



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada – Government

**REGULATION (GRK) NO. 01/2024 ON THE DISCIPLINE OF CIVIL
SERVANTS¹**

¹ Regulation (GRK) No.01/2024 on the Discipline of Civil Servants, has been approved in the 186th Meeting of the Government of the Republic of Kosovo, with the Decision No. 12/186, dated 24.01.2024

The Government of the Republic of Kosovo, in accordance with paragraph 4 of Article 93 of the Constitution of the Republic of Kosovo, based on Article 59, paragraph 9, subparagraph 9.1 59 and Article 60 paragraph 11 of Law No. 08/L-197 on Public Officials, Article 11 paragraph 1 subparagraph 1.5. of Law No. 08/L-117 on Government of the Republic of Kosovo (Official Gazette No. 34, November 18, 2022) and in accordance with Article 38, paragraph 6 of the Regulation No. 09/2011 of Rules and Procedure of the Government (Official Gazette No. 15, 12.09.2011) hereby,

Approves:

REGULATION (GRK) NO. 01/2024 ON THE DISCIPLINE OF CIVIL SERVANTS

Article 1 Purpose

This regulation defines the procedures and disciplinary measures for civil servants, and the establishment, composition, selection, payment of external members and decision-making of the Disciplinary Committee members.

Article 2 Scope

1. The provisions of this Regulation shall apply to all state administration institutions and to other state institutions for civil servants.
2. Paragraph 1 of this Article of the Regulation shall not apply to the Presidency of the Republic of Kosovo, the Constitutional Court of the Republic of Kosovo, the Justice System, the Assembly of the Republic of Kosovo, and the independent constitutional institutions.

Article 3 Definitions

1. The terms, expressions and abbreviations used in this Regulation shall have the following meaning:
 - 1.1. **LPO** – means Law No. 08/L-197 on Public Officials;
 - 1.2. **LGAP** – means the relevant Law on Administrative Procedure;
 - 1.3. **HRMU** – means the Human Resources Management Unit;
 - 1.4. **NCED** – means the National Committee on Evaluation and Discipline;

1.5. **LOFSAIA** – means Law No. 06/ L-113 on the Organization and Functioning of the State Administration and Independent Agencies.

2. Other terms, expressions and abbreviations used in this Regulation shall have the same meaning as defined in the LPO.
3. The use of words in one gender shall imply the other gender as well.

Article 4 Disciplinary Liability

1. The civil servant shall bear disciplinary liability for violation of duties and responsibilities, in cases when he does not perform the duties assigned to him, when he performs them improperly, or when performing them he acts contrary to the Constitution, laws and other sub-legal acts in force. Disciplinary violation may result from an action or inaction.
2. Criminal liability does not exclude disciplinary liability, if the cause of the criminal charge also constitutes a violation of work duties or responsibilities.
3. Acquittal from criminal liability does not mean exemption from disciplinary liability, if the offense committed represents a violation of work duties or responsibilities.

Article 5 Violations of duties and responsibilities

1. Violation of duties and responsibilities can be:
 - 1.1. minor violations; and
 - 1.2. serious violations.
2. Minor violations shall be considered:
 - 2.1. unjustified absence at work for up to two (2) consecutive working days;
 - 2.2. failure to comply with the working hours;
 - 2.3. improper behaviour during working hours with superiors, peers, subordinates and the public;
3. Serious violations shall be considered:
 - 3.1. failure to fulfil the work duties;
 - 3.2. persistent negligence in fulfilling work duties;

- 3.3. failure to comply with certain deadlines for the fulfilment of work duties;
- 3.4. failure to implement the legal provisions for the fulfilment of functional duties;
- 3.5. actions or inactions that have resulted in consequences;
- 3.6. violation of the rules defined in the Code of Ethics;
- 3.7. inappropriate behaviour that damages the reputation of the civil service;
- 3.8. misleading the public body by providing wrong information or concealing official data when requested for official purposes;
- 3.9. a direct or indirect benefit of gifts, favours, promises or preferential treatment, given due to the position;
- 3.10. abandoning the work of unjustified and continuous absence for three (3) or more working days;
- 3.11. repeating minor disciplinary violations two (2) or more times;
- 3.12. failure to report serious violations related to work duties by civil servants;
- 3.13. damaging of state property, its use outside the official scope or misuse of state property;
- 3.14. violation of the rule for the protection of classified documents and information;
- 3.15. use of narcotics and other prohibited narcotic substances;
- 3.16. use of alcohol at the workplace or coming to work drunk;
- 3.17. misuse of official duties related to the recruitment procedure by members of the recruitment committee who are civil servants;
- 3.18. harassment at the workplace or during the exercise of duty, which violates moral and physical integrity, including sexual harassment;
- 3.19. discrimination on gender, racial and other grounds, according to the relevant anti-discrimination law;
- 3.20. violation of the obligations defined by LPO and applicable legislation.

