



GYLA Responds to the Unreasoned Dismissal of 22 Employees from Tbilisi Local Council

On October 7, 2013 22 former employees from the local council applied to GYLA for legal assistance. In the application they have noted that in September they were released from the office under the motive of structural reorganization and asked to determine the legality of their dismissal.

GYLA studied the application, submitted documents and requested from the local council additional information. On the basis of the documents we can conclude that they have been dismissed in violation of law. The opinion is underpinned with the following circumstances:

1. By July 26, 2013 resolution #96, an amendment was introduced to December 28, 2009 resolution #72 and the staff number of the local council comprised 199. By the resolution #68 of August 16, 2013 reorganization was launched in the office of the Tbilisi local council with a view to curtail the staff. In reality, however, the staff was increased as per resolution #100 of August 19, 2013 and comprised 222 individuals and later by the resolution of August 26, 2013 it increased up to 223. On the basis of the resolution #127 of September 17, 2013 the number of staff has changed again and totaled 210. Prior to the start of reorganization (August 16) the existing staff of 199 increased by 11 individuals.
2. On September 17, 2013 22 employees of Tbilisi local council were released from the office for curtailment of personnel. However, as mentioned, the staff list has increased as a result of reorganization. In view of this, it is unclear how the motive of staff curtailment became the reason for dismissing personnel, when the staff list was

increased in reality.

3. Even if the staff list was reduced, the local council, as the administrative agency, was obliged to substantiate each case of dismissal as per Administrative Code of Georgia. In addition, it had to specify criteria according to which some individuals were placed at privileged condition, why dismissed employees failed to meet requirement set in reorganization process and what were the necessary requirements, who determined them and who inspected eligibility of specific individuals. The dismissal order does not provide any substantiation.

4. The decision# 1-4 of Tbilisi Local Council of October 13, 2006 “on Approval of the Regulations of the Office of Tbilisi Local Council” does not provide any functional difference among the specialist, the leading specialist and the main specialist. In view of this, it is unclear what the reason was for implementing changes in the staff list of the specialist, the leading specialist and the main specialist in the departments and relevant commissions of the local council.

5. We should also take into account that the August 16, 2013 decree on reorganization issued by the head of Tbilisi local council does not provide any substantiation about necessity of reorganization or about any structural unit that was supposed to be annulled or merged with another. Neither the document submitted by citizens to GYLA nor the retrieved legislative acts from the local council contain such justification.

In view of above, we consider that Tbilisi local council has not justified either the need for implementing reorganization or the legality for dismissing employees. Accordingly we call on Tbilisi local council to check appropriateness of the reorganization process in general, as well as compliance of dismissal cases with the Georgian legislation.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION

