

**Subject :**

In the matter of the involvement of civil servants with the annual performance evaluation of themselves or related parties at all stages, should the subjective intent of no voluntary recusal as stated in the Act on Recusal of Public Servants Due to Conflicts of Interest be taken into account.

**Description :**

Reference for determination of the subjective intent of no voluntary recusal in the performance evaluation and review process of civil servants:

- (I) The scoring of the supervisor entails the right of recommendation and substantive influence. In the absence of voluntary recusal, it shall be construed as willful intent, which is a violation of the law.
- (II) The evaluation result of the performance evaluation committee has substantive influence. In the absence of voluntary recusal, it shall be construed as willful intent, which is a violation of the law unless the civil servants and related parties concerned are unaware of being on the list of evaluation with justifiable reasons.
- (III) If the head of the entity respects the original decision of the performance evaluation committee without altering the result, the affixing of the authorized signature/seal by the head of the entity shall not be construed as subjective intent. If the head of the entity holds a different point of view or returns the result for reassessment, it is an allegation of no voluntary recusal from the evaluation and can be determined as willful intent, which is a violation of the law.
- (IV) If the original evaluation result of the competent authority or sent to Ministry of Civil Service for review is respected without alteration, the affixing of the authorized seal/signature of the supervisor shall not be construed as an act with subjective intent. If there is an act of defiance of the rules and regulations governing the evaluation and thereby the result was returned for a new round of evaluation, and the related party is on the list of evaluation but there is no voluntary recusal, it shall be construed as willful intent, which is a violation of the law.