief Administration and experts members has a four years term and can be re-selected. In the case, Article 6, paragraph 1, Article 7 and Article 9 can be applied with necessary changes (mutantis mutandis).

The content in Articles 10, 11, 17, 18, 19,20, 21 and 22 can be enforced with the operation of the Central Committee on Commune Personnel with necessary changes depending upon whether the authorization of those provisions belongs to the Central Committee on Commune Personnel or the Committee on Commune Personnel, as the case may be.

CHAPTER 4

Personnel Administration of Bangkok Metropolitan

Article 27 The personnel administration of Bangkok Metropolitan is in accordance with the Bangkok Metropolitan Civil Servants' Rules of Procedure Law

CHAPTER 5

Personnel Administration of the City of Pattaya

Article 28 The Commission of the City of Pattaya's Employees to determine principles and operate on personnel administration of the City of Pattaya's employees comprises of:

- (1) The Governor of Chonburi as the Chairperson
- (2) Three district officers or heads of offices in Chonburi which are specified as related offices by the Governor; however, this list of related offices can be amended any time if needed in the best interest of personnel administration.
- (3) Four Pattaya representatives from Pattaya governor, a selected Pattaya Council member, pattaya city manager, and a selected Pattaya officer
- (4) Four experts selected from those who have expertise in local administration, personnel administration, bureaucracy, administration and management or other areas beneficial to Pattaya personnel administration

To select the experts under (4), the committee members under (1) and (2) nominate six candidates and the committee members under (3) nominate another six candidates. The twelve nominations then meet and elect four experts among themselves.

The methods of selection Pattaya representatives and experts is based on the guidelines and conditions stipulated by Central Committee on Municipal Personnel, with necessary changed.

The governor of Chonburi is responsible for arranging the selection of Pattaya's representatives.

The city manager of Pattaya acts as the secretary of the Committee of Pattaya Personnel.

The committee members who represent Pattaya and who serve as experts hold office for four years at a time and may be re-elected. Articles 6, 7, 8 and 9 apply to this area with necessary changes.

Articles 10, 11, 12, 13, 14, 15, 20 and 22 apply to the performance of Pattaya personnel with necessary changes. The enforcement of those laws is the responsibility of Committee on Pattaya Personnel or Pattaya governor, as appropriate.

The guidelines for personnel administration of the Committee on Pattaya Personnel can be set to serve the needs of and to be appropriate to Pattaya itself; however, they are to comply with the general standards regarding personnel administration as set by the Central Committee on municipal Personnel.

CHAPTER 6

Personnel administration in Other Local Administration Organization

Article 29 The personnel administration of other local administration organization are to be in accordance with related laws.

CHAPTER 7
Commission on Local
Government Personnel Standards

Article 30 Commission on Local Government Personnel Standards in brief “C.L.” is appointed for supervision of efficient personnel administration of all the local administration organizations, the local people, the benefits to the nation and the decentralization. The Commission consists of

(1) Chairman selected according to Article 31

(2) Six ex officious namely Secretary-General of the Civil Service Commission, Secretary-General of the National Economic and Social Development Board, Director of the Budget Bureau, Permanent Secretary of Finance, permanent Secretary of Interior and Director-General of the Department of Local Administration.

(3) Five advisory members appointed by the Cabinet who select them from the experts in the local administration, personnel administration, bureaucratic system, management and administration or law. These experts are those who are reputable for their knowledge.

(4) One representative of the Central Committee of provincial Administration Organization Personnel, one from the Central Committee of Municipal Administration Organization Personnel, one from the Central Committee of Commune Personnel, one from the Committee of Bangkok Metropolitan Personnel, and one from the Committee of Pattaya City Personnel. In case there is legislation on the establishment of other local administration organization, there is to be one representative selected by that organization.

The selection of the committee under (4) will be done from the committee representatives.

Head of the Office of Commission on Local Government Personnel Standards is to hold the office of Secretary to the Commission.

Article 6, paragraph 1, Article 7 and Article 9 are to be enforced on the occupation of the position of experts committee. And Articles 10, 11 and 21 are to be enforced on the operation of the Commission on Local Government Personnel Standards with necessary changes.

Article 31 To select the Chairman of Local Government Personnel Standards, the committee members from Article 30 (2), (3) and (4) nominate three persons each. All the nine people will hold a meeting to find one who gets the highest vote.

Those who will be nominated according to paragraph one must be experts in the areas of local administration, personnel administration, bureaucratic system, management and administration or law. They must have academic work or be reputable for their knowledge. Moreover, they must not be committee members of The Central Commission of Local Civil Servants or Officers or members of the Commission of Local Civil Servants or Officers. In addition, Article 6 paragraph 1 is enforced.

The Minister of the Interior has to organize the selection of the Chairman of the Commission on Local Government Personnel Standards. The selection procedures are based on the criteria and conditions set by the Cabinet.

