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**CONCEPT PAPER
ON CIVIL SERVICE**

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Title: DRAFT CONCEPT-PAPER ON CIVIL SERVICE

Chapter 1: Introduction

Civil service represents one of the most important general strategic objectives foreseen in the Strategy on Modernization of Public Administration. Being an institution within the Government, the Ministry of Public Administration has paid special attention to activities that enable higher efficiency in the field of civil service, organization of public administration and salaries in public sector. The Ministry of Public Administration has foreseen these changes along with the ongoing advancement of the legal framework, in order to increase administration's efficiency, further de-politicization of civil service and public administration, recruitment and merit-based recruitment and promotion, increase of civil service quality through training, adequate human resources management and homogeneous regulation of salaries system in the public sector. Considering that the current legislation also regulates these issues, what we need now is a more detailed and better regulation of this field, and completion of the current legal framework.

Also, it is worth noting that the European Commission Report on Kosovo, dated 09.11.2016 with regard to the public administration reform mentioned that next year, Kosovo must in particular ensure that all planned legal acts dealing with civil service, salaries and organization of state administration are prepared in a coordinated manner, under a comprehensive process, based on evidences and in accordance with concepts approved in the governmental level¹. Also, in terms of administration accountability, the Report estimates that the Government is committed to drafting the Law on organization of state administration, Law on civil service and Law on salaries, in order to provide a more accountable and de-politicized public administration.

The Government of Kosovo approved the Strategy on Modernisation of Public Administration in September 2015 as part of a strategic framework for public administration reform. This strategy involves three areas which fall under the responsibility of the Ministry of Public Administration (MPA): 1) civil service, 2) provision of public and administrative services, and 3) re-organization and accountability in public administration. In order to address these elements, MPA has commenced supplementing the legal framework that would later enable undertaking adequate steps in order to achieve the objectives under the Strategy.

¹ Kosovo* 2016 Report of European Commission, Commission Staff Working Document, Brussels, 9.11.2016 SWD (2016) 363 final, page 10

Despite this and considering the importance of the process, in the last meeting of the Special Group on Public Administration, the European Commission along with representatives of the Republic of Kosovo gave a joint conclusion: “ensure that the SGPARG conclusions of 2015 concerning the three draft laws (the Law on Civil Service, the Law on Salaries and the Law on Organization of Public Administration) will be implemented, and that these three laws will be prepared in a coordinated manner and sent to the Assembly at the same time, as a package”. Before preparing these three laws, based on the work done so far, and at the latest by the end of February 2017, Kosovo authorities will prepare the concept paper (concept papers) that will provide an analysis of the situation and propose solutions on how to organize the state administration and civil/public service, including salaries. OECD/SIGMA will provide support for the preparation of the concept paper².

Also, it should be noted that in this regard, the requirements of the SAA must be taken into account within the criteria for the public administration field, which should be fulfilled by the Government and relevant institutions of the Republic of Kosovo in accordance with Article 120 of the SAA, namely full consolidation of the legal framework (adoption of primary and secondary legislation, supplements/amendments) and implementation of policies and legislation in entirety.

Additionally, the *National Programme for the Implementation of the Stabilisation and Association Agreement (NPISAA)*, as a requirement deriving from the SAA, within the criteria for the field of public administration that are to be met by the Government and relevant institutions of the Republic of Kosovo, in accordance Article 120 of the SAA, emphasizes the full consolidation of the legal framework (adoption of primary and secondary legislation, supplement/amendment) and implementation of policies and legislation in entirety, in order to create a civil service which is apolitical, professional, merit-based and properly managed. So, based on this, the MPA should finalize the legal framework by supplementing/amending the civil service legislation. Taking into account, that in the last meeting of SGPARG one of the recommendation was to send the draft laws on public administration as a package, and that they should be preceded by the process of drafting the concept papers and consultations with the public, MPA aims to draft these concept papers and have them adopted by the Government, in order to continue with drafting the draft laws (by the end of 2017). After their adoption, existing bylaws will also be amended and supplemented, whereas new bylaws arising from supplements/amendments of the mentioned laws will be drafted.

Regulation of the legal framework which would enable the implementation of the above issues in the context of public administration reform in general and the civil service in particular is related to the Objective of the Government no. 2.5 - Implementation of reforms in public administration through qualitative and quantitative review of state agencies, including the necessary legal framework and Activity 2.5.2 – Regulation of legislation in the field of Organization of Public Administration, Civil Service, Salaries, Administrative Disputes and Freedom of Association of NGOs.

² Joint Conclusions between the Republic of Kosovo and the EU arising from the last meeting of the special group on public administration reform.

Based on what was stated above, the commitment of the Government of the Republic of Kosovo in establishing the legal framework regarding civil service, can be clearly seen.

Chapter 2: Description and definition of main issues

2.1. Explanations and information

Introduction

The civil service is governed by the Law on Civil Service of the Republic of Kosovo (hereinafter: “LCSK”) and bylaws for implementation of this law. Since the entry into force of this law, there have been difficulties in its implementation in practice and these will be solved by adopting the new Law on Civil Service, which will replace the current law in force. Significant parts of problems for civil service have been identified in the Analysis for Reviewing Institutions and Independent Agencies of the Assembly and Central Government Institutions³, which is integral part of this concept paper and from the research report of GAP Institute for independent agencies.⁴

Problems from the current legal framework have been identified mainly in the ambiguous and limited scope of the law; even though guided with the principle of merit, the recruitment has proved to be inefficient in practice and subjective (including the lack of efficient mechanisms for career promotion and insufficient recruitment of non-majority communities); poor management of human resources; lack of professionalism of civil service to perform new duties within the obligations assumed from the Republic of Kosovo; cases of not well defined suspension of employment relationship and replacement; failure to impose disciplinary measures by law, failure to include provisions for removing imposed disciplinary measures from the records after a certain period of time, lack of statutory limitation on the offence and measure, and non-efficiency and subjectivity of the Appeal Committee within the public administration body.

Identified problems to be addressed by the new law have been presented specifically below.

³ Review of Independent Institutions and Agencies of the Assembly and Central Government Bodies, December 2016,

⁴ Independent Institutions and Agencies: employment, salary system, internal organization and accountability, Research Report prepared by GAP Institute specifically for the Ministry of Public Administration (MPA).

Issue 1: Scope of the Law

Problem 1: The existing Law stipulates that the scope of the law includes civil servants employed in the central and municipal administration institutions, including: the administration of the Assembly, the administration of the Office of the President, Office of the Prime Minister and ministries, executive agencies, independent and regulatory agencies and municipal administration (paragraph 1 and 2 of Article 1 of the LCSK), while paragraph 4 of Article 1 sets forth that the institutions of the public administration that are regulated by special law shall be subject to the provisions of this law, except in cases where the special law contains provisions that are different from this law. Whereas, Article 3 (paragraphs 2-6) sets forth the categories that are part of the civil service, including: civil servants of the Administration of the Assembly of Republic of Kosovo, the diplomatic and consulate personnel as well as the administrative personnel either deployed or employed by the Ministry of Foreign Affairs. The personnel employed by the Kosovo Police, the Kosovo Security Force, Kosovo Customs and the Kosovo Correctional Service is part of the Kosovo Civil Service and subject to this law and relevant applicable legislation. With the exception of judges and prosecutors, the administrative personnel employed by the judiciary is part of the Kosovo civil service and subject to this law and relevant applicable legislation.

The scope of this law does not include (according to Article 4 of LCSK): teaching staff of the education system, the medical staff of the health service, creators and art performers (hereinafter: "the staff of units for direct public services"), police officers of the Kosovo Police, customs officers of the Kosovo Customs, correctional officers of the Kosovo Correctional Service and members of the Kosovo Security Force, political appointees and all persons appointed in positions by the political appointees and members of their cabinets, starting from the cabinet of the President, President of the Assembly, Prime Minister and cabinets of the ministers. For these categories there is a general reference stating that their employment relationship shall be regulated in accordance with the Law on Labour, special laws, collective agreements or with sector regulations. Also, the scope of this law does not include the officials elected to appointing positions in the institutions of the public administration and officials appointed by elected officials to specific positions are not civil servants (hereinafter: "public officials"), personnel employed in the cabinets of public officials are not civil servants, the personnel employed by the institutions of the public administration in the central and municipal level responsible to carry out support and maintenance work are not Civil Servants.

Based both on the legal aspect and also implementation in practice, we may conclude that: paragraph 1, 2 and 4 of Article 1, as well as paragraphs 2 - 4 of Article 3 of LCSK determine the *horizontal scope* of the law, which even though seems proper, based on the term of civil service and civil servant determined in Article 2, it is noticed that several categories have been excluded from the civil service and in fact have public authority, e.g. police officers, customs officers, correctional officers of Kosovo Correctional Service (according to paragraph 1 of Article 4). On the other hand, the possibility of regulation by special laws (according to paragraph 4 of Article 1) of the civil service without any restriction, and the issues that are the reason why several

institutions do not implement at all the LCSK, and others only partly, e.g. Law on Health with one single provision has excluded the implementation of LCSK for employees in the clinical and university hospital service (paragraph 6 of Article 62). On the other hand, the Law on Police provides for different regulations for civil servants which according to the LCSK have the status of a civil servant (Chapter V of the Law on Police).

