



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

**REGULATION (GRK) NO. 04/2024 ON WORKING HOURS, LEAVE AND
ATTENDANCE OF PUBLIC OFFICIALS¹**

¹ Regulation (GRK) - No. 04 /2024 on Working Hours, Leave and Attendance of Public Officials, has been approved in the 190th Meeting of the Government of the Republic of Kosovo, with the Decision No. 02/190, dated 27.02.2024.

The Government Republic of Kosovo,

Pursuant to Article 93 (4) the Constitution of the Republic of Kosovo and Article 21 of Law No. 08/L-197 on Public Officials, Article 8, paragraph 4, subparagraph 4.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo and in accordance with Article 19, paragraphs 6, subparagraph 2 of Regulation No. 09/2011 of Rules and Procedures of the Government of the Republic of Kosovo,

Issues:

REGULATION (GRK) NO. 04/2024 ON WORKING HOURS, LEAVE AND ATTENDANCE OF PUBLIC OFFICIALS

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose

The purpose of this Regulation shall be to define the criteria and rules for setting working hours, attendance and leave, as well as the procedure for using leave.

Article 2 Scope

1. The provisions of this Regulation shall apply to all public officials in the Institutions of the Republic of Kosovo.
2. In derogation from paragraph 1 of this Article, as long as their functional and organizational independence guaranteed by the Constitution is not violated, the provisions of this Regulation shall 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 independent constitutional institutions.

Article 3 Definitions

The definitions and expressions used in this Regulation shall have the same meaning as the definitions defined in the relevant Law on Public Officials as well as in the relevant Law on Labour.

CHAPTER II WORKING HOURS AND LEAVE

Article 4 Working Hours

1. Working hours shall mean the period of time during which the public official performs work or services for the benefit of the institution.
2. The working hours of public officials shall begin at 08:00 and shall end at 16:00, five (5) days a week starting from Monday to Friday unless otherwise provided for by the relevant institution due to the nature of the work.
3. The working hours for public service employees shall be set by the ministry responsible for the relevant public service.
4. Within the working hours under to this Article, the public official shall be entitled to one (1) hour of break during the working hours every day in the middle of the working hours.
5. In special cases, for reasons of the specific nature of the work, the institution may set different working hours from that defined in paragraph 3 of this Article. In any case, the regular working hours shall not be longer than forty (40) hours of work per week and twelve (12) hours per day, including one (1) hour of break.
6. The working hours and break times shall be posted by each institution in a visible place on a notice board, as well as on the institution's website.

Article 5 Variable working hours

1. Except for the regular working hours defined in Article 4 of this Regulation, a public official may work in another working time if the necessary working hours are provided for health reasons or other objective circumstances.
2. The duration of work referred to in paragraph 1 of this Article may not exceed one (1) year. After the termination of this period, the request may be resubmitted according to the procedure and criteria defined under this Article.
3. The request for different working hours must be justified and reviewed initially by the direct supervisor and approved by the Chief Administrative Officer.
4. The rejection or approval of the request shall be recorded in the employee's personal file.

Article 6
Part-time working hours

1. Part-time working hours shall be working hours shorter than full-time working hours.
2. The employment relationship can be established on a part-time, fixed and indefinite time basis when this is allowed by the relevant applicable legislation.
3. The public official who works part-time shall enjoy all the rights and obligations derived from the employment relationship as of the full-time public official, in proportion to the working hours the public official works.

Article 7
Reduced working hours

1. Reduced working hours shall be set for jobs and duties, for which, despite the application of protective measures, the public official cannot be protected from harmful impacts on his or her health.
2. The working hours shall be reduced in proportion to the risk posed to the public official's health and working ability.
3. Reduced working hours may be reduced to a maximum of twenty (20) hours per week for high-risk jobs.
4. A public official working in the work and duties referred to in paragraph 1 of this Article may not work in the same work and duties outside of working hours.
5. The public official who works with reduced working hours, according to paragraph 1 of this Article, shall enjoy all the rights and obligations derived from the employment relationship as the public official working on a full-time basis.

Article 8
Overtime work

1. In special cases, due to the increase in the volume of work and/or in other necessary cases, at the request of the institution, the public official must work overtime, or be on call, work at night, during official holidays, or the weekend.
2. Overtime work may last as long as deemed necessary by the institution, but not more than eight (8) hours per week.
3. In cases of emergency, for the prevention of accidents or force majeure and unforeseen situations, work may exceed the designation under paragraph 2 of this Article.

