

The disciplinary system for the information specialist under the Algerian legislation

النظام التأديبي لأخصائي المعلومات في ظل التشريع الجزائري

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Abstract:

The study dealt with the topic of the library profession and the disciplinary system in light of the public employment law considering its great importance in protecting the rights of the employee and organizing the relations between the employee and the appointment authority depending on organising professional legislation, and to address professional errors that lead to disciplinary decisions by the appointment authority (the presidential/ authority, the main objective of the study is to address the analysis of all aspects related to the disciplinary system of the public officials within the framework of the Public Employment Law. The study came out with a set of important results, as the disciplinary system is a legal means taken by the authority that has the power to appoint against the employee who committed acts that violate the rules of the system in violation of the duties stipulated by law. It is based on the concept of disciplinary responsibility in which the error is the basis of disciplinary follow-up in addition to defining the duties. The study also concluded that the public employment law worked to protect the professional in libraries from arbitrary disciplinary authority in the disciplinary field by granting him/her several guarantees before or after the disciplinary decision was issued, and other guarantees represented in the request for reconsideration.

Key words: The office profession; Professional errors; Disciplinary system; Public Employment Law; Algeria.

المخلص :

تناول الدراسة موضوع المهنة المكتبية والنظام التأديبي في ظل قانون الوظيفة العمومي لما لها من أهمية كبيرة في حماية حقوق الموظف وتنظيم العلاقات بين الموظف وسلطة التعيين من منطلق التشريعات المهنية المنظمة، والتطرق للأخطاء المهنية التي تؤدي إلى قرارات تأديبية من طرف سلطة التعيين (السلطة الرئاسية)، وكان الهدف الأساسي للدراسة هو التطرق بالتحليل لكل الجوانب المتعلقة بالنظام التأديبي للموظف العمومي في إطار قانون قانون الوظيفة العمومية. وخرجت الدراسة بجملة من النتائج المهمة، إذ أن النظام التأديبي هو وسيلة قانونية تتخذ من طرف السلطة التي لها صلاحية التعيين ضد الموظف المقترف لأعمال تخل بقواعد النظام مخالفا بذلك الواجبات المنصوص عليها قانونا فهو يقوم على فكرة المسؤولية التأديبية التي يعد الخطأ فيها أساس المتابعة التأديبية إضافة إلى تحديده للواجبات، كما خلصت الدراسة ألا أن قانون الوظيفة العمومية عمل على حماية المهني في المكتبات من تعسف السلطة التأديبية في المجال التأديبي من خلال منحه عدداً ضمانات قبل صدور القرار التأديبي أو بعده، وضمانات أخرى ممثلة في طلب إعادة الاعتبار.

الكلمات المفتاحية: أخصائي المعلومات، الأخطاء المهنية، النظام التأديبي، التشريع القانوني، الجزائر.

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Introduction:

Under the modern concept of managing individuals, it is included selecting and assigning the necessary human resources for the library or the documentation and information center and working on developing it, making optimal use of it, and adapting it to face change. Without these measures, libraries cannot fully perform their assigned functions. The human element is considered the main driver of libraries and documentation centers. As a result, the highest authorities of countries, including Algeria has taken interest in it. Algeria has given great attention to its human resources working in the library and information sector through setting legal frameworks, which manage the career of the librarian. The disciplinary system is one of these. It is a set of rules and provisions that define and clarify the duties and mistakes of the public employee and the penalties imposed on him/her by the competent disciplinary authority according to certain disciplinary procedures. The act of disciplining an employee for his disciplinary error is not a retaliatory or coercive process but rather a legal process intended to reform the employee's behavior and warn the rest of the employees in order maintain regularly the proper functioning of public facilities. From a different angle, to ensure professional stability, the legislator does not overlook the employee's rights especially those related to legal guarantees to protect him/her from the abuse of the administration. In this a way, pre-control is applied over these bodies by identifying the disciplinary error and its penalty in advance as well as a post-control exercised by the judicial authorities to ensure that librarians are not abusively punished.

