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AMERICAN UNIVERSITY IN KOSOVO
in partnership with
ROCHESTER INSTITUTE OF TECHNOLOGY

The Implementation of the Civil Service Law and a Future Merit System

Majlindë Sinani - Lulaj

February 24, 2012

*Submitted as a Capstone Project Proposal in partial fulfillment of Master of Science Degree in
Professional Studies at the RIT Center for Multidisciplinary Studies*

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Thank you!

ABBREVIATIONS


DCSA	Department of Civil Service Administration
DFID	Department for International Development
DMPAREI	Department for Management of Public Administration Reform and European Integration
EC	The European Commission
FRIDOM	Functional Review and Institutional Design of Ministries
GDP	Gross Domestic Product
GERAP	Group of Experts for Public Administration Reform
LCS	Law on Civil Service
LSA	Law on State Administration
LSCS	Law on Salaries of Civil Servant
MCYS	Ministry of Culture, Youth and Sport
MFE	Ministry of Finance and Economy
MPA	Ministry of Public Administration
MPS	Ministry of Public Administration
OPM	Office of Prime Minister
PAR	Public Administration Reform
PAR	Public Administration Reform
PARAP	Action Plan for Public Administration Reform
SIGMA	Support for Improvement in Governance and Management)
SPAR	Strategy of Public Administration Reform
UNMIK	United Nations Interim Administration Mission in Kosovo

Executive summary

This Capstone Project addresses the significant challenge of improving the Law on Civil Service (LCS) in Kosovo. It provides an analysis of the current state of the civil service and level of implementation of the LCS. The project analysis was based on surveys, published reports, and professional assessments. Job descriptions, classification of job positions, and performance evaluation, as important components of merit system are elaborated and highlighted. The LCS sets the rules for overall management, organization, rights, obligations, career progression and professional development of civil servants.

Table 1 Number of civil servants and job titles in civil service 2006-2008

JOB TITLES IN CIVIL SERVICE OF KOSOVO		
Year	Number of civil servants	Number of job titles
2006	69 302	923
2008	71 670	950
2011	21 286	868



With the 2010 enactment of the LCS there was a dramatic reduction of over 60 % of the total number of civil servants from the Government payroll list. This reduction was a direct result of the recategorization of civil service which excludes education, medical and uniformed personnel. Even though the number of civil servants has reduced, there remains roughly the same number of job titles on the payroll list (*see table above*). This is one of a number of irregularities not appearing to comply with the LCS.

This Capstone Project has five major recommendations:

1. There should be wide spread political support and courage for implementation of meritocracy in civil service.

2. There must be an accurate classification of job positions and therefore ensure a proper and accurate allocated budget. The capstone project surveys show that existing evaluation system should be changed (see Figure 1)

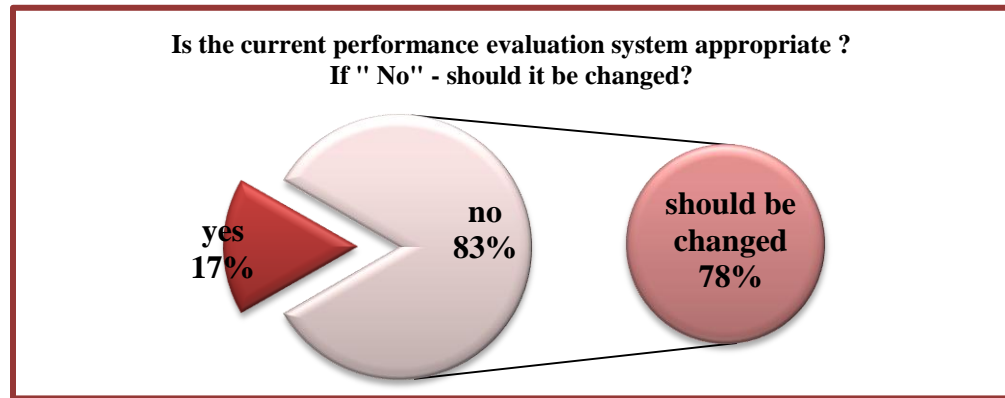


Figure 1

3. It is essential to have a comprehensive review in job descriptions and reduction of job position titles. In parallel, reviewing of job descriptions would assist analyzing and identifying the real needs for each position within institutions.
4. Civil service career promotion and motivation should be based on revised evaluations and a clear merit based system. The new performance evaluation system should be revised to include clear and realistic objectives, motivating possibilities, punitive measures, and prepared staff to supervise the implantation of merit system.
5. Promoting through merit system - Promotion to higher levels of functional hierarchy in Kosovo Civil Service should be based solely on merit, ability and experience.¹ Meritocracy should be respected and also be the motivating force for civil servants to offer qualitative services for all citizens without discrimination.

¹ Law on Civil Service, Article 26 Promotions, paragraph 2, pp14,
<http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>

Chapter 1

1. KOSOVO CIVIL SERVICE BACKGROUND (PROBLEM BACKGROUND)

1.1. *Civil Service before the war (during '90)*

Prior to the escalation of the Balkans conflicts during 1998-1999, Kosovo was centrally governed from Belgrade, after losing its autonomy. From 1989 until 1999 violent measures were introduced, including Albanian language restrictions, the removal of Albanians from public service, and introduction of new decisions in order to further promote Serbian migration into Kosovo. The Albanian population had been denied involvement in public sector, and particularly in public administration during this period. The Serbian civil servants occupied almost all the key government posts in the country, until Albanians were barred from public office. At the same time there was a restrictive education policy, which mainly favored the Serbian population.

1.2. *Civil service under UNMIK administration*

After the war, in 1999 the United Nations Interim Administration Mission in Kosovo (UNMIK) established self-governance structures, recruiting local staff at both central and local levels. Because of incoherent and homogenous education and without a training system, civil servants were recruited without reference to any specific educational background related to the Civil Service. Kosovo's administrative bodies suffered from shortages of experienced civil servants to manage and provide quality services to citizens.

The UNMIK Regulations and administrative directives were the legal base of the civil service structure and functionality for several years. In their Report on the Status of Public Administration in Kosovo (2007), the GERAP found that "*The basic legal framework for public administration is in place but is fragmented into over 100 pieces of legislation and therefore requires consolidation and completion*"², including Regulations and UNMIK administrative instructions regarding public administration.

² *Group of Experts for Public Administration Reform, "Report on the status of Public Administration in Kosovo 2007"* February 2007, pp. 12

Since 2001, the main legal act on civil service was UNMIK Regulation No. 2001/36 on the Kosovo Civil Service, which reflected the issues identified at the time. This regulation entered into force on 22 December 2001 and regulated the employment and the terms of employment for civil servants in Kosovo. This regulation was a basic fundamental legal infrastructure, but the definition of civil service was too general. Relying on Regulation 2001/36 on Civil Service, the definition of “civil servant” means any employee of an employing authority, whose salary is paid from the Kosovo Consolidated Budget (except for: members of the Board, exempt appointees and members of the Kosovo Protection Corps)³.

The European Commission (EC) in the Kosovo 2006 Progress Report, draws attention that “... for an estimated population of approximately two million, Kosovo has a high number of 68,000 public servants on its payroll. The absence of a general register of civil servants and of a related inventory of competences as well as unclear and overlapping distribution of tasks makes it difficult to match needs with the available human resources.”⁴

The number of civil servants wasn't decreased. In fact, new institutions and new needs increased the number of civil servants. In 2009 in Kosovo there were approximately 75000 civilian servants (including the personnel of the education system, the personnel of the health service, police officers, customs officers, correctional officers). There was no distinction between civil servants and public employees. The Regulation 2001/36 and the Administrative Direction 2003/2 Implementing UNMIK Regulation No. 2001/36 on the Kosovo Civil Service⁵ were the basic legal documents to recruit administrative staff to the institutions.

The changes during the years, and institutional needs for new positions, made a large number of titles and grades of staff. Different titles made a complex and confused organizational structure of the institutions. There were no standard criteria to grade the civil servants, or to

³ UNMIK Official Gazette, Regulation No. 2001/36 on Civil Service Law, <http://www.unmikonline.org/regulations/2001/RE%202001-36.pdf>

⁴ Commission Of The European Communities, Brussels, 08.11.2006, Sec (2006) 1386 Commission Staff Working Document, Kosovo (under UNSCR 1244) 2006 Progress Report, EN, {COM (2006) 649 final}, pp.9, http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/ks_sec_1386_en.pdf

⁵ UNMIK Official Gazette - Administrative Direction 2003/2 Implementing UNMIK Regulation No. 2001/36 on the Kosovo Civil Service, http://www.unmikonline.org/regulations/admdirect/2003/ADE2003_02.pdf

increase the salaries. The job descriptions of various officials that works in the institutions were (and are) not clearly defined.

The FRIDOM project concludes "...to the high managerial positions there is a quasi unique classification of the positions and there are no big differences in levels. On the other hand in the lower executive positions there is a large diversity of classifications for the same positions. In some cases there are different positions (different content) with the same name, whereas there are same content positions with different names. As a result we have in Kosovo more than 950 positions' denominations all over the public administration." ⁶ (see Table 1.1)

Table 1.1 Number of civil servants & titles in civil service 2006-2011

TITLES IN CIVIL SERVICE OF KOSOVO		
Year	Number of civil servants	Number of titles
2006	69 302⁷	923⁷
2008	71 670⁸	950⁹
2011	21 286¹⁰	868¹⁰

Even though the number of civil servants has reduced with the 2010 enactment of the LCS, and reduction of over 60 % of the total number of civil servants (reduction was a result of the recategorization of civil service which excludes education, medical and uniformed personnel), there remains roughly the same number of job titles on the payroll list (see Table 1.1, 2011 data).

⁶ FRIDOM (Functional Review and Institutional Design of Ministries) Project, Review of the Human Resources Management (Systems and capacities), December, 2008, pg. 18(different denominations/table 1), pp. 3, <http://map.rks-gov.net/userfiles/file/FRIDOM/Rishikimet%20Horizontale/humanresources.pdf>

⁷ Group of Experts for Public Administration Reform" Report on the status of Public Administration in Kosovo 2007" February 2007, pp. 12

⁸ SIGMA - Kosovo Public Service and the Administrative Framework Assessment, May 2008, pp.17, <http://www.sigmaweb.org/dataoecd/48/31/41637624.pdf>

⁹ FRIDOM (Functional Review and Institutional Design of Ministries) Project, Review of the Human Resources Management (Systems and capacities), December, 2008, pg. 18 (different denominations/table 1), pp. 3, <http://map.rks-gov.net/userfiles/file/FRIDOM/Rishikimet%20Horizontale/humanresources.pdf>

¹⁰ The latest data (18 October, 2011) from Department of Civil Service Administration (DCSA) in the Ministry of Public Administration (MPA)

Chapter 2

2. THE CURRENT SITUATION IN KOSOVO'S CIVIL SERVICE ACCORDING TO SURVEYS

2.1. Summary of the first survey

A survey was used, by this capstone project, to understand the current situation in the country's civil service from the perspective of civil servants. In the capstone project proposal the idea was distributing three separate questionnaires in three levels of civil service: general secretaries, personnel managers and other civil servants. Because of the similar nature of questions, and similar answers in all levels of hierarchical range, for practical reasons, the responses of the questionnaires are collated into only one rendering.

The questionnaire was comprised of multiple choices questions. Questions were focused on components of job description, performance evaluation, and on main principles of civil service. The questionnaires were distributed through ministries, creating balance between different profiles of ministries and respondents into overall survey. The answers were expected to be returned in a timeline of two weeks.

The findings of the survey will be used in particular topics of this capstone, to show the current situation not only from the perception of assessments and reflection from the outside experts, but also from the perspective of respondents which are involved in the implementation of laws, strategies and work plans as civil servants.

2.1.1 Participants of the survey

The participants of the survey were civil servants from all levels working throughout nineteen ministries of the Government of Kosovo (Table 2.1), with different job positions, and different levels of responsibilities. Most accepted to answer the questionnaires, but there were also civil servants that refused to respond, finding different reasons, even after it was explained to them that the questionnaires will be anonyms and data will be aggregated.

Table 2.1 Participants of the survey, number of questionnaires and their fulfilment

MINISTRIES	DELIVERED	COMPLETED
Ministry of Public Administration	15	14
Ministry of Education, Science and Technology	5	2
Ministry of Justice	5	2
Ministry of Infrastructure	5	2
Ministry of Finance	5	2
Ministry for the Kosovo Security Force	2	1
Ministry of Environment and Spatial Planning	5	3
Ministry of Local Government Administration	10	7
Ministry of Internal Affairs	5	1
Ministry of Foreign Affairs	2	1
Ministry of Labour and Social Welfare	2	3
Ministry of Community and Return	2	1
Ministry of Health	2	2
Ministry of Culture, Youth and Sports	15	14
Ministry of European Integration	5	2
Ministry of Agriculture, Forestry and Rural Development	2	1
Ministry of Economic Development	5	1
Ministry of Diaspora	2	1
Ministry of Trade and Industry	10	8
19 ministries	102	68

2.1.2 Few general findings of the survey

Because of the immense number of laws which continue to be approved and to be changed, many times the main actors, to whom the law is dedicated, do not know that the law exists. To reveal how many civil servants know that LCS is approved and started to be implemented, the survey included a question related to that. 87% responded with “Yes” when

they were asked if they are informed that the LCS started to be implemented, whereas 13 % of respondents don't have this information (Figure 2.1)

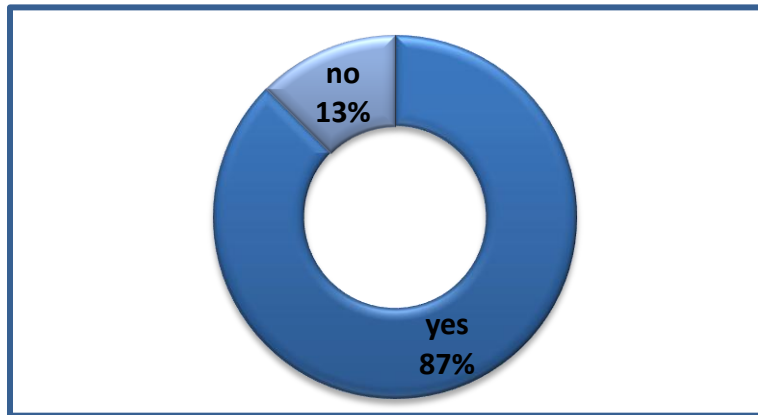


Figure 2.1 Are you informed that LCS has started to be implemented?

The abovementioned result is more hopeful than the result related to satisfaction with internal institutional communication. Only 57% of respondents are satisfied with information that they are getting from their supervisors about their institution. 28% are partially satisfied and 15% of them answered with “No” on this question. (Figure 2.2)

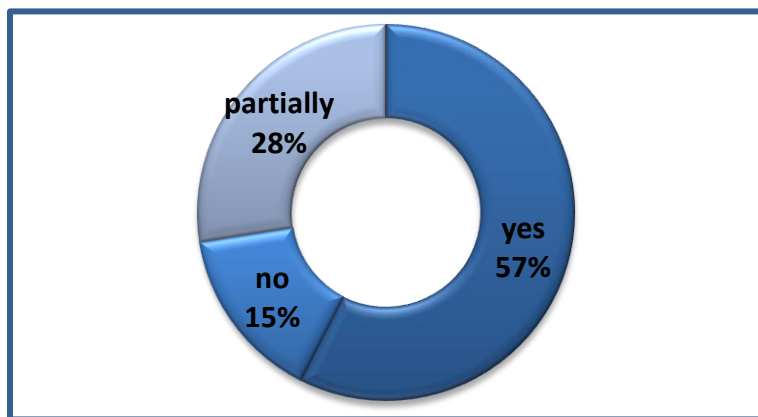


Figure 2.2 Are you satisfied with the information that you are getting from your supervisors about your institution?

Internal communication also includes the announcements about new laws or other normative acts and timelines when new legislative acts are enforced. Many times the lack or difficulties of internal institutional communication delays or creates barriers to better and faster movement forward to the aspirant aims or goals.

Working in a bureaucracy does mean that you are in a kind of cog, were everything should get into its shape. Asking the respondents if their performance is not higher than it is, because of the performance of the others around them, 42% of respondents do not impute “fault” to their colleagues regarding their performance level, however another 42% of them believe that colleagues’ performance partially effects in their performance. Only 16% are convinced that performance of their colleagues directly reflects in their performance (Figure 2.3)

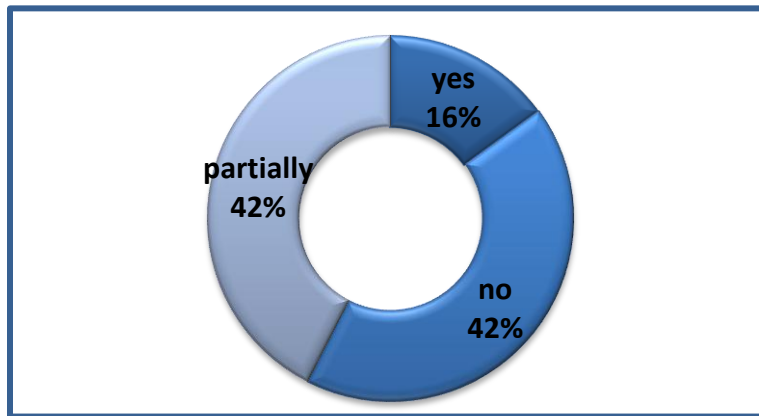


Figure 2.3 Do you think that performance of your colleagues or managers is the reason that your performance is not higher than it is?