Following the review of independent institutions and agencies within the Assembly and central institutions of the Government in 32 institutions and agencies within the Assembly of Kosovo, the situation is as follows: 27 apply the Law on Civil Service of Kosovo, 5 do not, and for 1 is not clear whether it applies the law or not. Out of 46 agencies within the Government, 36 of them respect the Law on Civil Service, whereas 10 respect LCSK along other laws. As shown in these examples, the possibility to regulate the employment relationship in civil service with special laws without any restriction has created a fragmented and inconsistent situation which has challenged the implementation of principles of LCSK, but also the Law No. 03/L-189 on State Administration and Law No. 03/L-147 on Salaries of Civil Servants.

With regards to the categories excluded from the scope, there is a general reference which orients the implementation of the Law on Labour, special laws, collective agreements or sector regulations. This has resulted with the lack of a homogeneous framework regulating the basic principles and guaranteeing legal security with regards to the: merit-based recruitment, promotion, rights and duties, ensuring objectivity and discipline at work, suspension of employment relationship, remedies and performance assessment of these categories, whereas on the other hand, the Law on Labour does not provide for these regulations. Paragraph 4 of Article 4 that has excluded servants who perform “supporting functions” is also ambiguous, because it has not set forth those functions and therefore made the implementation in practice very confusing. Regarding the horizontal scope, the use of positive enumeration in Article 3 and negative enumeration in Article 4 with exhaustive lists of categories of those who are and are not civil servants resulted with several categories of servants not knowing accurately their status, whether they are civil servants or not (fire fighters, school principals and directors of health institutions, etc.).

Another category of civil servants that is not regulated by LCSK is the category of municipal directors. According to LLSG, they are not civil servants (point a, paragraph 1 of Article 65), as the same are appointed and dismissed by the Mayor (paragraph 2 of Article 62). This situation has in practice caused many problems considering the fact that this category is appointed and dismissed by the Mayor without any minimum criterion and not based on the principle of merit and professionalism. All capacity building actions resulted ineffective because they have been linked with the mandate of the Mayor, etc.

Paragraph 3 of Article 1 of the LCSK regulates the *material scope* that sets the rules for the overall management and organization of a politically neutral and impartial civil service, the rules on the admission to the civil service, working conditions, the rights and obligations of staff, personal conduct, career promotion and professional development of civil servants. All these elements have been materialized in the provisions of the Law which in principle seems to be proper, with the exception of issues and problems to be discussed below. A disputable issue,

which in practice posed a problem and was a misuse, is the issue of “special services agreements” addressed in the paragraph 4 of the Article 12 of the LCSK, which in fact, as also mentioned in the LCSK, is subject to the Law on Obligations i.e. civil law and not administrative law.

Regarding the scope, problems can be summarized as follows:

1) non-homogeneous regulation of relationship between civil service and classic civil service, including: i) the explicit exclusion of some typical civil service branches such as customs, correctional service, etc.); ii) a large number of derogatory and other provisions envisaged by special laws for institutions within the theoretical scope of LCSK under Article 4, paragraph 1;

2) lack of an adequate legal framework on public right of employment relationship, regarding the personnel of direct public services units (health, education, art, culture, social service, etc.) and

3) lack of regulation for political appointees (counsellors, personal assistants, etc.);

4) lack of regulations for employment relationship of supporting personnel, etc.

Issue 2: Recruitment in civil service and career promotion mechanisms

Problem 2: Recruitment (admission) in civil service is regulated in Chapter III (Articles 11 to 22) of LCSK, and this recruitment is based on principles of merit, professional ability, impartiality, equal opportunities, non-discrimination and equal representation, based on public competition, and after the verification of the candidates’ capacity to act. Furthermore, paragraph 8 of Article 18 stipulates that recruitment procedures are organized for each open position (recruitment by position), and that the admission procedures are organized, managed and implemented separately by each institution separately, in cooperation with the department of the ministry in charge of public administration, responsible for the drafting and application of human resources policy planning and management in the Civil Service of Kosovo.

Therefore, we may conclude that the recruitment in the civil service is carried out by each institution for filling the individual positions.

During the implementation of the current LCSK, both in the legal and practical aspects, the following deficiencies have been identified:

- The system based on recruitment by position (recruitment should be organized separately for each vacant position), increases management costs and increases the time required for filling a vacant position;

- The system based on recruitment by position increases the chances of influence on political/family/personal basis regarding the decisions for civil service management and reduces public confidence in the objectivity of the recruitment procedure;
- The system based in recruitment by position reduces the possibility for adequate preparation and professional management of recruitment/assessment procedures (members of Selection Committees are appointed on *ad hoc* basis and have no special training on qualitative assessment);
- The current framework provides same assessment methods, whereas the results system is used for all categories of civil servants, starting from the technical and professional level to management level. The method of evaluation is focused primarily on knowledge.
- The current framework has not been sufficiently implemented in terms of recruitment of non-majority communities and other categories of people who enjoy protection under special legislation (people with disabilities).

As a conclusion, the system of recruitment by position, which is stipulated by the current law, has identified the following main problems:

- 1) Concerns about establishing a system of recruitment based on merits and professionalism,
- 2) It complicates and increases the cost and time of recruitment system.

Issue 3: Civil servants of senior-level management

Problem 3: LCSK also regulates the positions of civil servants of senior-level management (hereinafter SSLM), including the regulation of their appointment, mobility, disciplinary procedures, treatment which are mainly analogous with other common positions in the civil service. They are appointed for a 3 year mandate (with the possibility of renewal according to the Regulation No. 06/2012 on Appointments of Senior-Level Management (Article 22) and not according to the Law).

Recent assessments on civil service, particularly for SSLM, (progress report 2016) show that these positions continue to be politically influenced in terms of appointment and dismissal. The situation becomes particularly problematic due to the consequences emerging because of such this instability: a) a mandated civil servant of senior-level management, if he/she is not "accepted" by the political executive, in one way or another, is completely removed from the civil service (in other words, the system loses its already scarce capacities, as in our case); b)

recruitment in vacant positions is dominated by the party or personal relations, rather than abilities or merits, and recruitment procedure (in cases when they are applied) are performed only formally, whereas their result is predetermined; c) application of a system strictly based on a position, at this level, infringed the inter-institutional perspective of civil servants.

Issue 4: Career, classification of jobs and categories of civil servants

Problem 4: According LCSK (Article 23), there are 4 categories of civil servants: 1. civil servants of senior-level management; 2. civil servants of management level; 3. civil servants of professional level; 4. civil servants of the technical-administrative level. Determination of grades for each functional category of civil servants is done on the basis of responsibility, complexity, inter-personal skills, qualifications and experience. The number of grades is not defined by LCSK, but the same has stipulated that the number of grades assigned to each functional category, as well as the standards and procedures for grading each job according to the terms set in the job description shall be determined by specific legislation and sub-legal acts. On the other hand, the Law on salaries of civil servants (Article 6 and 7) has determined the number of grades for each category (category 1 and 3 with 3 grades while category 2 and 4 with 4 grades). In order to classify a position to the appropriate grade, the job description for that position is compared with a set of grade definitions which specifies, for each grade, the level of responsibility, complexity, inter-personal skills, qualifications and experience required for the concerned grade.

Regulation of classification in LSCS primarily aimed to determine the salary, while LCSK is deficient in this regard, although the classification and categorization of civil servants has a direct effect on career development.

The current civil service system is mainly “position-based type”. Every civil servant is recruited for a specific position which belongs to a certain grade and is considered as “suitable” only for that position or for some other positions with the same job description and classified under the same grade. So any mobility to another position even with very similar work requirements and within the same category, in principle, will require a new recruitment (announcement, assessment). This “concept” has significantly fragmented the civil service, increased the career steps, and significantly reduced mobility from one position to another and has complicated the daily management, making it costly and time-consuming.

Issue 5: Human resources management

Problem 5: Article 6 of LCSK has determined the role of the Government and the Ministry of Public Administration in management of human resources; however, during the implementation in practice, the following problems were identified:

- 1) Deficiencies and uncertainties regarding the duties of MPA and human resources units in staff planning and other aspects of human resources,

- 2) There are no rules which make it mandatory the application of electronic human resource systems,
- 3) The ambiguous role of MPA in the supervision of civil service legislation at the national level,
- 4) Lack of rules binding on the institutions for providing information to MPA on civil servants which have contributed to the efficient discharge of the responsibilities given based on LCSK.

Issue 6: Performance appraisal

Problem 6: The performance appraisal, and its influence and impacts, are regulated by LCSK (Article 33 and 34). On the other hand, LSCS regulates progress in steps based on the assessment of performance, including levels of evaluation. LSCS provided some restrictions for each rating level (paragraph 5 of Article 11), namely for civil servants rated as “excellent” up to 5%, for those rated as “very good” up to 15% and for those rated as “good” up to 30%.

However, in practice, the performance appraisal did not produce the expected results. The process was performed only formally and remains very subjective, whereby the personal relationship between civil servants and line managers still dominates. The data show that a high percentage of civil servants were evaluated (annually) with the highest levels of performance appraisal (“excellent” and “very good”). Due to non classification of jobs, progress in steps is not yet implemented.

Restrictions on enforcement levels turned out to be inappropriate and have always been exceeded.

Issue 7: Capacity building in civil service

Problem 7: Insufficient capacities in civil service are now a part of numerous reports at both national and international level. The lack of regulative requiring civil servants to demonstrate the knowledge gained in attended trainings is evident. According to the current framework, training sessions are mainly conducted as a routine and with the purpose of gaining knowledge for personal benefits rather than for the needs of civil service. Another problem is the lack of rules for mandatory training and rules for their effects on career development.