Article 6
Initiation of disciplinary proceedings

1. The disciplinary procedure shall include all administrative activities carried out from the beginning of the procedure until taking of a decision in the disciplinary proceedings.
2. The disciplinary proceedings shall be initiated on the grounds of a reasonable suspicion of violation of duties and responsibilities by a civil servant. Information received anonymously, together with other evidence, may serve to create a reasonable suspicion for the initiation of disciplinary proceedings.
3. The immediate supervisor shall be required to initiate disciplinary proceedings for the violation of duties and responsibilities by a civil servant.
4. The disciplinary committee shall start the proceedings for serious violations of work duties and responsibilities:
 - 4.1. at the request of the immediate supervisor of a civil servant;
 - 4.2. based on the findings and/or recommendations of any other public body or unit with administrative control, financial inspection or audit competencies, or of any other official within the institution, as well as at the citizen's request;
 - 4.3. upon the initiative of any member of the committee, based on reasonable suspicion for the commission of the disciplinary violation.
5. The disciplinary proceedings shall be initiated without delay, but not later than two (2) years from the date of committing of a minor violation and not later than five (5) years from the date of committing the serious violation.
6. If there are grounds to believe that the continued performance of duties by the civil servant who is subject to disciplinary proceedings may obstruct disciplinary inquiry or may affect the appropriateness of the performance of duties, the disciplinary committee may decide to suspend the civil servant or take any other appropriate measure until a final decision is rendered. The suspension decision according to this paragraph shall be a procedural action against which no appeal shall be permitted.

Article 7
Reporting violations of duties and responsibilities

1. Civil servants of the institution, when aware of or suspect that a serious violation of duties and responsibilities has been committed by other employees of the same institution, shall report it in writing to the Immediate Supervisor of the civil servant for whom it is alleged that he committed the violation.

2. When violation is reported by citizens, institutions and/or officials outside the structures of the institution where the civil servant alleged to have committed the violation is part of, they shall be officially reported to the relevant institution.
3. The notification submitted to the institution, according to paragraph 1 and 2 of this Article, shall be sent, without delay, to the Immediate Supervisor or the Disciplinary Committee of the respective institution, as the case may be.

Article 8
Authority for imposing a disciplinary measure

1. Disciplinary measures for minor violations shall be imposed by the immediate supervisor and/or by the Chief Administrative Officer.
2. Disciplinary measures for serious violations shall be imposed by the Disciplinary Committee.

Article 9
Registration of the disciplinary measure

Disciplinary measures shall be recorded in the individual physical and electronic file of the employee by the HRMU, with the exception of verbal reprimands..

Article 10
Establishment and composition of the Disciplinary Committee

1. A Disciplinary Committee shall be established in every public institution, with a term of two (2) years, and it shall be established by the senior manager of the institution.
2. The Disciplinary Committee shall be composed of three (3) members, including at least one (1) HRMU representative of the relevant institution, and at least one (1) lawyer.
3. If the Disciplinary Committee term as defined in paragraph 1. of this Article ends and there are procedures under review that have not been completed, the Committee shall complete such procedures for which the review was initiated.
4. If a disciplinary procedure is initiated against one of the members of the Disciplinary Committee, the Senior Administrative Manager of the Institution shall replace him/her with another civil servant of the institution.
5. In the event that the chairperson or members of the Disciplinary Committee have a conflict of interest or when such conflict of interest arises in the meantime, they shall be replaced by the Senior Administrative Manager of the Institution in cases as follows:
 - 5.1. when the chairperson or a committee member is a direct supervisor of the suspected offender or vice versa;

5.2. when the chairperson or a committee member has been the injured party of the alleged offender; and

5.3. when the chairperson or a committee member with the alleged offender is in conflict with the provisions of the LGPA for cases of exclusion from the procedure.

6. For the procedure and decision-making of the Disciplinary Committee, the provisions of LAGP shall apply.

7. For executive agencies that do not have structures responsible for internal administrative functions under the LOFSAIA, or in case of a conflict of interest of the HRMU member, the member of the Committee from the ranks of the HRMU shall be appointed by the HRMU of the parent Ministry.