4. In addition to the additional compulsory work under paragraphs 1 and 2 of this Article, the public official may carry out additional voluntary work with compensation, when requested by the direct supervisor and with the approval of the Chief Administrative Officer.
5. Compensation for overtime work shall be determined according to the relevant legislation on public sector salaries.
6. Compensation for work during weekends, holidays and days off shall exclude one another.
7. The public official may request from the employer to receive days off instead of compensation for overtime work in monetary value.
8. The request for realization of compensation for overtime work shall be made in accordance with the relevant bylaw on compensation of overtime work.

Article 9 **Annual leave**

1. The public official shall be entitled to a paid annual leave for each calendar year for a duration of twenty (20) working days if he or she works full-time or part-time.
2. The public official, performing tasks and duties which despite the application of protective measures contain their harmful effect, shall be entitled to an annual leave of at least thirty (30) working days for a calendar year.
3. One (1) working day off shall added to the public official for every five (5) years of work experience.
4. Mothers or single or self-support parents of a child up to three (3) years old, as well as an official with disabilities, shall benefit from two (2) additional working days of annual leave.
5. In cases where the public official falls sick during the use of annual leave, the allowed sick leave time shall not be counted as annual leave.
6. The day of the official holiday shall not be counted on the day of the annual leave.
7. A public official, who establishes an employment relationship for the first time or who does not have an interruption of more than five (5) working days, shall be entitled to use the annual leave after six (6) months of uninterrupted work, in proportion to the months worked.
8. The public official shall be entitled to at least one and a half days for each calendar month spent at work, if:
 - 8.1. in the calendar year in which he or she established an employment relationship for the first time, he or she does not have six (6) months of uninterrupted work;

8.2. in the calendar year, he or she is not entitled to use the annual leave due to the termination of the employment relationship.

9. Unused annual leave days shall not be compensated with money, except in the case of termination of the employment relationship.

10. In case of changing the employment relationship from one institution to another, the public official shall be entitled to carry over unused annual leave days.

Article 10 **Use of annual leave**

1. For the time interval of using the annual leave, the public official must notify the direct supervisor at least fifteen (15) days before starting to use the annual leave.

2. In case of granting the annual leave, the decision on the schedule and duration of the annual leave shall be issued to the public official at least five (5) days before starting to use the annual leave.

3. The request for annual leave shall be approved by the direct supervisor and the Human Resource Management Unit shall be notified.

4. The approval or refusal of the annual leave shall be recorded in the individual file of the public official.

5. The annual leave may be used in two (2) or more parts, as agreed with the direct supervisor.

6. If a public official uses the annual leave in two (2) or more parts, the main part must be used for at least ten (10) uninterrupted working days during one (1) calendar year. The rest of the unused leave must be used no later than June 30 of the next calendar year.

Article 11 **Sick leave**

1. In case of illness, a public official shall be entitled to sick leave for a duration of up to twenty (20) working days within one (1) year with 100% salary compensation.

2. A public official who uses sick leave must inform the direct supervisor and provide a relevant certificate from the competent medical entity.

3. A public official may use the days scheduled for medical leave even in case of illness of his or her child, evidenced by a certificate issued by the medical entity.

4. A public official shall be entitled to compensation for sick leave as a result of injury at work or occupational disease related to the performance of work and services for the institution, for a duration of ten (10) to ninety (90) working days with 70 % salary compensation.

5. Evidence from the competent medical entity, according to paragraphs 2 and 3 of this Article shall mean the evidence clearly defining the days of absence from work due to his or her medical condition.
6. After the compensation period according to paragraphs 1 and 3 of this Article, a public official shall be entitled, at the recommendation of the competent medical entity, to extend the sick leave without pay.
7. For the time of absence from work without pay from paragraph 6 of this Article, an employee shall have his or her rights and duties under the employment relationship terminated, other than the right to his or her reinstatement at the workplace.

Article 12

Notification of temporary incapacity for work

1. In case of illness or temporary incapacity for work, a public official shall be obliged to inform the direct supervisor immediately or at the latest during the day of absence from work.
2. In case of illness or serious injury that renders it impossible for a public official to inform the direct supervisor according to paragraph 1 of this Article, a public official must make efforts to inform the direct supervisor as soon as possible.
3. If a public official fails to prove that he or she made reasonable efforts to inform the direct supervisor of his or her absence, for unreasonable delays in notification, the public official shall be considered to have committed a minor disciplinary violation.
4. If the reported absence from work lasts more than three (3) days, the direct supervisor shall have the authority to ask the public official to submit a medical certificate justifying the absence from work.
5. The absence from work according to the definitions of this Article shall be calculated on the allowed days of paid medical leave.

