



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

**REGULATION (GRK) NO. 28/2024 ON SUSPENSION FROM THE
EMPLOYMENT RELATIONSHIP¹**

¹ Regulation (GRK) No. 28/2024 on suspension from the employment relationship, was adopted at the 221th session of the Government of the Republic of Kosovo, by decision No. 08/221, dated 23.09.2024.

The Government of the Republic of Kosovo, pursuant to paragraph 4 of Article 93 of the Constitution of the Republic of Kosovo, Articles 69, 70, of Law No. 08/L - 197 on Public Officials, Article 8, paragraph 4, sub- paragraph 4.5 of Law No. 08/L-117 on Government of the Republic of Kosovo and in accordance with Article 78, paragraph 6, sub-paragraph 6.2 of the Regulation (GRK)- No. 17/2024 on Rules of Procedure of the Government of the Republic of Kosovo,

Adopts:

REGULATION (GRK) NO. 28/2024 ON SUSPENSION FROM THE EMPLOYMENT RELATIONSHIP

Article 1 Purpose

This regulation aims to define the rules and procedures for the suspension of employment relationships in the civil service.

Article 2 Scope

1. This regulation applies to all categories of civil servants in state administration institutions and other state institutions.
2. Exceptionally, this regulation does 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, or independent constitutional institutions.

Article 3 Definitions

1. Expressions, terms and abbreviations used in this regulation have the following meaning:
 - 1.1. **Officials** – means public officials as defined in Annex 1 of Law No. 08/L-196 on Salaries in the Public Sector;
 - 1.2. **LPO** – means Law No. 08/L-197 on Public Officials.
2. Other expressions, terms, and abbreviations used in this Regulation have the same meaning as in Law No. 08/L-197 on Public Officials.

Article 4
Types of suspension

1. The suspension is a temporary termination of the employment relationship with Civil service which shall be undertaken:

- 1.1. ex officio; or
- 1.2. upon request by a civil servant.

Article 5
Ex officio suspension

1. The employment relationship of a civil servant may be suspended ex officio in the following cases:

1.1. in the case where disciplinary proceedings have been initiated against the civil servant and the disciplinary commission decides that the continued exercise of the duties by the civil servant will hinder the disciplinary investigation or may impinge on the appropriate exercise of his/her duties.

1.2. when the civil servant assumes a function or is appointed to one of the following functions:

1.2.1. is elected;

1.2.2. members of the Government and their deputies;

1.2.3. functionaries appointed by the Assembly of the Republic of Kosovo, President of the Republic of Kosovo, Government of the Republic of Kosovo, and the dignitaries or members of collegial managing bodies of independent constitutional institutions and independent agencies, with the exception of those appointed to civil service positions.

1.2.4. political appointees at the central and local level, with the exception of the appointment as a cabinet employee.

1.3 is transferred, for the needs of the institution, to an international organization or to an international institution;

1.4 when the court suspends a civil servant, who is an official person from exercising his/her duty;

1.5 criminal proceedings have been initiated against the civil servant for committing a criminal offence while exercising his/her functions;

1.6 a civil servant is in custody or detention;

1.7 is declared a missing person by a court decision.

1.8 is register as a candidate for central or local elections;

1.9 is elected and assumes the duty in the central or local elections, with exception of officials in the positions that are mandated.

1.10 is in a situation of continuous conflict of interest, according to the special law;

1.11 when attending an education or training program for a period longer than thirty (30) days, for the needs of the institution;

1.12 in other cases, as provided explicitly by the legislation in force.