Based on the survey 45 % of respondents consider that their managers (supervisors) are providing them constructive feedback. 30% say that a feedback from their managers is partially constructive, whereas 25 % answered with “no” (Figure 2.4)

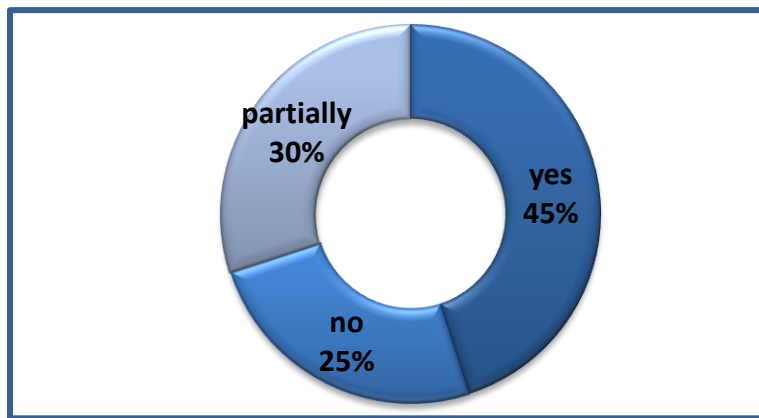


Figure 2.4 Does your manger provide constructive feedback?

2.2. Second survey - Reliability of answers and integrity of data

To check the reliability of answers and to verify the integrity of data a short questionnaire was used. The time period between the first survey and second one was a month. Mostly the results of the second (reliability) survey were similar with the first one. Table 2.2 reflects the number of distributed and completed questionnaires. Participants of this survey were civil servants of three different departments, which have different specific objectives. (Table 2.2)

Table 2.2 Participants and number of questionnaires of second survey

GOVERNMENT	DELIVERED	COMPLETED
Civil servants from three different departments	20	18

Figures which show results from the second survey are ruddy colored, and will be ranged below the first survey figures. Five of the reliability survey questions were the same as the first questionnaire, with one unique question and sub-question related to system of performance evaluation (Figure 2.5). Only 17 % of respondents of the second survey accepted that the current performance evaluation system provide dependable assessments, whereas 83 % say “No”. For the respondents which think that system of performance evaluation does not give the right image of civil servants, 78% of them accepted that this system should be changed. The result of this question is shown on the figure below in Figure 2.5.

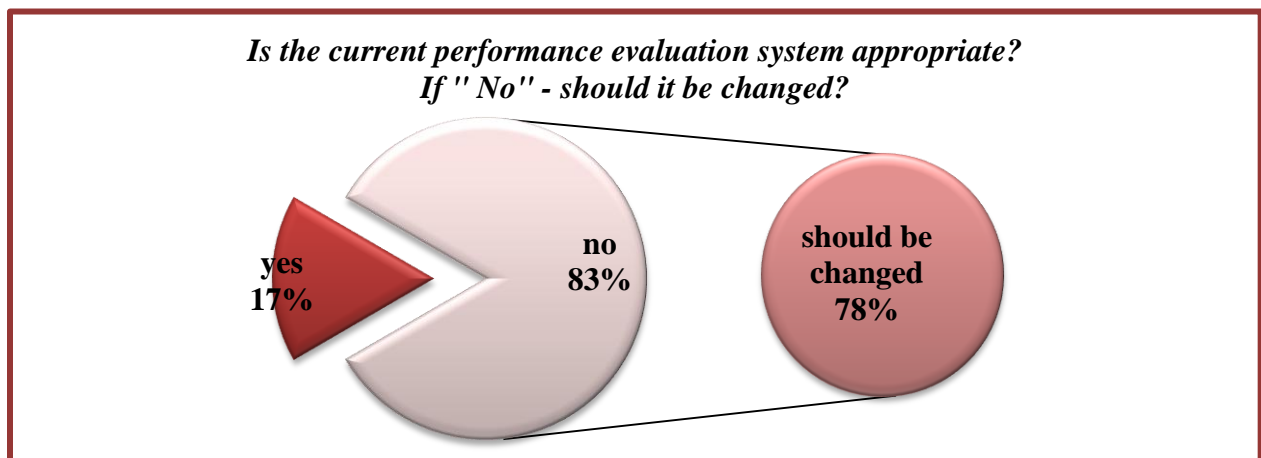


Figure 2.5

Chapter 3

3. CIVIL SERVICE CONCEPTS - DEFINITION OF CIVIL SERVICE IN KOSOVO

3.1. *What is civil service?*

If we start from the expression *civil + service* we come to the easiest explanation that the service that is offered is not uniformed. More explanation can be found in the dictionaries, to have a complete meaning of expression. At least two meanings of expression “*civil service*” could be founded:

-Those branches of public service that are not legislative, judicial, or military and in which employment is usually based on competitive examination.

-The entire body of persons employed by the civil branches of a government.

Actually, these two essential meanings could be basic definition of civil service, but searching deeply in literature about bureaucracy, there are also more comprehensive definitions about civil service¹¹

3.2 *Classical Public Administration - Max Weber model of Bureaucracy*

Max Weber (1864-1920), German sociologist, in his book *Economy and Society* gives a short description of bureaucracy: “*the combination of written documents and a continuous operation by officials constitutes the “office” (Bureau) which is the central focus of all types of modern organized action.*”¹² According to Weber “*Bureaucratic administration means fundamentally the exercise of control on the basis of knowledge. This is the feature of it which makes it specifically rational*”¹³

Crucial is the description of role of civil servant and hierarchical control in civil service comparing with the role of politician’s. He emphasizes “*To take a stand, to be passionate . . . is the politician's element . . . indeed, exactly the opposite, principle of responsibility from that of*

¹¹ <http://www.thefreedictionary.com/civil+service>

¹² Richard Swedberg, Ola Agevall, The Max Weber dictionary: key words and central concepts , pp.19
http://books.google.com/books?id=_c3Mcnh8hCgC&pg=PA19#v=onepage&q&f=false

¹³ POS 101 Articles, BUREAUCRACY, Encyclopedia Britannica referring Weber’s theories (*The Theory of Social and Economic Organization*, 1947, p. 339) <http://iilt.ilstu.edu/rrpope/rrpopepwd/articles/bureacracy2.html>

*the civil servant. The honor of the civil servant is vested in his ability to execute conscientiously the order of the superior authorities. . . .Without this moral discipline and self-denial, in the highest sense, the whole apparatus would fall to pieces.*¹⁴

The Weber model of bureaucracy was fundamental for the development of private or public enterprises, which had a very important role developing the world.

The ideal type of bureaucracy according to Weber had several specific characteristics:

- -hierarchical organization, by defined lines of authority in a stable area of activity,
- -each office works based on written rules,
- -bureaucrats appointments made on the basis of technical criteria,
- -bureaucrats appointments made based on the results of qualifying examinations,
- -merit based advancement,
- -bureaucratic officials could not have another job, except the job in office where they are employed,
- -bureaucratic officials needing training,
- -bureaucrats behavior must be under rigorous discipline,
- -rules being implemented neutrally,
- -career advancement depending on technical qualifications judged by organizations, not by individuals.

3.3 Woodrow Wilson concept about public administration

Woodrow Wilson was one of the main proponents of the politics-administration dichotomy. He argued that politics and administration could be distinguished as the expression of the political will and the executions of that will by the side of administration.

Wilson accepted the concept of organized and effective Government (positive aspects of European administration) and concept of justice and modern government (American concept).

¹⁴ “Traditional Public Administration versus The New Public Management: Accountability versus Efficiency” Festschrift for Professor Klaus König of Speyer, Germany in *Institutionenwandel in Regierung und Verwaltung: Festschrift für Klaus König*, Arthur Benz, Heinrich Siedentopf, and Karl-Peter Sommermann, eds. (Berlin, Germany: Duncker & Humblot, 2004), pp. 443-454
http://gunston.gmu.edu/pfiffner/index_files/Page2533.htm

He seeks a combination between the European and American concepts. Woodrow Wilson, who promoted the American civil service reform in the 1880s argued for the civil service outside of politics and citizen-oriented administration. This was an important contribution in traditional public administration.

Wilson's concept about civil service is a concept that the Government of Kosovo is engaged to achieve and is trying to implement in civil service.

3.4 What is meant by the Kosovo civil service?

Based on UNMIK Regulation 2001/36, every public employee whose salary was paid from Kosovo Budget was part of civil service. This definition did not define clear lines between pure bureaucracy and other categories of public employees, and created a huge number of civil servants. That increased difficulties to make changes within the civil service system, because every legal act and each action affected in all categories by this Regulation. Based on data of the Ministry of Finance and Economy (MFE) Budget 2006, there were 76 717 employees or 77 Budgetary Agencies).¹⁵

However,

- equity,
- political neutrality and impartiality,
- integrity,
- honesty and accountability,
- transparency,
- merit,
- non –discrimination and inclusiveness

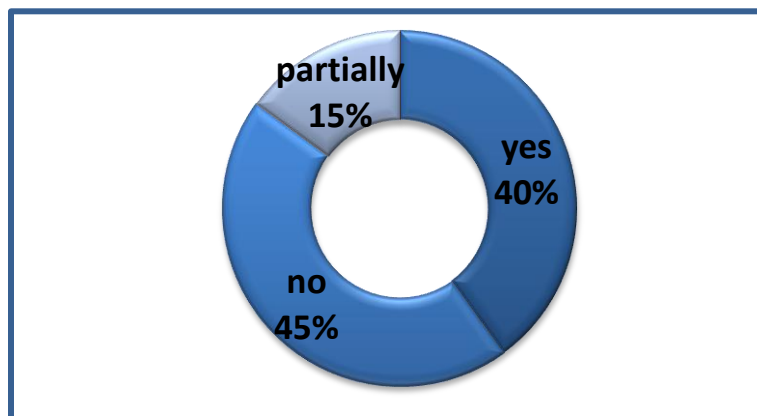
-were principles on which the civil service in Kosovo tried to be created and to be built on. Whether this intention is achieved –that is the subject under discussion!

¹⁵ *Group of Experts for Public Administration Reform* " Report on the status of Public Administration in Kosovo 2007" February 2007, pg. 64, pp. 65

The LCS has been enforced since 2010. Article 2 of LCS defined term “civil service” used in this law: “... the entire body of employed administrative personnel, in institutions of central and municipal administration foreseen by this law, which apply policies and ensure respectability of certain rules and procedures”.

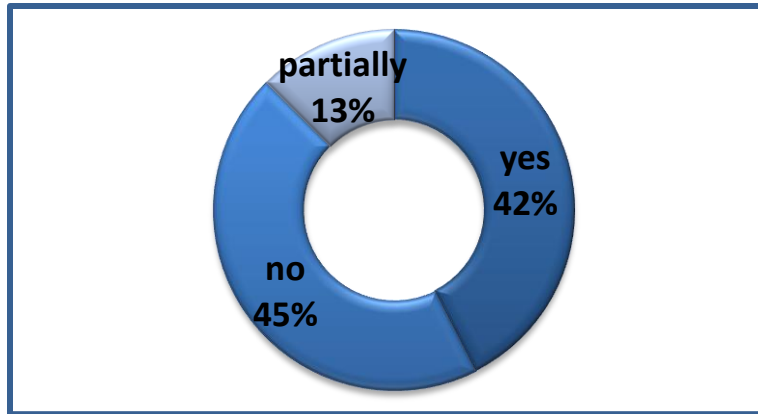
Article 3 of LCS in nine paragraphs defines in general terms the composition, organization recruitment, promotion and management basis of civil service in Kosovo. In paragraph 9 (Article 3) of this law it is written explicitly: “The recruitment, organization, promotion and management of the Kosovo Civil Service is based on the principle of merit; intended as the appointment of the best person for any given job in the public administration and the recognition of the good performance of Civil Servants in the exercise of their functions.”

Based on the survey, political or other implications on civil service are evident. 45% of respondents consider that institution don’t hold correct competition for job positions; 15% believe that institutions just partially makes correct competition; whereas 40% of respondents consider that institutions are correct regarding competition.(Figure 3.1)



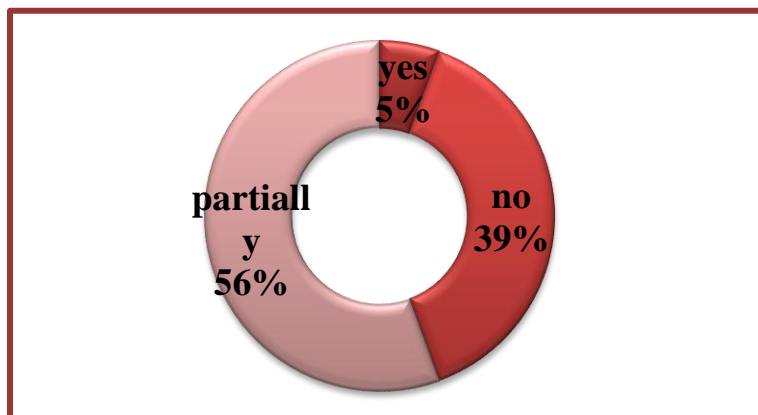
3.1 Does your institution hold correct competition for a vacant job positions?

Similar results are regarding best qualified candidates for vacant job positions (Figure 3.2)



3.2 Does your institution select best qualified candidates for vacant job position?

But results were different on the reliability survey. Only 5% of respondents answered with “yes” on the question if the institution selects best qualified candidates for vacant job position; 39 % answered with “no”, while 56 % says “partially”.(Figure 3.3)



3.3 Does your institution select best qualified candidates for vacant job position?

Based on the survey, which included civil servants from different categories of civil service through ministries, 50% of respondents accepted that they are witnesses of discrimination regarding advancement, even if they have good performance. That reflects that the core principles of civil service are broken. Figure (3.4)

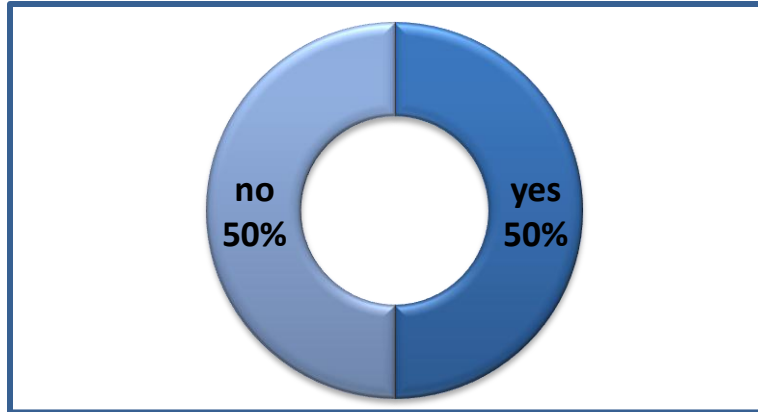


Figure 3.4 During your experience as a civil servant do you know of anyone discriminated regarding advancement, even if he/she had good performance?

The reliability survey specified more segments of civil service working frames, where probability of discrimination in civil service is higher. The results reflected more discrimination regarding “... *promotion, training opportunities, monetary benefits etc.*” 78 % of respondents accepted that they know about discrimination regarding these segments, while 22 % denied that they know about discrimination. (Figure 3.5)

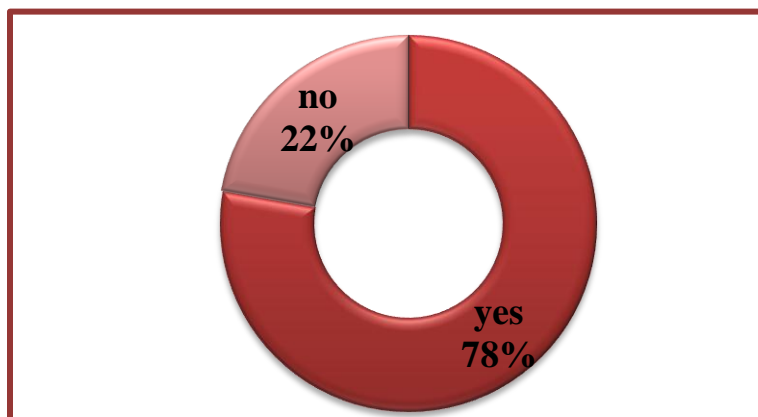


Figure 3.5 During your experience as a civil servant, have you perceived discrimination regarding promotion, training opportunities, monetary benefits, etc.?

Several questions could be propounded in this case:

- Is the civil service development based on approved legal acts, and principles of civil service?

- Is the civil service impartial and professionally independent?
- What is directly influencing the assessment of civil servants?

During the election campaigns (and subsequently), political parties (government(s) also) in Kosovo declared that they will implement professional civil service, detached from politics. What actually happened was contrary to what the declarations were! Interferences in recruitment and advancements of civil servants were apparently done (in all categories and in all levels of civil service).

The European Commission (EC) during its annual Progress Reports for Kosovo repeatedly highlighted the unchanged situation regarding negative phenomena.