When receiving the selected name, the Minister of Interior has to appoint him to the Chairman of the commission on Local Government Personnel.

Article 32 The Chairman of commission on Local Government Personnel Standards serves a six-year term and cannot be reselected.

The Chairman of the commission on Local Government Personnel Standards is released from the duty after finishing the usual six-year term or in the following conditions:

- (1) Death
- (2) Resignation by submitting a written letter to the Minister of Interior

(3) Dismissal by the Minister of Interior whose decision is approved by the Cabinet since the Chairperson fails to perform his duty or is dishonest.

- (4) Lack of qualifications as stated in Article 31 paragraph 2
- (5) Bankrupt
- (6) Incompetence or quasi-incompetence
- (7) Imprisonment by final court order

Article 33 The Commission on Local Government Personnel Standards has Authority ;

(1) to Stipulate the mean standards and guidelines in observing merit system in personnel administration, particularly, in appointment and dismissal, and set structure of salaries and remunerations to be in proportion with income and the development plan by the local administration organization. But all these the stipulation If general standards and guidelines must not be too specific for local organization to operate to achieve its objectives.

(2) to Stipulate guidelines in development of local personnel administration to meet the decentralization of local personnel

(3) to Stipulate criteria and conditions of selection in Article 16 paragraph 3, Article 24 paragraph 3 and Article 26 paragraph 3

- (4) Promote study, analyze or research into local personnel administration.

(5) Give consultation and advice, and investigate problems of local personnel administration to the local administration organizations.

(6) Co – ordinate with the Cabinet. The government offices, local government organizations, commissions of Civil Servants of various branches, the Central Commission of Local Civil Servants/Employees to promote effective local personnel administration.

(7) Work on other assignments as specified in this Act or other laws.

The mean standards specification according Paragraph (1) is used as guidelines for personnel administration of Bangkok Metropolitan, the City of Pattaya, and other local administration organizations legally established as in Article 29.

Article 34 In case the Commission on Local Government Personnel Standards sees that the specification of the general standards of the Central Committee on Local Personnel contradict the mean standards or their guidelines as in Article 33, or there is contradiction in specifications of personnel administration between the committee on local Personnel and the Central Committee on Local Personnel the Commission on Local Government Personnel Standards must inform the Central Committee on Local Personnel or the Committee of Local Personnel for correction according to the mean standards. If the procedure is not done timely or the operation of the Central Committee or the committee of Local Personnel results in serious administrative damage either to the public or an Local civil servant or employee, the Commission on Local Government Personnel Standards is authorized to revoke the use of that particular Local Personnel principle.

Article 35 Salary, other types of compensations, and wages of local civil servants, employees, and wage earners from the revenue excluding subsidy, loan, and other kinds of financial sources cannot be paid more than 40 percent of the annual expense budget of that local administration organization.

Article 36 The Office of the Commission on Local Government Personnel Standards established in the Office of the Permanent Secretary of Interior is responsible for the official work of the Commission and authorized to be in charge of:

- (1) Administrative work of the Commission;
- (2) Studying, analyzing, and gathering all information related to the work of the Commission on Local Government Personnel Standards.
- (3) cooperate, follow up and evaluate the personnel administration of local administrative organizations
- (4) assist and offer suggestions regarding local personnel administration
- (5) arrange meetings, seminars, training programs and publicize knowledge in local personnel administration
- (6) prepare annual reports including objectives, works and limitations at work as well as drawbacks in the administration of the Committee on Local Government Personnel Standards and its office.
- (7) Perform other duties assigned by the Committee on Local Government Personnel Standards

PROVISIONS

Article 37 Those who have been officers in provincial administration organizations, municipal offices, Commune offices, or Pattaya before the enforcement of this Act are to maintain their status under this Act and be eligible for the same pay and benefits as before.

Article 38 Permanent workers of provincial administration organizations, municipal offices, Commune offices, or Pattaya office before the enforcement of this Act are to continue their status under this Act and enjoy the same pay and benefits.

Article 39 The Committee on Local Government Standards Personnel, Central Committee on Local Personnel, and Committee on Local Personnel and the Committee of Local Administrative Standards' Offices are to be established within 1 year after the enforcement of this Act.

When such committees do not exist, the local personnel administration in local administration organization is to provisionally comply with the Act on the establishment of such local organizations.

While the average standards, general standards, guidelines and Principles of local personnel administration are not available, the previously existing bills, royal decrees, rules and regulations, announcements or orders regarding personnel administration of provincial organizations, municipal organizations, Commune Organization and Pattaya are valid as long as they do not contradict this Act.

Article 40 Prior to the appointment of the committee under Article 30 (4), the commission of Local Personnel Administration standards consisting of the committee under Article 30 (2) and (3) are to take charge.

The committee in paragraph one is to design the criteria and conditions for selecting the committee under Article 33 (3) within 90 days after the Cabinet's appointment of the committee under Article 30 (3).