Issue 8: Suspension of employment relationship and replacement

Problem 8: Suspension (temporary termination) of employment relationship is regulated with Articles 69 and 89 of LCSK while replacement is regulated with Article 30 of LCSK. During implementation in practice, rules have proved to be incomplete, unclear and contradictory. In this regard, the regulation is ambiguous and deficient in the following issues:

- 1) which are the cases and circumstances when suspension should be applied; when is suspension mandatory and when is voluntary,
- 2) what are the effects of suspension,
- 3) how will replacement take place and for which positions,

Issue 9: Discipline in civil service

Problem 9: In the context of disciplinary rules in civil services, some of the issues and shortcomings of the law in force are: lack of statutory limitation of the disciplinary offence by the law (disciplinary offences), lack of complete statutory limitation of disciplinary measures, lack of individualization mechanisms for imposing a disciplinary measure, lack of deadlines for prescription of disciplinary measures, removal of disciplinary measures, etc. Furthermore, if the law simply allows for the regulation of extremely serious violations and other violations in general through a sub-legal act, endangers the principle of legality because for violations set forth in a bylaw are taken measures that directly affect rights and freedoms of relevant individuals.

Issue 10: Complaints and dispute settlement

Problem 10: The right to file a complaint against administrative decisions is guaranteed by both the Constitution and LCSK. Furthermore, LCSK regulates this right in both material and procedural aspect. In order to settle disputes on employment and complaints in civil service, it has been determinate to establish in each institution the Disputes and Grievances Appeal Committee (paragraph 2.2 of Article 82 of LCSK). Many problems have been identified in practice, including: difficulties in establishment, especially in small institutions, lack of professionalism and objectivity (because they are established by the institutions that has allegedly committed the violation), long time-limits, many levels and prolongation of procedure.

On the other hand, the constitutional institution that protects the rights of civil servants at the administrative level is the Independent Oversight Board for Civil Service which has been established in accordance with paragraph 2 of Article 101 of the Constitution of Kosovo, whose

decisions are enforceable and obligatory for all institutions. Recently, this institution has proven quite effective, whereby in 2016 managed to review and decide on 632 out of 690 grievances⁵.

2.2. Current policies

The area of responsibility of the Ministry of Public Administration is to create the legal framework for public administration field. In this context, the Action Plan implementing the Strategy for Modernization of Public Administration 2015-2017, within the overall strategic objective "Civil Service" as activity has foreseen the amendment and supplementation of the Law on Civil Service, for the purpose of organization and functioning of more functional and apolitical civil service.

2.3. Laws and bylaws

2.3.1. Laws:

- Law no.03/L-149 on civil Service of the Republic of Kosovo

This law regulates the status of Civil Servants and the terms and conditions of their employment relationship with the institutions of the central and municipal administrations.

This law sets the rules for the overall management and organization of a politically neutral and impartial Civil Service, the rules on the admission to the Civil Service, working conditions, the rights and obligations of staff, personal conduct, career progression and professional development of Civil Servants. Central administration institutions governed by a special law shall be subject to the provisions of this law, except if the special law contains different provisions.

- Law on Civil Servants' Salaries

Law on Civil Servants' Salaries ensures the protection of right of civil servants to a basic salary, as defined under the Law on Civil Service.

- Law on State Administration

⁵ Work Report of the Independent Oversight Board for Civil Service of Kosovo for 2015, page 9

The Law on State Administration defines the legal framework for the organization, cooperation and management of bodies exercising the executive power, bodies managed by civil servants.

- Law on Kosovo Institute for Public Administration

Law on Kosovo Institute for Public Administration (KIPA) defines the responsibility for implementation of training policies and strategies, professional training and capacity building in Civil service.

- Law on the Independent Oversight Board for Civil Service of Kosovo

Law on Independent Oversight Board of Civil Service of Kosovo, according to this Law the Board shall resolve the appeals and shall ensure compliance with all rules and principles governing the Civil Service in the Republic of Kosovo.

- Law on Labour

Unlike the civil service law, this law aims to regulate the rights and obligations arising from the employment relationship of employees and employers in private and public sector in the Republic of Kosovo. The provisions of this law also apply to the employees and employers, whose employment is governed by a special law, if the special law does not provide solutions to certain issues from employment.

Bylaws:

- Regulation No.02/2014 on Planning the Personnel in Civil Service determines the procedures, rules and responsibilities of institutions related to management and Planning of Personnel in Civil Service.

- Regulation No.30/2012 on Conditions for Restrictions on the Right to Strike in Specific Services in Civil Service establishes the conditions for restrictions on the right to strike in specific services in Kosovo Civil Service.

- **Regulation No.31/2012 for Care Procedures for Civil Servants due to Physical or Mental Disability or Health Problems** determines the rules and procedures for the care of civil servants whose employment is terminated or they are transferred/reassigned to another working place, due to their disability or health problems caused during the performance of official tasks.

- **Regulation No.21/2012 on Civil Servant's Career Promotion** defines the criteria and procedures for civil servant's career promotion. .

- **Regulation No.20/2012 on Voluntary Work of Civil Servants after Retirement** defines the procedure for engagement of civil servants in voluntary work after retirement, as well as their rights and obligations.

- **Regulation No.19/2012 on Civil Servant's Performance Appraisal Results** defines the criteria and procedures for civil servant's performance appraisal results in the Civil Service of the Republic of Kosovo.

- **Regulation No. 13/2012 on Early Retirement of Civil Servants** defines the rules and procedures for early retirement of civil servants.

- **Regulation No.08/2012 for Redundant Civil Servants** defines the rights and obligations of redundant civil servants in case of reorganization, closure of an institution or merger of an institution with another institution.

- **Regulation No.06/2012 on Senior Management Positions in the Civil Service of the Republic of Kosovo** defines the procedures for the development of capacities and the system for senior management positions, including performance appraisal procedures, disciplinary procedures and conditions for dismissals.

- **Regulation No.06/2011 on Civil Servant's Leave** defines the unique rules and procedures for using the leave by civil servants in the institutions of Republic of Kosovo, in compliance with the Law on Civil Service.

- **Regulation No.04/2011 on Disciplinary Procedures in Civil Service** defines the classification of violations of work duties, disciplinary procedures and measures imposed in the civil service of Kosovo.

- **Regulation No.05/2011 on Procedures for Resolving Disputes and Complaints** defines the procedures for resolving disputes and complaints related to employment relationship of civil servants, as well as competencies and criteria for the appointment of committee members in the Republic of Kosovo institutions.

- **Regulation No. Nr.03/2011 on Files and Central Register of Civil Servants** defines the contents of personnel file and procedures for management and access to data in the Central Register of Civil Servants.

- **Regulation Nr.02/2011 on Probationary Work of Civil Servants** defines the unique rules and procedures for the probationary work of civil servants in the Republic of Kosovo institutions.

- **Regulation No. 01/2011 2011 on Interruption, Suspension and Termination of Employment in Civil Service** defines the unique rules and procedures for interruption, suspension and termination of employment in the civil service.

- **Regulation No.06/2010 on Civil Servant's Transfer** defines the unique rules and procedures for temporary and permanent transfer of civil servants to another working place.

- **Regulation No.07/2010 on Appointment of Civil Servants** defines the unique rules and procedures for appointment of civil servants in the Republic of Kosovo institutions.

- **Regulation No.06/2010 on the Procedures for Appointments to Senior Management Positions in the Civil Service** defines the procedures for appointments to senior management positions in Civil Service of the Republic of Kosovo, for the purpose of transferring from the existing system to the new system of appointments to senior management positions.

- **Regulation No.03/2010 on Job Description** defines the unique procedures on preparation, contents, form, modification, approval and use of job description in Kosovo Civil Service.

- *Regulation No. 04/2010 on Procedures for Fair and Proportional Representation of Non-Majority Communities in the Civil Service of the Republic of Kosovo* defines the procedures by which, the civil service employing authority in institutions of central and local government of the Republic of Kosovo ensures fair and proportional representation of persons belonging to non-majority communities.

- *Regulation No.02/2010 on Recruitment Procedures in Civil Service* defines the unique rules and procedures of recruitment in civil service of the Republic of Kosovo.

2.4. Additional assessment of current policies

Chapter 2 of this concept paper describes in detail the assessment of the situation in practice and identifies the problems to be addressed separately.

Ministry of Public Administration is responsible for the implementation of the current program, while all other state bodies are also responsible to some extent. All state bodies, notably the Ministry of Public Administration, are responsible for managing and implementing the program in order to make the required changes of current policy.

The weakness of the existing process is the inability to change current policy without amending/supplementing the legal framework, i.e. its replacement by a new law.

2.5. Experiences of other countries

Literature and other sources from neighbour countries and from the European system have been used for drafting this concept paper. Because of the volume of the text, experiences of the Republic of Albania, Serbia and Croatia are put as Annex of this concept paper (ANNEX I).

Chapter 3: Aims and objectives

The overall aim of this concept paper is "building an accountable and professional civil service", which will be achieved by advancing the current legal framework, through the following objectives.

Issue 1: Scope of the law

Objective 1: The main objective in relation to the scope will be the establishment of a homogeneous regime for the employees that are related to the exercise of public authority provided under the law and who are responsible for the protection of general interest of the state, and where strengthening the legal protection of civil servants impartiality is necessary in order to better protect individual rights and legitimate expectations of citizens and businesses. In addition, special arrangements shall apply only as exceptional and justifiable cases (police, diplomatic staff). Sufficient distinction shall be made between civil servants and other employees by using negative enumeration on which categories of employees are not civil servants, while with regard to the latter, minimum framework-type rules will be set with regard to employment relationship.