The EC in the Kosovo 2007 Progress Report (pp. 10) finds that: “... *civil servants are still vulnerable to political interference, corrupt practices and nepotism.*”¹⁶

EC the 2008 Progress Report about Kosovo repeat the same statement regarding negative phenomena’s in civil service in Kosovo: “*Civil servants continue to be vulnerable to political interference, corruption and nepotism.*”¹⁷

EC Enlargement Strategy and Main Challenges 2009-2010, reports in the same line regarding public administration: “*Political interference in the civil service and in the process of public appointments remains a concern.*”¹⁸

¹⁶ Commission Of The European Communities, Brussels, 6.11.2007, Sec(2007) 1433, Commission Staff Working Document, Kosovo Under UNSCR 1244 2007 Progress Report Accompanying The Communication From The Commission To The European Parliament And The Council Enlargement Strategy and Main Challenges 2007-2008 {COM(2007) 663 final}, pp.10,

http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf

¹⁷ Commission Of The European Communities, Brussels, 5.11.2008, Sec(2008) 2697, Commission, Staff Working Document, Kosovo (Under UNSCR 1244/99) 2008 Progress Report Accompanying The Communication From The Commission To The European Parliament And The Council, Enlargement Strategy And Main Challenges 2008-2009 ,{COM(2008) 674}, pp.12,

http://ec.europa.eu/enlargement/pdf/press_corner/keydocuments/reports_nov_2008/kosovo_progress_report_en.pdf

¹⁸ Commission Of The European Communities, Brussels, 14.10.2009, Com (2009) 533, Communication From The Commission To The European Parliament And The Council, Enlargement Strategy And Main Challenges 2009-2010, pp.62 http://ec.europa.eu/enlargement/pdf/key_documents/2009/strategy_paper_2009_en.pdf

Kosovo 2011 Progress Report in its overall statements concludes: “*Kosovo needs to build a professional public administration free of political interference. This is a key European Partnership priority and needs to be a high political priority.*”¹⁹

3.5 Needs for Public Administration Reform (PAR)

Several analyses regarding public administration functionality and modernization have been done in Kosovo, as a need of changes during the years in political, social and economic environments. The first serious effort of Government was to analyze the situation in public administration, including strengths and weaknesses. There was a Report on the Status of Public Administration in Kosovo edited in February 2007 from Group of Experts for Public Administration Reform (GERAP).

This Report was focused on seven main fields:

- Human resources
- Structure of institutions
- Management of public administration
- E-governance
- Communications with citizens
- Anti-corruption
- Policies and legislation
- Financial public administration

GERAP emphasizes that: “*The Public Administration Reform and advancement is considered a necessity to meet the current requests and moreover to fulfill the obligations of creating a democratic state, so that it can provide efficient services to its citizens and be able to meet the current and future international obligations*”²⁰.

¹⁹ Commission Staff Working Paper, Brussels, 12.10.2011, Sec (2011) 1207, Kosovo 2011 Progress Report / Communication From The Commission To The European Parliament And The Council/ Enlargement Strategy and Main Challenges 2011-2012, {COM92011}666}, pp.10

http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf

²⁰ Group of Experts for Public Administration Reform, “*Strategy for Public Administration Reform in Kosovo 2007*”, February 2007, pg. 42

Based on the work that GERAP did, and findings in this Report, the Ministry of Public Services (MPS) (since May 2009 MPA) submitted a Strategy for Public Administration Reform (SPAR) and an Action Plan for Public Administration Reform (PARAP), which were the basic documents for forward steps in this direction. PARAP was revised in August 2009. Responsible for monitoring progress was the inter-institutional Working Group.

At the end of 2008 it was assessed that 35% of the planned actions had been improved. In October 2009, the MPA set up a Department for Management of Public Administration Reform and European Integration (DMPAREI). In 2010 the DMPAREI/MPA assessed that only 25 % of activities had been fully completed. Because of new circumstances and new political context created with the declaration of Kosovo's independence on 17 February, the 2008 Government of the new state was committed to update the PAR Strategy, which should run for the period of three years (up to 2013). After this timeline Government should evaluate achievements.

Based on Public Administration Reform Strategy 2010-2013, PAR vision is guided by three pledges: *an effective, efficient and European public administration.*²¹

3.6 Functional Review and Institutional Design of Ministries (FRIDOM Project)

In April 2008, the Government of Kosovo launched a major program of Functional Review and Institutional Design of Ministries (FRIDOM). This program was supported by the Department for International Development (DFID) of the United Kingdom and implemented by the Consortium of International Consulting Companies comprising of Helm (Ireland), CPM (Latvia), Governance Institute (Slovakia), and Altair (Spain).

The FRIDOM Project has given answers on three questions:

- What does the Government actually do?
- How does the Government do it?
- What should the Government do?

²¹Strategjia e Refoprmës së Administratës Publike 2010-2013, pp.5 http://map.rks-gov.net/userfiles/file/Strategjia%20dhe%20Planet/Strategjia_e_reformes_se_administrates_publike.pdf

Three types of reviews were made during the functional review:

- The whole of Government Review looking at the structure and organization of public administration.
- Sixteen vertical reviews of institutional structure, functions and capacity covering all ministries and the Office of Prime Minister (OPM).
- Fourteen reviews of horizontal functions common to all institutions

One of very important reviews of FRIDOM project, and very meaningful material within the scope of this capstone project is Functional review of the systems and capacities of human resources management.

Because of comprehensiveness of different categories and institutions in civil service, in 2008,²² when FRIDOM experts worked on functional review of the Government, the weight of each sector of the public administration in Kosovo was:

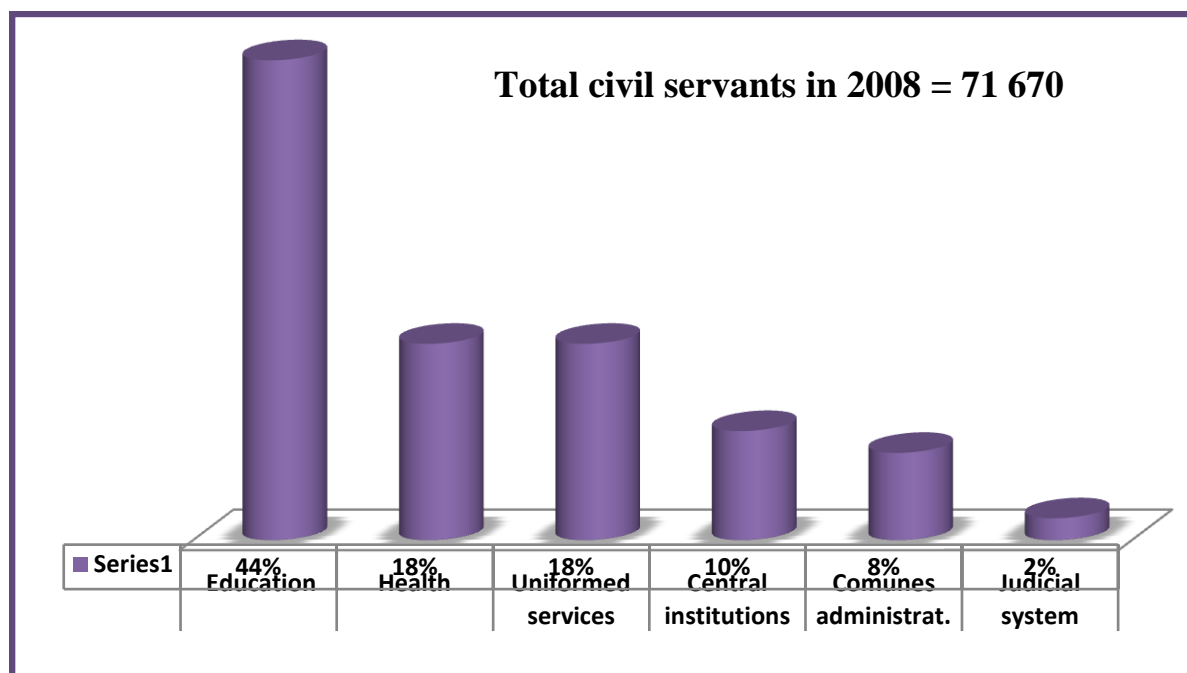
- Education 44%
- Health 18 %
- Uniformed services 18%
- Central institutions 10 %
- Communes administration 8%
- Judicial system 2%

Few steps to take different actions related to specific categories were done approving particular decisions from the side of government, for example increasing salaries for health or education category, but that produced another set of problems, related changes on payroll system.

Figure 3.6 indicates the percentage of civil servants distributed to each public sector in Kosovo, in 2008. Making a step of changes or specific rules in public service, when all these categories were in the same group, affected all groups.

²² FRIDOM (*Functional Review and Institutional Design of Ministries*) - Project, Review of the Human Resources Management, pp.13 <http://map.rks-gov.net/userfiles/file/FRIDOM/Rishikimet%20Horizontale/humanresources.pdf>

Figure 3.6 Percentage of Civil Servants distributed to each public sector in Kosovo in 2008



To make differences between different categories little formal changes were made in titles in database. These changes increased the number of titles in the payroll list, which is the source of overall list of public servants.

Artificial increase of titles was dictated because of:

- Non-divided public service categories,
- Non- adequate salary system in civil service,
- Non-job classification system
- Non-clear job description (non - unique standards and criteria's)
- Decentralized human resources management procedures

One of recommendation of the FRIDOM experts was: “... an urgent measure is the approval of a new job classification system (with standards and guidelines) that will lead to the interventions on the salary system.”²³ Three years later the job classification is not yet done.

²³FRIDOM project, 2008, Rishikimi funksional i sistemeve dhe kapaciteteve të Menaxhimit të Burimeve Njerëzore, pp.3 <http://map.rks-gov.net/userfiles/file/FRIDOM/Rishikimet%20Horizontale/humanresources.pdf>

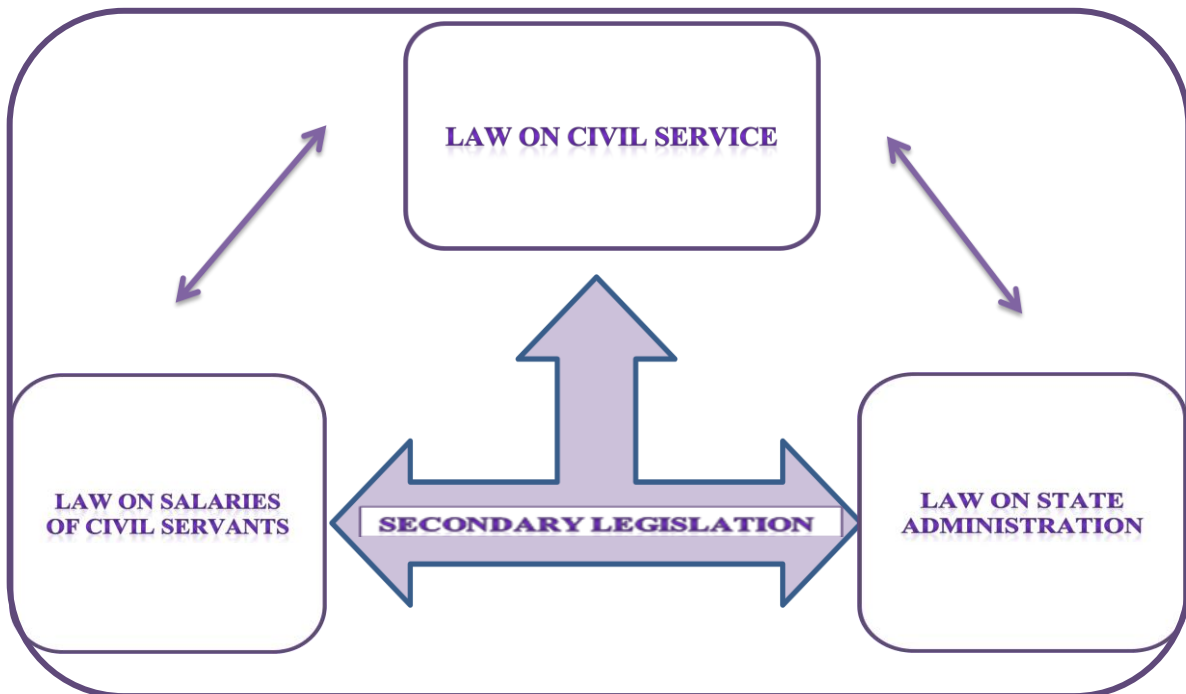
Chapter 4

4. THREE IMPORTANT LAWS IN OVERALL STRUCTURE OF PUBLIC ADMINISTRATION

After independence, the needs and expectations changed and moved forward. Recent developments and the needs of Kosovo public administration are specified in the Law on Civil Service (LCS), the Law on Salaries of Civil Servants (LSCS) and the Law on State Administration (LSA), which are the most important laws for sustainable and modern structure of public administration. All these three laws were approved in 2010.

The implementation of these three laws is depended on each other. LCS, LSCS and LSA will affect and will reflect between each other. The interaction of these laws is also apparent in related drafting and implementation of secondary legislation which derives from them (Figure 4.1).

Figure 4.1 Interactions between LCS, LSCS and LSA



4.1. Law on Civil Service in Kosovo

During 2009 the draft version of LCS passed in the government. For more than a year this draft law waited to be approved in Parliament. In May, 2010 it was approved by the Assembly, and promulgated by the Decree of the President of the Republic of Kosovo a month later. The sensibility, importance and impact of this Law on civil service structure and on financial aspects, ensured that Members of the Assembly took it into consideration very seriously. But SIGMA in its 2010 Report assessed that “... *the draft Law on Civil Service submitted by the government was subjected to more than 200 amendments (two amendments per article on average). As a result, the risk of inconsistency is high.*”²⁴

In July 2010 when LCS passed, approximately 15 000 workers were defined civil servants, compared to approximately 75 000 employees who had this status based on UNMIK Regulation 2001/36. LCS does not apply to the teaching staff of education system, the medical staff of the health service, art creators and performers, police officers, custom officers, correctional officers, members of the Kosovo Security Force, political appointees, and all the persons appointed in positions by the political appointees, including cabinet of the president, President of the Assembly, Prime-Minister and Ministers cabinets.²⁵

The LCS “... *regulates the status of Civil Servants and the terms and conditions of their employment relationship with the institutions of the central and municipal administrations.*”²⁶

In contrast with legislation in other countries, LCS in Kosovo gives a very important role to the process of job evaluation results due to the effects that produces. Effects are related to staff management, impact on career building and assessing the needs for capacity development.

Article 34 of LCS defines that:

“1. The results of performance appraisal shall have influence and impacts to establish:

²⁴ SIGMA, Assessment Kosovo under UNSCR 1244¹, 2010 Civil Service And Administrative Law <http://www.sigmaweb.org/dataoecd/20/62/47074769.pdf>

²⁵ Law on Civil Service, Article 4, categories of Public Employees excluded from the Civil Service, pp. 3 <http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>

²⁶ Law on Civil Service, Article 1, purpose and scope, pp.1, <http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>

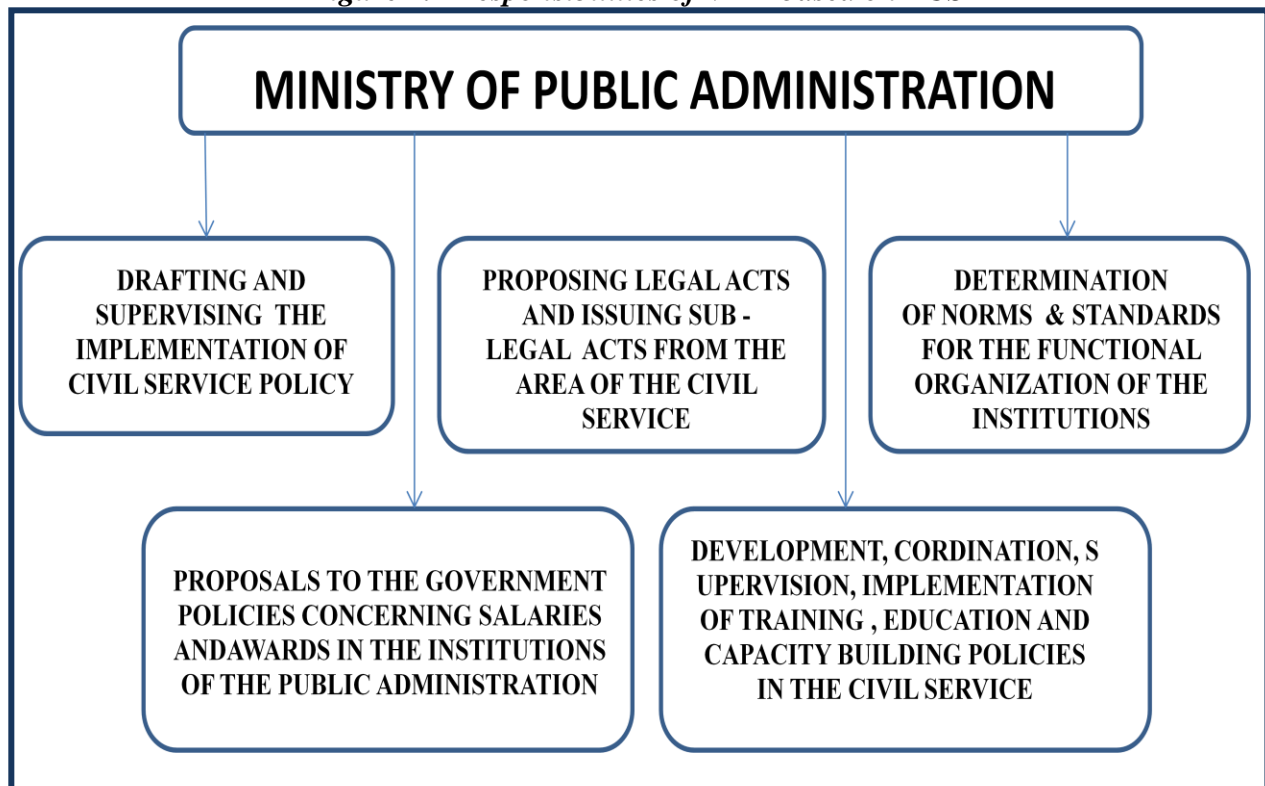
- 1.1. the need for training individual or groups of Civil Servants;
- 1.2. the eligibility of Civil Servants to career advancement;
- 1.3. the existence of conditions for conversion of probationary appointment or dismissal;
- 1.4. the existence of conditions for secondment to international assignments;
- 1.5. the existence of conditions for the concession of special leave entitlements;
- 1.6. the continuation or termination of employment of with the civil service.”²⁷

The same Article of LCS, paragraph 4, states that the results of performance appraisals shall also be taken into account during the disciplinary procedures.