Drawing upon all this, this study took its title: Disciplinary System for Information Specialist under Algerian Legislation, through which the researchers attempt to answer the following main question: What is the legal framework of the disciplinary system for information specialist under Algerian legislation?

The importance of this study:

The importance of this study lies in its being an academic attempt to shed light on the importance of the legal framework for the disciplinary system for the information specialist in light of the public labor law. On this basis, determining the importance of the subject may be seen as if it is merely a partial identification of the subject represented in talking about knowledge of the legal texts and the organization of the profession. The study, however, intends go further by presenting the internal legal texts that enhance the protection of the disciplinary system as well as the legal terms related to the topic.

Objectives of the study :

This study has various objectives all revolving around one main goal, which is to identify the nature of legal texts. Incorporated under the main goal are some sub-goals that support the study:

- Introducing the concept of disciplinary system for the information specialist as well as getting to know the most important legal texts.
- Obtaining sufficient and accurate information on the subject under study, as is the case in the field, i.e. describing what actually exists from different angles for the objectives envisaged from the study.

I - The Legal Aspects of the Information Specialist

A - The Information Specialist

It includes all categories of informatics workers who carry out work related to information systems analysis, study, design, and implementation and undertake technical and technical supervision of these systems. The word "Cybrarian" is coined by "Michael BAUWENS" who is also known as "the person who holds a bachelor's degree or A diploma in the field of library and information science or information science and has the ability to deal with automated systems, information networks, information management, multimedia technology, research in databases and retrieve them". No matter how many definitions are there, that the information specialist is the librarian.

1- Definition of the office profession:

The Oxford Dictionary defined the librarian profession as "the craft through which it is possible to apply proven knowledge and experience from some fields of knowledge or science to other fields that could be used in the practice of art based on that experience"¹.

The profession of a librarian is therefore deeply rooted as a profession at the heart of human knowledge and the mind of civilized organization, and the key to access to everything. This is reflected through the increasing importance of the library profession and its role in various areas of social, cultural, economic and political life,²

The previous definitions agreed that the library profession relates mainly to the information that are made available to the beneficiaries of the library of various categories and levels by performing a set of tasks and functions assigned to the person who runs the library, or what is known as the librarian. This latter task is primarily to acquire, collect, organize, then process and store the information until it becomes available then benefits from them in various ways.

Drawing on this, we look to the librarian profession through its related concepts:³

1. The librarian: defined as the person who is “ in charge of fulfilling the needs of society in cultural, informational and entertainment. For this purpose, he/she establishes groups and guarantees their to the beneficiary their use and evaluation as well as being aware of his/her responsibilities, applies laws and regulations, and respects the beneficiaries and his/her professional groups”⁴

2. Documentarian: is the person who performs the documentation process or is the one who sets information and being in charge of collecting and disseminating it, unlike the office, with procedures for handling information records and facilitating their use. The documentarian is interested in collecting the information included in the documents with data received from other sources to form a new collection.⁵

3. Information Specialist: This term includes all groups working in the field of informatics for works related to information systems and their analysis. It includes everyone who deals with traditional and electronic information sources, works in the management of various information centers, and those who teach informatics. Multiple names are used to refer to of the information specialist which included: Knowledge Engineer, Knowledge consultant, Information Manager, Cyberarian ...⁶

B- Legal texts for librarians:

Legislative texts regulating librarian profession in Algeria began in 1968, issued for the first time by the Ministry of National Education. The library sector had three streams or branches:⁷

The conservative corps in charge of research into archaeology, archives, libraries and museums.

A sector of people attached to research and archives, such as libraries and museums.

- Corps of assistants in research into archaeology, archives, libraries and museums.

Executive Decree No. 08-04 of January 19, 2008 containing the basic law for employees belonging to common sectors in public companies and departments. This text includes the Division of Documents and Archives, specifically Article 174 as there are the following ranks:⁸

- Head of Documentarians Archivists.
- Chief documentarian archivist.
- Documentarian archivist

- Assistant of documentarian archivist
- Technical staff in documents and archives.