Article 11

Establishment and composition of the Disciplinary Committee for the senior management category employees

1. Competences of the Disciplinary Committee for senior management category employees in the state administration institution shall be exercised by the National Committee for Evaluation and Discipline, while for the other state institution by the Disciplinary Committee for the senior management level.

2. NCED shall be headed by the minister responsible for public administration or his delegate and shall consist of the following members:

2.1. three (3) senior-level management category employees;

2.2. one (1) external expert.

3. The appointment of the NCED members shall be done by the Government, at the proposal of the ministry responsible for public administration.

4. The external member shall be selected by the minister responsible for public administration based on a transparent, public and competitive procedure.

5. In the other state institution, the head of the institution shall establish an *ad-hoc* Disciplinary Committee for the senior-level management with the following composition:

5.1. three (3) senior-level management category employees;

5.2. two (2) external experts.

6. The external members, who are appointed by the head of the other state institution according to sub-paragraph 5.2. of paragraph 2 of this Article, shall be selected based on a transparent, public and competitive procedure, through public announcement.
7. Members of the National Committee for Evaluation and Discipline and of the Disciplinary Committee for the senior management level shall have a three (3) year mandate.
8. If the term of the Disciplinary Committee for the senior management level employee, as defined in paragraph 7 of this Article, ends and there are procedures under review that have not been completed, the Committee shall complete such procedures for which the review was initiated.
9. If a disciplinary procedure is initiated against one of the members of the Disciplinary Committee, the Body that established the Committee shall replace him/her with another member.
10. In the event that the chairperson or members of the Committee have a conflict of interest or when such conflict of interest arises in the meantime, they shall be replaced by the Body that established the Committee in cases as follows:
 - 10.1. When the chairperson or a committee member is a direct supervisor of the suspected offender or vice versa;
 - 10.2. When the chairperson or a committee member has been the injured party of the alleged offender; and
 - 10.3. When the chairperson or a committee member with the alleged offender is in conflict with the provisions of the LGPA for cases of exclusion from the procedure.
11. For the procedure and decision-making of the Disciplinary Committee, the provisions of LGAP.

Article 12

Appointing the external expert

1. The member as an external expert of the National Committee for Evaluation and Discipline must meet the following criteria:
 - 1.1. to have a university degree with at least 240 credits; whereas a nostrification is required for diplomas obtained abroad;
 - 1.2. to have eight (8) years of professional work experience of which at least five (5) years in senior management positions;
 - 1.3. not to have been a member of the governing body of any political party for at least the last five (5) years;

- 1.4. not to have been convicted for committing a criminal offence with imprisonment for more than one (1) year;
 - 1.5. not be employed in the civil service;
 - 1.6. not to have been dismissed from the civil service as a result of disciplinary measures.
2. The DMPO shall publish the public announcement within fifteen (15) calendar days for the receipt of applications for external experts.
 3. The DMPO shall, within ten (10) calendar days of the date of closure of the public call as in paragraph 2 of this Article, prepare the list of candidates that meet the criteria outlined in paragraph 1 of this Article and submit it to the Minister responsible for public administration.
 4. The Minister of the responsible ministry for public administration shall select the experts from the list of candidates and shall propose them to the Government to become members of NCED.
 5. The member as an external expert of the National Committee for Evaluation and Discipline and of the Disciplinary Committee for the senior management level, shall receive a payment in the amount of 20% of the basic salary of the chairperson for each disciplinary procedure in which he/she participates.

Article 13 **Sessions of the Committee**

1. Upon receiving the request for initiating disciplinary proceedings, the Disciplinary Committee shall immediately begin examining the facts and evidence in the disciplinary proceedings.
2. The Committee shall assess the facts and circumstances of the event, which are necessary to render the decision.
3. The Disciplinary Committee shall also perform the following actions until the decision is made:
 - 3.1. Interrogate or receive statements from witnesses and verify facts;
 - 3.2. Review relevant documentation;
 - 3.3. May invite the initiator of the disciplinary proceeding to get acquainted with their version of the case;
 - 3.4. Perform any other action necessary for case verification.
4. The administrative disciplinary procedure shall guarantee the employee's right to be informed about the initiation of the proceedings, to be informed about the alleged factual violation and the evidence for its commission, the right to be heard, to present evidence, the right to have access to

documents related to the procedure, for legal protection, the right to be assisted, as well as the right to appeal against the final decision.

5. The sessions of the Disciplinary Committee shall be closed to public, unless otherwise provided by applicable law, and shall be held with the physical presence of all members.

6. The procedure and decision-making shall take place in accordance with the relevant law on administrative procedure.

7. The Committee must make a decision within forty-five (45) days after receiving the request for initiation of the disciplinary proceedings.

