Republika e Kosovës
Republika Kosova-Republic of Kosovo

KËSHILLI I PAVARUR MBIKËQYRËS PËR SHËRBIMIN CIVIL TË KOSOVËS
NEZAVISNI NADZORNI ODBOR CIVILNE SLUŽBE KOSOVA
INDEPENDENT OVERSIGHT BOARD FOR THE CIVIL SERVICE OF KOSOVA

Annual Work Report of the Independent Oversight Board for the Civil Service of Kosovo 2017

Prishtina
March 2018

FOREWORD BY THE CHAIR OF THE INDEPENDENT OVERSIGHT BOARD FOR THE CIVIL SERVICE OF KOSOVO, SHKËMB MANAJ

It is an honour and special privilege for me to present before you the Annual Working Report of the Independent Oversight Board for the Civil Service of Kosovo for 2017. This report, presents the exercise of constitutional and legal functions of the Board, a constitutionally independent institution mandated to oversee compliance with rules and principles of the civil service legislation.

The Board has professionally engaged in overseeing the enforcement of civil service legislation by the public administration institutions of central and local level, and proved to be an institution fully dedicated, impartial and in compliance with the Constitution and the laws, thus contributing to a professional and impartial civil service, which reflects the diversity of the people of Kosovo, in due regard for the principle of gender equality.

2017 has been a challenge for the Board since we received enormous increase of complaints like never before since the establishment of the Board as an institution. We estimate that the large number of complaints is not due to more violations in the civil service than in previous years, rather it is a result of a greater awareness of civil servants and of the incumbents for vacancies with the civil service to use the right to complaints when they consider that their rights deriving from the employment relationship have been violated, and a result of an increased trust in the decision-making of the Independent Oversight Board for the Civil Service of Kosovo.
On this occasion, I would kindly extend my gratitude to the members of the Board for their commitment and professionalism, thus ensuring that the Board reviews all complaints within timelines as set by law. I would also extend my gratitude to the Executive Director, our professional associates and all Secretariat staff for their professional and administrative support which helped us to duly exercise all functions of the Board.

The Annual Work Report contains data on the work carried in view of reviewing complaints of civil servants and of incumbents for vacancies with the civil service, observing the appointment of the civil servants of the managerial level and observing the compliance with the rules and principles of the legislation on civil service , representation of the Board in court proceedings, cooperation of the Board with local and international institutions, and participation of the Board in relevant conferences and meetings related to the process of public administration reform. The Board presents in detail in this report an overall evaluation of the situation in the civil service, by ascertaining the violations and by issuing concrete recommendations to the Government and to Assembly of the Republic of Kosovo as well as to other public administration institutions.

Regarding legislation, during 2017, the Board has given its contribution to the process of drafting the new Law on the Independent Oversight Board for the Civil Service of Kosovo, initiated by the Assembly of the Republic of Kosovo, currently undergoing the parliamentary procedure of revision and adoption. Also, during this reporting year, the Board has adopted the new Code of Ethics for the Board and for the first time issued the Strategic Development Plan 2017-2019.
Representatives of the Board have actively participated in the process of supplementing and

amending the Law on Civil Service, the Law on Administrative Conflicts, the Law on Salaries and the Law on Organization of Public Administration. Also, the Board has been part of a working group established by the Ministry of Public Administration to supplement and amend the following by-laws: the Regulation on Recruitment Procedures in Civil Service, the Regulation on Disciplinary Procedures in Civil Service and the Regulation on Procedures for Solving Disputes and Complaints in the Civil Service.

During 2017, in the framework of external cooperation, the Board conducted a business visit to the Republic of Albania, whereby met with the Commissioner for the Oversight of the Civil Service in the Republic of Albania, Minister of Public Administration and held another meeting at the Administrative Court. Also, during 2017, together with Kosovo MPs, the Board conducted a study visit to the Republic of France, namely to the General Administration Inspectorate and to National School of Public Administration (ENA).
During the reporting year, representatives of the Board attended study visits to the Republic of Germany and to the Republic of Portugal, organized by the German Agency for International Cooperation (GIZ), European Commission respectively.

During 2017, the German Agency for International Cooperation (GIZ) approved the request of the Board to design and publish the Bulletin containing Independent Oversight Board decisions. This Bulletin is published for the first time and contains a summary of the most important decisions concerning complaints which are of different nature in terms of the decision-making, are of all legal nature as well as of the complainants of different communities and genders.

Looking forward to this Report comes handy to public administration institutions drafting civil service policies, the civil servants, the researchers and other national and international governmental and non-governmental organizations that have the public administration, namely the civil service, in their scope.

If addressed, the recommendations given in this Report will have an impact to the public administration reform and advancement of civil service of the Republic of Kosovo.

Shkëmb MANAJ

Chair of the Independent Oversight Board for the Civil Service of Kosovo

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1. EXCECUTIVE SUMMARY

Work Report 2017 contains detailed data and information on all activities and works performed by the Independent Oversight Board for the Civil Service of Kosovo.

The report includes data on the work done in the frame of resolving complaints by civil servants and incumbents for vacancies in the civil service, the function of monitoring appointment of managerial level civil servants, and the function of oversight of implementation of rules and principles of civil service legislation.

This Report also includes other activities of the Board, such as the Board's representation in court proceedings, Board's cooperation with local and international institutions, and Board's participation in important conferences and meetings related to the public administration reform process.

During 2017, the Board has managed to review and render merit-based decisions for 817 complaints of civil servants and of incumbents for vacancies with the civil service, out of which 738 were complaints received during 2017 and 79 were complaints transferred from 2016 to be decided upon in 2017.

During 2017, the Board has observed three hundred and twelve (312) recruitment procedures regarding the process of recruiting civil servants of the managerial level. Out of three hundred and twelve (312) positions observed, the Board has approved as regular one hundred sixty-four (164) recruitment procedures, and, due to legal and procedural violations, the Board has annulled one hundred and forty-eight (148) recruitment procedures for civil servants of managerial level.

Within the function of observing the compliance with the rules and principles of legislation in accordance with the Monitoring Plan, the Board has conducted eighty-one (81) monitoring visits to observe the compliance with the rules and principles of civil service legislation at the central and local level institutions.

In the reports on observing the compliance with the rules and principles of civil service legislation for central and local level institutions, the Board has identified and found five hundred and twenty-three (523) violations of the rules and principles of civil service legislation and issued five hundred and twenty-four (524) recommendations to the responsible officials of the monitored institutions about the identified violations.

2. LEGAL FRAMEWORK

The Independent Oversight Board for the Civil Service of Kosovo performs its functions and responsibilities in accordance with:

- Constitution of the Republic of Kosovo,
- Law No. 03/L-192 on Independent Oversight Board for Civil Service of Kosovo,
- Law No. 03/L-149 on the Civil Service of the Republic of Kosovo,
- Law No. 05/L-031 on General Administrative Procedure,
- Law No. 02/L-028 on the Administrative Procedure,
- Regulation No. 02/2016 on the Activities of the Independent Oversight Board for the Civil Service of Kosovo,
- Regulation No. 03/2016 for Rules and Procedures of Complaints in the Independent Oversight Board for the Civil Service of Kosovo,
- Regulation No. 01/2015 on the Rules and Procedures of Observation of Appointment Procedures of Managerial Level Civil Servants,
- Regulation No. 04/2016 on Supervision Procedure for Implementation of Rules and Principles of Legislation for Civil Service in Public Administration Institutions.

The difficulties faced by the Board in relation to the legal basis include the failure to approve all by-laws on the civil service, the overlapping of legal provisions between the laws but also between the by-laws, the uncertainties created with the categories of civil servants and other employees due to the incomplete classification of jobs and failure to fulfil the legal obligations for the organization and structuring of the state administration.

The Board, in cooperation with the Parliamentary Committee on Public Administration, Local Governance and Media of the Republic of Kosovo and after having held several meetings and joint workshops for the purpose of supplementing and amending the Draft Law on the Independent Oversight Board for the Civil Service of Kosovo, finalized the Draft Law on the Independent Oversight Board for the Civil Service of Kosovo, which was approved by the Committee on Public Administration and, according to the procedure, the Assembly of Kosovo forwarded it to the Government of the Republic of Kosovo for opinion.

During 2017, the Board drafted and approved the Code of Ethics for the Independent Oversight Board for the Civil Service of Kosovo and the Strategic Development Plan 2017-2019.

The Board has actively participated in the process of supplementing and amending the Law on Civil Service, the Law on Administrative Conflicts, the Law on Salaries and the Law on Organization of Public Administration. Also, the Board has been part of the working group established by the Ministry of Public Administration for supplementing and amending the following by-laws: the Regulation on Recruitment Procedures in Civil Service, the Regulation on Disciplinary Procedures in Civil Service and the Regulation on Procedures for Solving Disputes and Complaints in the Civil Service.

3. SCOPE OF THE BOARD

The Board is an independent body which oversees the compliance with rules and principles governing the Civil Service in the Republic of Kosovo and reports directly to the Assembly of the Republic of Kosovo.
The Independent Oversight Board for the Civil Service of Kosovo is provided upon by Article 101, paragraph 2 of the Constitution of the Republic of Kosovo, and the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo.
The provisions of the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo provide on the functions of the Board, as the following:

- Review and determine complaints filed by civil servants against decisions of employing authorities in all institutions of Civil Service in accordance with rules and principles set out in Law on Civil Service in the Republic of Kosovo;
- Determine whether the appointments of managerial level civil servants at level of heads are compliant with rules and principles set out in Law on Civil Service of the Republic of Kosovo;
- Oversee implementation of rules and principles of legislation related to Civil Service.

In order to perform its functions, the Board may:

- visit any premises where civil servants are employed;
- obtain access and examine written records relating to the recruitment, appointment, disciplinary procedures and promotion of civil servants or relevant to the review and determination for complaints;
- interview any civil servant at any level, who may possess information of direct relevance to the carrying out of the Board's functions.

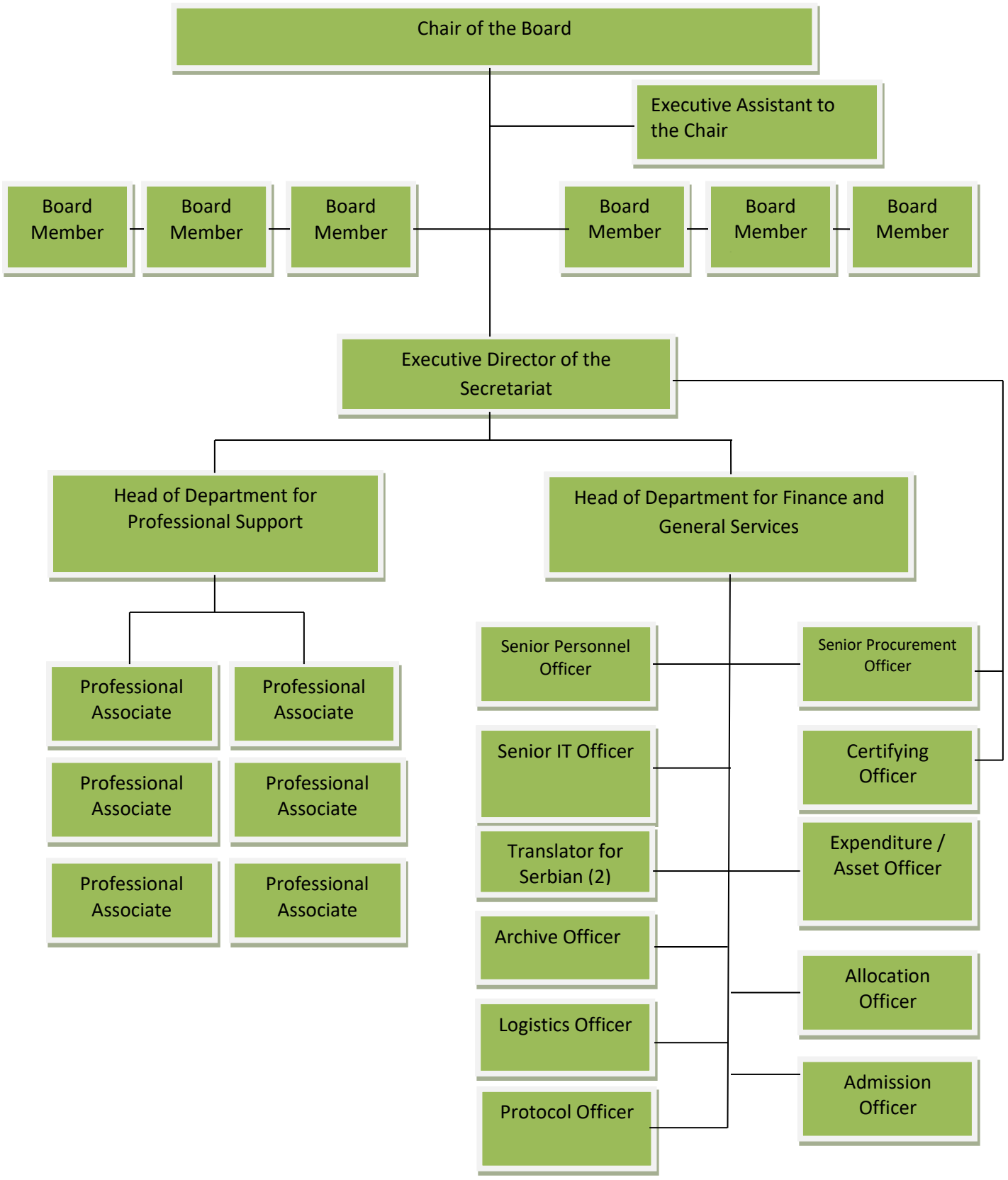
4. ORGANIZATION OF THE BOARD

The internal organization of the Board is regulated by the Law No. 03/L-192 on Independent Oversight Board for Civil Service of Kosovo and the Regulation No. 03/2014 on Internal Organization and Systematization of Working Positions in the Independent Oversight Board for the Civil Service of Kosovo.
The composition of the Board is defined by the provisions of this Law, which stipulate that the Board is composed of seven (7) members appointed by the Assembly of the Republic of Kosovo on the basis of open and transparent procedures, and also that the composition of the Board reflects the multi-ethnic and gender nature of the Republic of Kosovo.