II - The librarian profession and disciplinary system

A disciplinary system is a legal means used by the employer against the information specialist employee who caused professional errors prescribed by law. The professional error is considered the basis for disciplinary follow-up and determining the duties and errors that the professional in libraries committed. It does that according to the stages and procedures legally defined to protect the rights of employees and prevent the administration from using its disciplinary authority through legal guarantees to protect it from the abuse of administration in order to ensure professional stability to preserve pre-control of these bodies and identifies disciplinary errors and their penalties in advance. It also exercises remote control over the judicial authorities to ensure the correctness of the procedures of the bodies and prevent arbitrariness in punishing the employee as an additional guarantee for the information specialist in libraries. This was embodied in issuing Ordinance 06-03 of 15/07/2006 containing the general basic Public Employment Law.⁹

A - professional errors:

Occupational error is the basic element of disciplinary follow-up in the field of public employment, and the Basic law of the public employment referred to it in Article 160 of Ordinance 06-03. This Article states “every renunciation of professional duties or prejudice to discipline, and every mistake or violation by the employee during or on the occasion of carrying out his duties, a professional error exposes the perpetrator to disciplinary punishment”¹⁰

Occupational errors can be categorized based on several methods by:

The first branch: professional errors from the perspective of rationing, which can be determined by the two following laws:

1- Ordinance 06-03:

Ordinance 06-03 which includes the Basic Law of the Public Service classified occupational errors into four degrees, and the articles 178,179,180,181 classified these errors into:

First-degree errors: Article 178 defines first-degree errors as any violation of public discipline that could affect the proper functioning of interests.

Second-degree errors: According to Article 179, all actions leading to prejudice or negligence in the security of employees or management property, as well as a breach of basic legal duties.

Third degree errors: according to Article 180, these are the unlawful transfer of administrative documents, concealment of information of a professional nature, refusal to implement the instructions of the peaceful authority in the context of performing tasks related to the job occupied without acceptable justification, disclosure or attempt to divulge professional secrets, the use of equipment or the administration property for personal benefit or purposes that is not to the benefit of administration.

Fourth degree errors: defined by Article: 181 as benefiting from privileges in the framework of exercising his position, committing violent acts against any person in the workplace, intentionally causing massive material damage to the facilities or property of the institution, destroying administrative documents with the intention of offending the good functioning of the workplace, forgery of diplomas or qualifications or every document that allowed the employee to get employed or promoted, combining the job he occupies with a profitable activity other than those stipulated in Articles 43 and 44 of the same matter related to the profession of education, training and production of scientific, literary or artistic works.

2- Law 90-02: This law identified the following errors:¹¹

Collective cessation of work due to the collective labor conflict, as it is considered a breach of the law according to Article 26.

Obstructing the freedom to work and refusing to comply with the implementation of a judicial order to vacate professional workplace, according to Article 36.

Refusal to perform the minimum service imposed on him in articles 40 and 41, such as non-compliance with the order of harness.

3- The Penal Code: Examples of errors included in the Penal Code include:¹²

Violation of the employee's individual liberties and civil rights of citizens, according to Article 107.

- Some breaches of Law 06-01, among them Articles 29 and 30 related respectively to embezzlement and treachery.

B- Disciplinary penalties in the context of professional errors:

The Public Employment Law referred to this principle in Article 161 Ordinance 06-03 that the disciplinary punishment is determined by the disciplinary authority and depends on five criteria which are; the gravity of the professional error committed, the circumstances in which the professional error was committed, the responsibility of the employee who committed the

professional error , the consequences of the functioning of the authority, the damage done to the authority or the beneficiaries of the services of the public utility. Article 163 ordinance 06-03 classified disciplinary penalties according to the magnitude of the errors committed, to four levels:

1. First-degree penalties: are notifying, written warning and rebuke.

2. Second degree penalties: suspension from work from one to three days, removal from the qualification list.

3. Third-degree penalties: suspension from work from 4 to 8 days, one-to-two-degrees lowering, compulsory transfer.

4. Fourth Degree Penalties: represented in lowering directly to the lower rank, demobilization.

From all this, the disciplinary authority can immediately stop the employee from his duties in two cases:

The employee committed a serious professional mistake: Article 173 stipulates that every fourth-degree professional mistake entails a penalty of discharge directly to the lower rank and the penalty of demobilization, but the employee retains half of his monthly salary and all grants of a family nature. Meanwhile, the Equal Members Administrative Committee decides on the penalty starting from the day it was notified by the disciplinary authority.¹³

2. In case the employee is subject of criminal prosecutions, Article 174 Ordinance 06-03 states that in the case of criminal prosecutions against an employee, he/she shall be suspended immediately, and he/she shall not be permitted to stay in his/her in occupied position and administrative position. His situation shall be settled only after the judgment resulting from the criminal prosecutions becomes effective and of course after his/her acquittal from the facts attributed to him/her. Article 184 of Ordinance 06-03 states the dismissal procedure, which is to be imposed on the employee who has been absent for a period of fifteen (15) consecutive days without at least an acceptable justification. In this case, the authority which has the power of recruitment takes the decision of dismissal due to neglect of the position after the notifying the employee.

C- Ways of disciplining the employee in libraries and documentary institutions:

Punishment is imposed on by the direct presidential authority in case of first or second-degree punishments without consulting any other body according to Article 125 and 126 Order 06-03 after obtaining written clarifications from the person concerned. It is also has the right to it to impose the third and fourth degree punishment after consultation with the Equal Members Administrative

Committee which holds a meeting as a disciplinary council of a compulsory binding opinion according to Article 165.

-Disciplinary councils:

These are advisory bodies established for each rank or group of ranks, or category or group of categories of equal qualification levels at the level of public institutions and departments. These committees equally include representatives of the administration and elected representatives of employees, headed by the authority that has the right of recruitment or a representative on it chosen among the appointed members with administrative title.

This is what is stated by Article 63 of Ordinance 06-03; the members of the committees are appointed for a period of three years, and this membership term can be extended or reduced as required by the Authority after a decision according to the case from the authority that has the power to appoint, after an approval by The Directorate General of Public Service. According to Articles 11 and 14 of the same decree, the Equal Members Administrative Committees secretly holds a meeting as a disciplinary council presided by by the authority that has the power to appoint, and the council issues its opinion by simple majority and in case of equal votes, the president's vote is significantly decisive.

After issuing the disciplinary decision, the administration will notify the the accused employee and it is often by a secured letter with a notification of reception in no more than eight (08) days starting from the date of making this decision.

The purpose of this lies in the possibility using these decisions as a proof and the possibility of the start of the effective date of the administrative grievance and the cancellation protest against disciplinary decisions, which in general constitute guarantees after the disciplinary decision is issued.

D - employee guarantees regarding the disciplinary decision:

1- The guarantees guaranteed to the employee before issuing the disciplinary decision:

1-1- Inform the employee of the errors attributed to him:

The administration shall notify the employee of the errors attributed to him before taking disciplinary decisions. If the disciplinary authority has imposed a penalty on the employee committing the error without notifying or informing him/her, the decision is voidable. The order 06-03-03 does not specify the form the notification takes and whether it must be in writing or verbal, This means that it is necessary to refer to the Executive Decree 93-54, which specifies some special duties applicable to public officials and agents and to workers of public

institutions. The article stipulates that: “The concerned agent shall declare in writing the errors he/she is charged with and the penalties he/she is exposed, he/she has up to 15 days to submit written explanations”¹⁴

1-2- The right to see the disciplinary file:

In Article 167 of Ordinance 06-03, the Algerian legislator affirmed the right of the employee subjected to disciplinary action to be able to see the full disciplinary file within a period of fifteen days, starting from the date on which the disciplinary decision started.¹⁵

1-3- The employee's right to defense:

Article 169 of Ordinance 06-03 states that: “The employee can make written or verbal observations or he conjures up witnesses, and he has the right to seek the assistance of an authorized defender or an employee he/she chooses.” The right to a defense is manifested in several ways: The personal presence to the disciplinary procedures in front of the Equal Members Administrative Committee meeting as a disciplinary council, and in case he/she provides an acceptable justification for his absence, he/she can request from the Council to be represented by his defender.