Based on this law two categories of civil servants will exists:

- Positions of career civil servants, who will be in permanent functions
- Positions of non-career civil servants, who will work on temporary positions

Figure 4.2 Responsibilities of MPA based on LCS



²⁷ Law on Civil Servants, Article 34, *Influence and Impacts of Performance Appraisal Results*, pp.17-18
http://gazetazyrtare.rks-gov.net/Documents/GZRK_72_ENG.pdf

Based on LCS (Article 6, paragraph 2), MPA is the ministry in charge for several important competencies regarding civil service, which reflects Figure 4.2 (figure above). In this regard, concerns regarding the capacity of the MPA, in particular DCSA, are valid. Based on OECD Assessment the DCSA “...is striving to increase its capacity, but it is still far from having the required skills and resources needed to efficiently play its role as the central policy and management capacity”.²⁸

Allocated budget for MPA will be used related for administration of civil service. The budgetary costs related to LCS have impact only in the MPA budget. This law does not burden the Budget of Kosovo because the similar job is being done by the MPA. In the explanatory memorandum that the Government has attached to the Draft Law on Civil Service²⁹ (on 2009), it is stated that the work of civil servants will be rewarded through the salary system (LSCS), the budgetary costs for LCS are destined only for administration of civil service costs (*Additional costs Table 4.1*)

Table 4.1 - MPA budget & additional costs for administration of civil service based on LCS

MPA	2010	2011	2012
Budget	€ 36.0 M (US\$ 46.0 M)	€ 32.0 M (US\$ 43.0 M)	€ 21.0 M (US\$ 28 M)
Additional costs	€ 37,200 (US\$ 49,104)	€ 52,200 (US\$ 68,904)	€ 45.352 (US\$ 68,904)

Table 4.1 shows a decreasing MPA budget over a 2 year period (2010-2012). This is due to the shift in Government priorities. Another reason for the 2012 MPA budget being €10.0 M less than previous years is the transfer of the Statistical Office of Kosova from the MPA, to being an agency under OPM. Therefore, in 2012, the number of civil servants in MPA has fallen from 400 to 260.

²⁸ Support for Improvement in Governance and Management, / A joint initiative of the OECD and the EU, principally financed by the EU/ Assessment Kosovo 2011 <http://www.oecd.org/dataoecd/40/29/48970710.pdf>

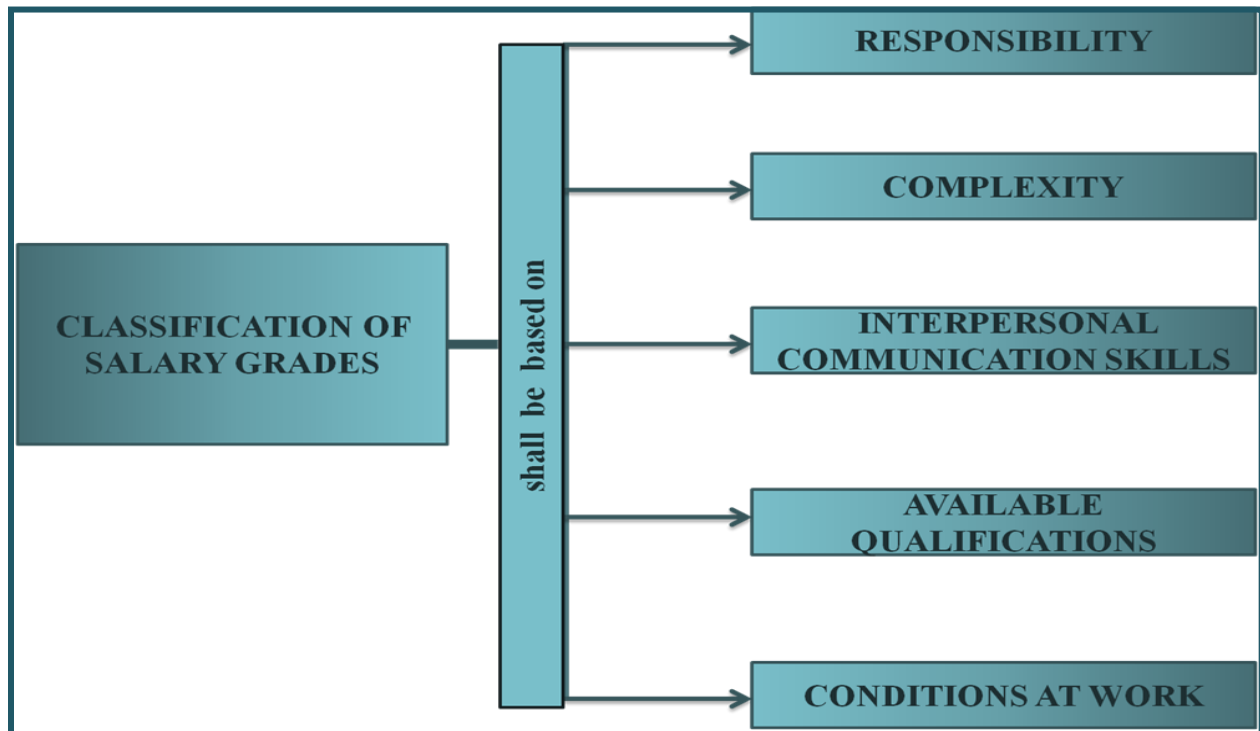
²⁹ Vleresimi i Ndikimit Buxhetor ne Buxhetin e Kosoves ne Projektligjin per Sherbimin Civil, BQ, nr. 90, 01.04.2009

4.2. Law on Salaries of Civil Servants

The segment of civil servant salaries' had been regulated by sub-legal acts, such as the Manual for Salary System and Promotion and Administrative Guide of MPS 2004/11 for setting the Grades in the Civil Service. The LSCS was approved by Assembly on the same day with LCS, because of interaction between these two laws.

The purpose of LSCS is “...is the establishment of a system and structure of salaries, allowances and other remuneration for Civil Servants, as defined in the Law on the Civil Service of the Republic of Kosovo.”³⁰ In order to define the basic salary, the LSCS (the same as LCS) confirm the categorization of civil service employees into four functional groups. It also classifies the positions and salary grades in one of the fourteen salary grades, through these four functional groups. Components for classification of salary grades are determined in the LSCS (figure 4.3)

Figure 4.3 Components for classification for salary grades according to LSCS



³⁰ Law on Salaries of Civil Servants, Article 1, *Purpose and Scope*, pp.1, <http://www.kuvendikosoves.org/common/docs/ligjet/2010-147-eng.pdf>

The LSCS have budgetary impact on Kosovo budget, because of the salary system. Kosovo Budget for 2012 is €1.5 billion.³¹ / US\$ 1.9 billion). In the explanatory memorandum attached to the LSCS³² (on 2009), the additional budgetary costs for new salary system were 8, 719, 241 € (US\$ 11, 509, 398) per year. Based on calculations in the LSCS explanatory memorandum for 2010, the additional costs for 2012 should be approximately € 12, 6 (US\$ 16, 7)

This was calculated:

- based on the number of civil servants
- based on 14 salary grades;
- based on coefficient value

Table 4.2 - Numbers of civil servants and additional budgetary costs based on LSCS

Year	Number of civil servants	Additional budgetary costs (€ Million)
2010	14 746 (December, 2008)	€ 8,7 M US\$ 11, 5
2012	21 286 (October, 2011)	€ 12, 6 US\$ 16, 7

4.3. Law on the State Administration

LSA is an important law among basic legal acts for organizational structure of public administration. *“The purpose of this Law is providing a legal framework for the organization, cooperation and management of bodies exercising the executive power.”*³³

LSA defines the duties and nature of state administration, status and noncompliance of manifestation and political organization in state administration bodies. Organizational, functional and activity structure of state administration bodies are regulated by this law, which is not

³¹ Ligji Nr. 04/L-079 Per Buxhetin e Republikës së Kosovës për vitin 2012
<http://www.kuvendikosoves.org/common/docs/ligjet/Buxheti%202012.pdf>

³² Vleresimi i Ndikimit Buxhetor në Buxhetin e Kosovës në Projektligjin për Pagat e Nepunesve Civil, BQ, nr. 91, 01.04.2009

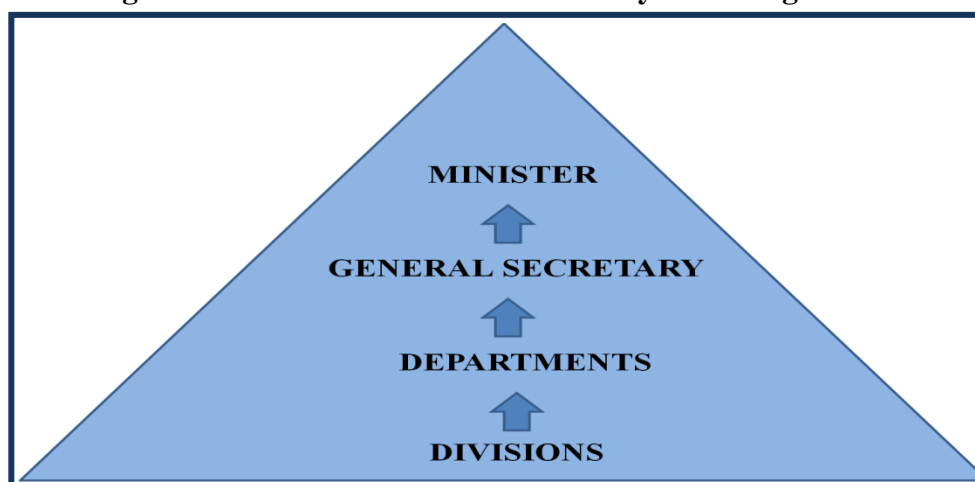
³³ Law on State Administration, Article 1, Purpose and Scope, pp.1,
<http://www.kuvendikosoves.org/common/docs/ligjet/2010-189-eng.pdf>

applicable to the administration of the Assembly, of the President; of Constitutional Court; of the judiciary and of the prosecution service; of the independent institutions as specified in Chapter XII of the Constitution; of higher public education institution, of local administration of public enterprises. All these institutional categories of public administrations are regulated by relevant specific laws.

Article 70 of LSA, which states: “*Changes of civil servants titles resulting from this Law shall be decided in accordance to the respective provisions of the Kosovo civil service legislation*”³⁴ has also direct linkage with LCS and LSCS.

This law provides the drafting of regulation on internal organization and systematization of job positions which should include organizational structure, definition of appropriate management levels, functions, and responsibilities; number and level of job positions; allocation of business within the organizational structure to job positions (including title and job description, substitution etc.); conditions for each job position; tasks of deputy ministers and political advisers and their relations with the civil service hierarchy in ministries; and organizational chart (all these components are mentioned within the law). Figure 4.4 below shows how the LSA specifies structure levels in ministries.

Figure 4.4 Levels of structure in ministry according on LSA



³⁴ Law on State Administration, Article 70, pp.25, <http://www.kuvendikosoves.org/common/docs/ligjet/2010-189-eng.pdf>

Chapter 5

5. IMPORTANT COMPONENTS FOR IMPLEMENTATION OF LCS

5.1 Secondary legal acts – process of drafting is still continuing

The MPA, as the responsible institution for public administration, was in charge to draft secondary legal acts during the first year after the LCS was promulgated, on January 1st, 2011. Until now MPA has approved eleven Regulations. The process of drafting secondary legislation is still continuing.

Table 5.1 Administrative Instructions based on UNMIK Regulation & LCS Regulations

Administrative Instructions (AI) based on UNMIK Regulation 2001/36	Regulations based on Civil Service Law
Administrative Instruction no. MPS/DCSA 2003/01 – Recruitment Procedures;	Regulation on Recruitment Procedures in Civile Service, no. 02/2010
Administrative Instruction no. MPS/DCSA 2003/02 – Contract Procedures;	Regulation no.07/2010 on Civil Service Servants Appointment
Administrative Instruction no. MPS/DCSA 2003/03 – Probation Period Procedures;	Regulation no. 02/2011 on probation period of civil servants
Administrative Instruction no. MPS/DCSA 2003/04 – Disciplinary Procedures;	Regulation no. 04/2011 on disciplinary procedures
Administrative Instruction no. MPS/DCSA 2003/05 – Appeal Procedures;	Regulation no. 06/2010 on Transfer of Civil Officers,
Administrative Instruction no. MPS/DCSA 2003/06 – Procedures of termination of employment with the Civil Service;	Regulation no.01/2011 on termination, suspension, and ending of employment in civil service
Administrative Instruction no. MPS/DCSA 2003/07 – Job Description Procedures;	Regulation no. 03/2010 on Job Description
Admin. Instruct. no. MPS/DCSA 2003/08 – Assessment of performance Procedures;	
Admin. Instruct.no.MPS/DCSA2003/09 –Working hours and attendance at work;	Regulation no.05/2010, on Working Hours
Administrative Instruction no.MPS/DCSA 2003/10 – Leave Procedures;	Regulation no. 06/2011 on the Civil Servants Leave
Administrative Instruction no.MPS/DCSA 2003/11 – Procedures of personnel files;	Regullore no. 03/2011 on personnel files and central register of civil servants
Administrative Instruction no.MPS/DCSA 2003/12 – Procedures of equal opportunities;	Regulat. no. 04/2010 on proced. for the fair and proport. represent. of commun. not in the majority in the civ.serv.
Administrative Instruction no.MPS 2004/11– Determining the level of grades in civil service;	
Admin.Instruct. no.2005/01-MPS-Work rules of the Independent Oversight Board of Kosovo	Law No. 03/ L-19, on Independent Oversight Board for Civil Service of Kosovo
Administrative Instruction no.2005/02-MPS – Appeal rules and procedures of the IOBK;	
Admin. Instruct. no.02/2005-rights and duties of political appointees and their code of conduct	
Civil Servants Code of Conduct no.01/2006.	

Currently being drafted are few regulations, which are important sub legal acts, not only for the implementation of LCS, but for the implementation of LSCS, as well. Table 5.1 lists Administrative Instructions based on UNMIK Regulation 2001/36, and Regulations based on LCS which are approved and automatically are changing relevant Administrative Instructions.

5.2. Classification of job positions

In May 2008, SIGMA in its assessment of Kosovo's public service and the administrative framework concludes that *"The Civil Service Law does not differentiate between civil servants executing public authority powers and support staff. Despite the tasks assigned to the DCSA, the civil service legislation provides for decentralized human resources management, i.e. every institution provides job descriptions and classifications for the posts within the institution. The absence of a general classification of positions in the public administration and the inappropriate supervising mechanisms at central level make it possible for individual institutions to invent new positions and new denominations, leading to an uncontrolled salary level. The DCSA claims that all managerial positions have the same job classification, while admitting the existence of problems with regard to executive positions. However, the situation and examples in practice reveal distortions of the system."*¹⁹

Three years later nothing has changed regarding this issue. There are still a huge number of titles, which are ranged in the payroll system. Many times, because of different requests from institutions, the same title is repeated in the payroll list, increasing in this way the number of titles and number of job positions.

The current situation of job position titles in civil service, and the different levels of payment, does not have criteria of classification. There are cases when the title is different, whereas the content of job position or job description is the same. Also the current situation shows that in the same category of institution different levels of salaries are used, for the same title (same job position), same job descriptions, and same level of institutional hierarchy. FRIDOM Project analyzed this problem in its Review of the Human Resources Management since 2008 (*see Chapter 1 of this project, pp 11*) and this problem still persists.

From the current total number of 862 titles in civil service in Kosovo, there are 67 titles which have the word “*assistant*” as a part of the job position title. The level of salary is different even if the title is the same, in the same level of hierarchy of the institutions. From the total number of civil servants in central and local level, the percentage of civil servants that are covered under the title “*assistant*” is 7%, (Figure 5.1) or expressed with numbers from a total of 21286 civil servants, 1464 are “assistants”.