All Board members are appointed for a term of office of 5 years with the possibility of reappointment. The Chair of the Board is elected by the members of the Board for a two-year term of office.

The Secretariat of the Board provides administrative and professional (legal) support to the Board in the exercise of its constitutional and legal functions. The Secretariat is led by the Executive Director and has 19 civil servants employed. There are two departments within the Secretariat: the Department for Professional Support and the Department for Finance and General Services.

Organizational Chart of the Board and of the Secretariat



5. BOARD ACTIVITIES DURING THE REPORTING PERIOD

In the next section we present a full overview of the exercise of functions of the Board, including the complaint review process, the process of the managerial level civil servant appointment observation, and the observation of compliance with the rules and principles of civil service legislation during the reporting period 1 January-31 December 2017.

5.1. COMPLAINT REVIEW FUNCTION

During 2017, the Board received a total of 812 complaints filed by civil servants and incumbents for recruitment with the Civil Service of the Republic of Kosovo.

In addition to the 812 complaints received, the Board had for review 79 other complaints transferred from 2016 to be decided upon in 2017. Based on these data, it results that the Board had under review a total of 891 complaints in 2017.

Of the 891 complaints that were being reviewed during 2017, the Board issued merit-based decisions for 817 complaints, while 74 complaints were transferred to be decided upon within the legal deadline of 2018. The complaints transferred for 2018 are mainly the complaints received during December 2017.

This Report contains statistical data on complaints, received by:

1. complaint subject matter;
2. gender structure of complainants;
3. ethnic structure of complainants; and
4. institutions whose decisions are challenged:

5.1.1. **Complaints received, by complaint subject matter**

The Board received complaints of various complaint subject matters and disaggregated by type of subject matter. Disaggregation of complaints by subject matter is indicated in figures and percentages in the table below:

No.	Object of complaint	Number of complaints	Percentage
1	Disputed recruitment	326	40.14%
2	Demotion	118	14.53%
3	Violation of right to salary	80	9.85%
4	Material compensation	79	9.72%
5	Disciplinary measure	47	5.78%
6	Termination of employment relationship	40	4.92%
7	Request within employment relationship	31	3.81%
8	Transfer	30	3.69%
9	Performance appraisal	18	2.21%
10	Failure to enforce a decision of Complaints Commission	15	1.85%

11	**Preventive suspension**	**10**	**1.23%**
12	**Career advancement issues**	**8**	**0.98%**
13	**Against appointment of acting in duty**	**6**	**0.74%**
14	**Non-extension of employment contract**	**4**	**0.49%**
	Total:	**812**	**100%**

Table No. 1 presents the complaints received, by complaint subject matter in 2017

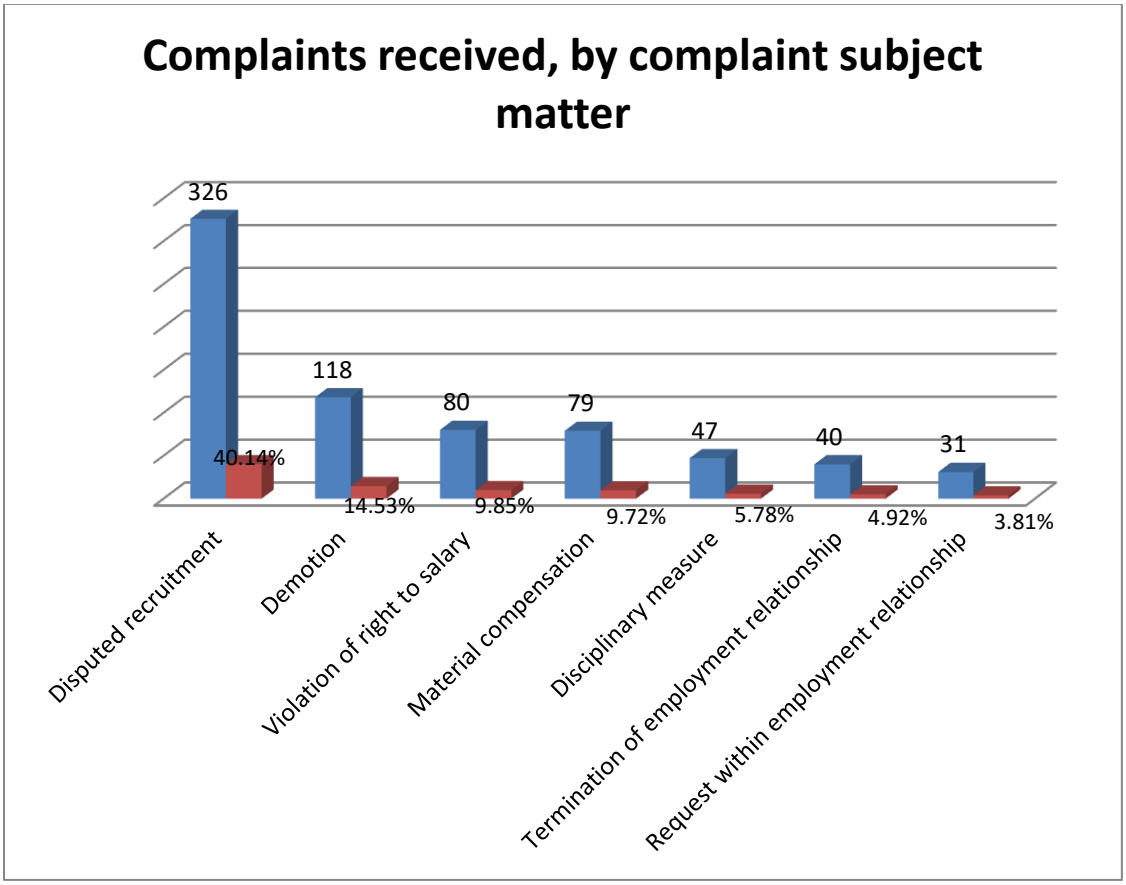


Chart No. 1 indicate the data included in Table No. 1

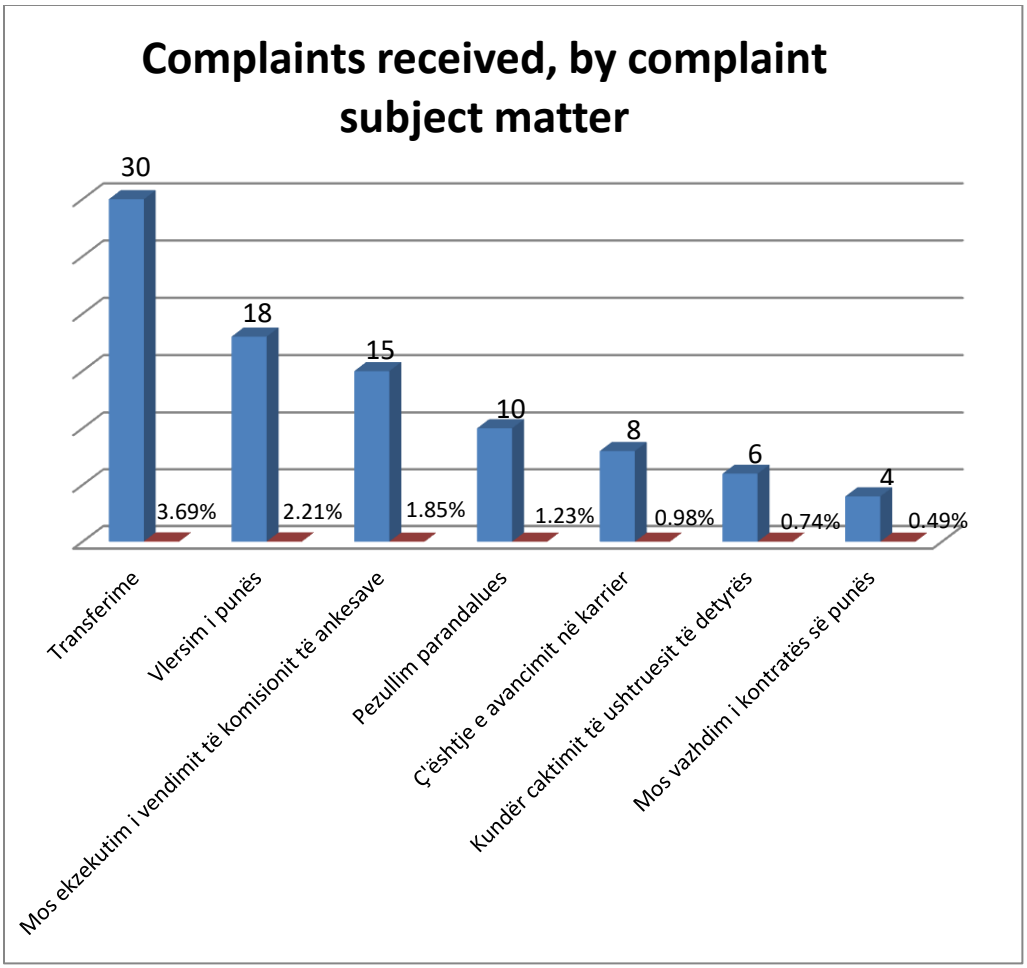


Chart No.1, continued.

5.1.2. Complaints received, by gender structure of complainants

Of the 812 complaints received in 2017, the gender structure of complainants is as follows: male complainants were 497 or 61.20%, while female complainants were 315 or 38.80%.

No.	Complaints received, by gender structure	Number of complaints	Percentage
1	Male	497	61.20%
2	Female	315	38.80%

Table No. 2 presents the complaints received, by gender structure of complainants

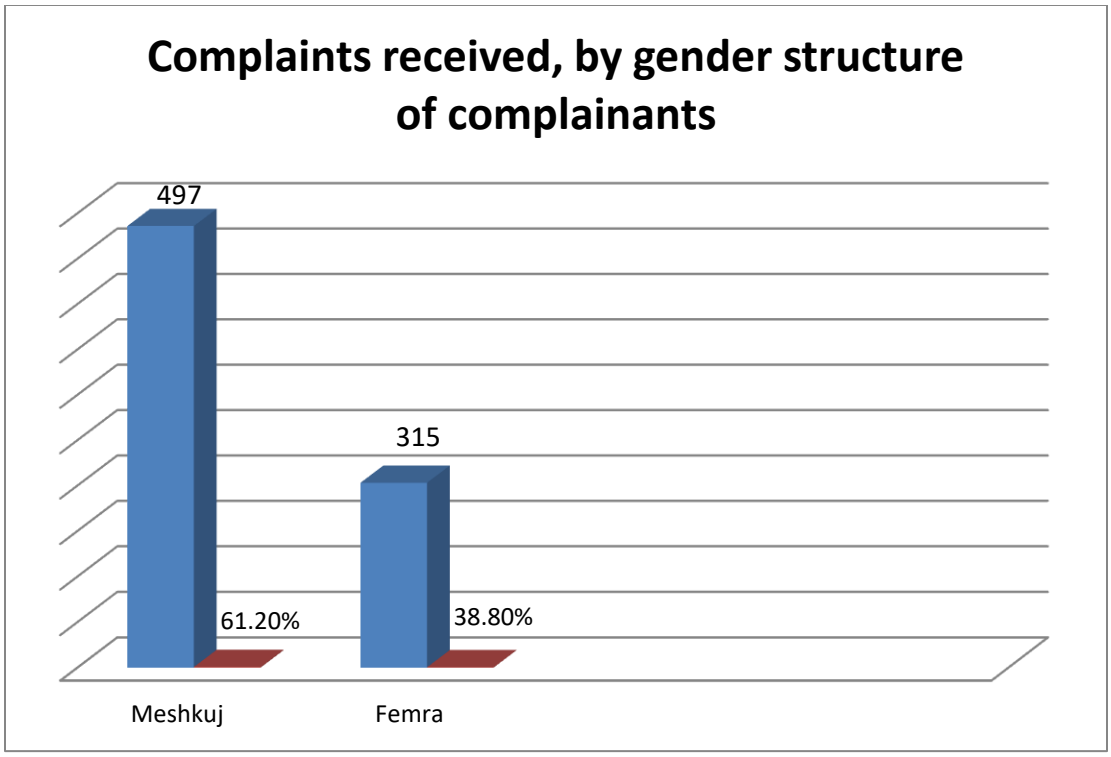


Chart No. 2 indicate data included in Table No. 2

5.1.3. Complaints received, by ethnic structure of complainants

Out of 812 complaints received in 2017, Albanian complainants have filed 773 complaints or 95.19% of the total number of complaints. Serbian complainants have filed 31 complaints or 3.82% of the total number of complaints. Bosnian complainants have filed 7 complaints or 0.86% of the total number of complaints. Only one complaint was filed by a Turkish complainant, which represents 0.12% of the total number of complaints.