Issue 2: Recruitment in civil service and career promotion mechanisms

Objective 2: Establishment of a recruitment system **a) with a recruitment procedure based on merit** and **b) in a professional management of recruitment procedures that ensure better results**. The merit based system and the reduction of time needed to fill the job vacancies through group recruitment for technical, professional and administrative level in executive institutions. Institutions outside the executive will be left to make recruitments on their own discretion unless they ask the government to carry out recruitments on their behalf.

Issue 3: Civil servants of senior-level management

Objective 3: As a small country, Kosovo needs a cohesive group of civil servants of senior-level management to direct, manage and monitor the process of modernization and at the same time to ensure continuity, institutional memory and institution capabilities, as well as sustainability in the provision of services. From the end of the war until today, it can be said that we are far from achieving this objective and therefore a proper legal regulation based on the same principles but adjusted for this category of civil servants for employment relationships regarding civil servants of senior-level management aiming the professionalization of this body and to ensure their stability in civil service.

Issue 4: Career, classification of jobs and categories of civil servants

Objective 4: In general, the current system of civil servants categories should be maintained. Regulation of job classification should be done based on LSCK rather than LSCSK, and should be more precise when assigning grades. The current system should be enriched with more career

system elements, eliminating the inhibitory factors that affect the interior mobility and the vertical mobility as well as “review some of the elements of the position-based type system, which hampers mobility and increases management costs”. The aim is to create groups of jobs with similar characteristics, where the concept of recruitment in the group and horizontal mobility without probationary appointment may apply.

Issue 5: Human resources management

Objective 5: More precise regulation of the role of MPA and human resource units in order to have an efficient management of human resources. MPA should have a greater role in the management, coordination and supervision of civil service legislation, especially in the new circumstances of group recruiting and creating senior-level management.

Issue 6: Performance appraisal

Objective 6: Gradual improvement of the performance appraisal system, in order to make it objective, measurable and reliable. In regard to long-term goals, should be examined whether it is possible to have a connection between performance appraisal and other elements of human resource management.

Issue 7: Capacity building in civil service

Objective 7: Inclusion and more explicit regulation of mandatory training and their effects on career development.

Issue 8: Suspension of employment relationship and replacement

Objective 8: Defining and better regulating suspension and replacement of civil servants, including circumstances, conditions and effects.

Issue 9: Discipline in civil service

Objective 9: Completion of the legal framework for discipline in the civil service in order to strengthen accountability within the civil service as an instrument to sanction violations made intentionally or by negligence of civil servants and providing clear rules and warranties necessary to avoid unjust arbitrary decisions that may affect the stability of the civil service.

Issue 10: Complaints and dispute settlement

Objective 10: Provision of effective protection of civil servants' rights and their legal certainty, aiming to terminate appeal procedures within the institutions, and the same to be done at the Independent Oversight Board of Civil Service of Kosovo.

Chapter 4: Options

Issue 1: Scope of the law

Option 1: Maintaining of the *status quo*,

Option 2: A new law which would regulate the employment relationship for all categories of employees in the public sector with different levels of detail as follows.

With regard to the "*classical civil service*", rules should be set in order to ensure a homogeneous legal regime for civil service management (the scope of the current law with the options proposed for each issue that will be elaborated below) which will be valid for the entire civil service while avoiding regulation by cases through special laws or for specific branches of the civil service. Special legal arrangements, by special laws, shall apply only in special, well-reasoned cases, as is the case with Kosovo Police and diplomatic service (for the latter, additional conditions for recruitment, special rights or obligations other than those provided for by this law, special positions, special rules for career development according to the grading system).

Regarding the *staff of the units for direct public services*, the aim is to incorporate arrangements in order to ensure the merit and protection from political influence (and from private sector), the mechanisms of career development, performance appraisal, discipline, remedies (and other issues that are relevant to these civil servants based on adjustments that are valid for the civil service) etc. The arrangement will be of a framework-type, allowing arrangements for certain issues to be done by bylaws proposed by line ministries and adopted by the Government.

Technical and support staff will continue to be regulated by the Law on Labour, but minimum standards of transparency and competitiveness can be set with regard to recruitment and responsibility for their management.

In relation to *appointees/personal staff* (political cabinets: e.g. counsellors, administrative staff of political cabinets), they will be free to recruit and dismiss them through adequate notice prior to their dismissal. Other elements of employment relationship will be determined by analogy to the arrangements for the civil service and to the Law on Labour.

The new law should provide a homogeneous legal regime for civil service, i.e. for all positions exercising public authority provided by the law and which are responsible for protecting the public interest. The new law will include minimum rules regarding staff of direct public services units, technical and support staff as well as political appointees.

Option 3: Change of the implementation approach through supplementing/amending the bylaws.

Issue 2: Recruitment in civil service

Option 1: Maintaining the *status quo*,

Option 2: Group recruitment for a number of positions with similar or comparable requirements and responsibilities must constitute the rule in the recruitment procedure, whereas special recruitment to a position should be the exception, which will be applied in very well-reasoned cases for positions that require a special education or skill. Procedures for group employment should include several groups of positions (e.g. lawyers, economists, engineers, etc.).

Set the rules for entry level recruitment for the category of professional positions applying the principles of merit, equal opportunities, professionalism and efficiency, which if translated in practical terms, includes the following elements to be embedded in the system of new recruitment: 1) open competition which includes: pre-established objective criteria of recruitment and compulsory and comprehensive announcement of vacancies; 2) a testing system, whereby testing is conducted in an objective and transparent manner, before an impartial selection committee, usually including written exams and/or oral exams or interviews; 3) evaluation methods corresponding to the requirements of a modern civil service and able to evaluate and rank the candidates, in accordance with their knowledge, skills and behaviour; 4) an ambitious and demanding “minimum quality” requirement in order to ensure that only candidates who have the competence and ability to do the job (ranked above a certain threshold) will be eligible to enter the civil service.

Group recruitment shall take place only for the executive institutions. Institutions outside the executive shall conduct recruitments on their discretion, but according to the rules proposed under this option, unless they ask the government to conduct recruitments on their behalf.

a) The vacancy competition must be publicly announced in the whole country to ensure transparency, and must be accompanied by an intensive campaign of announcements and other public notice techniques in order to attract as many potential candidates as possible.

b) Planning. The frequency of vacancy competitions for each group can be determined based on staff planning needs, which should be done while taking into account the average turnover rates in respective levels of 3/5 previous years, and the Government's plan to reduce or increase staff. Group recruitment will be facilitated if the law would determine the institutions' obligation to prepare an annual staff plan that will summarize the envisaged recruitment needs of all

institutions for the next fiscal year. Recruitment needs should be debated and adopted every year along with the budget.

c) Selection committees. The assessment of potential candidates will not be done by current *ad-hoc* committees, but by a new type of committee (appointed perhaps for several years for each group). The composition of the new selection committee/committees shall include persons with special expertise and experience in assessment/selection and assessment of different skills, as well as representatives from responsible institutions and from the ministry for public administration and civil society. On this occasion, guidance and training must be provided to members of the committee regarding the assessment procedures of meeting the requirements of a modern civil service.

d) Assessment methods. Regardless of position, assessment methods must be designed in such a way as to ensure two main goals: 1) the objectivity and 2) the quality of recruitment process for selection of most qualified candidates.

At the same time, testing methods should be tailored depending on the type of position to be filled. Testing methods should be better tailored to assess the potential results and the future of candidates on the basis of past achievements (in the case of internal recruitment) and competencies required for the function/level in question; this includes, of course, relevant knowledge, but also a range of other skills and abilities, including inter-personal skills and development potential. Assessment should also take into account the CV, including academic background and previous work experience.

In principle, any assessment of candidates should include a compulsory written and oral part. Written tests must be standardized and must consist of two parts: one which is more general and the other one which is more specific according to job requirements (methods should not be limited to a multiple-choice format). Written tests should be reviewed anonymously by selectors. Interviews conducted by the assessment panel should aim to assess the following minimum criteria: motivation, communication skills, professional and managerial capabilities and knowledge as well as the candidates' competence. The written part should be more significant than the oral part, because objectivity is better assured in a written test where the candidate's anonymity is maintained. A minimum selection quality standard should be introduced as a precondition to move on to the next selection stage. It is important that the minimum standard is set according to requirements and is ambitious.

The order of candidates should be based on objectivity and comparability, and above all: the system must be appropriate for identifying and assessing desired competencies. This requires clear rules dealing with the relative significance of written and oral parts assessment, and assessment of other components (CV, work experience, etc.).

f) Successful candidates and their eligibility. All successful candidates, without any numerical limitation who meet the ambitious threshold set (e.g. 70-80% of maximum points) should be included in the ranking list of successful candidates by scores. The successful candidates selected for each group should not be considered as employed in the civil service; they are, however,

eligible for employment in any of positions for respective groups of positions. They will stay on the list until they are employed, or for a certain period of time. For determining the period, we propose two **sub-options**: 1) sub-option 1: staying in the list for 2-3 years (they will continue to be part of the group along with candidates from next year's competition according to relevant re-ranking), or sub-option 2: staying in this group until another group recruitment is completed.

g) The final selection. Vacancies arising during the validity period of groups may be filled only by group members who have not yet been employed elsewhere. Lists of potential candidates, together with the list of vacancies will be made public and updated accordingly. Regarding the final selection, we propose the following sub-options; sub-option 1 - secondary legislation stipulates a necessary formal procedure to be followed by institutions. This formal procedure may include a call for applications for group members and an interview or written examination focusing on the specific needs of respective institution (before an immediate supervisor, with the involvement of responsible human resource management unit or by an internal selection committee) and the final decisions must be justified; and sub-option 2 - the best ranked candidate has the right to choose where to be appointed between vacant positions available.