The committee in paragraph one is to appoint one of the committee as Chairman to hold the office until the committee under Article 30 (4) is appointed.

Article 41 Any legal operations whether completed or in progress under the authorization of the Committee on Local Personnel prior to the enforcement of this Act are considered completed or in progress in this Act.

Article 42 Should any local administrative organizations not paying the salaries, other remunerations or wages to the civil servants, officers and employees according to Article 35, they have to comply with Article 35 within five years after the enforcement of this Act.

Article 43 Prior to the appointment of the Office of the Commission on Local Government Personnel Standards, the Department of Local Administration is to take charge in the meantime.

Counter – Signature

Chuan Leekpai

Prime Minister

PS The reasons behind the enforcement of this Act are the Local Administration Organization deserve to have their own committee to take care of personnel administration and there should be an organization to set standard criteria and guidelines for the sake of fairness and propriety. According to the Kingdom of Thailand's Constitution, the Local Administration Organizations must have autonomy in personnel administration in order to meet local demand, and this Act has been written as result.

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หมายเหตุจากผู้แปล

เอกสารคำแปลนี้ จัดทำครั้งแรกเมื่อครั้งผู้แปลดำรงตำแหน่งหัวหน้ากลุ่มงานกฎหมาย สำนักงานคณะกรรมการมาตรฐานการบริหารงานบุคคลส่วนท้องถิ่น สำนักงานปลัดกระทรวงมหาดไทย เป็นเอกสารภายในหน่วยงาน เพื่อใช้ประกอบการศึกษาดูงานในต่างประเทศของข้าราชการในสังกัด และองค์กรปกครองส่วนท้องถิ่นอื่นที่สนใจ โดยมีการเผยแพร่ในวงจำกัด

ต่อมาใช้เป็นเอกสารประกอบการสอนวิชาการแปลกฎหมายในระดับบัณฑิตวิทยาลัย มหาวิทยาลัยมหิดล เมื่อครั้งได้รับเชิญเป็นอาจารย์พิเศษ โดยมีอาจารย์นิกร เกริกกุล อาจารย์ประจำวิชา ได้ให้คำปรึกษาคำแปลนี้เป็นอย่างดี

ปัจจุบันเอกสารคำแปลนี้มีผู้สนใจนำไปใช้ศึกษา และประกอบการจัดทำวิทยานิพนธ์/ดุษฎีนิพนธ์ ในชั้นบัณฑิตวิทยาลัย สำหรับผู้ที่ศึกษาในเรื่องการบริหารงานบุคคลส่วนท้องถิ่น ในส่วนที่เกี่ยวกับวิชากฎหมายเปรียบเทียบในสาขากฎหมาย หรือการเทียบเคียงระบบการบริหารงานบุคคลส่วนท้องถิ่นไทย กับระบบการบริหารงานบุคคลส่วนท้องถิ่นในต่างประเทศ ผ่านกฎหมายในประเทศต่าง ๆ ในสาขารัฐศาสตร์ หรือรัฐประศาสนศาสตร์ ฯลฯ

ปัจจุบันประเทศไทยยังไม่มีหน่วยงานที่เรียกว่า “โนตารี” ในการรับรองการแปลกฎหมาย หรือสัญญาต่างประเทศ จึงต้องอาศัยการจัดทำเป็นเอกสารภายในหน่วยงาน เพื่อใช้ประโยชน์เฉพาะหน่วยงาน หรือเฉพาะกิจ คำแปลจึงมีข้อบกพร่องอยู่บ้าง หากผู้สนใจนำไปใช้ควรตรวจสอบอีกครั้ง

มีคำศัพท์หลายคำที่ดูแปลกตาไปบ้าง เช่น คำว่า “ตำบล” ผู้แปลใช้คำว่า “Commune” ทั้งนี้เพื่อให้ตรงตามที่คณะกรรมการจัดทำพจนานุกรมศัพท์รัฐศาสตร์แห่งราชบัณฑิตยสถาน ได้กำหนดไว้

การนำเอกสารคำแปลนี้มาแทรกเป็นผนวกหนึ่งในเอกสารนี้ก็เพื่อให้ผู้ที่สนใจสามารถใช้กฎหมายทั้งภาคภาษาไทย และภาคภาษาอังกฤษ เพื่อเป็นประโยชน์ต่อการอธิบาย หรือขยายความให้สอดคล้องกับเนื้อหาของหนังสือนี้

จะขอขอบคุณยิ่ง หากเอกสารคำแปลนี้จะมีประโยชน์อยู่บ้างและผู้นำไปใช้ได้กรุณาปรับปรุงแก้ไขให้ถูกต้อง หรือแจ้งกลับมาเพื่อผู้แปลจะได้ปรับปรุงแก้ไขต่อไป

สุรเกียรติ์ จิตะฐาน

ผู้แปล