No.	Complaints received, by ethnic structure of complainants	Number of complaints	Percentage
1	Albanian	773	95.19%
2	Serbian	31	3.82%
3	Bosnian	7	0.86%
4	Turkish	1	0.12%

Table No. 3 indicate complaints received, by ethnic structure of complainants

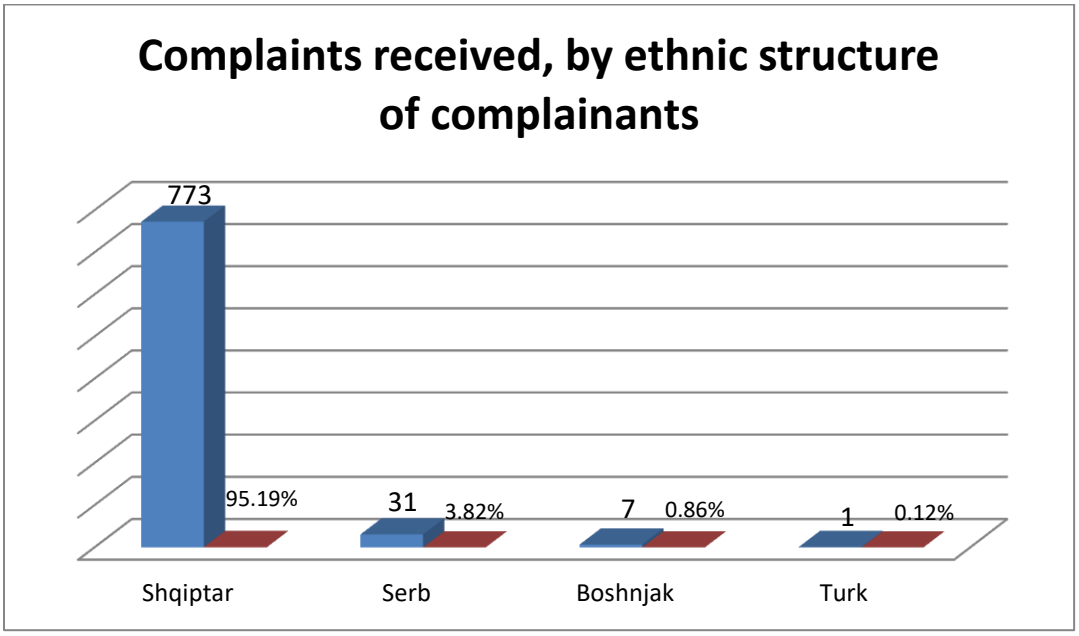


Chart No. 3 indicate the data included in Table No.3

5.1.4. Complaints received, by institutions whose decisions are challenged

During the reporting period, the Board received complaints from civil servants and incumbents for recruitment with the civil service, filed against the decisions of the employment authorities, as follows: 432 complaints or 53.20% of the total number of complaints were filed against the decisions of the central administration institutions, while 380 complaints or 46.80% of the total number of complaints were filed against the decisions of the local administration institutions.

No.	Complaints received, by institutions whose decisions are challenged	Number of complaints	Percentage
1	Central administration institutions	432	53.20%
2	Local administration institutions	380	46.80%

Table No. 4 indicate the ccomplaints received, by institutions whose decisions are challenged.

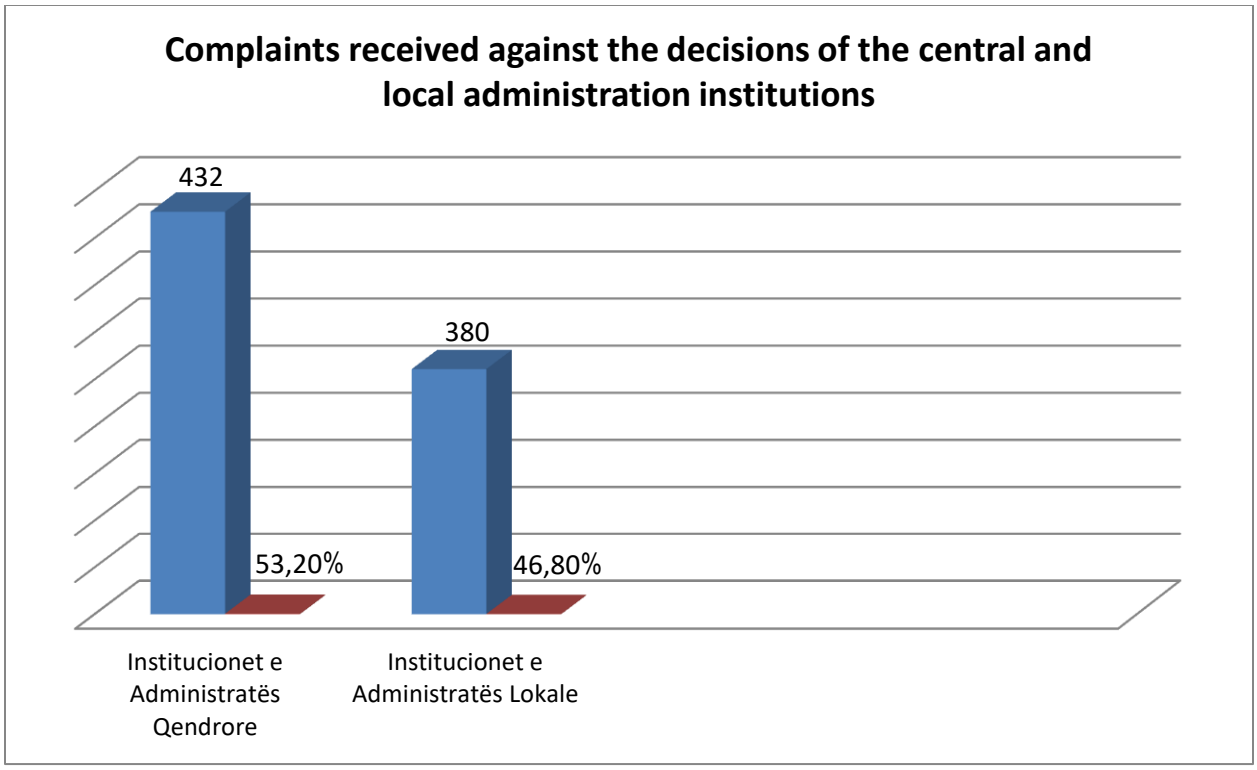


Chart No. 4 indicate the data included in Table No.4

6. COMPLAINTS RECEIVED AGAINST DECISIONS OF INSTITUTIONS

6.1. Complaints against decisions of central administration institutions

During the reporting period, the Board has received 432 complaints against central administration institutions' decisions, which indicated as follows:

No.	Central Administration Institutions	Number of Complaints	Percentage
1	Tax Administration of Kosovo	56	6.89%
2	Ministry of Internal Affairs	26	3.20%
3	Ministry of Public Administration	20	2.46%
4	Ministry of Finance	19	2.34%
5	Ministry of Education, Science and Technology	16	1.97%
6	Kosovo Police	14	1.72%
7	Kosovo Correctional Service	13	1.60%
8	Ministry of Trade and Industry	13	1.60%
9	Ministry of Foreign Affairs	12	1.47%
10	Kosovo Agency of Statistics	12	1.47%
11	Ministry of Agriculture, Forestry and Rural Development	12	1.47%
12	Ministry of Justice	12	1.47%
13	Ministry of Culture, Youth and Sports	11	1.35%
14	University of Mitrovica	10	1.23%
15	Ministry of Health	10	1.23%
16	Basic Court in Prishtina	9	1.10%
17	Ministry of Environment and Spatial Planning	9	1.10%
18	Food and Veterinary Agency	9	1.10%
19	Ministry of Infrastructure	8	0.98%
20	Privatization Agency of Kosovo	8	0.98%
21	Assembly of the Republic of Kosovo	8	0.98%
22	Court of Appeals	8	0.98%
23	Kosovo Council for Cultural Heritage	7	0.86%
24	Kosovo Customs	6	0.74%
25	Kosovo Prosecutorial Council	6	0.74%
26	University of Peja	6	0.74%
27	Ministry of Labor and Social Welfare	5	0.61%
28	Basic Court in Gjakova	5	0.61%
29	Secretariat of the Kosovo Judicial Council	5	0.61%
30	Basic Court in Peja	4	0.49%
31	State Agency of Kosovo Archives	4	0.49%
32	Procurement Review Body	4	0.49%
33	University of Prishtina Students' Center	3	0.37%
34	Ministry of Diaspora	3	0.37%
35	Basic Court in Gjilan	3	0.37%
36	Kosovo Security Council	3	0.37%

37	Police Inspectorate of Kosovo	3	0.37%
38	Regulatory Authority for Electronic Communications	3	0.37%
39	Railway Regulatory Authority	3	0.37%
40	Central Election Commission	3	0.37%
41	Ministry of Local Government Administration	3	0.37%
42	Basic Court in Mitrovica	3	0.37%
43	Ministry of Economic Development	2	0.25%
44	State Prosecution	2	0.25%
45	Supreme Court of Kosovo	2	0.25%
46	University of Prishtina	2	0.25%
47	National Library of Kosovo	2	0.25%
48	Ministry for Communities and Returns	2	0.25%
49	National Institute of Public Health	2	0.25%
50	Kosovo Probation Service	2	0.25%
51	Ombudsperson Institution	2	0.25%
52	Anti-Corruption Agency	2	0.25%
53	Air Navigation Services Agency	2	0.25%
54	Basic Court in Prizren	1	0.12%
55	Main Family Medicine Centre in Gjakova	1	0.12%
56	Kosovo Medicines Agency	1	0.12%
57	Basic Court in Ferizaj	1	0.12%
58	Independent Commission for Mines and Minerals	1	0.12%
59	Academy of Justice	1	0.12%
60	Kosovo Property Agency	1	0.12%
61	Kosovo Academy for Public Safety	1	0.12%
62	Kosovo Competition Authority	1	0.12%
63	Office of the Auditor General	1	0.12%
64	Civil Aviation Authority	1	0.12%
65	University of Gjilan	1	0.12%
66	Ministry of European Integration	1	0.12%
	Total:	**432**	**53.20%**

Table no. 5 indicates the data on the number and percentage of complaints received by the Board during 2017 against the decisions of the central administration institutions.

Complaints received against the decisions of central administration institutions, by complaint subject matter	Disputed recruitment	Requests from employment relationship	Transfer	Material compensation	Disciplinary measure	Termination of employment	Preventive Suspension	Failure to enforce the decision of Complaint Committee	Perfomance appraisal	Violation of right to salary	Demotion	Career advancement issue	Non-extension of contract	Against appointed Acting in Duty	Total
Tax Administration of Kosovo	33	3	5	4	7	1		1			1	1			56
Ministry of Internal Affairs	13		1	9	1				2						26
Ministry of Public Administration	16	2		1							1				20
Ministry of Finance	9			1	1						8				19
Ministry of Education, Science and Technology	8			2	1	2				3					16
Kosovo Police	4		4		6										14
Kosovo Correctional Service	8	2		1	1							1			13
Ministry of Trade and Industry	6	1		1	1			2	1		1				13
Ministry of Foreign Affairs	8			1				1			1	1			12
Kosovo Agency of Statistics	7			1	1	2							1		12
Ministry of Agriculture, Forestry and Rural Development	5			2		2	1	2							12

Ministry of Justice	6			3			1			2					12
Ministry of Culture, Youth and Sports	2	3		2				1		1				2	11
University of Mitrovica				10											10
Ministry of Health	8					1				1					10
Basic Court in Prishtina	8					1									9
Ministry of Environment and Spatial Planning	7			1						1					9
Food and Veterinary Agency			2	1	1				2					3	9
Ministry of Infrastructure	3	1	2			1			1						8
Privatization Agency of Kosovo		1	4	1	1			1							8
Assembly of the Republic of Kosovo	6			2											8
Court of Appeals	5			3											8
Kosovo Council for Cultural Heritage		1			5		1								7
Kosovo Customs	2		2		1					1					6
Kosovo Prosecutorial Council	6														6
University of Peja			5								1				6
Ministry of Labor and Social Welfare	1	2		1									1		5
Basic Court in Gjakova	4											1			5
Secretariat of the Kosovo Judicial Council				2	1					2					5