Article 6 **Duration of ex officio suspension**

1. Ex officio suspension for the cases defined in Article 6 of this regulation shall last for the following duration:

1.1. Until the end of the disciplinary proceedings for the suspension as per sub-paragraph 1.1 of paragraph 1 of Article 6 of this regulation;

1.2. for the respective appointment period, for cases of suspension as per sub-paragraph 1.2 of paragraph 1 of Article 6 of this regulation;

1.3. for the duration of the transfer as per sub-paragraph 1.3 of paragraph 1 of Article 6 of this regulation;

1.4. for the duration determined in the suspension decision by the court as per sub-paragraph 1.4 of paragraph 1 of Article 6 of this regulation;

1.5. pending the completion of the criminal proceedings as per sub-paragraph 1.5 of paragraph 1 of Article 6 of this regulation;

1.6. until the moment of release from custody or detention for suspension as per sub-paragraph 1.6 of paragraph 1 of article 6 of this regulation.

1.7. until the appearance of the person or the declaration of his/her death by a final court decision as per sub-paragraph 1.7 of paragraph 1 of Article 6 of this regulation.

1.8. Five (5) days after the official closing of the campaign as per sub-paragraph 1.8 of paragraph 1 of Article 6 of this regulation. In this case, the suspension must be done at least seven (7) days prior to the official opening of the campaign.

1.9. Until the end of the mandate, as per sub-paragraph 1.9 of paragraph 1 of Article 6 of this regulation;

1.10. until his transfer to another position in order to avoid the continuous conflict of interest, in the case of suspension as per sub-paragraph 1.10 of paragraph 1 of Article 6 of this regulation;

1.11. for the period of attending the program with discontinuation from work as per sub-paragraph 1.11 of paragraph 1 of Article 6 of this regulation. In this case, the suspension must take place thirty (30) days after the start of the education or training program.

Article 7 **Procedure for ex officio suspension**

1. In the cases as per sub-paragraphs 1.2, 1.8, and 1.9 of paragraph 1 of Article 6 of this regulation, the civil servant must provide the relevant evidence to the HRMU of the institution where the civil servant exercises his or her duties.

2. With the exception of paragraph 1 of this Article, the civil servant belonging to the category of high level management in state administration institutions must provide the evidence of appointment to the Department for Management of Public Officials.

3. HRMU/DMPO must suspend civil servants from work in all cases according to paragraph 1 of Article 6 upon receipt of official evidence on the reason for the suspension.

4. In order to implement paragraph 3 of this Article, HRMU/DMPO may request from the institutions evidence regarding the existence of the reasons for suspension according to paragraph 1 of Article 6 of this regulation.

5. During the period of suspension, the employment relationship in the civil service may not be terminated and may not be changed, except at the request of the suspended employee or when provided explicitly by the LPO.

6. The rights and obligations of the civil servant stemming from work and employment relationship shall be suspended during the period of suspension, except for the right to return to the workplace.

Article 8 **Determination of the cause for ex officio suspension**

1. Except when provided otherwise by the LPO, ex officio suspension is done by the decision of the HRMU of the institution where the civil servant exercises his/her duty.

2. With the exception of paragraph 1 of this Article, the employee of the senior management category in the state administration institutions shall be suspended ex officio by the Department for Management of Public Officials.

Article 9
Voluntary suspension

1. A voluntary suspension may be granted upon request of a civil servant in the following cases:
 - 1.1. to provide care for elderly or ill close family relatives for a period of up to one (1) year;
 - 1.2. for vocational training for a period of up to two (2) years.

Article 10
Procedure for voluntary suspension

1. The request for suspension in order to provide care for a close family member who is elderly or ill must be accompanied by a doctor's recommendation that the person needs continuous care for a certain period.
2. The request for suspension for the purposes of vocational training must be accompanied by a proof from the relevant institution that provides professional training.
3. The request for suspension in cases according to sub-paragraph 1.1 of paragraph 1 of Article 11 of this regulation, is presented in writing at least five (5) days prior to the intended date of suspension.
4. The request for suspension in cases according to sub-paragraph 1.2 of paragraph 1 of Article 11 of this regulation, is presented in writing at least thirty (30) days prior to the intended date of suspension.
5. The request for suspension is submitted to the HRMU of the institution, which, after being reviewed, is thereupon sent to the highest administrative officer of the institution, who approves or rejects the request by decision.
6. The categories of low, middle, and senior managers are not entitled to voluntary suspension for the purposes of vocational training.
7. In the event that the civil servant whose employment relationship is suspended for vocational training establishes another employment relationship, he/she is released from the civil service.