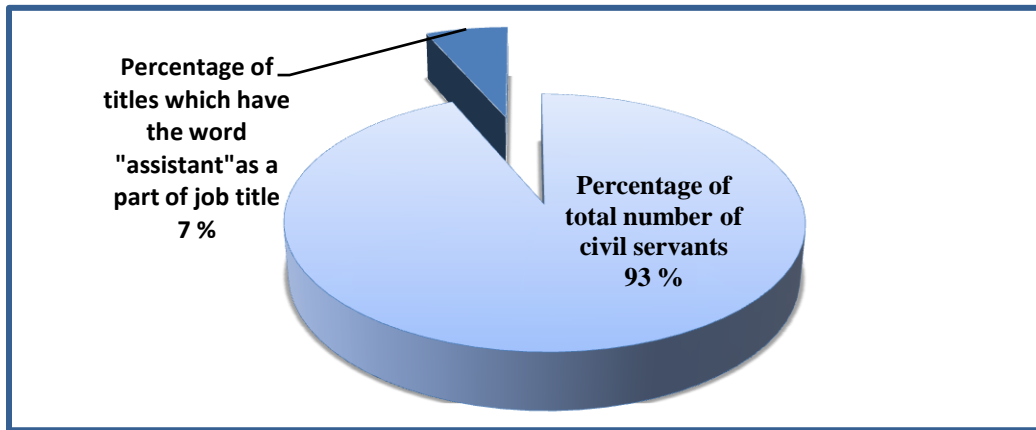


Figure 5.1 Percentages of assistants, from the total number of civil servants

From the total number of civil servants in central and local level, the number of civil servants that are covered under the different nuances of title “*officer (official)*” is 5461, or 20 % from the total number (Figure 5.2.). Number of titles to this category is 201. The problem with variation of the level of salaries is identical in the technical and logistic titles also, and less is reflected to the higher levels of civil service hierarchy.

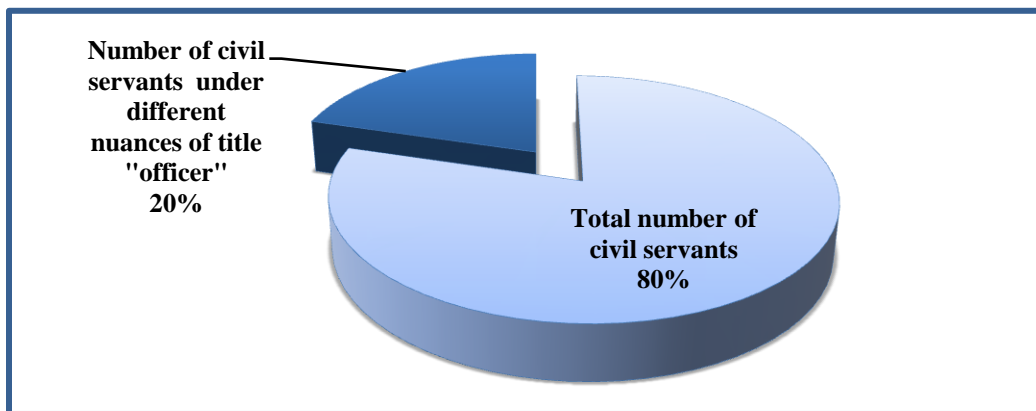


Figure 5.2 Percentages of officers from the total number of civil servants

SIGMA (Support for Improvement in Governance and Management) assessment of May 2008 states about classification of the Civil Service in Kosovo: *“Deep concern has been largely reported related to the inconsistency and unfairness of the classification system. Given this situation, the development of an effective central management capacity and the creation of a proper classification for the civil service should be given priority, before any salary reform.”*³⁵.

The World Bank's Strategy in Republic of Kosovo: 2010-2011 emphasized that *“The lack of a viable pay and grading structure and open-ended contracts (or, minimally, criteria for the renewal of temporary contracts) introduced considerable discretion in pay and undermined payroll controls. The wide pay differentials for similar positions in different civil service organizations and the absence of a stable career structure have frustrated staff, and provided little incentive to stay in the civil service.”*³⁶

The Regulation on job classification will enable the categorization of workplaces across the functional categories defined in Article 23 of the LCS that deals with functional positions. This Regulation would have to explain criteria's and procedures for classification of job positions and grades, in all levels of public administration, based on the LCS and LSCS. According to the LCS the employees will be divided into four functional categories (*refer to LCS, Chapter IV, Article 23, Career development - civil service job classification*).

Also, the Regulation on job classification should be based in the Law on civil servants' salaries, respectively, Article 6, which determines the classification of positions to salary grades in the civil service. Based on this article *“the purpose of determining the base salary in the civil service positions are divided into four functional categories and classified into one of the fourteen (14) salary grades.”* (LSCS, Article 6, Classification of Salary Grades Positions in Civil Service).

The reasons why job classification should be done are:

³⁵ SIGMA - Kosovo Public Service And The Administrative Framework Assessment May 2008, pp. 8, <http://www.sigmaweb.org/dataoecd/48/31/41637624.pdf>

³⁶ The World Bank's strategy in Republic of Kosovo: 2010-2011 http://siteresources.worldbank.org/KOSOVOEXTN/Resources/297769-1266424306995/Kos_key_devpnm.pdf

- -identification of responsibilities and clear objectives of each job position
- -gives a clear view for designing strong and transparent salary system
- -helps on managing of differences between job positions within an organization
- -creates a level of comparing values between job positions

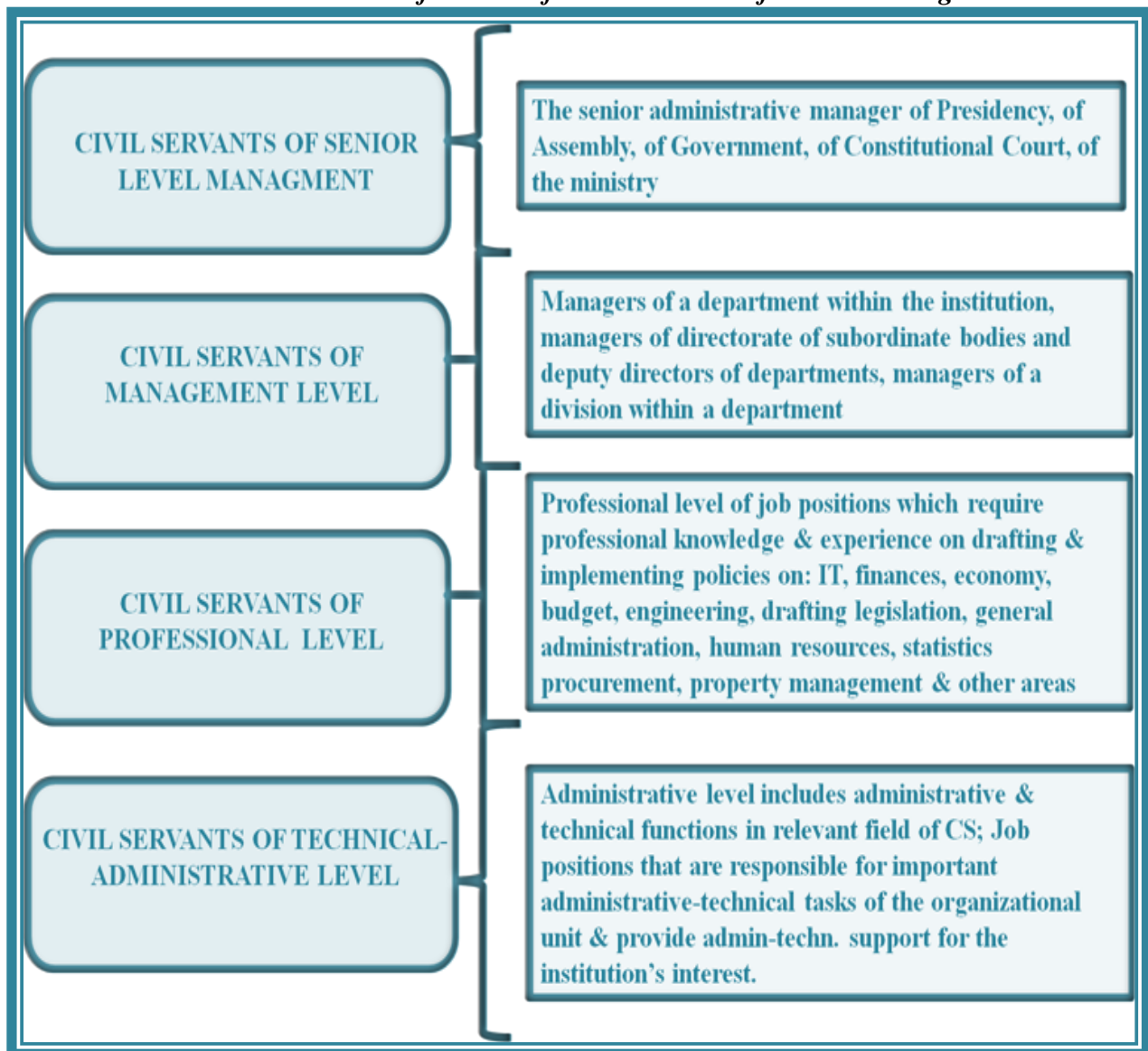
Based on this partition which determines LSCS, more specified classification could be done through these levels of classification, by ranging job positions based on general classification of their tasks and functions (Table 5.2 reflects general view of mentioned classification).

Table 5.2 Classification of Salary Grades Positions in Civil Service according to LSCS

FUNCIONING CATEGORIES OF CIVIL SERVANTS	Positions under the functioning categories	Salary grade
civil servants of senior-level management	senior manager three (3) senior manager two (2) senior manager one (1)	Salary Grade one (1) Salary Grade two (2) Salary Grade three (3)
civil servants of management level	manager four (4) manager three (3) manager two (2) manager one (1)	Salary Grade four (4) Salary Grade five (5) Salary Grade six (6) Salary Grade seven(7)
civil servants of professional level	implementing and professional three (3) implementing and professional two (2) implementing and professional one (1)	Salary Grade eight (8) Salary Grade nine (9) Salary Grade ten (10)
civil servants of the technical - administrative level	administrative four (4) administrative three (3) administrative two (2) administrative one (1)	Salary Grade eleven (11) Salary Grade twelve (12) Salary Grade thirteen (13) Salary Grade fourteen (14)

The Regulation on Job classification will open the way for internal restructuring of departments in a horizontal line and systematization of job positions. This would enable departments to do job re-description, according to titles and responsibilities. Also this will be in accordance with the respective laws and other normative acts approved in recent years, which have changed in essence the axis of functioning of civil service, while transforming it from a system based on position, to a system of merit. Table 5.3 reflects possible general classifications of Job Positions in functional categories.

Table 5.3 General Classifications of Job Positions in functional categories



5.3. Job description component and Regulation on job description

Role and accountability of individuals within an institution is defined through the job description. Responsibilities of a specific job, information about the nature and conditions of work, equipment used, tools, skills and knowledge needed, and hierarchical line should be clearly defined and assessed with job description component.

To make their services more acceptable and attractive for citizens, creativity is one of the important elements for performance of employees in public administration. But the space that job descriptions can offer to the civil servants to be creative should be very carefully studied and analyzed, because creativity is not arbitrariness. Re-description of job positions based on new law and new regulations should have this element in mind. Currently 52% of respondents consider their ability to be creative only partially allowed; 38 % answered with “yes” and 10 % of them answered that they cannot be creative based on their job description (figure 5.3)

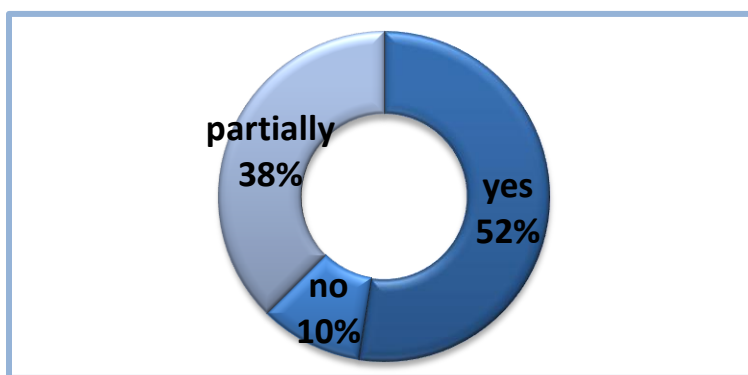


Figure 5.3 Does your job description allow you to be creative during your daily work?

Job analysis should get objective information to obtain job description, which should specify competencies. This is an important element for employers and employees to identify where are the limitation of the task of an employee and where is the start line of another employee.

The MPA approved the Regulation No 03/2010 on Job Description which defines unique procedures for preparation, content, form, change, approval and use of job description in Kosovo

Civil Service³⁷. Based on this Regulation, if for a new position there is a standard job description, then the same one should be used for relevant position. Article 11 of this Regulation gives precise explanation that for job positions which are common in some institutions, DCSA / MPA shall prepare standard job descriptions which along with relevant grades shall be placed in the job description catalogue. This catalogue should be available to all these institutions.

Currently the DCSA / MPA do not have a job description catalogue. They have some standard forms of job description in general, but not based on standard criteria, not collected and arranged in one administrative book (catalogue) and not shared through institutions to create a same standard job description for relevant positions. Furthermore evaluation of work is done on an annual basis, in general terms and based on formal description of duties that have not change through the years.

Even though there were changes in responsibilities and competencies of ministries, changes of legal acts, changes of needs and goals, based on survey, 70 % of respondents answered that they didn't have any change in their job description during their experience as a civil servant. 30 % of respondents assumed that they had changes in their job description (Figure 5.4). Approximately the same results were found in the second survey to check the reliability of data (“Yes” 33% / “No” 67 %)

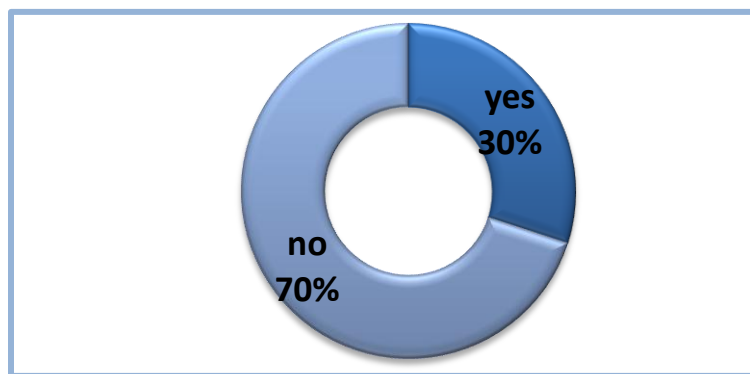


Figure 5.4 Has your job description changed during your experience as civil servant?

³⁷ The Regulation No 03/2010 on Job Descriptions, pp. 1, Ministry of Public Administration, <http://map.rks.gov.net/sq/DocumentsView.aspx?id=367>

Article 14 of Regulation on Job Description specifies that job descriptions are mandatory documents for beginning and finalizing procedures of human resources management within the civil service, in the following procedures: appointment, recruitment, and promotion, work assessment, transfer, temporary or permanent appointment to Office or other duty, classification or re-classification of job position, or creation of new position. Even though this regulation determines that process of standardization of form and content of job description for all positions shall begin immediately after approval of regulation, this is not yet done.

Description of job duties is directly related to the grading system of civil servants. LSCS³⁸ in Article 6, Section 9 states that: “*To classify a post to the appropriate grade, the job description for that post is compared with a set of grade definitions which specify for each grade the level of responsibility, complexity, interpersonal skills, required qualifications and experience required for the concerned grade*”, which are automatically indicators and reflects in the assessment of performance.

A phase of re-description of job positions will enable the institutions to reassess the staff needs, and necessary job positions (titles), for effective and efficient functioning of institutions. In parallel way goals and objectives of each civil servant should be compiled accurately. This will help in the process of clearly evaluating what to measure and what the performance indicators of each civil servant are. Re description would have to occur within a rapid period and should include central and local level.

5.4. Performance evaluation component

Assessment of performance is not a goal in itself. Performance evaluation of civil servants should be the focus of job evaluation of institutions, having in mind common aims and objectives of the institution and of the civil servant, also. The new legislation for civil service gives a very particular role to the performance evaluation, because important processes are linked with work results, especially progress in steps based on performance appraisal.³⁹ The

³⁸ *Law on Salaries*, Article 6, Section 9, <http://assembly-kosova.org/common/docs/ligjet/2010-147-alb.pdf>

³⁹ Law No. 03/L-147 on Salaries of Civil Servants, Article 11, pp.5-7, <http://www.kuvendikosoves.org/common/docs/ligjet/2010-147-eng.pdf>

assessment of civil servants performance derives progress if is linked to results. “*Performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly progress towards pre-established goals. It is typically conducted by program or agency management*”.⁴⁰

Evaluation of performance increase responsibility and the accountability of civil servants. Attention in the performance appraisal process should be on non-violation of general principles of the civil service, as foreseen in the Civil Service Law (Legality, nondiscrimination, obligation to respond to the requests, effectiveness and efficiency, accountability, impartiality and professionalism, transparency, avoidance of conflict of interests, principle of equal opportunities for communities and gender).

In the survey respondents were asked when they give their maximum at work. They had a few possibilities to choose from. Figure 5.5 reflects the respondents’ answers.