Basic Court in Peja	4														4
State Agency of Kosovo Archives	4														4
Procurement Review Body					4										4
Students' Center	2			1											3
Ministry of Diaspora		1							2						3
Basic Court in Gjilan						1				2					3
Kosovo Security Council	1			1					1						3
Police Inspectorate of Kosovo											3				3
Regulatory Authority for Electronic Communications		2				1									3
Railway Regulatory Authority									3						3
Central Election Commission		2						1							3
Ministry of Local Government Administration	2				1										3
Basic Court in Mitrovica	3														3
Ministry of Economic Development								2							2
State Prosecution	2														2
Supreme Court of Kosovo									1			1			2
University of Prishtina	1					1									2
National Library of Kosovo	2														2
Ministry for Communities					1	1									2

and Returns															
National Institute of Public Health	2														2
Kosovo Probation Service	2														2
Ombudsperson Institution	2														2
Anti-Corruption Agency								2							2
Air Navigation Services Agency	1	1													2
Basic Court in Prizren	1														1
Main Family Medicine Center in Gjakova					1										1
Kosovo Medicines Agency				1											1
Basic Court in Ferizaj						1									1
Independent Commission for Mines and Minerals	1														1
Academy of Justice	1														1
Kosovo Property Agency						1									1
Kosovo Academy for Public Safety		1													1
Kosovo Competition Authority	1														1
Office of the Auditor General								1							1
Civil Aviation Authority	1														1
University of Gjilan	1														1
Ministry of European	1														1

Integration															
Total:	**210**	**23**	**25**	**52**	**35**	**16**	**3**	**14**	**13**	**13**	**16**	**5**	**2**	**5**	**432**

Table no. 6 indicate the complaints received against central administration institutions' decisions, by complaint subject matter

6.2. Complaints against decisions of local administration institutions

During the reporting period, the Board has received 380 complaints against the decisions of local administration institutions, all presented in the following table:

No.	Local Administration Institutions	Number of complaints	Percentage
1	Municipality of Prishtina	185	22.78%
2	Municipality of Gjakova	29	3.57%
3	Municipality of Mitrovica	18	2.21%
4	Municipality of Prizren	15	1.85%
5	Municipality of Drenas	12	1.48%
6	Municipality of Vushtrri	12	1.48%
7	Municipality of Gjilan	10	1.23%
8	Municipality of Ferizaj	10	1.23%
9	Municipality of Zubin Potok	10	1.23%
10	Municipality of Lipjan	8	0.98%
11	Municipality of Kllokot	7	0.86%
12	Municipality of Leposavic	7	0.86%
13	Municipality of Vitia	7	0.86%
14	Municipality of Klina	7	0.86%
15	Municipality of Skenderaj	7	0.86%
16	Municipality of Rahovec	6	0.74%
17	Municipality of Peja	5	0.61%
18	Municipality of Malisheva	4	0.49%
19	Municipality of Podujeva	3	0.37%
20	Municipality of Gracanica	3	0.37%
21	Municipality of Fushe Kosova	3	0.37%
22	Municipality of Kaçanik	2	0.25%
23	Municipality of Obiliq	2	0.25%
24	Municipality of Kamenica	2	0.25%
25	Municipality of Shtime	2	0.25%
26	Municipality of Suhareka	1	0.12%
27	Municipality of Deçan	1	0.12%
28	Municipality of Novoberda	1	0.12%
29	Municipality of Hani i Elezit	1	0.12%
	Total:	380	46.77%

Table no. 7 indicates the data on the number and percentages of complaints received by the Board in 2017, against local administration institutions' decisions

Complaints received against decisions of local administration institutions by complaint subject matter	Disputed recruitment	Material compensation	Termination of employment	Transfer	Disciplinary measure	Preventive Suspension	Performance appraisal	Demotion	Violation of right to salary	Requests from employment relationship	Non-extension of contract	Career advancement issue	Against appointment of acting in	Failure to enforce a decision of Complaint Committee	Total
Municipality of Prishtina	6	3	2	3	1			101	63	4	1		1		185
Municipality of Gjakova	22		3		1	1				2					29
Municipality of Mitrovica	14	3							1						18
Municipality of Prizren	14		1												15
Municipality of Drenas	2	1	2		2	2		1		2					12
Municipality of Vushtrri	8	1							1				2		12
Municipality of Gjilan	6	1		1		2									10
Municipality of Ferizaj	3	4			2	1									10
Municipality of Zubin Potok		9	1												10
Municipality of Lipjan	3	2	1								1	1			8
Municipality of Kllokot			1		3		3								7
Municipality of Leposavic			7												7
Municipality of Vitia	4		1						2						7
Municipality of Klina	7														7
Municipality of Skenderaj	7														7

Municipality of Rahovec	5													1	6
Municipality of Peja	1	2			1	1									5
Municipality of Malisheva	3		1												4
Municipality of Podujeva	1		1	1											3
Municipality of Gracanica			1				2								3
Municipality of Fushe Kosova	3														3
Municipality of Kaçanik	1				1										2
Municipality of Obiliq		1			1										2
Municipality of Kamenica	2														2
Municipality of Shtime	1		1												2
Municipality of Suhareka	1														1
Municipality of Deçan	1														1
Municipality of Novoberde	1														1
Municipality of Hani i Elezit			1												1
Total:	**116**	**27**	**24**	**5**	**12**	**7**	**5**	**102**	**67**	**8**	**2**	**1**	**3**	**1**	**380**

Table no.8 indicates the complaints received against decisions of local administration institutions, by complaint subject matter

7. COMPLAINTS BY TYPE OF RULING

During 2017, the Board has received and decided a total of 817 complaints:

7.1 Approved

Implies complaints filed by complainants, which upon review of evidence and facts, were approved by the Board, thereby annulling the decisions of employment authorities, and ordering the employment authorities to enforce the decisions of the Board within a set legal deadline.
During the reporting period, the Board has approved one hundred fifty-nine (**159**) complaints.

7.2 Partially approved

Implies complaints filed by complainants, with two or more complaint claims, and for which, upon review of evidence and fact presented by complainants and employment authorities, were only approved partially by the Board.
During the reporting period, the Board has partially approved seven (**7**) complaints.

7.3 Rejected

Implies complaints filed by complainants, and the Board has rejected as ungrounded, upon review of evidence and facts presented by complainants and employment authorities, upholding the decisions of employment authority.
During the reporting period, the Board has rejected two hundred forty-nine (**249**) complaints.

7.4 Dismissed as inadmissible

Implies complaints filed by complainants, which the Board has dismissed as inadmissible, because they were filed before exhausting internal complaint remedies, or filed beyond legal deadline for submission of complaints, or filed by persons which are not authorized by law as parties to proceedings. During the reporting period, the Board has dismissed as inadmissible one hundred forty-seven (**147**) complaints.

7.5 Declining jurisdiction

Implies complaints filed by complainants, for which the Board has declined jurisdiction since the complaints were filed by persons who do not enjoy the status of civil servants, or were not incumbents for recruitment with the civil service of the Republic of Kosovo.
During the reporting period, the Board has declined jurisdiction in thirty-nine (**39**) complaints.

7.6 Ordering the administrative body to issue administrative act

Implies decisions by which the Board orders the employment authorities or relevant committees for dispute and complaint resolution to decide on the complaint of complainant, in cases in which they have not decided the complaint as set forth by provisions of the Law on the Civil Service of the Republic of Kosovo.
During the reporting period, the Board has rendered decisions thereby ordering the employment authorities to decide on complaints in seventy (**70**) complaints.

7.7 Remand to review

Implies decisions by which the Board decides to remand the case to review with the employment authorities, in all cases in which, upon review of evidence and facts provided by complainants and employment authorities, the Board finds that if such case were to be remanded to review of the employment authority, such authorities would rectify on the errors which are not considered to be serious procedural breaches. During the reporting period, the Board has decided to remand the cases for review in one hundred and five (**105**) complaints.

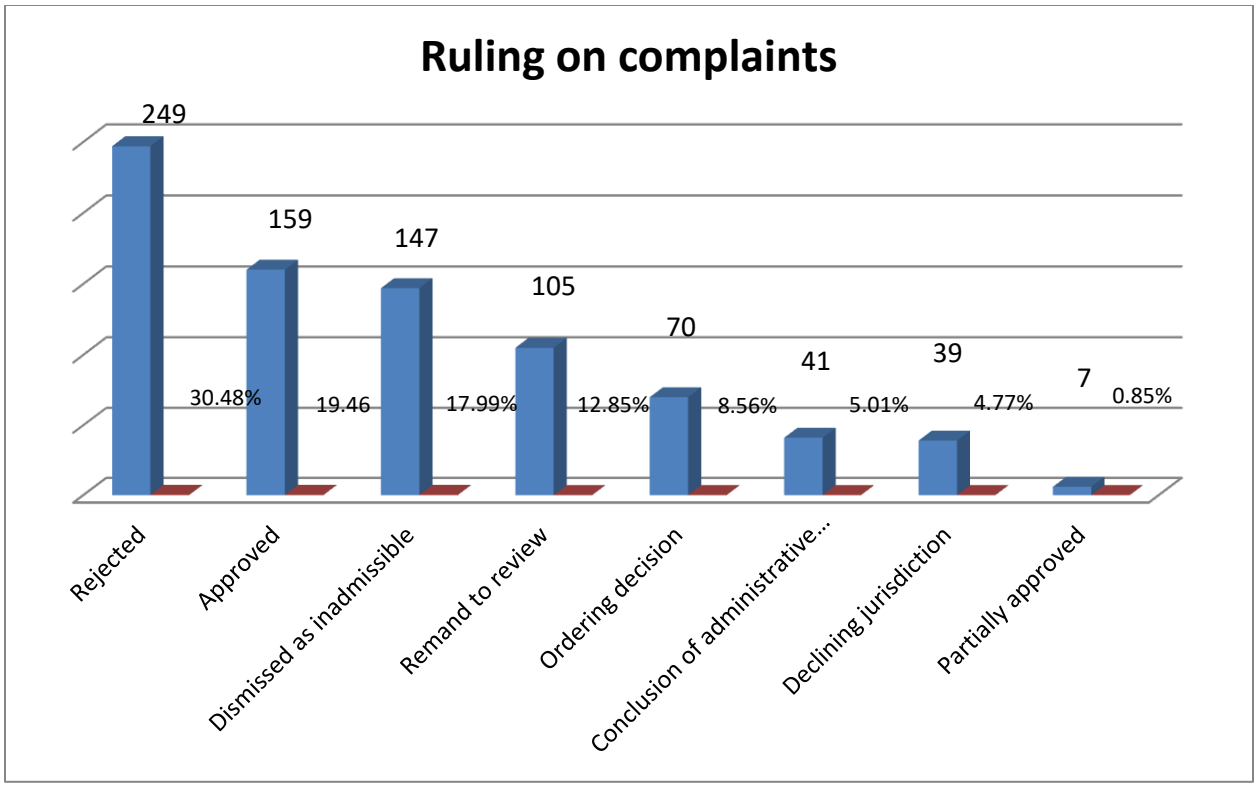
7.8 Conclusion of administrative proceeding

Implies decisions rendered by the Board for the cases in which the complainants withdraw their complaints, or when the Board deems that the object of complaint for which the proceeding was initiated, or the purpose of decision has become impossible.
During the reporting period, the Board has concluded administrative proceedings in forty-one (**41**) complaints.

The following table shows the type of ruling for **817** complaints by the Board, the number of complaints decided upon, and percentages in comparison to the total number of complaints decided upon.

Type of ruling	Number of complaints	Percentage
Rejected	249	30.48%
Approved	159	19.46%
Dismissed as inadmissible	147	17.99%
Remand to review	105	12.85%
Ordering decision	70	8.56%
Conclusion of administrative proceeding	41	5.01%
Declining jurisdiction	39	4.77%
Partially approved	7	0.85%
Total	**817**	**100%**

Table no. 9 indicates the types of rulings of the Board, number of complaints by type of ruling, and percentages in comparison to the total number of complaints



The chart no. 5 indicates the records of the table no. 9

8. TYPES OF RULINGS BY INSTITUTION DECISIONS

This section of the report indicates data on the types of rulings of the Board disaggregated by complaints filed against decisions of central and local administration institutions.

8.1 Types of rulings against decisions of central administration institutions

During the reporting period, the Board has decided on **425** complaints filed against decisions of central administration institutions, namely on **386** complaints of 2017, and **39** complaints transferred from 2016 to 2017.