8. The Committee's decision shall be submitted to the civil servant and the HRMU, namely the DMPO for senior management positions. A copy of the decision shall be part of the civil servant's personal file.

Article 14 **Principles of individualization of disciplinary measures**

1. In determining the applicable disciplinary measure, the immediate supervisor or the Disciplinary Committee shall rely on:

- 1.1. causes, circumstances of the commission of offence, gravity and consequences thereof;
- 1.2. weight of culpability;
- 1.3. the existence of other previous unexpired disciplinary measures;
- 1.4. previous efforts of the employee to avoid or limit the damage.

2. For each violation one disciplinary measure shall be imposed.

Article 15 **Disciplinary measures**

1. Disciplinary measures shall be proportionate to the violation committed.

2. Disciplinary measures that may be imposed against a civil servant for minor violations shall be:

- 2.1. verbal reprimand;
- 2.2. written warning;
- 2.3. written reprimand.

3. Disciplinary measures that may be imposed against a civil servant for serious violations shall be:

- 3.1. reduction from twenty percent (20%) up to fifty percent (50%) of the base salary for a period of up to six (6) months;
- 3.2. prohibition of promotion/appointment to a higher category, for a period from one (1) up to five (5) years;
- 3.3. redeployment to a similar position in the same class and category;
- 3.4. demotion;
- 3.5. suspension from the position without pay for up to six (6) months;
- 3.6. suspension from the position with up to fifty percent (50%) reduction of the basic salary, for up to one (1) year;
- 3.7. dismissal from the Civil Service.

Article 16
Statutory limitation of disciplinary measures

1. Disciplinary measures recorded in the individual file shall be subject to statutory limitation, upon expiration of the following deadlines:

- 1.1. six (6) months from information of the party for the measure defined in sub-paragraph 2.2. of Article 15 of this Regulation;
- 1.2. one (1) year from information of the party for the measure defined in sub-paragraph 2.3. of Article 15 of this Regulation;
- 1.3. two (2) years from the expiry of the deadline for which a measure is imposed as provided by sub-paragraph 3.1. and 3.2. of Article 15 of this Regulation;
- 1.4. three (3) years from the expiry of the deadline for which a measure is imposed as provided by sub-paragraph 3.3. of Article 15 of this Regulation;
- 1.5. four (4) years from notification of the imposed measure as provided by sub-paragraph 3.4. of Article 15 of this Regulation;
- 1.6. five (5) years from notification of the imposed measure as provided by sub-paragraphs 3.5. and 3.6. of Article 15 of this Regulation;
- 1.7. eight (8) years from notification of the imposed measure as provided by sub-paragraph 3.7. of Article 15 of this Regulation.

2. Declaration on statutory limitation of the disciplinary measure shall be made ex officio or at the request of the employee who has been subject to a disciplinary measure, by decision of HRMU of the institution.

3. Upon the expiration of the deadlines according to paragraph 1 of this article, such measure must be erased from the individual physical and electronic file.

Article 17 **Secretariat of the Committee**

1. The Secretary for the Committee shall be the HRMU of the relevant institution, while for NCED the Secretariat shall be established by the Decision of the Minister responsible for public administration.

2. The Secretariat of the Disciplinary Committee shall have the following responsibilities:

2.1. provide administrative assistance, logistical support, as well as other necessary assistance;

2.2. prepare the committee sessions;

2.3. inform the members of the committee and the parties, regarding the assigned sessions;

2.4. keep minutes and distribute the decision taken during sessions and meetings

2.5. distribute the materials to be reviewed to the committee members in time

2.6. distribute the decisions taken by the committee to the parties;

2.7. keep files of minutes and decisions taken by the committee

2.8. provide procedural guidance to committee members;

2.9. perform other tasks requested by the chairperson of the committee.

Article 18 **Right to appeal**

The civil servant may file an appeal to the Independent Oversight Board of the Civil Service of Kosovo within a period of thirty (30) days from the date when the party is notified on the decision of the disciplinary measure.

Article 19
Repeal

1. Upon entry into force of this Regulation as regards the civil service employees, the following Regulations shall not apply:

- 1.1. Regulation (GRK) No. 11/2020 on the Discipline and Complaints of Public Officials;
and
- 1.2. Regulation (GRK) No. 01/2022 on the Admission, Evaluation and Discipline of Senior Management Employees.

Article 20
Entry into force

This Regulation shall enter into force on the day of its publication in the Official Gazette of the Republic of Kosovo.

Albin KURTI

Prime Minister of the Republic of Kosovo

25 January 2024