For the candidates belonging to a non-majority community in Kosovo and for categories enjoying special legal protection (persons with disabilities), to establish the modalities to guarantee quotas specified under the new law and under special laws, but always ensuring that the principle of merit is respected.

Specific recruitment for a certain position (in limited cases, shall apply as an exception) should be based on the same standards mentioned above for the groups (such as, a more permanent standing selection committee, written examination and interview, ambitious minimal threshold, etc.). Institution seeking to fill a vacancy should be represented on the selection committee. The best ranked candidate will be appointed as a future civil servant by the selection committee.

h) The unit responsible for developing group recruitment has to be established within the ministry responsible for public administration, whose main responsibility will be to implement all modalities proposed above.

As a conclusion, this option contains rules for recruitment, including:

Candidates for "entry level" positions in the civil service should be selected in an annual national competition, aiming the establishment of one or more groups of candidates who meet the requirements for employment in positions with similar or comparable requirements and responsibilities in a ministry or other institutions. Successful candidates will be eligible to be appointed as civil servants. They will stay on the list for a period of 2-3 years or until employed (if not employed earlier). Recruitment and selection for a particular position at the "entry level" shall be an exception.

The assessment will include a written examination and an interview. The written test should be more significant than the interview and should be reviewed anonymously. Assessment

methods should be tailored to assess the competencies required for the functions/levels in question. Standards, especially minimum standards, should be set ambitiously.

Newly employed civil servants should be on probation for a suitable period to prove their eligibility for civil service. However, this should apply only to candidates employed for the first time in the civil service, if a civil servant is selected for a higher position, then a new probationary period is not necessary.

Option 3: The approach to implementation should be changed through amendment of bylaws, which in the absence of expressed legal authorization, particularly for group recruitment modalities, would render the change impossible.

Issue 3: Civil Servants of Senior-Level Management

Option 1: Maintaining the status quo.

Option 2: Setting rules on CSSLM in these aspects.

a) The new law on civil service will **establish the Senior-Level Management Body (SLMB)** or enable its establishment. SLMB should have a “special” status, but mainly based on the same principles of civil service employment. Details should be regulated through bylaws.

b) The size SLMB, in our case, should not exceed some “dozens” of people. This number should be in accordance with the number of regular work positions at this level (i.e. the number of positions for general secretaries and director general of agencies and equivalent positions. The size of the body should be determined by legislation (law on budget or bylaws).

c) The SLMB recruitment shall be merit based. SLMB members will be recruited only based on the principle of merit, through a general competition organized periodically.

The total number of body members to be recruited in a year via the SLMB competition will be determined based on an assessment of anticipated vacancies, and will be made public before the competition. Competition for civil servants at senior-level management may be: sub-option 1: internal competition (between individuals who already are civil servants) or sub-option 2: open competition.

An internal competition would be preferable, in which only the existing civil servants of the lowest level (Director of Department) would be eligible to participate. This would represent an additional guarantee for officers’ career development and non-politicization by the government. Additionally, it would provide managerial experience of the candidates for SMP positions. Within the sub-option 1, the idea can be further developed, thereby stipulating that in addition to directors of departments, other employees within the management level, after approval by the Ministry responsible for Administration (rules and details should be determined by secondary legislation) would also be eligible to apply. In sub-option 2, civil servants in office compete with

the acceptable candidates (qualified) from the outside that are in the same positions. The law should allow for both options, providing that internal competition is a rule and the open competition is the exception, in cases where following a contextual assessment of the situation in the civil service emerged the need to stimulate the candidates from the private sector. The decision to operate under exemption (competition) should be left to the Government.

The assessment of candidates will be carried out by a standing selection committee that will eventually be established on a permanent basis. A standing committee can ensure the most uniform and highest standards over the years and provide control of inappropriate interferences by politicians. However, there is also the risk that the selection board could be “filled” by the government for the purposes of daily politics, aiming perhaps a politically biased selection. This disadvantage can be mitigated by ensuring that the composition of the committee is not with a same term, for example, a member for one years, a member for two years, a member for three years, a member for five years followed by a 5-year term for all members appointed. The selection committee should include representatives of institutions, MPA, earlier SLMB members, highly reputable experts, representatives of civil society, etc

Regarding the selection of candidates who have earned the right to a SLMB position in the above procedure to appoint them on a “regular position” (e.g.: Secretary General in the Ministry x) the following options can be distinguished: 1) option 1: an informal selection procedure: without an official announcement for application and without following a formal procedure (Government, the Prime Minister, or Minister), has the right to select any of the members of the body to appoint them to a specific position (or ad hoc missions) and under option 2: a formal selection procedure (in analogous manner with under option 1 at point of option 2 and issue 2).

d) Eligibility: a predefined number of successful candidates (in the general competition) will be appointed as civil servants, members of SLMB; they will be considered as eligible and have the right to be assigned to any specific **regular position within SLMB** or may be charged to a specific *ad hoc* mission (e.g.: management of inter-ministerial working groups, the implementation of specific projects, representation of institutions in different negotiations, etc.) in accordance with the specific needs of the government

e) appointment in a specific regular position: appointment in regular positions (e.g. secretary general in the ministry x) **can be done only by the members of the body**, any other appointment from outside the body should be considered as invalid; members can be selected to be appointed to regular positions by the institution with vacancies, through procedures of **informal** selection or through **a formal procedure** (point c of this option)

f) The mobility within the body of SLMB, the movement of body members between different positions must be sufficiently flexible and based mainly on the decision of the political executive and the consent of the relevant member as well as the involvement of MPA.

g) Termination of employment relationship by the body: termination of employment by the body should be possible in cases and in accordance with the provisions set by law. We can distinguish between two sub-options on termination of employment relationship: Sub-option 1: termination of

employment by the body should be possible in cases and in accordance with provisions set by the law similarly for any civil servant to any other level. In this case, a central special committee established for SLMB, should be involved in disciplinary issues, performance assessment, etc. This option would ensure more stability of the body; and Sub-option 2: termination of employment in the cases provided for in sub-option 1, plus as an additional circumstance, work relations of the body members end when they were not able to be appointed in a specific regular position for a period of up to 3 years (or 4 years), consecutively or cumulatively. Upon termination, another position of a lower category should be provided to the ex-member of the pool.

h) Term (duration) of holding a specific regular position: Members of the SLM body of must be tenured civil servants. Meanwhile, their relationship with a specific regular position may or may not have a defined and predefined term; we can distinguish two sub-options: sub-option 1: a 3-year limited term in a specific position, with the possibility of reappointment; in the case of this option within the term period, the SLMB member cannot be dismissed from the position, except for serious violations of discipline or two consecutive negative assessments of work performance. In both cases this would mean termination of employment relationship by the body (see above). They can also leave the position with a joint agreement of the relevant institution, its officials themselves and MPA, and sub-option 2: indefinite time term; in the case of this option, by the public official (minister), may decide to dismiss the employee from a regular position, through a reasoned decision; in this case and in case of dismissal by a common agreement by sub-option 1, the employee leaves the position and becomes part of the virtual body of SLM, being suitable to be selected by another public official for another regular position.

i) Training: body members must participate in mandatory, initial and recurrent training sessions according to an annual and multiannual development program.

j) management of the body of SLM: MPA will have the task of establishing and strengthening the body and its efficient management, including workforce planning (recruiting process), development of a “competence framework,” as well as planning and programming of the training.

As a conclusion, the new law on civil service should acknowledge or allow the establishment of senior level management body with a special regime of employment management. Details should be regulated in the secondary legislation pursuant to the guidelines set forth above that are disclosed in this option, but the system’s main characteristics should be stipulated in the law. Moreover, the arrangements of this new institute should be coordinated with the process of drafting policies and drafting the law on the organization of public administration, whereas the spread of political posts in civil service should be strictly prohibited.

Option 3: Changes in the approach to implementation through amendment of bylaws, where in this case the changes would also be more formal than substantive and would not fully enable the addressing of all problems.

Issue 4: Career, job classification and categories of civil servants

Option 1: Maintaining the current situation, *the status quo*

Option 2: Understanding that the general system of civil servants categorization is an essential element of any civil service system and administration in general. It has a dual purpose: 1) reflect and be in accordance with the standardized organizational scheme for different administrative authorities of the country, aimed to support the establishment of a proper organization and avoid the inflation of senior hierarchical positions, and 2) being the "middle" of the system management, directly affects and shapes any decision concerning civil servants, recruitment, mobility, transfer, reassignment due to restructuring, salaries, etc.

The current system of classification into categories and grades is sufficiently consistent with good practices, and should therefore be maintained and tailored to fit with the necessity of enriching the system with certain career system elements, the possibility of group recruitment, and increase mobility. Therefore, our proposal is oriented in two major novelties, which significantly affect the new proposed system: a) division of civil service in two parts: a) a more general civil service (with more career system elements) for general administration positions and a specialized position-based civil service (more oriented towards the system of position) for specialized positions, and b) increase the importance of "categories" versus smaller "ranks", making the former a "centre" of the management decisions of civil servants.

