

## Course description

<b>Course abbreviation:</b>	KPP/SSP	<b>Page:</b>	1 / 4
<b>Course name:</b>	Specifics of the service relationship		
<b>Academic Year:</b>	2023/2024	<b>Printed:</b>	03.06.2024 07:40

<b>Department/Unit /</b>	KPP / SSP			<b>Academic Year</b>	2023/2024
<b>Title</b>	Specifics of the service relationship			<b>Type of completion</b>	Exam
<b>Long Title</b>	Specifics of the service relationship and its relationship to the employment relationship				
<b>Accredited/Credits</b>	Yes, 3 Cred.			<b>Type of completion</b>	Combined
<b>Number of hours</b>	Tutorial 2 [Hours/Week]				
<b>Occ/max</b>	Status A	Status B	Status C	<b>Course credit prior to</b>	NO
<b>Summer semester</b>	0 / -	0 / -	0 / -	<b>Counted into average</b>	YES
<b>Winter semester</b>	0 / -	12 / -	1 / -	<b>Min. (B+C) students</b>	10
<b>Timetable</b>	Yes			<b>Repeated registration</b>	NO
<b>Language of instruction</b>	Czech			<b>Semester taught</b>	Winter semester
<b>Optional course</b>	Yes			<b>Internship duration</b>	0
<b>Evaluation scale</b>	1 2 3 4				
<b>No. of hours of on-premise</b>	0				
<b>Auto acc. of credit</b>	Yes in the case of a previous evaluation 4 nebo nic.				
<b>Periodicity</b>	K				
<b>Substituted course</b>	None				
<b>Preclusive courses</b>	N/A				
<b>Prerequisite courses</b>	N/A				
<b>Informally recommended courses</b>	N/A				
<b>Courses depending on this Course</b>	N/A				

### Course objectives:

The main objective of the course is to gain knowledge of the current legal regulation of the civil servants' relationship based on a critical analysis of Act No. 234/2014 Coll., on civil service, including an outline of the historical background (especially the repealed and never effective civil service law) and the reasons for the creation of a separate civil service law.

Another aim of the course is to provide students with insight into the individual institutes regulated in the Civil Service Act and to assess specific interpretative problems in application practice. The course will also analyse the relationship between the Civil Service Act and the Labour Code, including a comparison of the sub-institutes of both laws.

### Requirements on student

The student draws one question.

It is not possible to use the text of legal regulations or other aids.

List of exam questions:

- 1) Genesis of the Civil Service Act
- 2) Relationship between the Labour Code and the Civil Service Act
- 3) Scope of the Civil Service Act in comparison with the Labour Code
- 4) Institutes of the Civil Service Act to which the Labour Code applies
- 5) Comparison between the Staff Regulations and the Internal Regulations
- 6) Competence of the Ministry of the Interior in the light of the Staff Act
- 7) Systematisation and its changes
- 8) Prerequisites and professional requirements for entry into the service
- 9) Types and establishment of service, including comparison with employment
- 10) Official examination
- 11) Changes in the service relationship and their comparison with changes in the employment relationship
- 12) Remuneration of civil servants
- 13) Hours of service and overtime
- 14) Rights and obligations of civil servants

- 15) Obstacles to the service of a civil servant and official leave compared with obstacles to work under the Labour Code
- 16) Leave of civil servants compared with leave under the Labour Code
- 17) Termination of service in comparison with termination of employment
- 18) Liability of a civil servant for damage
- 19) Liability of the civil service for damage caused to a civil servant
- 20) Disciplinary liability of civil servants and disciplinary proceedings
- 21) Staff appraisal and evaluation
- 22) Personal files of civil servants and employees under the Labour Code
- 23) Complaints by employees and civil servants
- 24) Procedures in matters of service
- 25) Trade unions and their rights (Council of civil servants and civil servants' health and safety representative)

## Content

1. The concept of civil service, historical excursus, sources of civil service law and the meaning of civil service, systematization of the Civil Service Act and its relation to the Labour Code
2. Dependent work in the civil service and its comparison with the legal regulation of dependent work in the employment relationship
3. The process prior to the establishment of a service relationship and an employment relationship, identical and different aspects of the legal arrangements
4. Establishment of a service relationship and comparison with the establishment of an employment relationship
5. Changes in the service relationship and comparison with similar institutions of the Labour Code
6. Termination of the service relationship and comparison with the termination of the employment relationship
7. Comparison of the individual institutes of the service relationship and the employment relationship
8. Obligations and rights of employees and employers in service and employment relationships
9. Liability of employees in service and employment relationships
10. Personnel file and staff appraisal
11. Remuneration of staff in the service
12. Employer's information obligation and conditions of collective bargaining for staff in service and employment