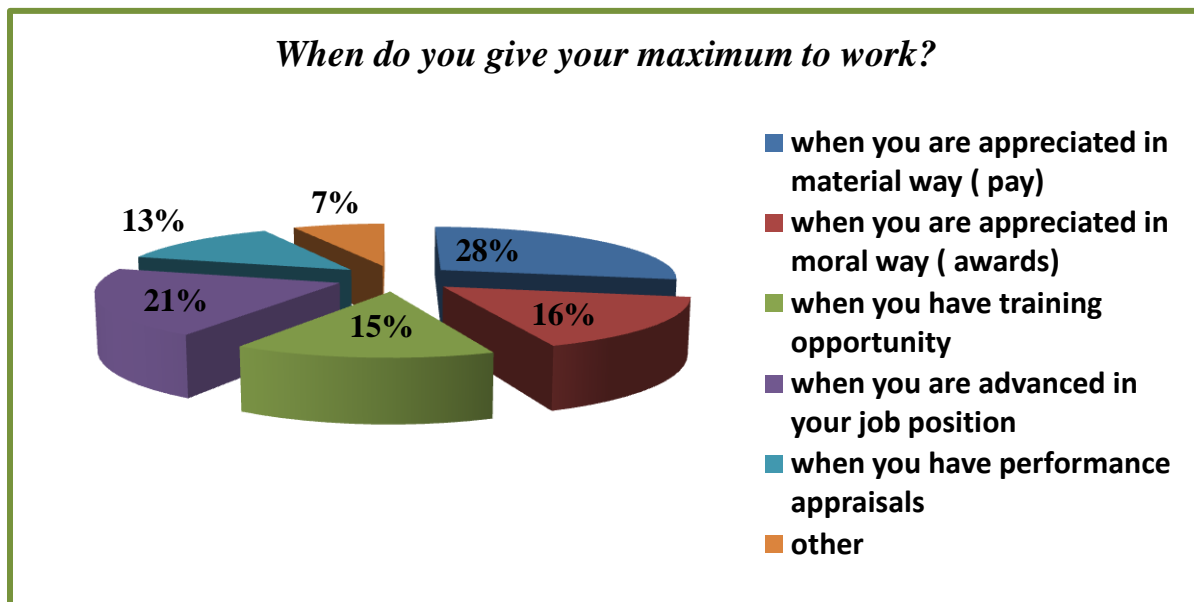


Figure 5.5

⁴⁰ *United States General Accounting Office / GAO / Glossary PERFORMANCE MEASUREMENT AND EVALUATION, Definitions and Relationships, April 1998, <http://www.gao.gov/special.pubs/gg98026.pdf>*

Performance appraisal should not mean just reward with money (extra payment). This way of recompense for good performance, does not guarantee quality or quantity of work, and does not guarantee responsible management and accountability. Until the evaluation performance system does not include a punitive manner when performance evaluation is unsatisfactory (no manner to degrade, or decrease (discount) salary), there is no indication that wage growth is the best solution.

5.5 Measurement of performance

Well defined individual performance goals are a way to focus the attention of the employees on achievement of predetermined objectives, which are not only personal ambition, but goals and objectives based on objectives and overall aims of division, department or ministry itself. The main purposes of measuring the work (performance) of employees are:

- To measure the performance of work in certain periods of the previous phase
- To set targets for the period of default work in the future

Related to measurement of performance, the survey consisted of a question about written performance goals for civil servants. Only 54% of respondents accepted that they have approved performance goals which they are expected to achieve during specified period, 36% denied, whereas 10 % of respondents answered “*partially*” (Figure 5.6) Even if positive answers are more than negative and “*partially*” answers, it is still a considerable percentage that shows the lack of individual formal performance goals.

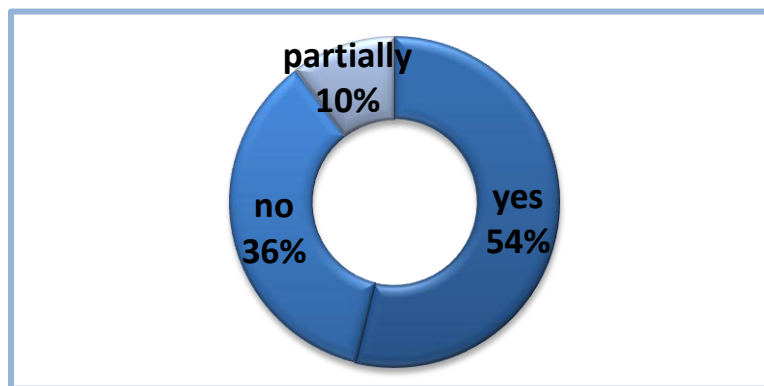


Figure 5.6 Do you have written (approved) performance goals that you are expected to achieve during specified period?

Based on reliability survey 39 % of respondents accepted that they don't have written approved performance goals (vs. 36 % on first survey); only 5 % had positive answer (vs. 54% to the first survey), and others (56%) answered that they have written performance goals (vs. 10 % on the first survey) (Figure 5.7)

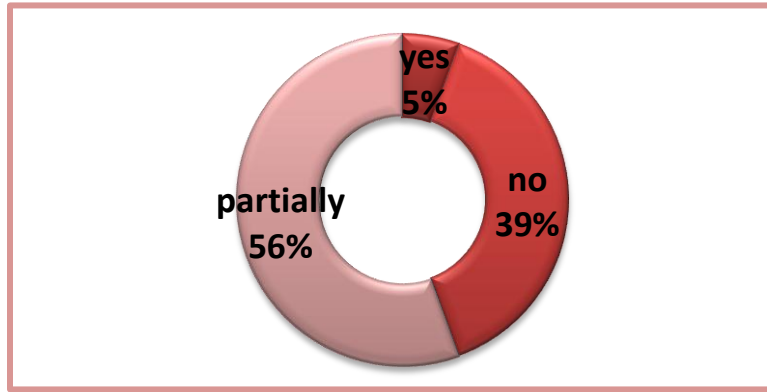


Figure 5.7 Do you have written (approved) performance goals that you are expected to achieve during specified period?

Evaluation of employees creates an objective basis for personnel actions related to appointments and promotions, creates the basis to make it easier to determine the employees wage increases or other advantages. In case of staff reduction, the evaluation of work may be one of supporting elements for such a decision. Also, it helps to identify the steps made to achieve objectives and goals, so that work that is done can serve as an experience that can be used and exchanged between employees.

More than one of the questions of the survey was linked with the process of performance evaluation. When respondents were asked about who is completing their evaluation paper, 75 % of respondents answered that their managers (supervisors) are doing this procedure. 25 % of them responded that they are completing their evaluation papers themselves. Not one of respondents accepted that their colleague is completing their evaluation paper (Figure 5.8)

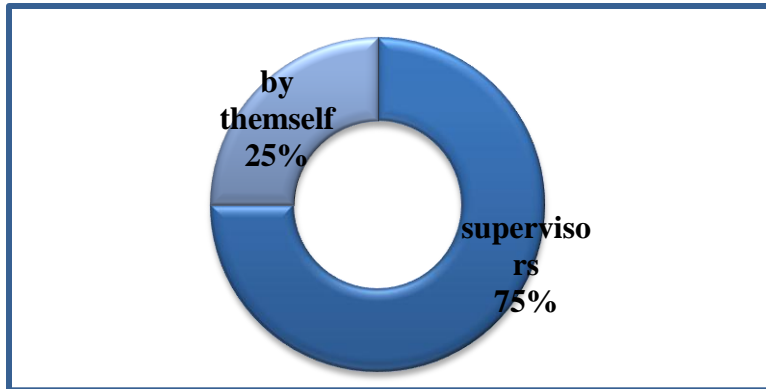
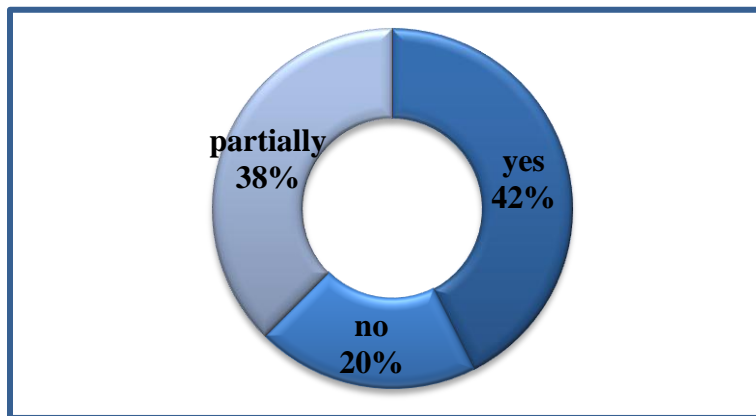


Figure 5.8 Who is completing your evaluation paper?

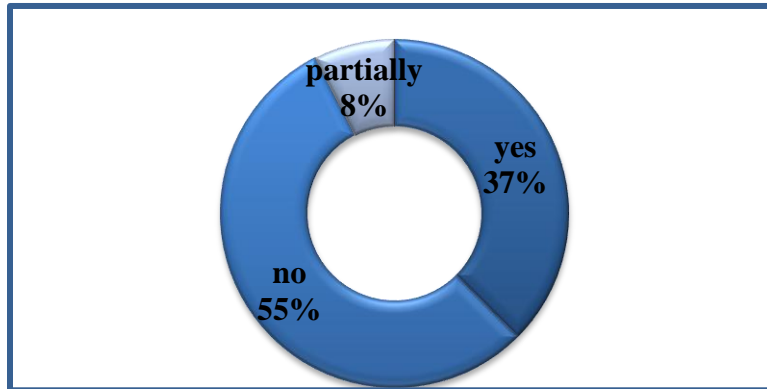
It's worrying when 25% of respondents confirm that they themselves are doing by performance evaluations. This means that there is a part of civil service not controlled on their objective achievements and not evaluated correctly. It's also worrying when only 42% of respondents say that they are fairly evaluated (that 20% of them say "no" and 38 % "partially") (Figure 5.9).



5.9 During your experience as a civil servant, do you believe that you are fairly evaluated for your performance?

This led to ascertainment that performance evaluation is subjective, depending on personal judgment (because it is direct supervisors who make the performance evaluation) and not in criteria and well defined civil servant goals during a clear cut period.

Compared with the fairness of performance evaluation, the situation on fairness for training opportunities is worse. 55% of respondents answered that civil servants are not treated fairly regarding training opportunities, whereas 8% responded “partially”; 37% estimates as correct training opportunities (Figure 5.10)



5.10 Are civil servants fairly treated in training opportunities?

Respondents were asked to specify for their level of performance. 10 % of them were evaluated themselves with grade 10; 48 % with grade 9; 27 % with grade 8, 10 % with grade 7. What was very strange was 5% of respondents who evaluated themselves with grade 1 (Figure 5.11).

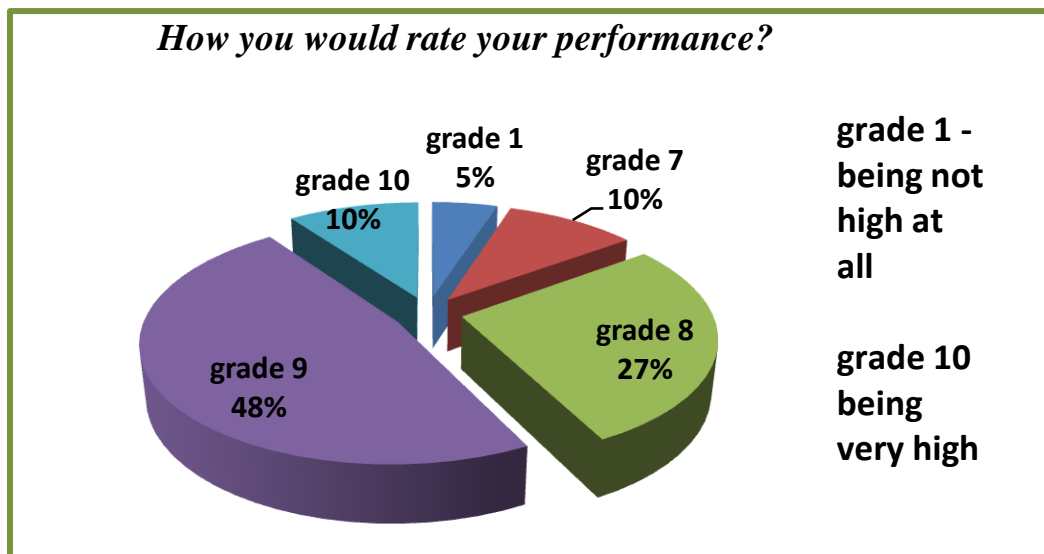


Figure 5.11

Less subjective were the responses on second survey. The figure 5.6.7 shows the percentage of “self grading” of civil servants. 11% graded themselves by 10; the same percentage is graded by 9; 39 % by 8; 11 % by 7; 6% by grade 5; 5 % by grade 4 and 17 % by grade 3.

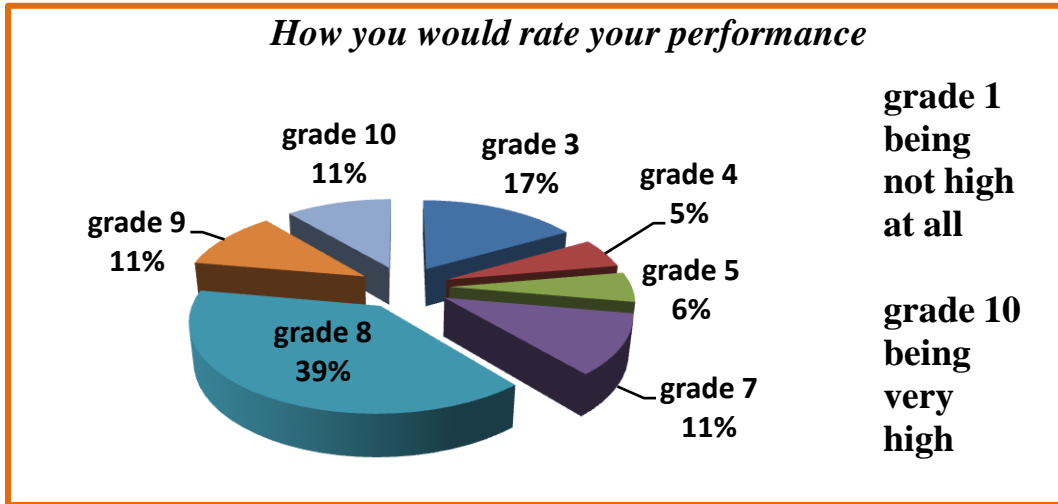


Figure 5.12

Even if the annual evaluation of work is determined in legal acts in force, based on results of the survey 75% of respondents are receiving, annual feedback, whereas 10% of them receive their feedback (not only written performance evaluation but also through conversational appointment regarding their performance) every 6 month and 15 % of them every 3 months (Figure 5.13)

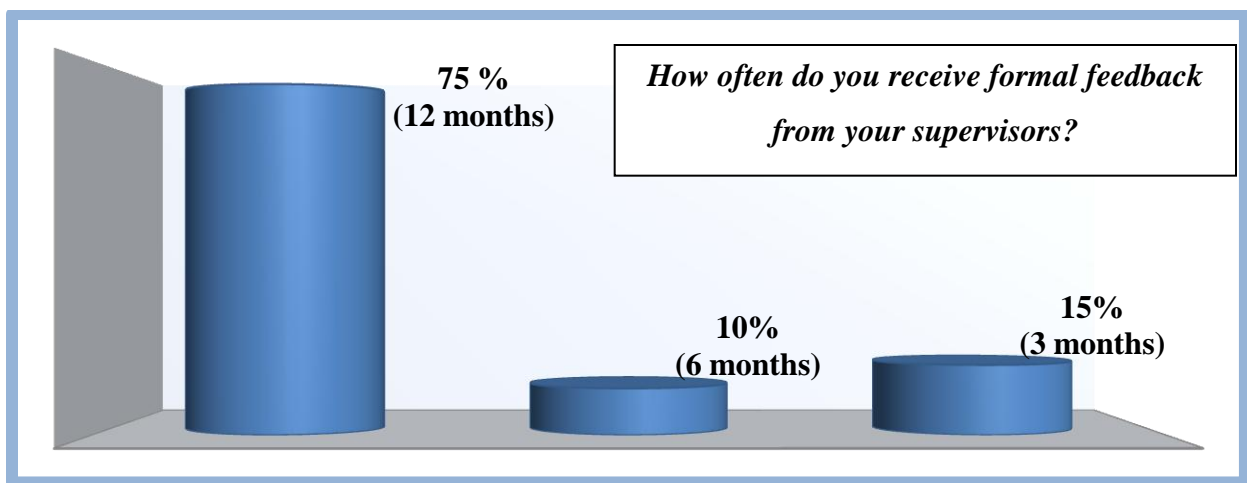


Figure 5.13

5.6 Independent Oversight Board for the Civil Service of Kosovo (IOBK)

The Independent Oversight Board of Kosovo (IOBK) initially was established by UNMIK Regulation 2001/36 on Civil Service of Kosovo and started to be functional in 2004 under the MPS (now MPA). Based on Regulation 2008/12 on the amendment of Regulation 2001/36 the Board was an independent body which reports to the Assembly of Kosovo. Based on approved Constitution of Republic of Kosovo⁴¹, IOBK is also defined as an independent body which “... *shall ensure the respect of the rules and principles governing the civil service, and shall itself reflect the diversity of the people of the Republic of Kosovo.*”

Law No.03/L –19⁴² on Independent Oversight Board for Civil Service of Kosovo entered into force in July, 2010. Based on Article 3 of this law IOBK “...*shall be an autonomous body reporting to Assembly of the Republic of Kosovo and which shall determine appeals and shall ensure compliance with all rules and principles governing the civil service in the Republic of Kosovo.*” Each civil servant can file a complaint to the IOB.

Article 10 defines the functions of IOBK which are:

- ***Appeal review function*** - *reviews and determine appeals filed by civil servants against decisions of employing authorities in all institutions of Civil Service;*
- ***Overseeing function*** - *determines whether the appointments of civil servants at level of heads are made in accordance with rules and principles set out in LCS;*
- ***Monitoring function*** - *supervises implementation of rules and principles of legislation related to Civil Service.*

The 2009/2010 First Annual Publication specifies the greatest challenge that IOBK has which is non- execution of its decisions from several employment bodies, even though this is a legal obligation. In 2010 from 152 appeals approved, the employment authorities executed only 91 decisions of the IOBK.