Positions in civil service can be classified as part of the overall service (with some groups) or to a more specialized position-based service. Under the general service, we can further distinguish "the general administrative service" and different groups of "special services". The general administrative service should cover most of ministries' activities, notwithstanding the specific area (policy counselling, implementation of legislation, monitoring, legal services, audit and financial control, etc.), whereas the groups of special services will have to be determined on the basis of practical requirements (e.g. technical and scientific services, and environmental, agricultural, engineering services, etc). Finally, very few specific positions, which have specific and special working requirements, can be classified in the specialized civil service based on position.

Increased importance of "category" against small "ranks": Within a particular category, the level of responsibility is very similar or at least comparable, and the same applies to the overall work requirements. For example, within the senior management level, the responsibility includes management of organization, horizontal coordination, provision of political consulting, leadership in development of plans and budgets, etc., whereas at the level of professional civil servants, the level of responsibility includes data collection, analysis, presentation of reports, etc., and in education level, the skills required and experience within the category is very similar. The category should be the "centre" of management decisions.

Combination of two abovementioned proposals would lead to a situation in which, for example, we would recruit candidates able to perform assignments of relatively different ranks within the same category under the same groups ("services of general administrative" and the group of "special services").

Details should be defined in bylaws, but in any case the number of special services and special positions should be limited to avoid fragmentation of civil service. The scope of each special

service should be determined according to the needs of administration based on a careful assessment. Titles in general civil service and special services should not be identical. Formal requirements for entry in each category should be presented in detail in secondary legislation; these requirements should include educational qualifications and perhaps work experience.

Finally, the current system of classification in four levels/categories should be maintained. Additionally, employment in civil service should be done in career/general civil service or in a particular specialized service and that the "category" should be focal point of decisions on recruitment, promotion, and resettlement

Option 3: Change of approach in implementation through supplementing and amending the laws.

Issue 5: Human Resource Management

Option 1: Maintaining with the *status quo*,

Option 2: The new legal framework should include;

- Further strengthening the role of MPA in civil service management and coordination, by focusing on monitoring the implementation of civil service legislation. Clearer definition of responsibilities, and the role of local human resource units within institutions.

- More precise regulation of staff planning by sharing responsibilities and roles between MPA and human resource units.

- Rules that makes the use of human resources' electronic system mandatory

- Rules that make the provision of information required to perform MPA functions in civil service management mandatory

Option 3: Change of implementation through completion and change bylaws.

Issue 6: Performance appraisal.

Option 1: Maintain the status quo

Option 2: The current framework is generally acceptable. However, some proposals for completion of this framework would be relevant, particularly: the new legal framework must be comprehensive and include appraisal levels (currently at LSCS) and their effects; remove limits on levels of assessment, relate the performance appraisal with other civil service elements. Further details are to be set with bylaws.

Option 3: Changing the implementation approach by amending/supplementing the bylaws

Issue 7: Civil Service Capacity Building

Option 1: Maintaining the *status quo*

Option 2: The new framework should improve the current training rules, including regulations that prove the effects of training, inclusion of mandatory trainings in some areas of public administration, the effects of training and their interconnection with other elements of civil service.

Option 3: Changing the current implementation approach by amending and supplementing bylaws.

Issue 8: Suspension of employment relation and replacement

Option 1: Maintaining the *status quo*.

Option 2: Since under the current framework there are two types of employment relationship suspension, substantially different from one another (suspension for a certain period of time following the request of the civil servants, and suspension of civil servants due to alleged violations), the new legal framework shall clearly define when the requested suspension will be allowed upon request by civil servant specifying the cases, procedure, jurisdiction regarding who makes the suspension, and the period for which requested suspension and suspension effects are allowed. Moreover, the new legal framework will define the administrative body as the body that makes the suspension in the event of preventive suspension due to alleged violations and the effects of the suspension. Also, the new law would clearly define replacement for civil servants.

Option 3: Limited improvements can be done by amending and supplementing bylaws

Issue 9: Discipline in civil service

Option 1: Maintain with *status quo*.

Option 2: the disciplinary procedure system in the new legal framework must be improved. The initiation of disciplinary procedure must be an ex-officio duty for direct supervisors, if there is evidence of misconduct, however the same must not be under his/her discretion; the catalogue of disciplinary measures must be improved and extended in order to enable proportionality between violations and relevant sanctions; disciplinary decision must be the responsibility of a disciplinary committee. Restrictions during the period when the civil servant suffers a measure

must have certain duration and should be in accordance with the seriousness of the violation. Rules should be set in terms of the statutory limitation of the disciplinary violation, as well as rules for removal of disciplinary measures. Disciplinary Committees will be established in each institution, whereas with regard to the executive branch, in each ministerial system. Subordinate bodies, which have a large number of employees, must also have the right to establish a disciplinary committee. With regard to senior level management, the role of the disciplinary committee, shall be played by the body in charge of their selection.

Option 3: Changing the current implementation approach by amending and supplementing bylaws.

Issue 10: Complaints and disputes resolution

Option 1: Maintaining the *status quo*.

Option 2: The new framework should set rules regarding the appeal procedure, whereby would guarantee the right of directly addressing the Independent Oversight Board Civil Service of Kosovo in appeal procedure in cases of violations by the employer, thereby making the appeal committees in institutions redundant, in which case the new law will have to repeal Article 12, paragraph 3.1 of the Law No. 03/L-192 on Independent Oversight Board for Civil Service of Kosovo

Option 3: Amend and supplement the Law No.03/L-192 on Independent Oversight Board for Civil Service of Kosovo, namely Article 12, paragraph 3.1.

Chapter 5. Summary of options

Summary of options			
Main characteristics	Option 1	Option 2	Option 3
Issue 1: Scope of law	Maintaining the <i>status quo</i> , identified problems will continue.	Homogeneous legal rules for civil service. Minimum rules for the other categories of public sector servants.	Change of implementation approach through amendment and supplement of bylaws.
Issue 2: Recruitment in	Maintaining the <i>status quo</i> , identified	Candidates for “entry level” positions in the civil service should be selected through an annual national competition aimed at	Changing the implementation approach by amending and

civil service	problems will continue.	<p>establishing one or more groups of candidates who meet the general employment conditions for positions with similar or comparable requirements and responsibilities with a ministry or other institution. The successful candidates will be eligible to be appointed as civil servants. They may stay in the list for a maximum stand-by period of 2 to 3 three years until they are employed (if not previously employed). Recruitment and selection for a particular position on the entry level will be an exception.</p> <p>The evaluation shall include a written test and an interview. The written test should bear more weight than the interview and should be reviewed anonymously. Evaluation methods should be tailored to assess the competencies required for the functions/levels in question. Standards especially the minimum standards should be set ambitiously.</p> <p>Newly employed civil servants should be on probation for a certain period of time to prove their eligibility for civil service. However, this should apply only to candidates employed for the first time in the civil service; if a civil servant is selected for a higher position, no new probationary period should be required.</p>	supplementing bylaws
Issue 3: Civil servants of senior-level management (SSLM)	Maintaining the <i>status quo</i> , identified problems will continue.	Rules for establishing the senior management body with special regime of employment management. Details must be regulated in the secondary legislation but the main characteristics of the system must be set in the law. Furthermore, adjustments of this new institute must be coordinated with the policy making process and drafting of the law on the organization of public administration, whereas the spread of political positions on civil service should be strictly prohibited.	Changing the implementation approach by amending and supplementing bylaws
Issue 4: Careers, job classification	Maintaining the <i>status quo</i> , identified	The current system of classification in four levels/categories should be maintained.	Changing the implementation approach by amending and

and categories of civil servants	problems will continue	Additionally, employment in civil service should be done in career/general civil service or in a particular specialized service and the "category" should be focal point of decisions on recruitment, promotion, and resettlement	supplementing bylaws
Issue 5: Human resources management	Maintaining the <i>status quo</i> , identified problems will continue	Setting the rules for: - Further strengthening the role of MPA in civil service management and coordination, by focusing on monitoring the implementation of civil service legislation. Clearer definition of responsibilities, and the role of local human resource units within institutions.. - More precise regulation of staff planning by sharing responsibilities and roles between MPA and human resource units. - Obligation to use electronic human resource systems. - obligation to provide information that are obligatory to perform the functions of MPA in civil service management	Changing the implementation approach by amending and supplementing bylaws
Issue 6: Performance Appraisal	Maintaining the <i>status quo</i> , identified problems will continue	Maintaining the current system. Additional proposals to meet this in particular: the new legal framework must be comprehensive and include appraisal levels (currently at LSCS) and their effects; remove limits on levels of assessment, relate the performance appraisal with other civil service elements. Further details are to be set with bylaws.	Changing the implementation approach by amending and supplementing bylaws
Issue 7: Civil Service Capacity Building	Maintaining the <i>status quo</i> , identified problems will continue	Improving the current training rules, including regulations that prove the effects of training, inclusion of mandatory trainings in some areas of public administration, the effects of training and their interconnection with other elements of civil service..	Changing the implementation approach by amending and supplementing bylaws
Issue 8: Suspension of employment	Maintaining the <i>status quo</i> , identified problems will	The new legal framework will clearly determine when the requested suspension is allowed upon request by civil servant and	Changing the implementation approach by amending and