Article 13

Maternity leave

1. A public official shall be entitled to maternity leave for up to twelve (12) months, in accordance with the applicable legal provisions.
2. The maternity leave under paragraph 1 of this Article may start up to forty-five (45) days before the expected childbirth date.
3. In the period of twenty-eight (28) days before expected childbirth, the direct supervisor may, with the consent of a pregnant public official, may request her to start using maternity leave if the employer finds that she is not able to perform her duties.

4. A female public official breastfeeding a baby shall be entitled to all the rights according to the relevant law on the protection of breastfeeding.
5. If a female official does not use maternity leave after the sixth month, she shall be entitled to breastfeed the baby according to the relevant law on the protection of breastfeeding.
6. A public male official may assume the rights of the mother if the mother dies or abandons the child before the end of the maternity leave.
7. The maternity leave rights after the sixth (6) month may be transferred to the father of the child in agreement with the mother, according to the relevant law on labour.

Article 14
Paid time off

1. A public official shall be entitled to be absent from work with salary compensation in the following cases:
 - 1.1. five (5) days in case of his or her marriage;
 - 1.2. five (5) days in case of the death of a close family member;
 - 1.3. three (3) days for childbirth;
 - 1.4. two (2) working days for each case of voluntary blood donation, including the day of donation.
2. For exercising the right to absence from work according to paragraph 1 of this Article, a public official must provide the relevant evidence.

Article 15
Unpaid time off

1. At the request of the public official, the Chief Administrative Officer may allow a public official to be absent from work without compensation.
2. In order to realize the unpaid time off right according to paragraph 1 of this Article, a public official must submit a justified request for unpaid time off.
3. The request must be submitted no less than fifteen (15) days in advance to the direct supervisor, who shall forward it to the Chief Administrative Officer for decision-making. This term shall not apply in the case of unpaid sick leave.
4. The decision shall be promptly submitted to the Human Resources Management Unit officer.

5. For the time of absence from work without salary compensation from paragraph 1 of this Article, a public official shall have his or her rights and duties under the employment relationship terminated, other than the right to his or her reinstatement at the workplace.

CHAPTER III ATTENDANCE

Article 16 Compliance with the working hours

A public official shall be obliged to be present at the workplace during the working hours.

Article 17 Attendance sheet

1. A public official shall be obliged to register on the electronic attendance sheet.
2. The public official's attendance shall be evidenced through registration in the electronic system administered in accordance with the relevant applicable legislation on the protection of personal data.
3. When it is not applicable, a public official's attendance shall be evidenced through registration in the record books.
4. Evidence of attendance under paragraph 1 of this Article shall be done through electronic devices located at the entrance of each public institution that enable entry and exit from the facility and record every entry and exit of the official.
5. Lack of evidence of attendance by a public official shall be counted as absence from work.

Article 18 Attendance registration through the electronic system

1. The electronic attendance registration system shall ensure the registration of entries and exits of public officials in the official premises of the institution, providing the possibility of registering the arrival at work, the end of working hours, official exits, exit and return from a break during hours as well as exits with the permission of the direct supervisor.
2. Registration of entries and exits shall include the exact time of entry and exit.

Article 19 System security

1. The data recorded for the entries and exits of public officials shall be stored in the entry-exit register, shall be personal data and must be handled in full accordance with the relevant law on the protection of personal data.

2. The electronic system shall ensure the application of technical and organisational security measures that protect the collected personal data of public officials from unauthorised access.

Article 20
The right to access the public official's data

1. Access to the entry-exit register at any time shall be granted only to the public official for his or her own data, the direct supervisor of the official, the head of the respective unit and the Senior Administrative Officer.

2. Access under paragraph 1 of this Article is also granted to the head or authorized human resources officer of the institution and authorized officer of the Treasury Department in the Ministry of Finance.

Article 21
Data processing

The data recorded for entries - exits of public officials may not be used for purposes other than evidencing attendance and related procedures, as well as for the purpose of calculating working hours.

Article 22
Disposal of data

The data recorded in the electronic system shall be stored, processed and deleted in accordance with the relevant legislation on the protection of personal data.

Article 23
Transitional provisions

1. Until the use of the electronic entry-exit system is made possible, the current attendance recording means shall remain functional in accordance with the provisions of this Regulation.

2. In cases where registration through the electronic system is not feasible due to the temporary lack of electronic equipment or due to malfunction in emergency cases, the public official's attendance shall be evidenced through the evidence logs.

3. These logs shall be managed by the Human Resources Manager and shall be stored in physical security drawers that prevent unauthorized persons from accessing them.

4. All institutions shall be obliged to create the technical conditions for the electronic entry–exit registration within one (1) year from the entry into force of this Regulation.

Article 24
Repeal

Regulation (QRK) No. 07/2022 on Working Hours and Leave of Public Officials shall be repealed upon the entry into force of this Regulation.

Article 25
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

28 February.2024