Central administration institutions	Approved	Rejected	Partially approved	Dismissed as inadmissible	Declining jurisdiction	Remand to review	Conclusion of administrative proceedings	Ordering the authority to issue administrative act	Number of complaints reviewed
Tax Administration of Kosovo	11	15			1	26			53
Ministry of Internal Affairs		18		5			5		28
Ministry of Finance	1	14		1		1	2	1	20
Ministry of Education, Science and Technology	2	7		1			2	4	16
Kosovo Correctional Service	2	7		2		2	1		14
Ministry of Public Administration	2	5		2		2		3	14
Ministry of Infrastructure	4	1	1	2	1	3			12
Ministry of Trade and Industry	1	5		4		1	1		12
Kosovo Police	2	10							12
Ministry of Justice	3	3		4		1		1	12
Ministry of Foreign Affairs	2	4		1		1	3		11
Kosovo Agency of Statistics	1	6		1	3				11
Ministry of Agriculture, Forestry and Rural Development	3	3	1			1	1	2	11
Court of Appeals	2	5				1	2		10
Ministry of Environment and Spatial Planning		5		3	1				9
Basic Court in Prishtina	1	6					1	1	9
University of Mitrovica								9	9
Food and Veterinary Agency		3		2		2		2	9
Ministry of Health		1		2	3		2		8
Ministry of Culture, Youth and Sports		4	1	1	1	1			8
Kosovo Council for Cultural Heritage	3	1		2				2	8
Privatization Agency of Kosovo	5	3							8
University of Peja	3			1		3			7
Ministry of Labor and Social Welfare		3			1		2		6
Secretariat of the Kosovo Judicial Council	1	1		2		1	1		6
Assembly of Kosovo		5		1					6
Basic Court in Gjilan	1			2	1		1		5
Kosovo Prosecutorial Council		5							5
Procurement Review Body	2	2				1			5

Basic Court in Gjakova	**2**	**3**							**5**
Kosovo Customs		**3**		**1**		**1**			**5**
Railway Regulatory Authority		**1**	**1**	**2**					**4**
State Agency of Kosovo Archives		**4**							**4**
Basic Court in Peja					**4**				**4**
Ministry of Diaspora			**1**	**1**				**1**	**3**
State Prosecution		**2**		**1**					**3**
Ministry of Local Government Administration		**1**		**2**					**3**
Central Election Commission				**1**		**1**	**1**		**3**
Police Inspectorate of Kosovo					**3**				**3**
Kosovo Security Council		**1**		**2**					**3**
UP Students' Center	**1**				**1**		**1**		**3**
Regulatory Authority for Electronic and Postal Communications		**2**				**1**			**3**
Ministry of Economic Development				**2**					**2**
Basic Court in Ferizaj		**2**							**2**
Supreme Court of Kosovo		**2**							**2**
University of Prishtina		**1**		**1**					**2**
Anti-Corruption Agency	**1**					**1**			**2**
Kosovo Forest Agency	**1**	**1**							**2**
Basic Court in Mitrovica	**2**								**2**
Ministry for Communities and Returns	**1**			**1**					**2**
Air Navigation Services Agency	**1**			**1**					**2**
Ombudsperson Institution	**2**								**2**
National Institute of Public Health	**2**								**2**
Kosovo Probation Service		**2**							**2**
Kosovo Competition Authority		**1**							**1**
National Library of Kosovo							**1**		**1**
Kosovo Academy for Public Safety				**1**					**1**
Main Family Medicine Center in Gjakova			**1**						**1**
Basic Court in Prizren		**1**							**1**
Ministry of European Integration				**1**					**1**
University of Gjilan							**1**		**1**
Commission for Mines and Minerals		**1**							**1**
Civil Aviation Authority	**1**								**1**
Academy of Justice		**1**							**1**
Kosovo Property Agency		**1**							**1**
Total:	**66**	**172**	**6**	**56**	**20**	**51**	**28**	**26**	**425**

Table no. 10 indicates types of rulings complaints reviewed and decided upon during 2017 against the decisions of central administration institutions

8.2 Types of rulings against decisions of local administration institutions

During the reporting period, the Board has decided on 392 complaints filed against decisions of local administration institutions, namely on 352 complaints of 2017, and 40 complaints transferred from 2016 to 2017.

Local administration institutions	Approved	Rejected	Partially approved	Dismissed as inadmissible	Declining jurisdiction	Remand to review	Conclusion of administrative proceedings	Ordering the authority to issue administrative act	Number of complaints reviewed
Municipality of Prishtina	40	5		67		43	2	26	183
Municipality of Gjakova	5	16	1	4	3	1			30
Municipality of Mitrovica	9	7		3	1		1		21
Municipality of Zubin Potok	9			1				9	19
Municipality of Gjilan	3	9					1	1	14
Municipality of Prizren	1	7		1	1		3		13
Municipality of Vushtrri	2	8						2	12
Municipality of Lipjan	2	2		3			2	2	11
Municipality of Peja	1			7	2			1	11
Municipality of Drenas	2	3		1	1	2	1		10
Municipality of Viti	1	4		1	1	1			8
Municipality of Klina	1	6					1		8
Municipality of Kllokot	4					3			7
Municipality of Leposavic					5			2	7
Municipality of Ferizaj	2	2						1	5
Municipality of Rahovec	1	1		1	1	1			5
Municipality of Fushë Kosova	2						1		3
Municipality of Podujeva	1	1			1				3
Municipality of Gracanica	1					2			3
Municipality of Shtime	1	1				1			3
Municipality of Kaçanik		1		1	1				3
Municipality of Malisheva	2				1				3
Municipality of Obiliq	1	1							2
Municipality of Skenderaj	1	1							2
Municipality of Kamenica	1						1		2

Municipality of Suhareka		1							1
Municipality of Decan		1							1
Municipality of Novoberde				1					1
Municipality of Hani i Elezit					1				1
Total:	93	77	1	91	19	54	13	44	392

Table no.11 indicates the types of rulings over complaints of 2017, filed against decisions of local administration institutions

9. ENFORCEMENT OF BOARD`s DECISIONS BY EMPLOYMENT AUTHORITIES

Pursuant to provisions of Article 13 of the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo, authorities employing civil servants are required to enforce the Board decisions.

Board decisions are final administrative decisions, and are mandatory to be enforced by senior managerial officials or responsible persons of institutions rendering the first-instance decision against the party.

Failure of the responsible person in an institution to enforce a Board decision represents a severe violation of position duties as per the Law on the Civil Service in the Republic of Kosovo.

In 2017, employment authorities had legal obligation to execute 341 Board decisions, out of which 166 final decisions and 175 intermediate decisions, namely:

- **159** final decision approving complaints:
- **7** final decisions partially approving complaints:
- **70** intermediate decisions ordering employment authorities to issue administrative act; and
- **105** intermediate decisions ordering employment authorities to revise and review their decisions.

Despite the fact that Board decisions are final in administrative procedure, based on notifications received by the Board from employment authorities and complainants, it appears that employment authorities have enforce 119 decisions out of 166, thereby failing to enforce 22 Board decisions and 25 decisions are being enforced.

While, out of 175 intermediate decisions, 113 decisions have been enforced, 24 decisions have not been enforced, while 38 decisions are being enforced.

Board decisions on complaints	Number of decisions to be enforced	Enforced decisions	Non-enforced decisions	Decisions being enforced	Decisions suspended by Court ruling
Approved	159	117	21	21	0
Partially approved	7	2	1	4	0
Total:	166	119	22	25	0

Table no. 12 indicate the number of complaints, enforced decisions, non-enforced decisions and decisions suspended by Court ruling

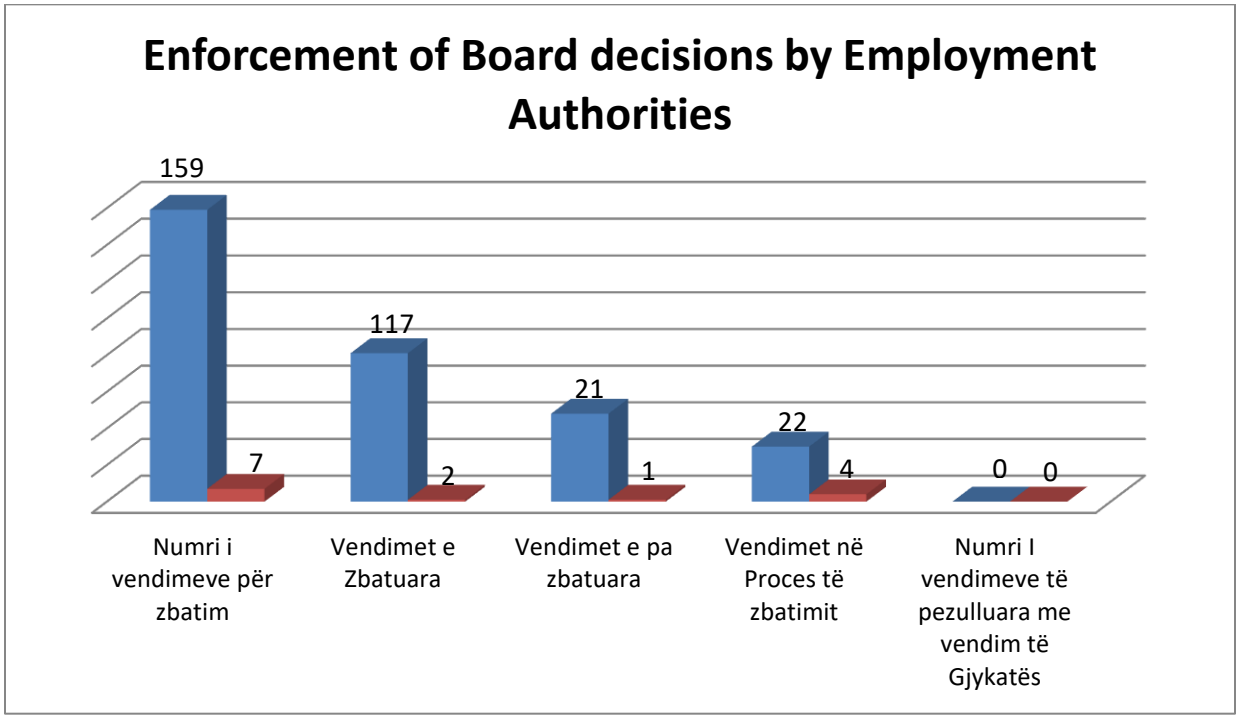


Chart no.6 indicates the data from Table no.12

Board decisions on complaints	Number of decisions to be enforced	Enforced decisions	Non-enforced decisions	Decisions being enforced	Decisions suspended by Court ruling
Remand to review	105	77	8	20	0
Order to decide	70	36	16	18	0
Total:	175	113	24	38	0

Table no. 13 indicate the number of complaints, enforced decisions, non-enforced decisions and decisions suspended by Court ruling

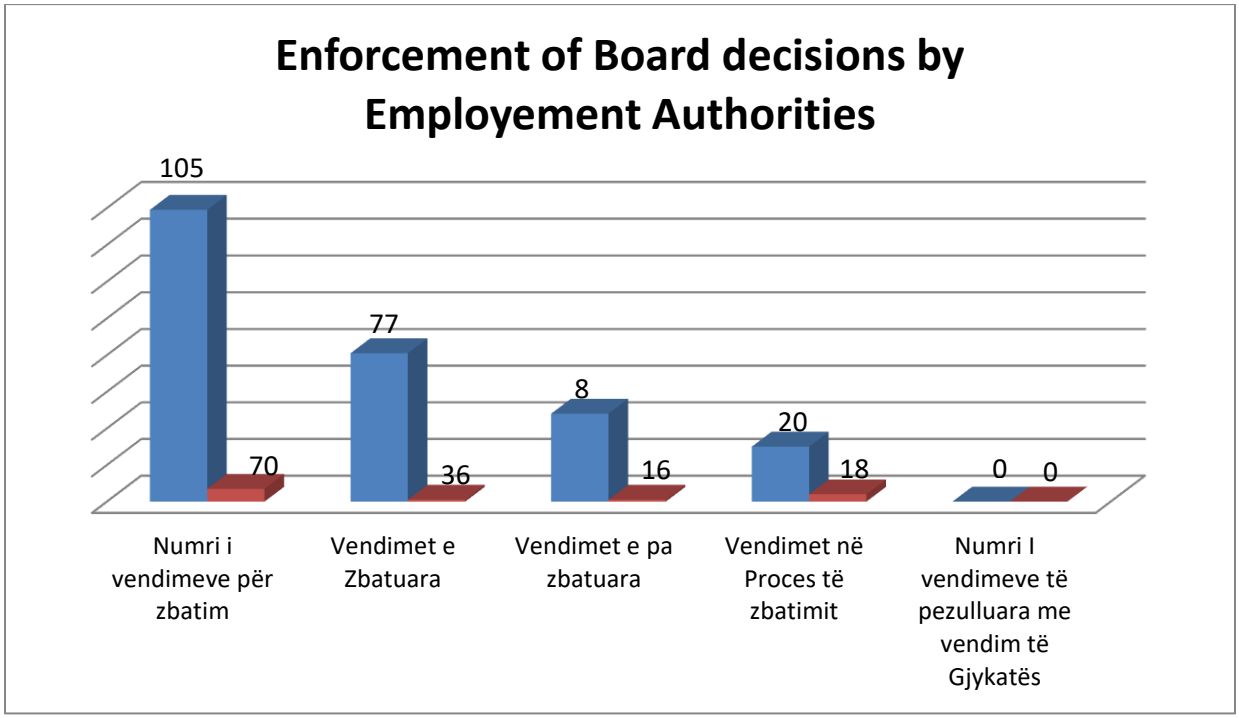


Chart no.7 indicates the data from Table no.13

The following table indicates data on central administration institutions that have not enforced the Board decisions, and the number of final ruling decision non-enforced.