relation and replacement	continue	specifying the cases, procedure, jurisdiction that makes the suspension, and the period for which the requested suspension can be allowed. Also, the new legal framework will define the administrative body as a body that makes the suspension in the event of preventive suspension due to alleged violations and the effects of the suspension. Also, the new law would clearly define replacement for civil servants.	supplementing bylaws
Issue 9: Discipline in civil service	Maintaining the <i>status quo</i> , identified problems will continue	The disciplinary procedure system in the new legal framework must be improved. The initiation of disciplinary procedure must be an ex-officio duty for direct supervisors, if there is evidence of misconduct, however the same must not be under his/her discretion; the catalogue of disciplinary measures must be improved and extended in order to enable proportionality between violations and relevant sanctions; disciplinary decision must be the responsibility of a disciplinary committee. Restrictions during the period when the civil servant suffers a measure must have certain duration and should be in accordance with the seriousness of the violation. Rules should be set in terms of the statutory limitation of the disciplinary violation, as well as rules for removal of disciplinary measures. Disciplinary Committees will be established in each institution, whereas with regard to the executive branch, in each ministerial system. Subordinate bodies, which have a large number of employees, must also have the right to establish a disciplinary committee. With regard to senior level management, the role of the disciplinary committee shall be played by the body in charge of their selection.	Changing the implementation approach by amending and supplementing bylaws
Issue 10: Complaints and disputes resolution	Maintaining the <i>status quo</i> , identified problems will	Establishment of rules for the appeals procedure by which would guarantee the right of directly addressing the Independent Oversight Board Civil Service of Kosovo in	Amending/supplementing the Law No.03/L-192 on Independent Oversight Board for Civil Service of Kosovo in

	continue	appeal procedure in cases of violations by the employer, thereby making the appeal committees in institutions redundant. On this occasion, the new law will have to repeal Article 12, paragraph 3.1 of the Law No. 03/L-192 on Independent Oversight Board for Civil Service of Kosovo.	paragraph 3.1 of Article 12.
Targeted population segment/sector / region	All public administration bodies of the Republic of Kosovo	All public administration bodies of the Republic of Kosovo	All public administration bodies of the Republic of Kosovo
Characteristics of the implementation - who is responsible - a government department (who), private sector, citizens	The main responsible is the Ministry of Public Administration, while the others responsible are all public administration bodies	The main responsible is the Ministry of Public Administration, while the others responsible are all public administration bodies	The main responsible is the Ministry of Public Administration, while the others responsible are all public administration bodies
Administration or implementation of the program or service	Ministry of Public Administration, all public administration bodies	Ministry of Public Administration, all public administration bodies	Ministry of Public Administration, all public administration bodies
Laws, bylaws, amendments and supplements to existing laws as well as enforcement and penalties	There will be no change in the laws or bylaws	Proposals presented in Option 2 for each issue foresee a set of rules envisaged through the adoption of the new law. The new law will be of the framework type, with horizontal extension for all public administration bodies and should be in accordance with the law on the organization of public administration and law of wages. With the new law, will be expressed the need that special laws which regulate elements of the employment relationship be abolished or harmonized with this law.	Amendment and supplement of bylaws that are currently in force.
Economic incentives or lack of economic incentives -	No change	(Will be decided after this concept paper	Has financial burden

subsidies or taxes		becomes final)	
Education and communication campaigns		Ministry of Public Administration will host a series of informational roundtables with other institutions following the adoption of the new Law.	
Timelines - when the option shall enter into force		The draft law will come into force 9 months after its adoption.	

Chapter 6. Analysis of options

In this part of the Concept Document we will see what are the strengths and weakness of the aforementioned options for each issue.

However, it must be acknowledged that it is impossible to accurately assess all benefits, adverse effects and cost of options; however, by means of available information analysis and consultation with affected parties, we will try to identify the main benefits and disadvantages.

6.1. Benefits

Issue 1: Scope of Law

Benefits of Option 1: Maintaining the *status quo*, whereby we would have continuity both in work and performance of functions for which a general experience has been established.

Benefits of Option 2: the legal framework for all categories of employees in the public sector is completed by establishing clear horizontal rules to create a homogeneous legal regime for all civil services taking into account the specifics of some of its branches (Kosovo Police, the diplomatic service) that can regulate some elements by special law. They will set minimum rules for the working relationship to other categories of public sector who are not civil servants.

Benefits of Option 3: Supplementing and amending of bylaws would not bring any benefit, because the current legal grounds are inadequate and fragmented.

Issue 2: Recruitment in civil service

Benefits of Option 1: Maintaining the *status quo* would enable the continuation of a practice without the need of changes

Benefits of Option 2: The group recruitment procedure has the following advantages: 1) a national competition conducted 1-2 times a year, would contribute to a broader advertising in applying modern and unitary assessment standards, increasing respect for the right to equal opportunity in hiring the civil service; 2) would emphasize competition and objectivity of the process, and will probably mobilize more qualified candidate; 3) will provide the civil service with adequate staff for a wide range of positions; 4) also, it would reduce the time required to fill the vacancies because institutions will be able to use groups whenever a position vacant, thereby minimizing the risk of temporary employment; and 5) would reduce the recruitment costs, and would generally give the institution a greater possibility of choosing.

Benefits of Option 3: Supplementing and amending bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 3: Civil servants of senior-level management (SSLM)

Benefits of Option 1: Maintaining the status quo, would allow continuation of practice without any need of change.

Benefits of Option 2: Such regulation of special status of senior management level will have the following advantages: a) would guarantee a recruitment procedure based solely on merits; b) would allow a "reasonable level" of influence by the political level (Prime Minister, ministers) regarding the selection of their management teams and consequently increase their confidence; c) would increase the quality standards and overall trust in the recruitment process through a better planned, advertised and managed recruitment via national vacancy competition; d) would reduce the time required to fill a regular free position; e) would ensure stability and continuity of SLMB members within civil service; f) would ensure mobility of LD members within different institution in different regular positions, which would translate into added value for the civil service in general because of work knowledge and as such is expected to affect the improvement of inter-governmental counselling and coordination; g) would give the government the opportunity to hire group members on special missions in accordance with needs.

Benefits of Option 3: Supplementing and amending bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 4: Careers, job classification and categories of civil servants

Benefits of Option 1: Maintaining the *status quo*, would allow the continuation of practice without the need of any change.

Benefits of Option 2: The proposed regulation for this issue has the following advantages: a) movement within the "category and group" ("general administrative services" and "specialized services"), improving together: the expectation of career development for civil servants and quality administration; b) promotion would be simple (from one category to another, but with fewer steps) that affect the attractiveness of the civil service; c) will enable "group recruitment"; d) It will increase the range of positions in which public servants who are cut may be reappointed and) daily management will be simpler.

Benefits of Option 3: Supplementing and amending bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 5: Human Resource Management

Benefits of Option 1: Maintaining the *status quo*, would allow the continuation of practice without the need of any change.

Benefits of Option 2: The new law will improve the current framework for the management of human resources in civil service, thereby better regulating the role of MPA and human resources units. Furthermore, additional regulation will be made with regard to staff planning, use of electronic systems for management of human resources, and mandatory provision of information.

Benefits of Option 3: Supplementing and amending bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 6: Performance appraisal

Benefits of Option 1: Maintaining the *status quo*, would allow the continuation of practice without the need of any change.

Benefits of Option 2: The new framework proposes to maintain the current arrangement, but make some supplementation which would make performance appraisal more appropriate.

Benefits of Option 3: Supplementation and amendment of bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 7: Capacity building in civil service

Benefits of Option 1: Maintaining the *status quo*, would allow the continuation of practice without the need of any change.

Benefits of Option 2: The new proposals will have an adequate framework for capacity building in the civil service by regulating mandatory training and their effects.

Benefits of Option 3: Supplementation and amendment of bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 8: Suspension of employment relationship and replacement

Benefits of Option 1: Maintaining the *status quo*, would allow the continuation of practice without the need of any change.

Benefits of Option 2: The new proposal for regulating the suspension of employment relation and replacement would be more complete and accurate by determining the circumstances, conditions, competence and effects.

Benefits of Option 3: Supplementation and amendment of bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented

Issue 9: Discipline in civil service

Benefits of Option 1: Maintaining the *status quo*, would allow the continuation of practice without the need of any change.

Benefits of Option 2: the new proposal improves rules for discipline by stipulating rules for compulsory initiation of disciplinary procedures, expansion of disciplinary measures and establishment of proportionality between violation and sanction; rules

for disciplinary commission both at institution level as well as senior-level management.

Benefits of Option 3: Supplementation and amendment of bylaws will not bring any benefit, because the current legal basis is inadequate and fragmented.

Issue 10: Complaints and dispute settlement

Benefits of Option 1: Maintaining the status quo, would allow the continuation of practice without the need of any change

Benefits of Option 2: The new proposal will ensure better judicial protection of civil servants would reduce the time and cost for realizing the complaint and settling it before the Independent Oversight Board of CSK.

Benefits of Option 3: With the supplementation/amendment of Law No. 03/L-192 on Independent Oversight Board for Civil Service of Kosovo, namely Article 12, paragraph 3.1, would avoid the need to amend the LKCS.

6.2. Negative consequences

Issue 1: The scope of the law

The negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue, with an incomplete and fragmented framework of employment for civil servants in public sector.

Negative effects of option 2: There is no *a priori* negative consequence; however, it carries a great political risk due to the overall experience already installed and delays in implementing the new framework.

Negative consequences of option 3: Supplementing and amending bylaws, with the exception of the costs and the time for their design, does not guarantee the establishment of appropriate employment framework for all the categories of employees due to deficiencies and fragmented legal basis.

Issue 2: Civil service recruitment

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue, with an incomplete framework and fragmentation of employment in public sector.

