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THE RA GOVERNEMENT DECREE ON ENDORSING THE PROCEDURES FOR PERFORMANCE OF APPORTIONMENT BY ORGANIZATIONS AND ITS USE IN THE EVENT OF NOT MEETING THE QUOTA REQUIREMENT

THE GOVERNEMENT OF THE REPUBLIC OF ARMENIA

DECREE

19 November , Year 2014 N 1308-Ն

ON ENDORSING THE PROCEDURES FOR PERFORMANCE OF APPORTIONMENT BY ORGANIZATIONS AND ITS USE IN THE EVENT OF NOT MEETING THE QUOTA REQUIREMENT

Based on Sections 7, 10, and 11 of Article 20 of the Republic of Armenia Law on *Employment* and guided by Section 9 of Article 15 of the Republic of Armenia Law *on the Budgetary System of the Republic of Armenia*, the Government of the Republic of Armenia decrees:

1. To endorse the procedure for performance of apportionment by organizations and its use in the event of not meeting the quota requirement, in line with the Appendix;
2. To allow the Ministry of the Republic of Armenia on Labor and Social Issues to open an account of extrabudgetary means at the Treasury Subdivision of the Administration of the Ministry of Finance of the Republic of Armenia for a period effective till December 30th of 2020 for the purpose of securing transfers of sums apportioned by organizations in the event of non-performance of the normative requirement of mandatory provision of work places (hereafter quota) stipulated by the Law of the Republic of Armenia on *Employment* (hereafter Law);
3. To instruct the Minister of the Republic of Armenia on Labor and Social Issues:
 - 1) To submit to the Government of the Republic of Armenia estimates of revenues and expenses of the extrabudgetary means accumulated from apportionments of the given and following year within a period of one month after the expiry of the time period for performance of apportionments in 2016, as stipulated by law,
 - 2) Every year beginning from 2017, to submit to the Government of the Republic of Armenia an estimate of revenues and expenses of the extrabudgetary means accumulated from the apportionments of the following year within a period of one month after the expiry of the time period for performance of apportionments, as stipulated by law,
 - 3) To place the number of the account for extrabudgetary means opened in the name of the Ministry of the Republic of

Armenia on Labor and Social Issues on the official website of the Ministry of the Republic of Armenia on Labor and Social Issues within three days after setting up an extrabudgetary means account envisioned by Point 2 of this decree.

4. This decision comes into force on January 1st, 2015.

Prime Minister of the Republic of Armenia

H. Abrahamyan

November 24, 2014
Yerevan

Appendix
The RA Government 2014
November 19 N 1308-Ն decree

PROCEDURE

ON PERFORMANCE OF APPORTIONMENT BY ORGANIZATIONS AND ITS USE IN THE EVENT OF NOT MEETING THE QUOTA REQUIREMENT

I. GENERAL PROVISIONS

1. This procedure regulates relations associated with performance of apportionment by organizations and its use as a special-purpose measure in the event of not meeting the quota requirement for work placement of persons that have disabilities and are entitled to age-based pensions, i.e. are under the required age (hereafter person with disability).

II. PERFORMANCE OF APPORTIONMENT BY ORGANIZATIONS

2. The quota requirement arises for organizations in the taxation year following the given taxation year (from January 1st to December 31st included) if the average yearly number of workers at the organization in the given taxation year is 100 or more.

3. The average yearly number of workers at organizations is determined by correlating the total sum of the numbers of workers at the organization as of the last day of each month in the given taxation year with twelve, and the average yearly number of workers at newly-created organizations is determined for the given year by correlating the total sum of the numbers of the organization's workers as of the last day of each month throughout the period since the date of the organization's creation through December 31st with the number of months in the period from the organization's creation through December 31st.

4. If the organization was created in the month of December of the given year, the average yearly number of employees is considered to be the number of employees at the organization as of January 1st of the year following the given taxation year.

5. According to this procedure, a person is considered to be an employee based on the definition provided by Article 17 of the Labor Code of the Republic of Armenia.

6. In the event of not performing the quota requirement, the organization carries out an apportionment till January 20th of the year following the year when the quota requirement arose.

7. The apportionment is performed for every work place subject to the quota in the amount of three hundred times the minimum salary stipulated by Article 3 of the Republic of Armenia Law on the *Minimum Monthly Salary*.

8. The apportioned sums are transferred to the extrabudgetary means account opened in the name of the Ministry of the Republic of Armenia on Labor and Social Issues by the Republic of Armenia Government decree (the account number is placed on the website www.mlsa.am of the Ministry on Labor and Social Issues of the Republic of Armenia.).

III. THE USE OF THE APPORTIONED SUMS

9. Apportionments are special-purpose means and are used in the following directions and proportions:

1) Work placement of persons with disability, work-related and professional rehabilitation, for which 60 per cent of the special-purpose funds formed from apportionments is earmarked;

2) Health (medical) and social rehabilitation of persons with disability, for which 40 per cent of the special-purpose funds formed from apportionments is earmarked;

10. The funds earmarked from apportionments under Subpoint 1 of Point 9 of this procedure are included in the annual state program on employment regulation and are directed to the following programs on state regulation of employment in line with the

procedures approved under Subpoints 8, 11, and 15 of Point 1 of the Republic of Armenia Government Decree N 534-Ն of April 17th, 2014:

- 1) Assistance in work place adaptation;
- 2) A lump-sum compensation for acquisition of the necessary work skills and capacities;
- 3) Professional training;
- 4) Partial reimbursement of the salary.

11. The 40 per cent of the special-purpose funds formed from apportionments and earmarked under Subpoint 2 of Point 9 of this procedure are expended for the purpose of implementing individual rehabilitation programs for persons with disability within the framework of the rehabilitation assistance provision envisioned by Article 7.1 of the Republic of Armenia Law on *the Social Protection of the Disabled in the Republic of Armenia*.

12. A person with disability can receive assistance envisioned under Subpoint 2 of Point 9 of this procedure only once, the amount of which cannot exceed 150, 000 drams.

13. Taking into consideration the priorities defined under Point 15 of this procedure, the amount of financial means available in the extrabudgetary means account envisioned by Point 8 of this procedure, the maximum degree of assistance envisaged under Point 12 of this procedure, as well as based on the individual program of rehabilitation of persons with disability, the Republic of Armenia medico-social expertise agency of the staff of the Republic of Armenia Ministry on Labor and Social Issues refers these people for the purpose of health (medical) and/or social rehabilitation to organizations providing rehabilitation assistance as stipulated by Article 11.1 of the Republic of Armenia Law on *the Social Protection of the Disabled in the Republic of Armenia*.

14. Within the framework of assistance provision envisioned under Subpoint 2 of Point 9 of this procedure, the type of health (medical) and/or social rehabilitation for persons with disability is determined for every year by the Minister of the Republic of Armenia for Labor and Social Issues.

15. Within the framework of utilization of the means envisaged under Subpoint 2 of Point 9 of this procedure, the priority is given to persons with disability that are included in the 1st or 2nd grade disability groups; with the noted condition being equal the priority is given to persons with disability in the 16 to 30 age group; with that condition being equal the priority is given to the person with disability, whose family receives family allowance, and with this condition being equal to persons who have been assigned to the 1st or 2nd grade disability group earlier.

16. The monitoring and evaluation of the use of the apportioned sums is carried out in line with the procedures defined by the Government of the Republic of Armenia.

**Minister-Chief of Staff of the Government of
the Republic of Armenia**

D. Harutiunyan