No.	**Central Administration Institutions**	**Number of non-enforced decisions**	**Decision reference No.**	**Person responsible for enforcement**
1	Ministry of Infrastructure	3	02/587/2016 02/593/2016 02/594/2016	Secretary General
2	Kosovo Council for Cultural Heritage	1	02/581/2016	Chairperson of the Board
3	Tax Administration of Kosovo	1	02/5/2017	TAK Director General
4	Ministry of Education, Science and Technology	1	02/591/2017	MEST Secretary General
5	Kosovo Police	1	02/259/2017	Director General
	Total:	**7**		

Table no.14 indicates central administration institutions failing to enforce Board decisions, and the number of un-enforced decisions.

The following table indicates data on local administration institutions not enforcing the Board decisions, and the number of final ruling decision not enforced.

No.	**Local Administration Institutions**	**Number of non-enforced decisions**	**Decision reference No.**	**Person responsible for enforcement**
1	Municipality of Zubin Potok	9	02/113/2017 02/114/2017 02/115/2017 02/116/2017 02/117/2017 02/118/2017 02/119/2017 02/120/2017 02/121/2017	Mayor
2	Municipality of Prishtina		02/370/2017 02/428/2017 02/530/2017 02/669/2017	Mayor
3	Municipality of Malisheva	2	02/318/2017 02/724/2017	Mayor
	Total:	**15**		

Table no.15 indicates local administration institutions failing to enforce Board decisions, and the number of un-enforced decisions.

The following table indicates data on central administration institutions that have not executed Board decisions, and the number of intermediate ruling decision not enforced.

No.	**Central Administration Institutions**	**Number of non-enforced decisions**	**Decision reference No.**	**Person responsible for enforcement**
2	Kosovo Council for Cultural Heritage	2	02/485/2017 02/486/2017	Chairperson of the Board
	Total:	**2**		

Table no.16 indicates central administration institutions failing to enforce Board decisions, and the number of un-enforced decisions.

The following table indicates data on local administration institutions that have not executed Board decisions, and the number of intermediate ruling decision not enforced.

No.	**Local Administration Institutions**	**Number of non-enforced decisions**	**Decision reference No.**	**Person responsible for enforcement**
1	Municipality of Prishtina	13	02/158/2017 02/304/2017 02/309/2017 02/310/2017 02/311/2017 02/323/2017 02/344/2017 02/387/2017 02/409/2017 02/419/2017 02/426/2017 02/444/2017 02/445/2017	Mayor
2	Municipality of Zubin Potok	9	02/563/2016 02/564/2016 02/565/2016 02/566/2016 02/567/2016 02/568/2016 02/569/2016 02/570/2016 02/571/2016	
	Total:	22		

Table no.17 indicates local administration institutions failing to enforce Board decisions, and the number of un-enforced decisions.

10. APPLICATION OF RULES AND PRINCIPLES OF CIVIL SERVICE LEGISLATION OVERSIGHT FUNCTION

During the reporting period, the Board has exercised its oversight function pursuant to Article 10, paragraph 3, and Article 17 of the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo, thereby overseen the application of rules and principles of the civil service legislation, personnel files, recruitment procedures, substitution of civil servant contracts, leaves in the civil service, career promotion procedures, transfer procedures, performance assessment, classification and systematization of job positions in the civil service, termination, suspension and conclusion of employment relationship; disciplinary commissions and disciplinary procedures, and dispute and complaint resolution commissions within central and local public administration institutions.

By Decision no. 307/2017, dated 27.12.2017, the Board approved the Monitoring Plan 2018.

Pursuant to the Monitoring Plan, the Board has performed eighty one (81) oversight monitoring visits on application of rules and principles of civil service legislation in central and local administration institutions, and in Embassy of the Republic of Kosovo to France. Findings and recommendations evidenced in monitoring visits for enforcement of rules and principles of civil service legislation for civil servants of the Embassy of the Republic of Kosovo to France were included in the Monitoring Report for the Ministry of Foreign Affairs.

During 2017, the Board has conducted an extraordinary monitoring in the Ministry of Education, Science and Technology at the request of an MP of the Assembly of the Republic of Kosovo for the assessment of non-compliance with the simultaneous exercise of public official and civil servant position.

In monitoring reports on the application of rules and principles of civil service legislation for institutions at central and local levels, the Board has evidenced and reported on 523 violations of rules and principles of civil service legislation, and following such evidenced violations, the Board issued 524 recommendations to responsible officer of the monitored institutions, and indicated in the following table:

Order number	Central and local administration institutions monitored	Number of findings	Number of recommendations
1	Office of the President of the Republic of Kosovo	4	4
2	Assembly of the Republic of Kosovo	2	2
3	Office of the Prime Minister	2	2
4	Kosovo Agency of Statistics	3	3
5	Kosovo Security Council	8	8
6	Ministry of Agriculture, Forestry and Rural Development	10	10
7	Kosovo Forest Agency	8	8

8	Ministry of Infrastructure	6	6
9	Labour Inspectorate	8	8
10	Ministry of Education, Science and Technology	6	6
11	UP Students Center	9	9
12	University of Prishtina	8	8
13	University of Gjilan	5	5
14	University of Gjakova	4	4
15	University of Mitrovica	6	6
16	University of Prizren	13	13
17	University of Peja	6	6
18	Ministry of Local Government Administration	8	8
19	Ministry of Internal Affairs	6	6
20	Emergency Management Agency	8	8
21	Kosovo Academy for Public Safety	4	4
22	Police Inspectorate of Kosovo	10	10
23	Ministry of Health	10	10
24	Kosovo Medicines Agency	8	8
25	Ministry of Justice	6	6
26	Agency for the Administration of Sequestrated or Confiscated Assets	2	2
27	Kosovo Correctional Service	7	7
28	Ministry of Communities and Returns	6	6
29	Ministry of Trade and Industry	12	12
30	Ministry of Economic Development	5	5
31	Ministry of Culture, Youth and Sports	3	3
32	National Library of Kosovo	9	9
33	Kosovo State Archives Agency	4	4
34	Ministry of Foreign Affairs	13	13
35	Ministry of Public Administration	7	7
36	Kosovo Institute for Public Administration	1	1
37	Ministry of Finance	6	6
38	Central Procurement Agency	2	2
39	Tax Administration of Kosovo	16	16
40	Kosovo Customs	8	8
41	Ministry of Environment and Spatial Planning	8	8
42	Kosovo Cadastral Agency	9	9
43	Ministry of the Kosovo Security Force	7	7
44	Ministry of Diaspora	3	3
45	Municipality of Deçan	11	11
46	Municipality of Drenas	13	13
47	Municipality of Gracanica	4	4
48	Municipality of Istog	5	5

49	Municipality of Junik	6	6
50	Municipality of Klina	4	4
51	Municipality of Mitrovica	8	8
52	Municipality of Novoberde	12	12
53	Municipality of Obiliq	7	7
54	Municipality of Prishtina	9	9
55	Municipality of Podujeva	6	6
56	Municipality of Prizren	11	11
57	Municipality of Skenderaj	5	5
58	Kosovo Prosecutorial Council	9	9
59	Secretariat of the Kosovo Judicial Council	6	6
60	Basic Court in Peja	8	8
61	Basic Court in Mitrovica	7	7
62	Basic Court in Prizren	9	9
63	Basic Court in Gjakova	9	9
64	Ombudsperson Institution	2	2
65	Kosovo Anti-Corruption Agency	2	2
66	Privatization Agency of Kosovo	9	9
67	Railway Regulatory Authority	3	3
68	Regulatory Authority of Electronic and Postal Communications	8	8
69	National Audit Office	5	5
70	Independent Media Commission	6	6
71	Kosovo Competition Authority	3	3
72	Public Procurement Regulatory Commission	6	6
73	Independent Oversight Board for Civil Service of Kosovo	0	0
74	Election Complaints and Appeals Panel	4	4
75	Kosovo Property Comparison and Verification Agency	5	5
76	Academy of Justice	6	6
77	Municipality of Gjilan	5	5
78	Independent Commission for Mines and Minerals	5	5
79	Ministry of Labour and Social Welfare	9	9
80	Central Election Commission	The final report has not yet been submitted	
81	Ministry of Education, Science and Technology (Extraordinary Monitoring)		1
Total visits:	**81**	**523**	**524**

Table no.18 indicate the public administration institutions monitored by the Board, and the number of findings and recommendations

11. RECRUITMENT PROCEDURE FOR MANAGERIAL LEVEL CIVIL SERVANTS OBSERVATION FUNCTION

The observation function on recruitment procedures for managerial level servants is stipulated by Article 10, paragraph 1.2, and Article 16 of the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo. In compliance with such provisions, the Board is competent to decide whether the recruitment procedure for managerial level servants has been exercised in due compliance with rules and principles of the legislation on Civil Service of the Republic of Kosovo.

In compliance with such a legal provision, employment authorities are bound to notify the Board on such procedures of promotion or recruitment of civil servants to managerial positions.

During 2017, the Board has observed 312 recruitment procedures for managerial level civil servants.

Out of 312 recruitment procedures observed, the Board has approved 164 recruitment procedures as regular, while 148 procedures have been annulled due to legal and procedural violations.

The following is a tabular presentation of institutions and civil service positions at managerial levels, observed by the Board, in their recruitment procedures, and types of rulings over such procedures.

Table no. 19. The following table indicate observation procedures for recruitment at managerial levels, recruitment procedures that were annulled due to legal and procedural violations.

Order no.	Institution	Number of procedures annulled
1	Municipality of Vushtrri	10
2	University of Pristina	8
3	Ministry of Health	8
4	Municipality of Gjakova	8
5	Ombudsperson Institution	7
6	Kosovo Prosecutorial Council	7
7	Municipality of Shtime	7
8	Municipality of Lipjan	7
9	Municipality of Gjilan	6
10	Ministry of Labour and Social Welfare	5
11	Tax Administration of Kosovo	5
12	Municipality of Prizren	4
13	Ministry of Agriculture, Forestry and Rural Development	4
14	Ministry of Trade and Industry	4
15	Ministry of Environment and Spatial Planning	4
16	Municipality of Mitrovica	4

17	Municipality of Viti	3
18	Municipality of Klina	3
19	Ministry of Economic Development	3
20	Ministry of Finance	3
21	Ministry of Education, Science and Technology	3
22	Municipality of Istog	3
23	Municipality of Kaçanik	3
24	Municipality of Podujeva	3
25	University of Gjilan	3
26	Kosovo Security Council	2
27	Municipality of Dragash	2
28	Office of the Prime Minister	2
29	Kosovo Correctional Service	2
30	Civil Aviation Authority	2
31	Ministry of Infrastructure	2
32	UP Students Center	1
33	Central Procurement Agency	1
34	Labour Inspectorate	1
35	Kosovo Forest Agency	1
36	Food and Veterinary Agency	1
37	State Prosecutor	1
38	Kosovo Police	1
39	Ministry of Internal Affairs	1
40	Municipality of Obiliq	1
41	Kosovo Institute for Public Administration	1
42	National Audit Office	1
Total:		**148**

Table no. 20. This table indicate the recruitment procedures for managerial level positions approved by the Board as regular recruitment procedures

Order no.	**Institution**	**Number of procedures approved**
1	Municipality of Gjakova	20
2	Municipality of Gjilan	13
3	Tax Administration of Kosovo	13
4	Municipality of Klina	9
5	Municipality of Prizren	8
6	Municipality of Vushtrri	8
7	Municipality of Viti	7
8	Municipality of Istog	6
9	Ministry of Finance	5
10	Ministry of Environment and Spatial Planning	5

11	Ministry of Economic Development	5
12	Ministry of Labour and Social Welfare	5
13	Kosovo Prosecutorial Council	4
14	Food and Veterinary Agency	4
15	Kosovo Customs	3
16	Ministry of Justice	3
17	Ministry of Infrastructure	3
18	Ministry of Agriculture, Forestry and Rural Development	3
19	Kosovo Agency of Statistics	3
20	Ministry of Trade and Industry	2
21	Ministry of Internal Affairs	2
22	Ministry of Local Government Administration	2
23	Water Services Regulatory Authority	2
24	University of Gjilan	2
25	Ministry of Diaspora	2
26	Municipality of Lipjan	2
27	Municipality of Podujeva	2
28	Public Procurement Regulatory Commission	2
29	University of Prishtina	2
30	Municipality of Kaçanik	2
31	Kosovo Forest Agency	2
32	Municipality of Obiliq	1
33	Ministry of Culture, Youth and Sports	1
34	Civil Aviation Authority	1
35	Agency for the Administration of Sequestrated or Confiscated Assets	1
36	Municipality of Deçan	1
37	Ministry of Health	1
38	Ministry of Education, Science and Technology	1
39	Kosovo Judicial Institute	1
40	University of Mitrovica	1
41	Kosovo Probation Service	1
42	Kosovo Police	1
43	National Audit Office	1
44	Emergency Management Agency	1
Total:		**164**

12. RECOMMENDATIONS AND CHALLENGES OF THE BOARD

Office premises, budget and support staff

Office premises for 2017 - the Board is placed in a narrow part of the former "Germia" building. During the second half of 2016, the Ministry of Public Administration approved the request of the Board regarding the renovation of offices and allocation of new premises for the support staff. Thereby, established better premises for performance of the Board and the Secretariat, but there is still a lack of offices and rooms for the organization of meetings and hearings sessions.