Article 11
Effects of suspension

1. Upon the completion of the suspension, unless there is a decision on termination of employment relationship in the civil service, pursuant to the LPO, the civil servant shall return to his/her previous job position.

2. In case the previous position is finally occupied, the civil servant shall be transferred to another equivalent position.

3. The low-level, middle-level, and senior management employee in the cases according to paragraphs 1 and 2 of this Article shall be reinstated or transferred to the position for the remaining period of the mandate for which he/she was appointed.

4. In case of suspension for a period of up to three (3) months, the job position shall not be occupied until the end of the suspension.

5. While in the case of voluntary suspension for providing care for a close family member who is elderly or ill, the position shall not be occupied for a period of up to one (1) year.

6. For the below indicated cases of suspension, the period of suspension shall be considered as work experience in the civil service:

6.1. when disciplinary proceedings have been initiated against the civil servant and the disciplinary commission decides that the continued exercise of the duties by the civil servant will hinder the disciplinary investigation or may impinge on the appropriate exercise of his/her duties;

6.2. when the civil servant is transferred for the needs of the institution to an international organization or to an international institution;

6.3. when the civil servant is in a situation of continuous conflict of interest according to the special law, until his/her transfer to another position;

6.4. while attending any education or training program for a period longer than thirty (30) days, for the needs of the institution;

6.5. in the case of voluntary suspension in order to provide care for a close family member who is elderly or ill;

6.6. in other cases, as provided explicitly by law.

7. For the below indicated cases of suspension, the period of suspension shall be considered as work experience in the civil service if criminal proceedings have been concluded and the civil servant is not found guilty:

7.1. when the court suspends the civil servant who is an official person from exercising his/her duties, for the conditions and reasons envisaged in the relevant legislation in force;

7.2. criminal proceedings have been initiated against the civil servant for committing a criminal offence while exercising his/her functions;

7.3. the civil servant is in custody or detention;

7.4. is declared a missing person until the appearance of the person or declaration of death by court decision.

8. During the period of suspension, the civil servant shall not receive a salary.

9. With the exception of paragraph 8 of this article, the civil servant shall receive fifty percent (50%) of the basic salary as follows:

9.1. up to six (6) months in the following cases:

9.1.1 when disciplinary proceedings have been initiated against the civil servant and the disciplinary commission decides that the continued exercise of the duties by the civil servant will hinder the disciplinary investigation or may impinge on the appropriate exercise of his/her duties;

9.1.2 when attending an education or training program for a period longer than thirty (30) days, for the needs of the institution;

9.2. until the end of the suspension in the following cases:

9.2.1. when the court suspends the civil servant, who is an official person from exercising his/her duties, for the conditions and reasons envisaged in the relevant legislation in force;

9.2.2. when criminal proceedings have been initiated against the civil servant for committing a criminal offence while exercising his functions;

9.2.3. the civil servant is in custody or detention;

9.2.4. is declared a missing person until the appearance of the person or declaration of death by court decision.

10. In the event that the disciplinary proceedings or criminal proceedings are concluded without a disciplinary measure, namely a criminal sentence, the civil servant who has been suspended with fifty percent (50%) of his/her salary, shall be compensated for the withheld part of the basic salary.

Article 12

Repeal

With the entry into force of this Regulation, Regulation No.01/2011 on Termination, Suspension and Ending of Employment in Civil Service shall be repealed.

Article 13
Entry into force

This Regulation shall enter into force seven (7) days after its publication in the Official Gazette of the Republic of Kosovo.

Albin KURTI

Prime Minister of the Republic of Kosovo

04 october 2024