- **Hearing witnesses:** The accused employee has the right to request hearing any testimony he/she thinks serves his point of view. He/she has the right to call any person to provide his testimony in front of the disciplinary council, whether it is an employee or any other in order to prove his innocence.¹⁶

- **The right to use defenders:** the use of defenders is a right guaranteed to the employee, which has been confirmed by Article 169 of Ordinance 06-03, which made the employee's right to seek the assistance of an authorized defender or an employee he/she chooses.

2- guarantees for the employee after the issuance of the disciplinary decision:

2-1- Administrative guarantees:

- **Administrative grievance:** Every employee has the right to seek from the disciplinary authority a reconsideration to the disciplinary decision issued with the aim to cancel, withdraw or amend it, in the form of a request or complaint. It is a guarantee that the law gives to the employee before resorting to the judiciary and this grievance may be to the administration or the president or before a special committee, as follows:

- **State grievance:** The employee in question submits it to the issuing authority of the grievance subject to reconsider it either by withdrawing it, canceling it or amending it, and the administrative authority is obligated to amend

or even answering the requestor with rejection or acceptance. It has the right not to answer the employee at all, which is considered an implicit refusal of his grievance.

2-2- Presidential grievance:

This grievance is submitted to the direct administrative head of the issuing authority, it means the president, with his discretionary authority, the president withdraws the decision, cancel or amend it making it conform with the law. The presidential grievance directly submitted to the authority which is superior to that authority which issued the disciplinary decision.

2-3- Grievance before the Appeals Committee:

Due to the ineffectiveness of state and presidential grievances, the Algerian legislator established a special administrative body called the "Appeals Committee", at the level of ministries and states whose task is to reconsider the decisions of the administration, and the order 06-03 dealt with the establishment of the Appeals Committee and its specialization. This committees is equally formed of the representatives of the administration and the representatives of the elected employees, headed by the authority at that level or a representative thereof chosen from among the appointed members with the title of administration, and the representatives of the employees in the administrative committees of equal members including their representatives in the appeals committees are elected. The representatives of the administration are appointed to the equal members administrative committee. The appeals committees must be installed within two (02) months after the election of members of the equal members administrative committee. Half of the appeals committees members are representatives of the administration appointed from among the agents belonging to one of the categories classified at least rank 13. The other half consists of staff representatives among the elected members of the central or state equal committees. The number of representatives of each party ranges from 5 to 7.

The Appeals Committee is competent to consider grievances against disciplinary decisions that include disciplinary penalties of the third and fourth degree stipulated in Article 163 of Order 06-03 after being notified by the employee against whom the disciplinary decision is issued. It must be submitted to the Committee within one month starting the day of his/her notification with the decision in accordance with the provisions of Article 175 of Ordinance 06-03. The Appeals Committee shall deal with appeals according to a written decision within a maximum period of three (03) months starting from the date of filing the

appeal, and during that period, the punishment issued against the employee shall be suspended.

Appeals Committees of the central administration specializes in examining appeals by the staff who are under the authority of the central administration and staff belonging to rank 13 and above who exercise their duties in the states. The state appeals committees specialize in looking at appeals lodged by staff in state structures from 1 to 12, and in public institutions and local groups.

3- Judicial guarantees:

Among the guarantees for the public employee after the issuance of the disciplinary decision, in addition to the administrative grievance, his right to appeal judicially to the disciplinary decision through the request for cancellation, and the claim for compensation according to Articles 801-1 and Article 901-1 of the Civil and Administrative Procedures Law as well as Article 9 of Law 98-01 relating to the powers of the State Council, its organization and work, by submitting it to the State Council if the matter is related to decisions issued by the central bodies, and in front of administrative courts if the matter is related to the decisions issued by the other administrative bodies and institutions. The judicial pathway is the original and the only way to cancel the illegal disciplinary actions and removing their legal effects, since the cancellation request is an objective, in-kind lawsuit, even though it appears that it is for the protection of personal or individual legal centers due to the fact that it ultimately aims to protect the lawfulness through the following:

- **Cancellation lawsuit:** It is considered one of the most important means of controlling the actions of the public administration, and on the other hand, it guarantees the protection of public employees in the face of the illegitimacy of the Presidential Administrative Authority, whereby the cancellation eliminates of illegal administrative decisions retroactivity as if they never existed, and for this case to be accepted objective conditions and others conditions on format must be met which are:

Requirements on the format:

1- The nature of the decision to be canceled: The administrative decision is a unilateral legal act issued by a public administration that would have a legal effect for public interest. The disciplinary decision to be canceled must be issued with the sole will of the administrative authority in order to cause legal effects by creating an amendment or cancellation of legal centers.

2. Attribute and interest: The person filing the cancellation case is required to have a personal and direct interest in filing it, whether within the

scope of public or private law in accordance with Article 13 of the Civil and Administrative Procedures Law.

3- Prior administrative grievance: Article 830 of the Civil and Administrative Procedures Law states the following: “The person concerned with the administrative decision may file a grievance with the administrative body that issued the decision within the period stipulated in Article 829 above. This is the decision of rejection, and this period starts from the date of notifying the grievance, and in the case of the silence of the administrative body, the grievance takes advantage of two months to present his legal appeal, which applies from the date of the expiry of the two-month period referred to above. The grievance submission in front of the administrative authority is proven by all the written means and attached to the petition. Prior administrative grievance is no longer a mandatory condition for accepting the cancellation lawsuit, but rather it is permissible and optional in violation of the previous Civil Procedure Law. It shall be subject to cancellation in front of the competent administrative authorities within two (02) months.

4- The deadline for filing a cancellation lawsuit: The employee concerned must file a lawsuit to cancel the disciplinary decision, either before the competent administrative court or before the State Council within a period of four (04) months from the date of notification by a copy of the decision according to the provisions of Article 829 and 907 of the Civil and Administrative Procedures Law.

5. Absence of a counter-appeal (parallel lawsuit): This means that the lawsuit to cancel the administrative decision is not acceptable if the law has provided the person concerned with another appeal through which he can avoid the effects of the unlawful decision, in other words, to accept the cancellation lawsuit, the non-existence of a parallel appeal path is required. **The objective conditions:** After the judicial appeal fulfills the formal requirements, the judge sees the availability of the substantive conditions for the cancellation, and that the disciplinary decision includes one of the five defects presented briefly here:

- **The disadvantage non-competence:** This defect is achieved in case of a disciplinary decision is issued by non-competent authorities, that is, those that have the power to appoint without a mandate as only the presidential authority has the right of imposing disciplinary penalties of the first and second levels, while sanctions are imposed from the third and fourth levels after obligatory taking the binding opinion of the Administrative Committee Equal Members meeting as a disciplinary council.

- **Defect in form and procedures:** the issuance of the decision without anything that indicates that the administration has consulted the required body makes its decision subject to cancellation. As for the procedure, it is the various processes that the administrative decision goes through from the moment it is considered, i.e. before it is put into the framework or that appears in it, then the source of the disciplinary decision must respect the rules governing the procedures that can make its decision defected, making it vulnerable to the appeal of annulment.

- **The defect of violating the law:** the decision deviates from the rules of the law in its content and subject matter, as when the administrative authority deliberately punished the employee with two penalties that the legislator did not allow them to combine according to the provision of Article 160 of Ordinance 06-03.

The disadvantage of violating the law is manifested in: direct violation of the legal rule, where the administration makes explicit actions that are not consistent with the requirements of the legal rules as when the administration relies on a wrong interpretation of the legal rule while the legal text is clear. Also, the error in applying the legal rule in practice, the legislator may require a specific fact or certain conditions to apply the legal rule, and therefore the disciplinary decision is considered defective and violates of the law.