Budget for 2017- the Budget Law for 2018 of the Assembly of the Republic of Kosovo has increased the budget of the Board, in the category of goods and services, already ensuring a stable budget and a budget that can cover the exercise of constitutional and legal functions.

Support staff – The Board has submitted a request to the Assembly of Kosovo, so that during the amendment of the Law on Budget 2018, to consider, the justified request of the Independent Oversight Board of Kosovo for the Civil Service, the approval of four positions of professional associates. The Assembly has approved two additional positions for professional associates and the Board has carried out recruitment procedures for completing in these two positions, which will have a positive impact on the work of the Board.

13. GENERAL OVERVIEW OF OBSERVATION OF RULES AND PRINCIPLES APPLICABLE TO THE CIVIL SERVICE OF THE REPUBLIC OF KOSOVO

Based on the records collected in its exercise of constitutional and legal functions, namely in complaint review, observation of recruitment of managerial level civil servants, and in oversight of application of rules and principles of civil service legislation, in central and local public administration institutions, the Board has managed to develop a comprehensive assessment on the application of rules and principles of civil service legislation in relevant areas, and issued recommendations for competent institutions to rectify violations evidenced.

Also, the Board in this report presents the general recommendations on civil service legislation, namely amendments to the primary and secondary legislation acts, and proposals for issuing new secondary acts to regulate certain areas within the civil service which remain unregulated, and which seems to cause troubles in the functioning of public administration institutions.

The evaluation of relevant areas is based upon the complaints received and reviewed, and the types of rulings over such complaints, findings and recommendations from the monitoring of institutions, and also the observation of recruitment processes for managerial level civil servants.

RECRUITMENT WITH THE CIVIL SERVICE

During 2017, the Board has received 326 complaints related to recruitment procedures in the civil service. Also, the Board has monitored 312 observation procedures related to the process of appointment of the managerial level civil servants. Out of the 312 observed procedures, the Board approved 164 procedures as regular, while 148 promotion / recruitment procedures were annulled due to legal and procedural violations. In the process of overseeing the rules and principles for the implementation of civil service legislation during 2017, the Board has monitored 81 institutions and found 523 cases of violations of the provisions of the civil service legislation and issued a total of 524 recommendations to the responsible officials and relevant institutions authorities.

Based on the above records, the Board has found that public administration institutions have not achieved a satisfactory level of implementing provisions of laws and secondary legislation applicable on recruitment of civil servants, neither through promotion nor through external recruitment procedures. Based on the records collected in its exercise of constitutional and legal functions, the Board has concluded that most of the violations in recruitment processes are related to:

- Issuance of authorization for publication by the DCSA/MPA with different criteria for similar positions, although it is noticed an improvement of DCSA/MPA since last year;
- Failure to comply with deadlines for the development of recruitment procedures;
- Establishment of Civil Service Selection Commission (CSSC) in contrary to the legal provisions;
- Failure of CSSC in calculating working experience of incumbents for admission into civil service;
- Preparation of written and oral tests in contrary to the legal provisions.

According to the recommendation given with the Annual Work Plan for 2015, the Ministry of Public Administration has started the amendment procedure - amending of the Regulation no.02/2010 on Recruitment Procedures in the Civil Service. The Working Group established by the Ministry of Public Administration, which also included two members of the Board, completed the final draft of amending and supplementing the Regulation in the first part of 2017, but the Minister of Public Administration still has not signed this Regulation, consequently it has not been possible to simplify the recruitment procedures and consequently there has been a recurrence of violations found in the previous years.

On 30.12.2016, the Board has presented some recommendations approved at the meeting of the Board for the Ministry of Public Administration on the elimination of relevant violations related to the issuance of the authorization for the announcement of the competition, the adoption of different criteria for the same positions, non-determination of the university qualification criteria, etc.

The Board has noticed that the Ministry of Public Administration in 2017, in majority of cases has applied the abovementioned recommendations, but in some cases has undertaken some administrative actions, which were in contradiction with rules and procedures, such as:

- For the managerial positions, an external vacancy announcement was made, without having an internal recruitment procedure, as required by applicable legislation, which has been annulled by the Board as they were announced in contradiction with the legislation in force;
- In some cases, the DACS/MPA issued authorizations for recruitment procedure for a certain position, thereby requiring only “University Diploma” as an education qualification, while in the majority of authorizations issued by DACS/MPA, for the same position though in another institution, qualification criterion was “University Diploma”, and relevant education profile.
- In some cases, the DACS/MPA issued authorizations for recruitment procedure for a certain position, has set as an education criterion only “University Diploma” of the relevant profile and added the word “relevant”, which in some procedures has cause uncertainties to IOBCS and cases of complaint reviewing relating this matter.
- In some cases, the DACS/MPA issued authorisations for recruitment procedure for a certain position not complying with criteria and qualifications defined by the Catalogue of Working Positions in the Civil Service, approved by the Government of the Republic of Kosovo.

The Board has concluded that the DACS / MPA did not publish the General Personnel Plan in the Civil Service according to the requests of central and local level institutions.

The Board has concluded that the responsible officials of the public administration institutions have in some cases established the IOBCS in contrary with the legal provisions in force, while the IOBCS in several cases did not correctly evaluate the applications of candidates for admission to the civil service, including in the short list candidates who did not meet the criteria set out in the competition, with particular emphasis on the work experience and the education qualification criteria in cases where, in addition to the exact criteria of university education, it is set also as criteria the "University Diploma" in the relevant field.

The Board has found in several cases that the responsible persons of the institutions have established the CSSC without including any member from the unit in which the position was declared.

During the observation of the recruitment procedures, i.e. during the oral interview of the candidates, the Board has noted that the CSSC in some cases has not made an objective assessment of the candidates, but the Board has no competence to interfere with the evaluation of the CSSC.

As in the previous year's report, the Board has found that during the review of the complaints of candidates for recruitment to the civil service and observing the procedures for the appointment of civil servants of the management level, it has noted that in some cases the candidates expressed concern that the recruitment in the civil service has been made based on political connections or on the basis of nepotism, as it has been established that political appointees at central and local level institutions in some cases before the end of the political mandate have been appointed to the civil service in the same institution, which may raise the dilemma for political impacts in these nomination processes.

Work experience criteria in Civil Service recruitment

In terms of the work experience for recruitment in the civil service, based on the provisions of Regulation No. 05/2012 on Classification of Jobs in Civil Service, as well as in the Civil Service Job Catalogue approved by the Government, the Board ascertains that candidates for recruitment in the civil service must meet the criteria of professional work experience which in this context should be related to the level of school/university qualification determined by the vacancy.

Regarding this issue, all Board decisions were issued based on this legislation and confirmed by the Court and again there were uncertainties from the institutions regarding the calculation of professional work experience.

Similarly, as in the previous year's report, the Board finds that the positions of the technical-administrative level and the positions of professional level, as provided for by the Regulation no. 05/2012 on Classification of Jobs in Civil Service, must be revised because due to such criteria, it is impossible for the younger graduates to get involved in the civil service of the Republic of Kosovo.

During the performance of the review and monitoring function, the Board noted that many candidates applying for vacancies in the civil service had certificates on working experience, issued by private sector companies that could not be verified in certain cases by the competent institutions, such as the Pension Trust Fund or the Tax Administration of Kosovo.

RECOMMENDATIONS

Having in mind the findings above, the Board hereby makes the following recommendations, that:

1. *The Ministry of Public Administration, Government and Assembly must take all actions that in the procedure for amending and supplementing the Law on the Civil Service, set out the legal basis for the application of a centralized recruitment system, in a group format, and with a waiting list for certain timelines. The centralized recruitment must be performed by a single centre or mechanism and under the monitoring of the process by the Independent Oversight Board, other institutions such as the Ombudsperson, Anti-Corruption Agency, international organizations, civil society and media.*

2. *The possibility of application of an electronic candidate testing system must be considered. The Board finds that the application of a centralized system, and then an electronic testing system, would visibly enhance the appointment of successful candidates with the civil service, based on the principle of merit.*

3. *In applying a centralized recruitment system for civil servants in independent institutions, all legal provisions must be obeyed, in due consideration of preserving and protecting functional and institutional independence of such constitutional and independent institutions. Similarly, during the application of this system, the autonomy of local self-government should be maintained.*

4. *For all senior level positions, the Ministry of Public Administration must take care in issuing authorizations for external vacancy announcements, and do so only after completing internal recruitment processes, except in specific cases otherwise stipulated by a special act (school directors, directors of Main Family Medicine Centres, directors of cultural institutions, etc.).*

5. *For all recruitment procedures and for all positions, the authorization by the DACS/MPA must delineate an accurate education profile, in due account of position and job description, and not only general criteria, "University Diploma", and by not including the general criterion as "relevant or respective" related to qualification.*

6. *The Ministry of Public Administration and the Government of the Republic of Kosovo must take all possible steps in amending and supplementing the Regulation no. 05/2012 on Classification of Jobs in Civil Service and the Civil Service Job Catalogue, thereby ensuring the application of working experience criterion for technical/administrative and professional positions.*

7. *The Ministry of Public Administration, Government and Assembly of the Republic of Kosovo should take all the necessary actions in amending and supplementing of the Law on Civil Service in order to define the issue of professional working experience for recruitment in the civil service.*

8. *The Minister of the Ministry of Public Administration should undertake all the measures and actions for the adoption of amendments/supplements of the Regulation for Recruitment Procedures, with a view to simplifying recruitment procedures until the entry into force of the new Law on the Civil Service.*

9. *The DACS/MPA should make the publication of the General Annual Plan for the recruitment of the civil service personnel.*

DISCIPLINARY PROCEDURES AND COMPLAINT PROCEDURES

Based on the oversight of the implementation of the rules and principles of the Civil Service Legislation for 2017 in the area of disciplinary proceedings, the Board found 80 findings and issued 80 recommendations to public administration institutions, which have been under review at Disciplinary Committees of relevant institutions. Disciplinary Committees have in many cases failed in conducting proceedings in compliance with legal provisions and timelines, namely failed in accurately determining legal measures proportionate to evidenced violations, and in some other cases, rendered decisions beyond legal timeline, causing such decisions to be declared absolutely invalid acts and causing them to fail to establish any legal consequence. This fact shows that Disciplinary Committees must be much more responsive in exercising their duties, and complying with procedures, because foregoing a legal deadline may cause irreparable damages to the institution, when considering that the alleged violator, although proven to have committed an offence, is returned to his/her workplace only due to the delay of such Committees in proceedings, obviously in contradiction to legal provisions. Violations ascertained during 2017 are almost the same as those reported in the 2016 report, but improvements have been noted regarding the compliance with the decision-making timeline by the Disciplinary Committees.

Based on the data available for 2017, the Board has found that by means of the Board decisions 271 decisions of the Dispute and Complaint Resolution Committees of the public administration institutions were repealed due to their issuance contradictory to the legal provisions in force.
In the function of reviewing the implementation of the rules and principles of the civil service legislation, the Board found 35 violations and issued 35 recommendations to relevant institutions for cases under review with the Dispute and Complaint Resolution Committees of relevant institutions and towards which no complaint was filed with the Board.

The Board found that the Dispute and Complaint Resolution Committees in many cases failed to properly establish the factual and legal situation of the Disciplinary Committees decisions and the decisions against which the complaint was filed and consequently failed to develop procedures based on legal provisions and deadlines. In some cases, the Dispute and Complaint Resolution Committees have ruled beyond the legal deadline, making these decisions to be declared absolutely null and void acts and not to establish any legal consequence.

The Board has found that some institutions have changed the composition of the Dispute and Complaint Resolution Committees without providing any reasoning even though they have a mandate of two years and the frequent change in the composition of committees negatively affects their professionalism and impartiality in the decision-making aspect.

According to the recommendation issued in the Annual Work Report for 2015, the Ministry of Public Administration has initiated the procedure for amending the Regulation on Disciplinary Procedures in Civil Service and the Regulation on Procedures for Resolving Disputes and Complaints. The working group which was established by the Ministry of Public Administration, which included two members of the Board, in the first part of 2017 completed the final draft of supplements/amendments to these regulations but the Minister of the Ministry of Public Administration has still not signed these regulations, consequently it has not been possible to simplify the disciplinary procedures and the resolution of disputes and complaints and as a consequence there has been a repetition of the violations found in the previous years.

The Board finds that a majority of members of Disciplinary Committees and Dispute and Complaint Resolution Committees have not attended mandatory training on issues related to disciplinary proceedings and dispute and complaint resolution proceedings, and therefore, identifies the urgent need to provide training for the chairs and members of such Disciplinary Committees and Dispute and Complaint Resolution Committees, at central and local administration institutions.

