

Salaries and Position Allowances Act, B.E. 2538 (1995)

BHUMIBOL ADULYADEJ, REX;

Given on the 1st Day of January B.E. 2538 (1995);

Being the 50th Year of the Present Reign.

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

Whereas it is expedient to have the law on salaries and position allowances,

Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament, as follows.

Section 1. This Act is called the “Salaries and Position Allowances Act, B.E. 2538 (1995)”

Section 2. This Act shall come into force as from the 1st of October 1994

Section 3. In this Act:

“officials” means officials under the laws on administration of such type of official except for the judiciary officials and the Dato under the law on judiciary officials administration.

“officials commissions” means officials commissions under the laws on administration of such type of officials except for the teacher and educational personnel official commission under the law on teacher officials and educational personnel officials administration, the Judiciary Commission under the law on judiciary officials administration, and the Prosecutor Commission under the law on the prosecutor administration.

Section 4. The Prime Minister shall have charge and control of the execution of this Act.

Title I

National Compensation Committee

Section 5. There shall be a National Compensation Committee, abbreviated "NCC", comprising of the Minister of Finance as Chairman; and the Permanent-Secretary of the office of the Prime Minister, the Permanent-Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Commerce, and the Permanent Secretary of the Ministry of Labor, the Director-General of the Bureau of Budget, the Secretary-General of the office of the National Economic and social Development Board, the Secretary-General of office of the National Statistic, the Governor of the Bank of Thailand, one representative of the Military Service Commission, one representative of the Police Officer Commission, a representative of the university officials Commission, and one representative of the Legislative Body Officials Commission, together with another five committee members appointed by the Prime Minister from qualified persons who has expertise in the public administration sector or the private management sector and possess knowledge, competence, and experience in economics and salary and wage matters, as the Committee members

The Secretary-General of the Civil Service Commission shall serve as committee member and Secretary to the Committee, and the Director-General of the Department of the Comptroller-General shall serve as committee member and Deputy Secretary to the Committee.

Section 6. Committee members appointed by the Prime Minister under Section 5 shall hold office for a term of two years. If some members vacate

office prior to the expiration of term and there are no fewer than three members remaining, the remaining members shall continue to serve in office.

If a vacancy occurs prior to the expiration of term, the appointment of a replacing member shall be carried out within thirty days, except where the term of the remaining members is less than ninety days, the appointment of a replacing is not required. A replacing member shall serve office only for the remaining term of the replaced committee member.

Committee members vacating office may be re-appointed by the Prime Minister.

Committee members whose term of service has expired shall continue to serve in office until new committee members have been appointed.

Section 7. In addition to expiration by the terms, Committee members appointed by the Prime Minister under Section 5 shall vacate office upon:

(1) death;

(2) resignation;

(3) imprisonment under a final sentence of imprisonment except in the case of an offense of negligence or a misdemeanor;

(4) being an incompetent person or a quasi-incompetent person;

(5) being adjudged bankrupt.

Section 8. The NCC has the following authority and duties:

(1) To make recommendations and provide consultation to the Cabinet with respect to salaries, wages, position allowances, welfare, and fringe benefits for officials and employees of government agencies, as well as military officers and cadets under the Ministry of Defense;

(2) To act in accordance with the provisions of Section 13;

(3) To carry out other duties as assigned by the Cabinet.

In pursuance to the application of this Act, the NCC may summon any government agency, state enterprise or other state agencies, as well as any partnerships, companies, or persons to provide documents or evidence, or to testify or provide any opinions to the NCC.

Section 9. A quorum for a meeting of the NCC shall consist of at least half of the total number of Commissioners.

If the Chairman is not present at the meeting of the NCC or is unable to preside over the meeting, the meeting shall select one of the Committee members as Chairman *pro tem*.

Decisions shall be by majority vote. In case of a tie, the Chairman shall cast the deciding vote.

Section 10. The NCC is empowered to appoint sub-committees to carry out activities as assigned by the NCC.

The provisions under Section 9 shall also apply *mutatis mutandis* to the meeting of the sub-committees.

Title II

Salary Rate and Position Allowance Rate

Section 11. The position and salary rate for political officials shall be in accordance with the schedules annexed to this Act.

Section 12. The position allowance rate for civil officials in universities, non-civil official executives working in universities or educational institutions under the Ministry of Education, and political officials shall be in accordance with the schedules annexed to this Act.

The types and positions of civil officials in universities, non-civil officials executives working in universities or educational institutions under the Ministry of Education, and political officials, entitled to position allowances under the position allowance schedules annexed to this Act, shall be governed by Royal Decree.

Position allowances shall not be considered as salaries.

Section 13. Officials commissions and the Ministry of Finance shall annually report and present their recommendations to the NCC with respect to salaries, wages, position allowances, and the status of welfare, living conditions, and other fringe benefits of officials, military officials and cadets, and employees of government agencies under their jurisdictions.

The NCC shall, taking into account the information and recommendations obtained from the bodies under paragraph one, review salaries, wages, position allowances, welfare, and fringe benefits of officials and employees of government agencies, as well as military officers and cadets, to ensure the appropriateness, justification, consistency, and equity of public-service compensation, together with changes in the cost of living, private sector compensation, the country's financial status, differences in earnings among officials at different levels in the same or different services, and any other factors deemed relevant. The NCC shall recommend to the Cabinet for its consideration as to whether further adjustments would be justified.

Section 14. In the case where the Cabinet has considered that a more appropriate salary adjustment should be made, if such adjustment is an equal percentage increase at every salary step for every type of service and is less than a ten percent increase on the effective rate, the adjustment shall be made by Royal Decree following approval of the budget by Parliament. The salary schedules annexed to such the Royal Decree shall thereafter be treated as salary schedules annexed to this Act. In such cases, if a salary step is given as a fraction of ten baht,

such salary step amount shall be rounded off to the next highest ten baht and shall not be treated as unequal percentage increase.

Section 15. The order and step, level and rank, level and step, or rank and step, as the case may be, of the adjustment of salary schedules under Section 11 and Section 14 for officials, military officers, and cadets, shall be subject to rules and procedures prescribed by the Cabinet. Such adjustment shall also affect alterations to salary steps and salary ranks of officials, military officers and cadets as issued by Royal Decrees, ministerial regulations, Civil Service Commission regulations, rules, directives, and orders, Cabinet resolutions, Civil Service Commission resolutions and prescriptions under the laws on the administration of such officials, or under the law pertaining thereto.

Transitional Provisions

Section 16. For the purpose of reinstating an ex-officials who resigned from service prior to the effective date of this Act, the salary of such person shall be adjusted from the salary rate previously received prior to the resignation date to the order and step, level and rank, level and step, or rank and step, as the case may be, of salary schedules annexed to this Act or salary schedules annexed to a Royal Decree issued under Section 14, as the case may be, enforcing on the date of reinstatement. Such adjustment shall be in accordance with rules and procedures prescribed by the Cabinet

From the time of resignation under paragraph one to the date prior to salary adjustment under this Act, should there be any laws enforcing prior to this Act prescribing to adjust salary of any type of officials, the salary of such officials shall firstly be adjusted in accordance with such laws thereto, and then be readjusted in accordance with paragraph one.

Where the adjustment cannot be made for a reinstated person under paragraph one and two, the relevant officials commission shall decide, on a case-by-case basis, to which the order and step, level and rank, level and step, or rank and step that such person should be reinstated.

Countersigned by:

Chuan Leekpai

Prime Minister

Note: This translation is provided by Office of the Civil Service Commission as the competent authority for information purposes only. Whilst Office of the Civil Service Commission has made effort to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.