Negative effects of option 2: in case of group recruitment, institutions may be tempted, at the end of the period of group's eligibility, to wait for the new group; the best candidates in the group will be selected to fill vacancies more quickly, or, if not, they will most likely find positions elsewhere; the institution that will have first vacancies will have a better chance to receive candidates of higher quality within the group, even if they are not in a need of high quality, whereas at the end of the period of group's eligibility, the odds will be limited among the remaining candidates in the group at that time.

Negative consequences of option 3: Supplementing and amending the bylaws, with the exception of the cost and time for their drafting, does not guarantee that the adequate framework for recruitment would be established, because of shortcomings and fragmented legal grounds.

Issue 3: Civil servants of senior-level management (CSSLM)

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue.

Negative effects of option 2: The possibility of unilateral politization of SLMB in its initial stage of establishment (filling) by the current government and a certain increase in the financial bill to be paid to members of the body. In order to minimize these risks, some transitory safety measures can be undertaken (for example, the body can fully be completed gradually within a longer term than the normal government mandate; this would mean that for a transitional period, both the recruitment and appointment processes would co-exist, or that maybe a percentage of the overall number of the group would be filled in a certain time period). An additional measure that would help avoid the risk of politization, is to make sure and strictly adhere the rule which states that members of the body are from (recruited) existing civil servants of the immediate lower level).

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee establishment and functioning of SLMB because of lack of legal basis.

Issue 4: career, job classification and categories of civil servants

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue.

Negative effects of option 2: Additional activities for new classification of jobs would still create additional costs and require additional time.

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee meaningful regulation of career and job classification, due to lack of legal basis.

Issue 5: Human Resource Management

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue².

Negative consequences of option 2: Establishing new rules would create additional costs for capacity building in MPA as well as in the human resources units.

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee adequate regulation of human resource management in civil service, due to incomplete legal basis.

Issue 6: Performance appraisal

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue².

Negative effects of option 2: the new arrangements will affect the supplementing of the bylaw, additional training.

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee adequate regulation of human resource management in civil service, due to incomplete legal basis.

Issue 7: Capacity building in civil service

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue, and the effect of training would be unknown, and training will be formal without any role in career development.

Negative effects of option 2: Additional cost for organization of mandatory trainings.

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee regulation of compulsory training and its effects, due to incomplete legal basis.

Issue 8: Suspension of employment and replacement

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue.

Negative consequences of option 2: Additional cost for supplementing the bylaws.

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee regulation of compulsory training and its effects, due to incomplete legal basis.

Issue 9: Discipline in the civil service

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue.

Negative consequences of option 2: Additional cost for supplementing the bylaws.

Negative consequences of option 3: Supplementing and amending bylaws would not guarantee the proper regulation of discipline in the civil service due to incomplete.

legal basis.

Issue 10: Complaints and dispute resolution

Negative consequences of option 1: Maintaining the *status quo*, whereby the problems identified in Chapter 2 would continue.

Negative effects of option 2: Work load for IOBCSK.

Negative consequences of option 3: Cost and extra time on amending the law IOBCSK.

6.3. Summary of financial impact assessment

The Ministry of Administration, as the main shareholder, and all other public administration bodies shall be responsible for full implementation of this policy. Consequently, the entire financial burden for the public administration organization reform will be covered by the budget of Republic of Kosovo, whereas regarding the public information campaign is expected the support from the donor community in Kosovo.

This concept paper will have additional costs to the budget of the Republic of Kosovo in amount of € 310.400 for the period 2018 – 2019, according to the opinion issued by the Budget Department of the Ministry of Finances dated 23/03/2017, which is attached to this concept paper.

Chapter 7: Consultation

7.1. Consultation with experts (outside the government)

Experts from the Office of the Prime Minister and ministries were included in the joint working group (Ministry of European Integration and Ministry of Finance) from the very early stages of developing this concept paper. External experts from the EU office in Kosovo also supported and requested such concept paper. Also, SIGMA/OECD experts consistently contributed to the drafting this concept paper by providing advice and comments.

7.2. Consultation with other ministries

7.3 Consultation with stakeholders - affected directly organizations or individuals

7.4. Consultation with the public and civil society

For items 7.2, 7.3 and 7.4, please find attached the preliminary and public consultation report.

Chapter 8: Recommendation

This policy paper is comprehensive since it contains all or most of the elements to be taken into account when preparing the establishment of a system regarding the organisation of public administration, but this does not mean that the next law will address all these elements. The law should remain general. However, this paper is relatively detailed because it aims to provide a comprehensive approach and wide information to policy makers in the process of making the necessary decisions, including the MPs who will be invited to vote for the next draft of the law.

On the other hand, parts from the current Law on State Administration, not addressed in this concept paper, are considered as good and are taken into account when drafting the new law on the organisation of public administration.

Therefore, the Ministry of Public Administration proposes the approval of this concept paper which would open the path to the preparation of a draft law on employment relationship in the public sector with the following recommendations:

Scope of law

Recommendation 1: The new law should provide a homogeneous legal regime for the civil service, namely for all positions exercising public authority conferred by law and shall be responsible for protecting public interest. The new law will include minimum rules regarding personnel of direct public services units, technical support personnel and political appointees.

Recruitment in civil service

Recommendation 2: Candidates for "entry level" positions in civil service should be selected through an annual national competition, aiming the establishment of one or more groups of candidates who meet the requirements for employment in these positions, with similar or comparable requirements and responsibilities in a ministry or other institutions. Successful candidates will be eligible to be appointed as civil servants. They will stay on the list for a period of 2-3 years or until employed (if not previously employed). Recruitment and selection for a particular position in the entry level will be admissible.

Recommendation 3: The assessment will include a written examination and an interview. The written test should have more weight than the interview and should be reviewed anonymously. Assessment methods should be customized for assessment of competencies required for the

concerned function/levels. The standards, particularly the minimum standards, should be set ambitiously.

Recommendation 4: Newly employed civil servants should be on probation for a suitable period to prove their eligibility for civil service. However, this should apply only to candidates employed for the first time in the civil service, if a civil servant is selected for a higher position, a new probationary period is not necessary.

Civil Servants of senior-level management (CSSLM)

Recommendation 5: The new law on civil service should acknowledge or allow the establishment of senior level management body with a special regime of employment management. Details should be regulated in the secondary legislation pursuant to the guidelines set forth above that are disclosed in this option, but the system's main characteristics should be stipulated in the law. Moreover, the arrangements of this new institute should be coordinated with the process of drafting policies and drafting the law on the organization of public administration, whereas the spread of political posts in civil service should be strictly prohibited.

Careers, job classification and categories of civil servants

Recommendation 6: The current system of classification in four levels/categories should be maintained. Additionally, employment in civil service should be done in career/general civil service or in a particular specialized service and that the "category" should be focal point of decisions on recruitment, promotion, and resettlement.

Human Resource Management

Recommendation 7: Enhancement of current framework in strengthening the MPA role in the management of human resources in civil service and human resources units in institutions; Definition of rules for staff planning, mandatory rules for the use of electronic systems in the human resources management and provision of mandatory information.

Performance Appraisal

Recommendation 8: The current regulation should be maintained. However, some proposals for supplementing this framework would be relevant, particularly: the new legal framework must be full and include evaluation levels (currently under the LSCS) and their effects, the limits on the

levels of assessment should be removed, performance appraisal results should be connected to other elements of civil service. Other details are defined with bylaws.

Building of capacities in civil service

Recommendation 9: With the new framework to be improved current rules for The training, including adjustments that prove the effects of the training, the inclusion of mandatory trainings in some areas of public administration, the effects of trainings and their interconnection with other elements of civil service.

Suspension of employment and replacement

Recommendation 10: Clearly define when the required suspension is permitted according to request by civil servant and specifying the cases, procedure, and competences on who makes the suspension, and the time period for which the required suspension can be allowed, and the effects of suspension. Also, the new legal framework will define the administrative body as the body that makes the suspension in the event of preventive suspension due to alleged violations and the effects of the suspension. Also, the new law would clearly regulate replacement for civil servants.

The discipline in civil service

Recommendation 11: the disciplinary procedure system in the new legal framework must be improved. The initiation of disciplinary procedure must be an ex-officio duty for direct supervisors, if there is evidence of misconduct, however the same must not be under his/her discretion; the catalogue of disciplinary measures must be improved and extended in order to enable proportionality between violations and relevant sanctions; disciplinary decision must be the responsibility of a disciplinary committee. Restrictions during the period when the civil servant suffers a measure must have certain duration and should be in accordance with the seriousness of the violation. Rules should be set in terms of the statutory limitation of the disciplinary violation, as well as rules for removal of disciplinary measures. Disciplinary Committees will be established in each institution, whereas with regard to the executive branch, in each ministerial system. Subordinate bodies, which have a large number of employees, must also have the right to establish a disciplinary committee. With regard to senior level management, the role of the disciplinary committee, shall be played by the body in charge of their selection.

Complaints and disputes resolution

Recommendation 12: The new framework should set rules regarding the appeal procedure, whereby would guarantee the right of directly addressing the Independent Oversight Board Civil Service of Kosovo in appeal procedure in cases of violations by the employer, thereby abolishing the appeal committees within institutions.

Chapter 9: Communication

Ministry of Public Administration will be focused on communicating this policy to the public administration bodies but also to the general public. In this context, communication of this policy will be done both before its approval and after its approval, namely while preparing the draft law on organisation of public administration. Communication tools and methods will be: the website of the ministry, government portal, print and electronic media, organisation of public roundtables and public meetings, etc.