



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

**REGULATION (GRK) NO. 02/2024 ON THE TRANSFER OF CIVIL
SERVANTS**

1.Regulation (GRK) No. 02/2024 on the transfer of civil servants, has been approved in the 186th Meeting of the Government of the Republic of Kosovo, with the Decision No. 13/186, dated 24.01.2024.

The Government of Republic of Kosovo,

Pursuant to Article 93 (4) of the Constitution of the Republic of Kosovo, Article 63, 65, 66 the Law 08/L- 197 on Public Officials, Article 8, paragraph 4, sub-paragraph 4, item 5 of the Law No. 08/L-117 on the Government of the Republic of Kosovo and in accordance with Article 19, paragraph 6, sub-paragraph 2 of the Rules of Procedure no. 09/2011 of the Government of the Republic of Kosovo,

Approves:

REGULATION (GRK) NO. 02/2024 ON THE TRANSFER OF CIVIL SERVANTS

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose

This Regulation shall set out the rules and procedures for temporary, permanent transfer and transfer in case of restructuring for civil servants.

Article 2 Scope

1. The provisions of this Regulation shall apply to all state administration institutions as well as in other state institutions in the event of the transfer of a civil servant.
2. The provisions of this Regulation shall be applied accordingly to public service employees.
3. Notwithstanding paragraph 1 of this article, this Regulation shall not apply to employees in 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 independent constitutional institutions.

Article 3 Definitions

1. The expressions, terms and abbreviations shall have the following meanings:
 - 1.1. **LPO** – means Law No. 08/L-197 on Public Officials;
 - 1.2. **HRMU** – means the Human Resources Management Unit.
2. Other expressions, terms and abbreviations used in this Regulation shall have the same meaning as in the LPO.

3. The use of words in one gender shall imply the other gender as well.

CHAPTER II

TEMPORARY TRANSFER

Article 4

Temporary transfer

1. The civil servant may be temporarily transferred to another civil service position of the same category in the following cases:
 - 1.1. when it is in the interest of the institution, from six (6) to twelve (12) months during two (2) years;
 - 1.2. for the improvement of the work results of the civil servant who has been assessed according to the level "needs improvement" or "unacceptable", from six (6) to twelve (12) months during two (2) years;
 - 1.3. for temporary health reasons, as far as it is necessary according to the decision of the relevant commission.
2. The temporary transfer as in paragraph 1 of this article can be done:
 - 3.1. within the institution where it is appointed, including its local branches;
 - 3.2. in an executive agency of the institution where it is appointed;
 - 3.3. to another institution that employs civil servants.
3. The temporary transfer to another civil service institution is made through a preliminary agreement between the institution where the employee is currently employed and the institution where the employee is transferred.
4. Temporary transfer is mandatory, except in the following cases:
 - 5.1. when his health condition, proven by a medical certificate, makes the transfer impossible;
 - 5.2. if the place where he/she is transferred is located is more than one hundred (100) km from the residence of the civil servant.
5. The temporarily transferred employee enjoys all the rights defined in the LPO and returns to his previous position after the end of the temporary transfer period.
6. The temporary transfer in the cases provided for in paragraph 1 subparagraph 1.1 and 1.2 of this article cannot be done for employees who are in a probationary period.

Article 5
Temporary transfer in the interest of the institution

1. The civil servant may be transferred in the interest of the institution at the request of the institution.
2. The temporary transfer in the interest of the institution can be proposed by the Direct Manager of the employee or the highest administrative manager of the institution.
3. The decision to transfer is a reasoned decision of the highest administrative manager of the institution.
4. The justification of the temporary transfer decision in the interest of the institution contains the assessment that the employee meets the criteria of the job position to which he is transferred. This assessment is carried out by the HRMU of the institution where the employee is employed.
5. The HRMU of the institution where the employee is employed notifies in writing the employee who will be transferred regarding the transfer decision.
6. The transfer according to this article can be done in a period of six (6) to twelve (12) months during two (2) years.

Article 6
Temporary transfer for the improvement of work results

1. The civil servant can be transferred to improve the results of his work if he is evaluated according to the level "needs improvement" or "unacceptable".
2. The recommendation for transfer according to this article is made by the direct supervisor, in cooperation with the HRMU of the institution.
3. The decision on transfer according to this article is taken by the highest administrative manager of the institution.
4. The transfer according to paragraph 1 and 2 of this article can be made in a period of six (6) to twelve (12) months during two (2) years.