⁴¹ Kosovo Constitution, Article 101, paragraph 2 <http://www.kushtetutakosoves.info/?cid=2,260>

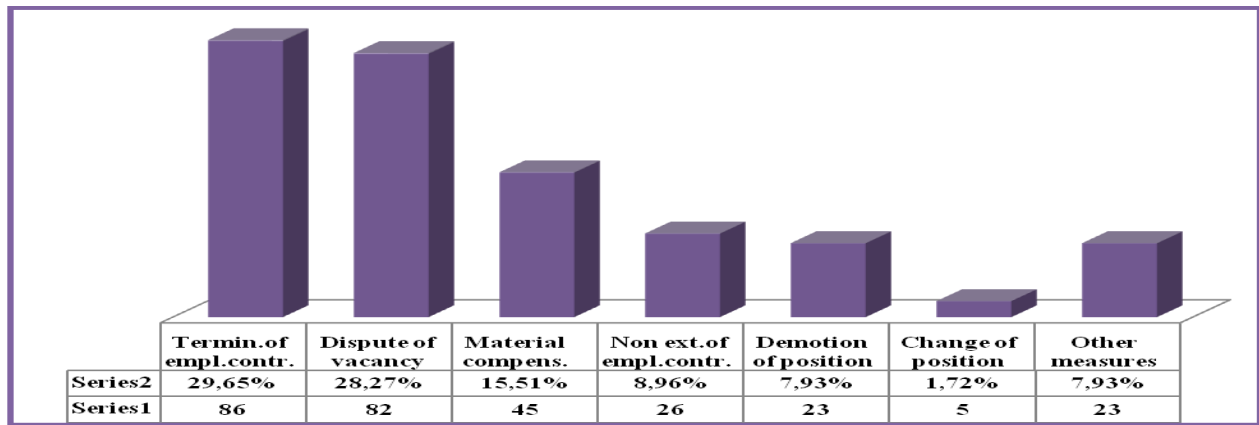
⁴² Law on Independent Oversight Board for Civil Service of Kosovo
<http://www.kuvendikosoves.org/common/docs/ligjet/2010-192-eng.pdf>

IOBK prepares and delivers its Annual Report to the Assembly. In the Annual Report 2010, IOBK assessed that “...the Board has determined that there is a progress in the civil service, however, the required professionalism, impartiality, accountability, compliance with the code of ethics, and the execution of procedures and the law are yet to be achieved..”⁴³

Based on this Report, the IOBK during 2010 received 290 appeals which are related to (Figure 5.14):

- Termination of employment contract.....86 appeals (29.65 %)
- Dispute of vacancy.....82 appeals (28.27 %)
- Material compensation45appeals(15.51 %)
- Non extension of employment contract.....26 appeals (8.96 %)
- Demotion of position.....23 appeals (7.93 %)
- Change of position.....5 appeals (1.72 %)
- Other measures - suspension, non rising coefficient etc.....23 appeals (7.93 %)

Figure 5.14 Number and the percentage of IOBK received appeals



During oversight in the fields of civil service, the IOBK observed that regarding procedure of job description most of the institutions have not yet a standardized the rules on classification of job positions. Regarding the rules to the procedure of work performance assessment IOBK observed that some of employment authorities did not make the assessment of work performance. In some other cases assessment was done in fictitious manner.

⁴³ Annual Report 2010, pp.5 http://kpmshc.rks-gov.net/repository/docs/Report_for_the_year_2010_58286.pdf

Chapter 6

6. THE COMPARATIVE CASE STUDIES

6.1. Different countries – different systems and experiences

“The substantive scope of civil service laws can vary between countries. In some cases these laws regulate everything related to employment. In others, they supplement the general labor law. In some countries, institutional arrangements for the management of the civil service are included in the civil service law. In other countries, this is regulated in other legislation. Generally, a central body is defined to be in charge of the overall management, including proposing legislation and monitoring the civil service management at ministries and agencies level.”⁴⁴

6.2 KOSOVA

The Republic of Kosovo has Area: 10,887 square kilometers (4,203 square miles) and population (2011) 1 733 872 people. The Kosovo GDP during the period 2004-2010 is increased from 2.912,5 Euros to 4.215,6 million Euros. GDP per capital is increased from 1.822 euro in 2004, to 2.383 Euro in 2010.⁴⁵

The state structure is composed of:

- Executive branch:
 - President (head of state);
 - The Prime minister (head of government).
- Legislative branch:
 - Unicameral Assembly (120 seats, 4-year terms; 100 seats generally elected, 10 seats reserved for ethnic Serbs, 10 seats reserved for other ethnic minorities).
 - Judicial--Supreme Court.

⁴⁴ The World Bank, Administrative & Civil Service Reform, Civil Service Law & Employment Regimes, <http://go.worldbank.org/496XSGYN20>

⁴⁵ Statistical Agency of Kosovo <http://esk.rks-gov.net/eng/>

Kosovo is one of the countries where a central body (MPA) is in charge for public administration. The responsibility to coordinate the human resource management (HRM) and administration of public service lies with the DCSA/ MPA.

- The central institutions includes:⁴⁶
 - 19 ministries and PM Office
 - 23 Agencies, Boards and Inspectorates
 - 6 others
- The local government includes
 - 37 municipalities

Regarding the scope of civil service legislation the experiences in European Countries are less or more different. Table 6.1 below compares the size of ministries in several EU countries and Kosovo.

Table 6.1 Size of ministries in selected EU countries and Kosovo⁴⁷

	Estonia	Latvia	Lithuania	Kosovo	Slovenia	Finland	Slovakia
Population (million inhabitants)	1.3	2.3	3.4	2	2	5.3	5.4
GDP: market prices (€ billions)	17.9	14.4	15	3.3	33.5	29	17
Public expenditure (% of GDP)	33.7	38	35.6	19.6	43.3	47.5	36.9
Number of ministries	11	16	13	18 ⁽¹⁾	16	12	14
Average ministry staff ⁽²⁾	228	192	239	244	277	409	461
Total number of staff in ministries ⁽²⁾	2508	3072	3107	4392	4432	4908	6454
(1): Includes also the to-be-created Ministry of Security Forces to allow for comparability with other countries. (2): Excludes personnel in defence and foreign affairs ministries, to allow comparability with current Kosovo. (3): The highly diversified structure of ministries made the calculation of average staff for Ireland impossible.							

⁴⁶ Portali Shtetëror i Republikës së Kosovës <https://www.rks-gov.net/sq-AL/Pages/Fillimi.aspx>

⁴⁷ FRIDOM (Functional Review and Institutional Design of Ministries) Project, The Whole-of-the Government Review, Section I, Organization of the Government, II.A. Overall size of the administration, November 2008, pp.11. <http://map.rks-gov.net/sq/page.aspx?id=527>

6.3 ESTONIA⁴⁸

The Republic of Estonia is a unitary State with a parliamentary democracy. Estonia has Area: 45,226 sq. km. (17,462 sq. mi.) surface, and population (2010) 1.340 million people. The Estonia GDP (2010): \$19.2 billion; Per capita GDP (2010): \$14,344; Inflation (2010): 3%; Unemployment rate (2010): 16.9%.⁴⁹

A governor is appointed by the Central Government, and represents the State in the 15 counties. The Governor has a five year term of office and is the head of the county's administration.

- The central government includes:
 - ministries (11)
 - Administrations, Boards and Inspectorates (35)
 - Constitutional Institutions (6)
 - County Governments (15)
 - Others (National Archives, Prosecutor's Office etc.)
- Local governments includes rural areas and municipalities or decentralised level which are competent in matters of education and public housing (241)

Number of public sector employees in the end of 2005 was over 28 000, including

- Central Government civil servants: 19.292
 - Ministries: 2.884
 - Administrations, Boards and Inspectorates: 14.857
 - Constitutional Institutions: 820
 - County Governments: 731
- Approximately 4.500 local government public servants.

Estonian civil service is relatively young.

⁴⁸ Datas for Estonia are from booklet *Public Administration in Estonia*, Tallinn September 2004, Published by the State Chancellery of the Republic of Estonia in cooperation with the Ministry of Finance, pp.6-14.

http://www.riigikantselei.ee/failid/Public_administration_in_Estonia.pdf

⁴⁹ *Portal for information from the U.S. State Department*, managed by Bureau of Public Affairs, Background Note: Estonia, June 21, 2011; Bureau of European and Eurasian Affairs <http://www.state.gov/r/pa/ei/bgn/5377.htm>

The public service law of 1995 specifies 3 categories of public sector employees:

- *Officials* (staff elected or appointed in an administrative department, with a distinction between State employees and local government employees);
- *support staff* (office staff employed in the administrative departments on individual private law work contracts);
- *non-staff civil servants* (employees recruited for a limited period on individual private-law contracts.⁵⁰

Structure within each ministry is divided into three basic categories of positions of state public servants:

- Higher officials
- Senior officials
- Junior officials

The structure within ministries is the following:

- Minister,
- Vice Minister (only two ministries have the position of vice minister),
- Secretary General,
- Deputy Secretary General,
- Head of Department,
- Head of Division/Bureau/Section,
- Other civil servants.

“Management of human resources is decentralised in the Estonian public service. Every ministry and executive agency is responsible for recruiting, evaluating and organising the work of its officials, guided by the legal framework. The general framework and principles for personnel management are provided by the Public Service Act (PSA) as well as by centrally set advisory

⁵⁰ MINISTÈRE DU BUDGET, DES COMPTES PUBLICS ET DE LA FONCTION PUBLIQUE, collections of DGAFP, December 2008, Administration and the Civil Service in the EU 27 Member States 27 country profiles http://www.fonction-publique.gouv.fr/files/files/publications/etudes_perspectives/Administration_and_the_Civil_service_in_the_27_EU_Member_states.pdf

*guidelines and national priorities regarding the Estonian public service.*⁵¹ The responsibility to coordinate the human resource management (HRM) policy in the Estonian public service lies with the Department of Public Service at the State Chancellery.

A career based system is established in Estonia. Promotion involves changing position. An assessment committee validates the promotion of employees, after recommendation of supervisors to a higher vacant position. Public sector employee salaries are based on grade and determined by the civil service law. The main principles for public service development in Estonia are outlined in the Framework Document for Public Service Development which was elaborated in 2004:

- *Flexibility in management* - heads of government agencies should be delegated more authority and responsibility in managing resources and performance of individual organizations.
- *Competent public servants* - qualification standards, effective evaluation and development mechanisms should be developed in order to provide good governance, accountability, impartiality and professional competence;
- *Performance-related remuneration system* - public service management and remuneration system should focus more on the competences and performance of individual public servants;
- *Deregulation* - employment in the public service should be less strictly regulated, providing closer integration with general labor law and employment relations.

Based on these main principles a new Public Service Act was drafted and adopted in 2005.

⁵¹ Structure Of The Civil And Public Services In The Member And Accession States Of The European Union, IMPRINT, Published by the Austrian Federal Chancellery, Directorate General III – Civil Service and Administrative Reform A-1010 Vienna, Hohenstaufengasse 3, Editor: Stefan Ritter, Document includes all updates received by April 2006 , pp 18-19
<http://www.dgap.gov.pt/media/0601010000/austria/Structure%20of%20the%20Civil.pdf>

6.4 SLOVENIA

The Republic of Slovenia is a State with a parliamentary democracy. Slovenian area is 20,273 square kilometers, and Population (July 2010): 2,049,261; GDP (2009): 36.386 billion Euros (\$48.738 billion); GDP per capita (2009): \$23,800.⁵²

In December 2005 the public sector in Slovenia had 152.370 employees, which are include public administration, public schools, health & social affairs, culture, and research& development.

Public Administration has 49 789 employees, which include:

- State Administration: 34.924
 - Ministries (15) with Autonomous Bodies within Ministries (46): 30.626 public servants (including Police 9.428 and Army 7.307)
 - Governmental Offices (17): 1.311 public servants
 - Administrative Units (58): 2.987 public servants
- Local self-government:
 - Municipalities Public Services (193): 3.900
- Other state bodies: 871
- Justice: 4.403
- Public Agencies, Public Establishments, Public Funds and other public authority holders

The structure within each Slovenian ministry is:

- **Politicians:**
 - Minister
 - State Secretary (up to 1 per Ministry) as Minister's deputy
- **Officials:**
 - Directors General
 - Secretaries General
 - Directors of Bodies within Ministries

⁵² Portal for information from the U.S. State Department, managed by Bureau of Public Affairs, Background Note: Slovenia, May 26, 2011 Bureau of European and Eurasian Affairs <http://www.state.gov/r/pa/ei/bgn/3407.htm>

- Senior and other Officials
- Other Public Servants

Responsibility for Human resources policy in the Republic of Slovenia rests with the Ministry of Public Administration. In 2005 Slovenia adopted changes and completions of the Civil Servants Act. Smaller public administration, flexible organization and better management were objectives of human resources plan for 2006-2009.

Also “*Realization of implementing activities on the basis of the Salary System in the Public Sector Act (collective agreement for the public sector, decree on promotions to salary classes, collective agreements for activities and professions, decree on the classification of titles of officials in salary classes)*”⁵³ was part of human resources reforms in Slovenia towards more effective and efficient public administration.

⁵³ Structure Of The Civil And Public Services In The Member And Accession States Of The European Union, Published by the Austrian Federal Chancellery, Directorate General III – Civil Service and Administrative Reform A-1010 Vienna, Hohenstaufengasse 3, Editor: Stefan Ritter, Document includes all updates received by April 2006 , pp.50-51 <http://www.dgap.gov.pt/media/0601010000/austria/Structure%20of%20the%20Civil.pdf>

Chapter 7

7. FINAL DISCUSSION AND RECOMMENDATIONS

7.1 Final discussion

Despite all the improvements achieved in the legal infrastructure in Kosovo, there are still specific areas where the deficiency and applicability of laws is the greatest weakness. LCS is a fundamental law for civil service and essential law for sustainable governance, which also affects in other laws important for overall functionality of government. The findings from the survey show a great deal of difficulties of civil service in Kosovo. The LCS determines the framework for development of the civil service, but sub legal acts specify the respective areas within the civil service and help the implementation of the law. The necessary legal framework for the implementation of the civil service primary legislation needs to be completed.

The MPA is the Ministry in charge for several competencies based on LCS (*refer to figure 7.1*), but needs to prepare a strategy for implementation of legislation related to the civil service.

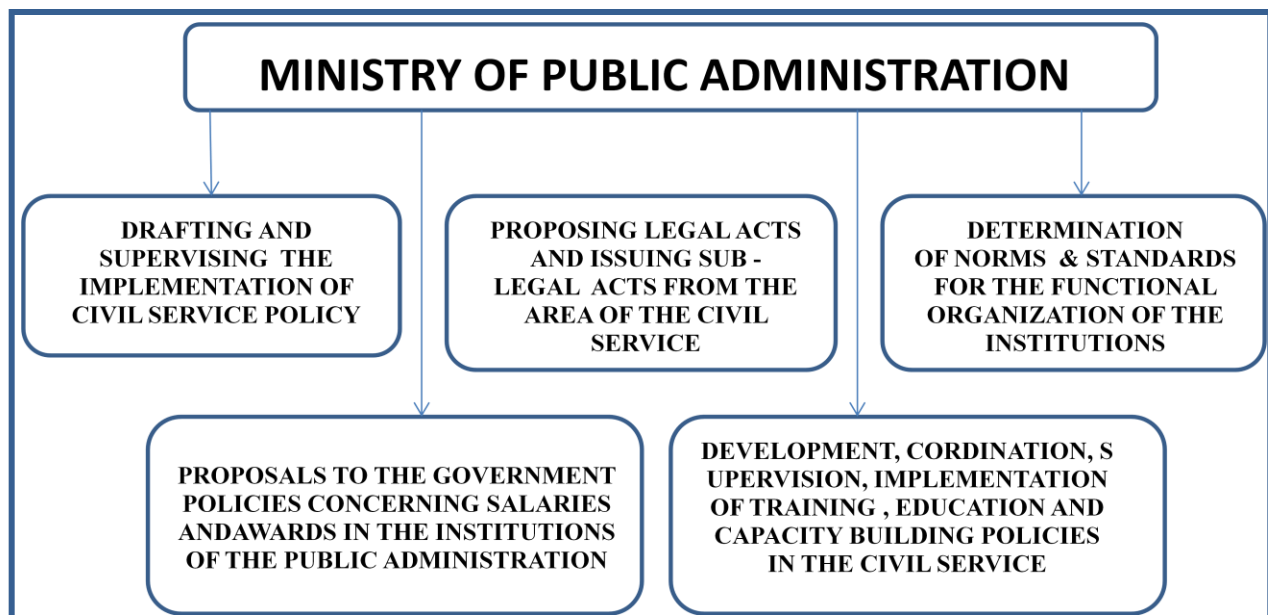


Fig 7.1 Responsibilities of MPA based on LCS

Figure 4.2, Chapter 4 of this Project

In this regard, reinforcing the capacity of DSCA is necessary. Eleven regulations, including Regulation of central register of civil servants, Regulation of working hours, Regulation on civil servants appointment, Regulation on job description etc., are approved, but lack of Regulation on classification of job positions make the merit system impossible to implement across the civil service.