- **The defect of deviation in the use of authority:** The administration is obligated to achieve the public interest and it is not entitled to deviate from this goal in order to achieve other purposes and goals not provided by the law. It is manifested in two forms; the case of the administration's attempt to use the authority of the president to discipline the employee for the purpose of revenge against him. The other case is when the administration violates the goal allocation rule, such as the case of transferring the employee as a disciplinary part and not what is required by the public utility interest.

- **The defect of the reason:**

that there are realistic and legal reasons that led the administration to make an irrational decision while it claims the existence of legal conditions and reasons on which it relies to issue its disciplinary decision. However, it appears then that these conditions are lacking or are mistaken in the legal adaptation of the facts or in their understanding and interpretation.

Compensation claim: The compensation claim is an action brought by the aggrieved employee because of the illegal disciplinary decision that may be filed with the cancellation case or independent of it before the administrative courts or

before the Council of State in accordance with the following formal and substantive conditions:

The formal conditions: are the same conditions that we have seen in the cancellation lawsuit.

- **Objective Conditions:** In case there is a definite, direct damage resulting from the disciplinary decision which affects harmfully a legitimate right or legitimate interest. The judge estimates the compensation when he/she decides the responsibility of the administration of the damage resulting from the penalty from the day it is taken until the day of its abolition. This lawsuit is considered a real and effective guarantee to protect the rights of public officials from the abuses of the administration. However, we find the compensation claim as a complementary lawsuit in reforming and repairing the harm resulting from the disciplinary decision, and in this, there is more protection for the employee.

4- reinstatement to the employee:

The Algerian law allows for the disciplinary punishment to be canceled by submitting a request for reinstatement from the employee who was the subject of a disciplinary punishment of the first and second degree, through an application addressed to the authority that has the power to appoint, provided that the application meets a set of conditions, namely:

- An actual disciplinary punishment is imposed on the employee in question, either first degree or second degree.

Submission of a request for reinstatement to the authority that has the power to appoint.

- The application must be submitted one year after the date of the disciplinary punishment decision.

Reinstatement with the force of law shall take place after two years from the date the decision is taken if the employee is not subjected to a new punishment, and every trace of the penalty is erased from the file of the person concerned in case of re-consideration.¹⁷

In the previous laws, a year was required with regard to the punishment from the first degree in order for consideration to be given and after consulting the committees of equal members. As for the second and third degree penalties, three years must pass starting the date of disciplinary punishments, the presidential authority does not adhere to the opinion of the equal member committees except with regard to penalties from third degree, and it is not permissible to accept a request for re-consideration in case of recidivism or multiple disciplinary crimes.¹⁸

Conclusion:

Through our examination to the legislative texts that guide the profession of the information specialist, the found that the legislator has neglected the objective side and matters special to the profession, and the great role that the documentarian has played in making decisive and correct decisions in documentary institutions for the good functioning of the public institution.

The professional in documentary libraries and institutions derives his rights and duties directly from the legal and organized texts for the public position to protect him and preserve his interests and the proper functioning of the public utility.

What can be concluded is that the Algerian legislator issued laws for job errors, through the order 06-03, which classified it into four degrees:

The study showed that granting the authority that has the power to appoint a discretionary authority to adapt job errors, and assessing the balance between error and punishment may lead it to be abusive through non-respect disciplinary procedures such as not notifying the employee of the error attributed to him/her, not being able to defend himself, or by incorrectly adapting them to job errors committed by the employees, which leads to imposing an inappropriate punishment for it, and this is considered abusive to the employee. The opposite may be a reduced punishment for a serious mistake which is harmful to the administration as a result of the legal imbalance that exists in the public employment law despite the legislator specifying the degrees of professional errors and their penalties according to these degrees. Accordingly, the legislator must reconsider the discretionary power granted to the disciplinary authority

However, the Public Employment Law has worked to protect the professional in libraries from the abusive disciplinary authority in the disciplinary field by granting him several guarantees before the disciplinary decision is issued or after that, and a right to request a reinstatement to withdraw any trace of the disciplinary part from the personal file, and this is done according to certain conditions.

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