Article 7
Temporary transfer due to health reasons

1. Temporary transfer due to health reasons shall take place at the request of the employee, after the decision of the competent medical commission within the ministry responsible for work.

2. In the decision of the Commission according to paragraph 1 of this article, the necessary duration of the temporary transfer due to health reasons shall be defined.

3. After the receipt of the decision by the Commission according to paragraph 1 and 2 of this article, the highest administrative manager of the institution shall issue the decision on transfer.

Article 8

Temporary transfer to an international organization

1. The employee can be temporarily transferred by decision of the highest administrative manager, for the needs of the institution or the state, to an international organization, in which the Republic of Kosovo is a member or to an international institution.

2. The duration of the temporary transfer according to paragraph 1 of this article, can be done in the duration as defined in the relevant agreement or the special legislation in force.

Article 9

Reimbursements for travel expenses of temporary transfer

An employee who is transferred to another workplace at the institution's request, in a municipality other than the municipality where the regular workplace is, shall be reimbursed for travel expenses by the institution where the employee is transferred.

CHAPTER III

PERMANENT TRANSFER TO THE CIVIL SERVICE

Article 10

Permanent transfer

1. Permanent transfer is the mandatory assignment of a civil servant to another Civil Service position, in cases:

1.1. of health incapability to perform the duties of the previous position;

1.2. of avoiding a constant conflict of interest, as defined by law;

1.3. of the termination of the suspension at the request of the employee when he cannot return to his previous job position;

1.4. of the imposition of transfer as a measure of professional insufficiency;

1.5. of the imposition of transfer as a disciplinary measure.

2. Permanent transfer according to sub-paragraphs 1.1. and 1.3. of paragraph 1 of this article is a decision of the highest administrative manager and shall be made upon the request of the civil servant.

3. Permanent transfer according to subparagraph 1.2. of paragraph 1 of this article, is the decision of the highest administrative manager
4. Permanent transfer according to subparagraph 1.4. of paragraph 1 of this article, is the decision of the highest administrative manager after the consent of the direct supervisor.
5. Permanent transfer according to subparagraph 1.5. of paragraph 1 of this article, shall be imposed by the Disciplinary Commission of the relevant institution.
6. The permanent transfer according to this article can be done within the institution where the civil servant is employed.
7. Notwithstanding paragraph 1 of this article, the permanent transfer for the interest of the institution shall be done in the same category in the civil service.

Article 11
Permanent transfer for the interest of the institution

1. The civil servant may be transferred for the interest of the institution permanently to another workplace for the exercise of the same or different functions, in the same category of civil service.
2. For cases where the civil servant is of low, medium or high management level, the transfer according to this article shall be made for the remaining period of the mandate for which he was appointed.
3. The permanent transfer can be made to another administrative unit within the same institution or to another institution that employs civil servants.
4. The transfer of the civil servant within the same institution shall be done in accordance with the direct manager, the highest administrative manager and with the consent of the civil servant.
5. The transfer of the civil servant to or to another institution that employs civil servants shall be done in accordance with the consent of the civil servant and with an agreement between the institutions.
6. Refusal for permanent transfer can only be done in the following cases:
 - 6.1. when his health condition, proven by a medical certificate, makes the transfer impossible;
 - 6.2. if the place to be transferred is more than one hundred (100) km from the residence of the civil servant; and
 - 6.3. for objective, proven reasons that make the transfer impossible.
7. The objective reasons for refusing the transfer according to sub-paragraph 6.3 of paragraph 6 of this article, shall be evaluated case by case by the highest administrative manager of the institution, and shall be proven with the relevant evidence from the employee.

8. The justification of the decision of permanent transfer in the interest of the institution, contains the assessment of the employee meets the criteria of the job position to which he is transferred. This assessment shall be carried out by the HRMU of the institution where the employee is employed.

9. In cases of transfer outside the institution, the evaluation according to paragraph 8 of this article shall be done in cooperation between the HRMUs of the two institutions.

CHAPTER IV TRANSFER DUE TO CLOSURE OR RESTRUCTURING

Article 12

Transfer due to the closure or restructuring of the institution

1. If due to the closure or restructuring of the institution, the previous position of a civil servant is closed, he can be transferred to another civil service position of the same category.