The World Bank's Strategy in Republic of Kosovo: 2010-2011 emphasized that *“The lack of a viable pay and grading structure and open-ended contracts (or, minimally, criteria for the renewal of temporary contracts) introduced considerable discretion in pay and undermined payroll controls. The wide pay differentials for similar positions in different civil service organizations and the absence of a stable career structure have frustrated staff, and provided little incentive to stay in the civil service.”*⁵⁴

Furthermore during performance evaluation, core principles of civil service are breached. Immaturity of the political class regarding clear lines between politics and civil service brings difficulties in the implementation of approved legal acts, and meritocracy, as well. The results of the survey identified direct interferences in civil service (EC Annual Reports, SIGMA Reports, as well) (Refer to figure 7.2)

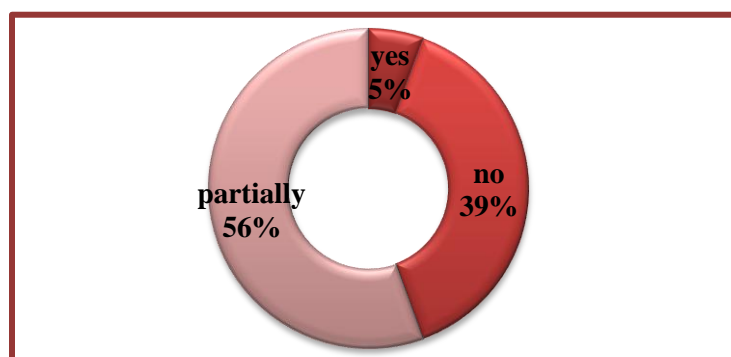


Figure 7.2 Does your institution select best qualified candidates for vacant job position?

(Figure 3.2, Chapter 3 of this Project)

⁵⁴ The World Bank's strategy in Republic of Kosovo: 2010-2011
http://siteresources.worldbank.org/KOSOVOEXTN/Resources/297769-1266424306995/Kos_key_devpnm.pdf

Based on the findings of the survey, performance evaluation system is not appropriately executed and does not reflect the correct image of civil service and their work.

(Refer to Figure 7.3)

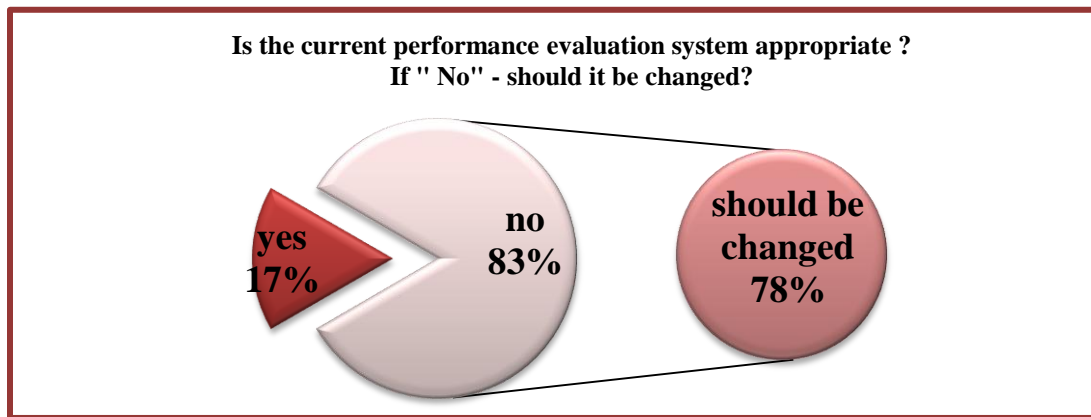


Figure 7.3

(Figure 2.5, Chapter 2 of this Project)

According to EC Kosovo 2011 Progress Report “...the skills of the civil service need to be significantly improved. Kosovo needs to build a professional public administration free of political interference. This is a key European Partnership priority and needs to be a high political priority”⁵⁵

7.2. Recommendations

Taking into consideration that the Government of Republic of Kosova declared their commitment for:

- civil service outside of politics and citizen oriented administration (W. Wilson concept)
- civil service system, in order to create bureaucracy based on meritocracy,
- civil service based on respect of principles of civil service,
- effective horizontal structure of public administration
- professional and transparent public administration

⁵⁵ Commission Staff Working Paper, Brussels, 12.10.2011, Sec (2011) 1207, Kosovo 2011 Progress Report / Communication From The Commission To The European Parliament And The Council/ Enlargement Strategy and Main Challenges 2011-2012, {COM92011}666}, pp.10
http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf

- responsible and accountable management of civil service

recommendations listed below are a contribution in order to achieve the aim for modern public administration and good governance, as well.

7.3 RECOMMENDATION FOR POLITICAL SUPPORT

- ✚ The most important recommendation coming from this project is that there should be political support and courage for implementation of meritocracy in civil service. Political commitment is the major determinant of successful implementation of LCS. This commitment should not only be expressed rhetorically, but needs to be evident in their actions, as well! The survey findings show discrimination in civil service regarding promotion, training opportunities, monetary benefits, etc.(refer to Figure 7.4)

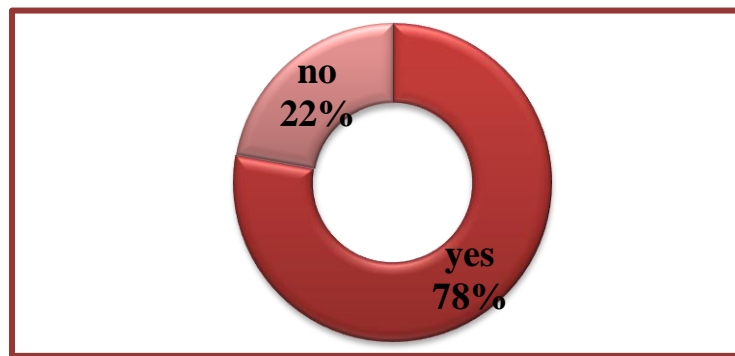


Figure 7.4 During your experience as a civil servant, have you perceived discrimination regarding promotion, training opportunities, monetary benefits, etc.?

(Figure 3.5, Chapter 3 of this Project)

Political appointees should be aware that governments led from different political parties or leaders come and go, but bureaucracy will be there to ensure that the state is functioning even though governments or political parties can fail or collapse. Professional public administration, free of political interference, and based on merit should be a high political priority.

7.4 RECOMMENDING APPROVAL OF REGULATION ON JOB CLASSIFICATION

- ✚ The second major recommendation is approval of regulation on job classification. The future of LCS and implementation of merit system in overall segments is directly dependent from job classification process. The Regulation on job classification will enable the categorization of workplaces across the functional categories defined in Article 23 of the LCS that deals with functional positions, and Article 6 of LSCS, which determines the classification of positions to salary grades in civil service (*Figure 7.5*)

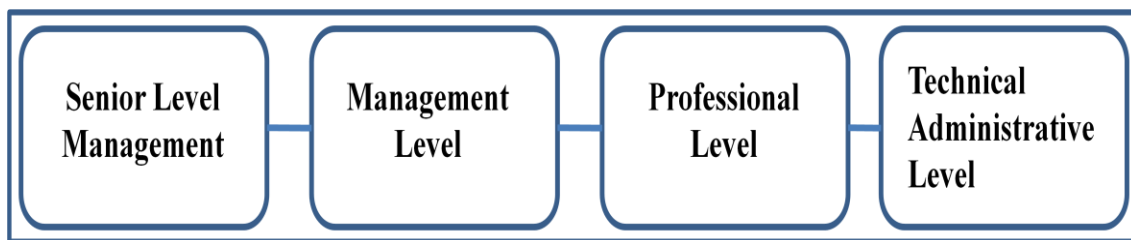


Figure 7.5

Classifications of Job Positions in Functional Categories

The process of classification of job positions in civil service is a necessary process. Without classification of job positions, based on LCS and LSCS, there cannot be the proper and accurate allocated budget for the implementation of a merit system. This would enable institutions to do job re-description, according to new classification.

7.5 RECOMMENDING A REVIEW OF JOB DESCRIPTION AND REDUCTION OF JOB TITLES

- ✚ A huge number of titles in civil service and duplication of duties creates complex and confused organizational structure of the institution. The arbitrariness of creating new titles, with the “aim” of creating new job positions created fictive titles without legal base. From another side, the survey results indicated that there were not any significant changes in civil servants job description, even though there were changes in responsibilities and competencies of ministries, changes of legal acts, changes of needs and goals Figure 7.6).

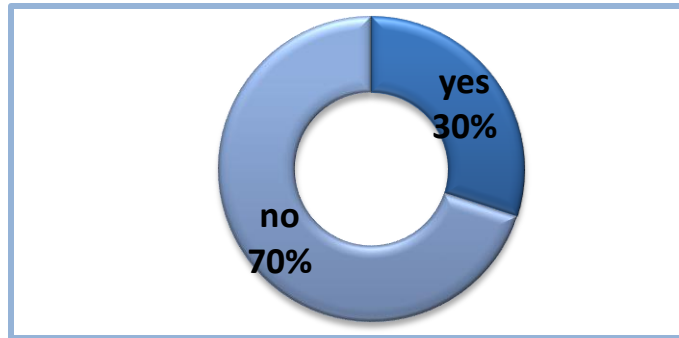


Figure 7.6 *Has your job description changed during your experience as civil servant?*

(Figure 5.4, Chapter 5 of this Project)

In parallel, a review of job descriptions could analyze and identify the real needs for each position within institutions. Job descriptions with relevant grades shall be placed in the job description catalogue. This catalogue should be available to all these institutions. All the process should be based on LCS and other legal frames which affects on civil service. This process automatically will assist in identifying unnecessary working places which have been created during the years in civil service in Kosovo, and reducing them.

7.6 RECOMMENDING THE NEW SYSTEM OF PERFORMANCE EVALUATION

- ✚ The changes in the essence of the system of civil service - from position based to merit system impose fundamental changes. Career promotion and incentive based on appraisal are new possibilities in civil service in Kosova.

The new performance evaluation system should include:

- **SMART** (Specific, Measurable, Attainable, Realistic, Time-bound) objectives;
- Compliance between institutional objectives with individual civil servants objectives;
- Reward or other motivating possibilities;
- Punitive (penalizing) when performance evaluation is unsatisfactory;
- Capacity building in Department of Civil Service Administration (DCSA) / Ministry of Public Administration (MPA) for monitoring and protecting assessment process and supervise implementation of merit system;
- Analyses of effects from performance evaluation of civil servants.

Evaluation of employees creates an objective basis for personnel actions related to appointments and promotions, creates the basis to make it easier to determine the employees wage increases or other advantages.

The findings from the survey showed that monetary reward is not the only motivating factor for good performance of employees (*refer to Figure 7.7*) In case of staff reduction the evaluation of work may be one of supporting elements for such a decision. Also, it helps to identify the steps made to achieve objectives and goals, so that work that is done can serve as an experience that can be used and exchanged between employees.

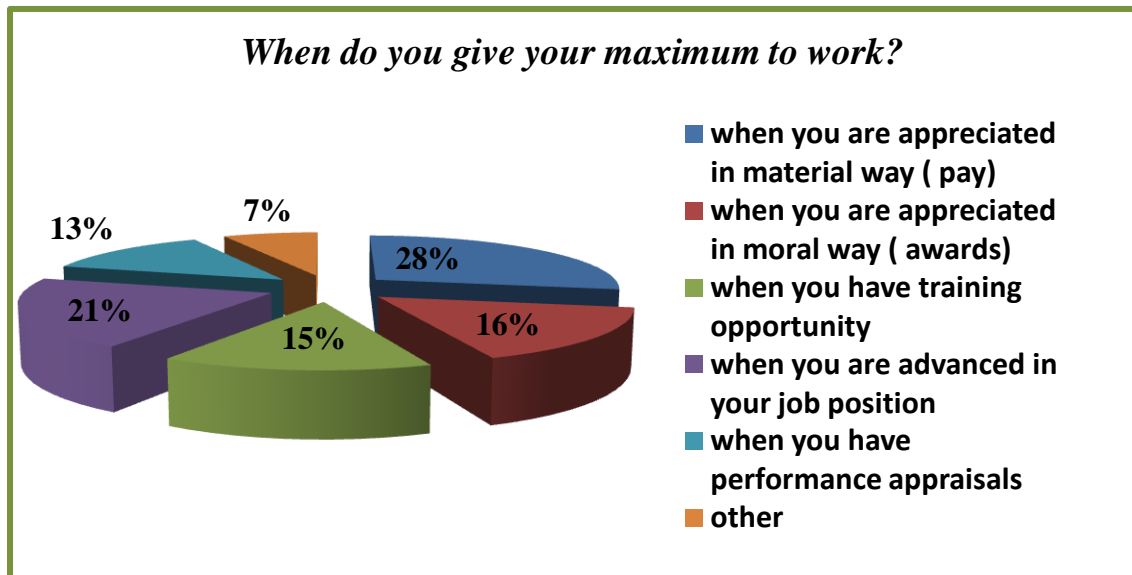


Figure 7.7

(Figure 5.5, Chapter 5 of this Project

7.7 RECOMENDATION FOR PROMOTING THROUGH MERIT SYSTEM

- ✚ The process of promotion of civil servants based on performance of their job is the core of merit system. Merit system offers civil servants the opportunities to build their professional career.

Current inconsistency and unfairness regarding advancement is evident. Based on the findings of this project, fairness and unique criteria related to merit principle do not respect (*Refer to Figure 7.8*)

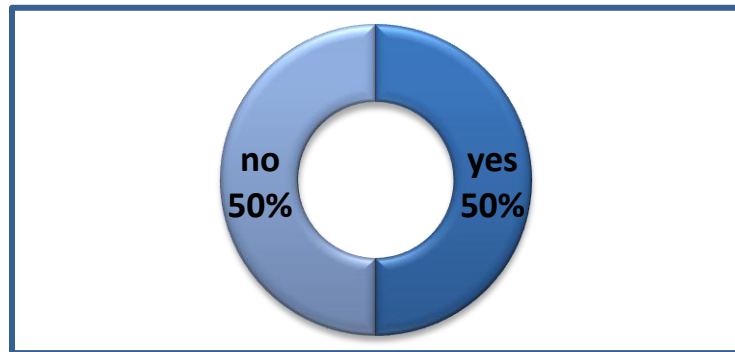


Figure 7.8 During your experience as a civil servant do you know of anyone discriminated regarding advancement, even if he/she had good performance?

(Figure 3.4, Chapter 3 of this Project)

The LCS specifies that the promotion to higher levels of functional hierarchy in Kosovo Civil Service should be based solely on merit, ability and experience.⁵⁶ This also will have an effect on creating a coherent and stable civil service. Meritocracy should be respected and also should be the motivating force for civil servants to offer qualitative services for all citizens without discrimination. All civil servants have the right to be promoted, through open and free competition without breach of the principles and the Law against discrimination.

⁵⁶ Law on Civil Service, Article 26 Promotions, paragraph 2, pp14,
<http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>

Appendix I
The Questionnaire (1)

For civil servants:

1. Are you satisfied with the information that you are getting from your supervisors about your institution?		
a) yes	b) no	c) partially

2. Are you informed that Civil Service Law has started to be implemented?		
a) yes	b) no	

3. Who is completing your evaluation papers?		
a) you	b) your manager (supervisor)	c) you colleague

4. Does your manager provide constructive feedback on your job performance?		
a) yes	b) no	c) partially

5. Does your job description allow you to be creative during your daily work?		
a) yes	b) no	

6. Has your job description changed during your experience as a civil servant?		
a) yes	b) no	

7. When do you give your maximum to work?		
1.when you are appreciated in material way (pay)		
2.when you are appreciated in moral way (awards)		
3.when you have training opportunity		
4.when you are advanced in your job position		
5. when you have performance appraisals		
6. other _____		

8. During your experience as a civil servant, do you believe that you are fairly evaluated for your performance?		
a)	b) no	c) partially

8. On a scale of 1 to 10 (1 being not high at all and 10 being very high) how would you rate your performance?

1 2 3 4 5 6 7 8 9 10

9. Do you think that performance of your colleagues or managers is the reason behind your performance not being higher than it is ?

a) yes

c) no

b) partially

10. During your experience as a civil servant, do you think that civil servants are fairly treated in training opportunities?

a) yes

b) no

11. Does your institution hold correct competition for vacant job positions?

a) yes

b) no

12. Does your institution select best - qualified candidates for vacant job position?

a) yes

b) no

13. How often do you receive formal feedback from your supervisors for your work?

a) every 12 month

b) every six month

c) every 3 month

14. Do you have written (approved) performance goals that you are expected to achieve during specified period?

a) yes

b) no

Appendix 2

Short questionnaire to check reliability of answers and integrity of data

1) As a civil servant (for your job position) do you have written (approved) performance goals that you are expected to achieve during a specified period?

a) Yes

b) No

2) Is the current system of performance evaluation is appropriate? If "No", should it be changed?

a) Yes

b) No.....Should it be changed (YES / NO)

3) Has your job description change during your experience in actual job position?

a) Yes

b) No

4) During your experience as a civil servant, do you perceive discrimination regarding promotion, training opportunities, monetary benefits, etc.?

a) Yes

b) No

5) On a scale of 1 to 10 (1 being not high at all and 10 being very high) how would you rate your performance?

1 2 3 4 5 6 7 8 9 10

6) Does your institution select best - qualified candidates for vacant job positions?

a) Yes

b) No

c) Partially