## Fields of study

## Guarantors and lecturers

- **Guarantors:** Doc. JUDr. Jakub Morávek, Ph.D. (100%)
- **Tutorial lecturer:** JUDr. Hana Jandová (100%), Doc. JUDr. Jakub Morávek, Ph.D. (100%), JUDr. Adéla Uhrinová (100%)

## Literature

- **Basic:** Pichrt, J. a kol. *Pracovní právo*. Praha: C. H. Beck, 2021.
- **Basic:** Kopecký, M. *Správní právo. Obecná část., 2. vydání*. C.H.Beck, 2021. ISBN 978-80-7400-820-7.
- **Recommended:** Pavlátová, Jarmila. *Pracovněprávní vztahy z pohledu nového občanského zákoníku*. 2014. ISBN 978-80-7380-507-4.
- **Recommended:** Pichrt, Jan,; Kopecký, Martin,; Morávek, Jakub. *Služební vztahy a výkon závislé práce*. 2016. ISBN 978-80-7552-429-4.
- **Recommended:** *Zákon č. 110/2019 Sb., o zpracování osobních údajů.*
- **Recommended:** *Zákon č. 198/2009 Sb., o rovném zacházení a o právních prostředcích ochrany před diskriminací.*
- **Recommended:** *Zákon č. 2/1991 Sb., o kolektivním vyjednávání.*
- **Recommended:** *Zákon č. 234/2014 Sb., o státní službě.*
- **Recommended:** *Zákon č. 262/2006 Sb., zákoník práce.*
- **Recommended:** *Zákon č. 361/2003 Sb., o služebním poměru příslušníků bezpečnostních sborů.*
- **Recommended:** *Zákon č. 435/2004 Sb., o zaměstnanosti.*
- **Recommended:** *Zákon č. 500/2004 Sb., správní řád.*
- **Recommended:** *Zákon č. 89/2012 Sb., občanský zákoník.*

## Time requirements

**All forms of study**

Activities	Time requirements for activity [h]
Preparation for an examination (30-60)	52
Contact hours	26
<b>Total:</b>	<b>78</b>

**assessment methods****Knowledge - knowledge achieved by taking this course are verified by the following means:**

Oral exam

**Skills - skills achieved by taking this course are verified by the following means:**

Oral exam

**Competences - competence achieved by taking this course are verified by the following means:**

Oral exam

**prerequisite****Knowledge - students are expected to possess the following knowledge before the course commences to finish it successfully:**

In order to enroll in the course, it is advisable for the student to have completed Labor Law I and to have at least enrolled in Labor Law II.

**Skills - students are expected to possess the following skills before the course commences to finish it successfully:**

to express clearly and understandably in spoken and written language; to present himself in a suitable way in front of a known or unknown audience; to use professional language; to make hypotheses, to propose solution, to use different methods to solve the problems

**Competences - students are expected to possess the following competences before the course commences to finish it successfully:**

N/A

N/A

N/A

N/A

**teaching methods****Knowledge - the following training methods are used to achieve the required knowledge:**

Lecture with visual aids

Individual study

Self-study of literature

**Skills - the following training methods are used to achieve the required skills:**

Lecture with visual aids

Individual study

Self-study of literature

**Competences - the following training methods are used to achieve the required competences:**

Lecture with visual aids

Individual study

Self-study of literature

**learning outcomes****Knowledge - knowledge resulting from the course:**

- know the differences between the civil service relationship of a civil servant under the Civil Service Act and the employment relationship of an employee under the Labour Code

**Skills - skills resulting from the course:**

- be able to critically evaluate the positive and negative aspects of the service relationship in comparison with the employment relationship;
- be able to orientate himself in the legal regulation of the service relationship;
- be able to conduct de lege ferenda considerations

**Competences - competences resulting from the course:**

N/A

N/A

N/A

**Course is included in study programmes:**

Study Programme	Type of	Form of	Branch	Stage	St. plan v.	Year	Block	Status	R.year	R.
Law and Legal Science	Undergraduate Master	Full-time	Law	1	19	2023	Elective subjects	B	4	ZS
Legal Specialization	Bachelor	Full-time	Legal Specialisation	1	20	2023	Electives I.	B	3	ZS