2. The abolition or restructuring of the institution is defined in the relevant legislation for the organization of the state administration and independent agencies.

3. The transfer according to paragraph 1. of this article can be done:

3.1. to the same institution;

3.2. to the institution where the closed institution merged, to the institution that was divided or to the institution that took over the functions previously performed by the employee;

3.3. to the executive agency of the restructured institution;

3.4. to another civil service institution.

4. The transfer shall be made according to the order defined in paragraph 3 of this article. If there are no vacant positions of the same category or the employee does not meet the requirements of the job position in the same institution according to subparagraph 3.1. of this article, its transfer can be made to the other institution according to the order defined in paragraph 3.

5. The employees of the restructured institution shall be notified individually by the HRMU about the start of the transfer procedure due to the dissolution or restructuring of the institution. The notification shall be made immediately after the approval of the act of restructuring the institution.

Article 13

Restructuring Commission

1. In cases of dissolution or restructuring of the institution, DMPU for state administration institutions, or HRMU for other institutions, within 30 days from the approval of the restructuring act establishes a restructuring commission, which reviews the possibilities of systematization of

each civil servant in the existing vacant positions and proposes the transfer of the employee to a vacant position, for which the latter meets the requirements of the workplace.

2. The commission is led by the representative of the DMPU for the institutions of the state administration and by the representative of the HRMMU for the other institutions.
3. The Restructuring Commission also consists of two other members, who are representatives of the institutions provided for in paragraph 3 of Article 12 of this Regulation, according to the case where the relevant restructuring takes place.
4. The Commission, within forty-five (45) days from the date of establishment, proposes in writing to DMPU for state administration institutions, or to HRMU for other institutions, the transfer of the employee as provided in paragraph 3 of article 12 of this Regulation.
5. In its proposal for the transfer of employees due to the restructuring of the institution, the Commission relies on the descriptions of vacant or created job positions and the qualifications and data of the employees.
6. The decision is individual for each employee.
7. During the transfer of employees due to the restructuring of the institution, the Commission sets the priority of the transfer and relies on the following criteria:
 - 7.1. the experience of the employee in the civil service;
 - 7.2. the average of the evaluations of the employee's work results for the last three (3) years;
 - 7.3. professional qualifications of the employee; and
 - 7.4. employee training.
8. The restructuring commission determines the specific weight of the criteria defined in paragraph 7 of this article and the evaluation methodology of each criterion.

Article 14

Transfer procedure in case of restructuring

1. DMPU for state administration institutions or HRMU for other institutions, within fifteen (15) days from the date of receiving the proposal from the restructuring commission, decides on the transfer of the employee and notifies the employee of the decision.
2. The employee can refuse the transfer only for the following reasons:
 - 2.1. when his health condition, proven by a medical certificate, makes the transfer impossible;
 - 2.2. if the place to which he is transferred is located more than one hundred (100) km from the residence of the civil servant.

3. The employee has the right to reject the decision according to paragraph 2 of this article within the period of five (5) days from receiving the decision on transfer.
4. DMPU for state administration institutions or HRMU for other institutions verifies the reasons for rejection and can abrogate the decision if the conditions defined in paragraph 2 of this article are met and decide on the transfer to another position.
5. Refusal of transfer for reasons other than those defined in paragraph 2 of this article constitutes a reason for dismissal from civil service.
6. Civil servants who, after the dissolution or restructuring of the institution, could not be transferred to another position in the civil service due to the lack of vacant positions or failure to meet the requirements of the respective category's job positions, shall be placed on the waiting list.

Article 15
Salary in case of transfer due to restructuring of the institution

1. The employee transferred to the position of the same category he was, due to the restructuring of the institution, receives the salary of the position in the grade he was transferred to.
2. Until the moment the transfer procedure is completed according to Article 14 of this Regulation, the employee receives the same salary that he had before the end of the transfer.

Article 16
The right to appeal

The civil servant has the right to submit a complaint within thirty (30) days of receiving any decision issued under this Regulation, to the Independent Supervisory Council of the Civil Service in accordance with the provisions of the Law on General Administrative Procedure.

Article 17
Abrogation

The entry into force of this regulation shall abrogate Regulation (GOK) No.14/2020 on the Transfer of Civil Servants.

Article 18
Entry into force

This Regulation enters into force seven (7) days after its publication in the Official Gazette.

Albin KURTI

Prime Minister of the Republic of Kosovo

25.January.2024