Based on data collected in exercising its constitutional and legal functions, the Board finds that the most frequent violations committed in conducting disciplinary proceedings, by Disciplinary Committees and in appeal procedure by the Dispute and Complaint Resolution Committees, are the following:

- Initiation of disciplinary proceedings by an authority without legal standing;
- Failure to observe legal deadlines related to initiation and conduct of disciplinary proceedings;
- Imposing disciplinary measures in contradiction with laws and secondary legislation;
- Failure to observe legal deadlines in the conduct of disciplinary proceedings and appeal proceedings;
- Preparation of rulings in violation of format and contents as provided by provisions of the Law on General Administrative Procedure.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

1. The Ministry of Public Administration, the Government and the Assembly must take all actions to amend-supplement the Law on the Civil Service and set out a legal framework centralizing Disciplinary Committees and Dispute and Complaint Resolution Committees as permanent mechanisms in five institutions, as the following:

1.1. Disciplinary Committee and Complaint Committee within the relevant Ministry for Public Administration, mandated to review and rule over disciplinary cases, namely resolution of civil servant complaints within the executive branch, including ministries and subordinate bodies thereof;

1.2. Disciplinary Committee and Complaint Committee within the relevant Ministry of Local Government Administration, mandated to review and rule over disciplinary cases, namely resolution of civil servant complaints within the municipalities of Kosovo;

1.3. Disciplinary Committee and Complaint Committee within the Assembly of the Republic of Kosovo, mandated to review and rule over disciplinary cases, namely resolution of civil servant complaints within the independent institutions and agencies reporting to the Assembly;

1.4. Disciplinary Committee and Complaint Committee within the Kosovo Prosecutorial Council, mandated to review and rule over disciplinary cases, namely resolution of civil servant complaints within prosecutorial institutions; and

1.5. Disciplinary Committee and Complaint Committee within the Kosovo Judicial Council, mandated to review and rule over disciplinary cases, namely resolution of civil servant complaints within judicial institutions.

2. Amendments and supplements to the Law on the Civil Service must also simplify procedures and shorten timelines for complaints and decision-making on disciplinary and complaint cases.

3. Until such amendments and supplements are made to the law as per recommendations above, all the institutions are recommended to take all necessary steps to ensure that all members of Disciplinary Committees and Dispute and Complaint Resolution Committees in central and local administration institutions attend mandatory training on issues related to disciplinary proceedings and dispute and complaint resolution proceedings.

4. The Minister of the Ministry of Public Administration should undertake the measures and actions for the adoption and amendment/supplement of the Regulation on Disciplinary Procedures in the Civil Service and the Regulation on Dispute Settlement and Complaints Procedures in order to simplify disciplinary procedures and dispute resolution and appeals until the entry into force of the new Law on Civil Service.

The Board finds that a centralized system of disciplinary and complaint committees would positively contribute on a more professional and impartial resolution of disciplinary and complaint cases filed by civil servants. This would also contribute to compliance of disciplinary and complaint proceedings with procedural laws, and for the liability for any eventual breach of procedure to be easily addressed, because civil servants in such mechanisms would be in permanent positions.

CLASSIFICATION OF JOBS IN CIVIL SERVICE

Despite the engagement of public administration institutions and the Ministry of Public Administration, the Board finds that the Government of the Republic of Kosovo approved the process of classification and systematization of jobs in the civil service; however the new process of classification and systematization of jobs has not been implemented yet.

The Board has found that the delay in finalizing the process of classification and systematization of jobs in the civil service has brought to the situation in which there is no standardized salary system, and in which the new appraisal process is not applied, because it is closely linked to the classification and systematization process. This also causes stalling in the application of a new system of advancement of civil servants, thereby harming the career development for many civil servants.

The process of classification and systematization of jobs in the civil service is necessary, and would allow for a standardized salary system and a full application of the appraisal system for civil servants.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

- *Government of the Republic of Kosovo must urgently take all steps necessary to adopt the jobs classification and systematization system in the civil service.*

- *The Government and the Kosovo Assembly must analyse and consider all circumstances in relation to the jobs classification and systematization system in the civil service, avoiding any problems with the new Law on Salaries in a process initiated back in 2010.*

CIVIL SERVANT PERFORMANCE APPRAISAL

During 2017, in terms of performance appraisal procedures, the Board has received 18 complaints against the performance appraisal in the civil service. Based on the reports on overseeing the implementation of rules and principles of civil service legislation in 81 public administration institutions, it found 68 violations and 68 recommendations were made regarding the performance appraisal of civil servants because some of the superiors did not carry out the civil servants' performance appraisal for the calendar year in accordance with the legislation in force.

The Board has found that the new appraisal system set forth according to the Regulation no. 19/2012 on civil servant’s performance appraisal, is being implemented with difficulty by the public administration institutions, and some of them also apply the previous appraisal system or other appraisal system, which is following this process with numerous shortcomings and defects.

The Board finds that the performance appraisal of civil servants cannot be conducted in accordance with objectives and activities of the civil servants, because in many cases, even annual plans for civil servants are missing, though these represent the foundation for their performance appraisal.

The Board finds that in many cases, performance appraisal of civil servants is conducted beyond legal timelines, and in several cases, especially in managerial and senior managerial level positions, such performance appraisal is not conducted for many years.

The Board has found that despite the fact that in some institutions many civil servants have not been appraised by their heads despite the legal obligation, in no case has any disciplinary measure been taken against the responsible persons in accordance with the legislation in force, since the failure to conduct performance appraisal is a serious breach of work duties.

RECOMMENDATION

- *The Ministry of Public Administration, the Government and the Assembly are recommended to analyse the performance assessment system for civil servants, thereby reviewing the limitations for appraisal scores, namely limits set forth for the three functional categories, because they have not been applied in the public administration institutions. Consequently, competent institutions must also amend the Law no. 03/L-147 on Salaries of Civil servants and the Regulation no. 19/2012 on civil servant's performance appraisal results, for the system to be in line with the appraisal process and career advancements in terms of promotion and salaries.*
- *All leaders in public administration institutions are obliged to comply with the provisions of the Regulation no. 19/2012 on civil servant's performance appraisal results and the relevant forms set out in this Regulation.*

TRANSFER OF CIVIL SERVANTS

Regarding the civil servants' transfer procedures during 2017, the Board has received 30 appeals, while relying on Monitoring reports of the implementation of the rules and principles of civil service legislation in public administration institutions found 9 violations and provided 9 recommendations to 81 monitored institutions.

In permanent transfers of civil servants, violations were mainly related to the lack of consent of such civil servants, which is one of the key conditions for a permanent transfer to be considered lawful.

In temporary transfers of civil servants, violations were mainly related to the fact that such transfers did not designate the duration of such transfers, whereas in managerial positions, the transfers were made for periods longer than 6 months, which is a violation of the provisions of the Law on the Civil Service of the Republic of Kosovo.

RECOMMENDATION

The Ministry of Public Administration and the Government of Kosovo are recommended to amend the Regulation no. 06/2010 on Transfers of Civil servants, by defining criteria and procedures of permanent and temporary transfers, in compliance with the Law on the Civil Service.

LEAVES IN THE CIVIL SERVICE

Based on Monitoring reports on compliance with rules and principles of the civil service legislation in public administration institutions, the Board found 33 findings and provided 33 recommendations regarding the leave procedures of the civil servants, it found that the institutions in some cases did not correctly implement the provisions of the Regulation no. 06/2011 on the Civil Servants Leave.

In its monitoring of institutions, the Board noticed that in some cases, institutions have approved leaves that are in contradiction to the legislation in force.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *Public administration officers must be more careful in approving paid and unpaid leave, justifying this on capacity building for the benefit of the institution or the country itself. This provision is applied only in cases when specialized studies of civil servants are in the interest of the institution, or the country itself, but it does not apply for cases of regular studies of civil servants.*

2. *The Government of Kosovo must take action in supplementing and amending the Regulation no. 33/2012 on Salary Additions and other Compensations for Civil servants, thereby clearly specifying the criteria and duration of paid or unpaid leave, in cases of specialized studies of civil servants.*

3. *Responsible officers in public administration institutions must not approve leaves for special service contracted officers, because this is in contradiction to rules and rights of the employees providing such services.*

PERSONNEL FILES

Based on is monitoring of compliance with rules and principles of civil service legislation in public administration institutions, the Board has found that personnel files administration and maintenance are improving in terms of legal compliance. In only a small number of public administration institutions, the Board has found that personnel files are not kept in safe places. The Board has also found that personnel files are not updated as per rules, to attach files on professional advancement and development of civil servants and based on the monitoring of public administration institutions for this field it has found 30 findings and issued 30 recommendations.

RECOMMENDATION

We recommend to the chief administrative officers in public administration institutions to ensure appropriate and safe premises for files, and to maintain and update civil servants' files in compliance with the provisions of the Regulation no. 03/2011 on Civil Servants Files and Central Register of the Republic of Kosovo.

SPECIAL SERVICE AGREEMENTS

The Board finds that central and local level public administration institutions have hired over one thousand employees with Special Service Agreements contract, of which a considerable number are engaged in positions designated for civil servants, based on the monitoring of public administration institutions for this field, it has found 39 findings and provided 39 recommendations.

The Board has found that a large number of such contracts were signed without any application of summary recruitment procedures, as provided by Article 12, paragraph 4 of the Law on the Civil Service. Also, the Board has also found that in many cases, timelines for such agreements were breached, namely allowing contracted persons to work for more than 6 months. The Board has found that in many cases, persons hired under Special Service Agreements have entered in non-specified employment agreements.

The Board finds that despite the recommendation issued in the 2016 Report, public administration institutions have continued to conclude special service agreements without any procedure or criteria, and that the Ministry of Public Administration has not taken any action in drafting a regulation on simplified recruitment procedures.

The Board finds that the persons hired under Special Service Agreements are not entitled to receive Acts of Appointment from the relevant institution, and be part of the payroll list as civil servants, because this is in violation of the civil service legislation, since there cannot be any appointment with the civil service without recruitment procedures and public announcement of vacancies.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *Public administration institutions must enter into Special Service Agreements pursuant to a simplified recruitment procedure, thereby providing all interested citizens the possibility of applying for employment, and to observe the duration of such contracts, up to six months.*

2. *Public administration institutions must promptly stop the practice of hiring persons under Special Service Agreements for positions designated for civil servants, and such engagements can only be made for specific jobs.*

3. *The Government of the Republic of Kosovo must issue a sublegal act providing for rules and procedures of summary recruitment for Special Service Agreements;*

4. *Persons hired under Special Service Agreements cannot be issued acts of appointment, and therefore, the Ministry of Finance cannot include them in the civil servants' payroll;*

5. *The Assembly, Government and the Ministry of Public Administration must amend the Law on the Civil service and delete the article on Special Service Agreements, since such agreements are regulated by provisions of the Law on Obligational Relations.*

SALARIES, ALLOWANCES AND COMPENSATION OF CIVIL SERVANTS

In its exercise of constitutional and legal functions, the Board has found that in several cases, civil servants receive different salaries for the same job or position in public administration institutions.

The Board notes that the delays of the Ministry of Public Administration and the Government of the Republic of Kosovo for the drafting the Law on Salaries and its submission to the Assembly of the Republic of Kosovo have influenced variations and different payments for public administration employees including civil servants and violating the principle of the payrol system, so that same jobs are paid equally.

The Board concludes that due to the non-adoption of the new Law on salaries, a gap has been established so that the institutions designated by special decisions regulate the issue of salaries, allowances and other compensations, including the recent decision No. 04/20 of the Government of the Republic of Kosovo, dated 20.12.2017, is contradictory to legal provisions because it has selectively included only part of the civil service within the Office of the Prime Minister as well as setting fixed salaries for these employees, while with the Law on Salaries of Civil Servants, the salaries of civil servants are paid on the basis of coefficients respectively the same job should be paid equally and being selective for only certain posts, therefore, other servants of public administration institutions are thus excluded.

The Board estimates that the adoption of the new Law on Salaries by the Assembly of the Republic of Kosovo, as soon as possible, will impact the establishment a salary system that correctly reflects all categories of public administration, given that the current salary system is very fragmented and consequently deformed in public administration institutions.

In its exercise of constitutional and legal functions, the Board has found that civil servants receive allowances and compensation in violation of conditions and criteria as set out by Regulation no. 33/2012 on Allowances in Salaries and Other Compensations for Civil Servants. The Board finds that according to the provisions of this Regulation, civil servants cannot be entitled to allowances or compensation beyond 50% of their regular salaries.

The Board finds that civil servants continue to receive allowances or compensation in compliance with the Decision of the Government of the Republic of Kosovo no. 02/39 of 2008, repealed with other acts as per transitional provisions of the Regulation no. 33/2012 on Allowances in Salaries and Other Compensations for Civil Servants.

The Board has noticed cases in which salary allowances exceed the base salary of the civil servants, and it has also found cases in which civil servants receive salaries for positions deficient in the labour market (information technology, engineers) without having adequate qualifications as grounds for such allowances (secondary school education, civil servants in Law studies or Economics, etc.).

The Board finds that public administration institutions face difficulties in filling positions vacated by female employees in maternity leave and those in early retirement, because the salaries for employees in maternity leave and early retirement are paid from the accounts of such civil servants in maternity leave or early retirement.

Also, in cases of redundant civil servants, there is no specific fund for their compensation as per law.

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *The Government of the Republic of Kosovo, respectively the Ministry of Public Administration and the Ministry of Finance must take all actions to terminate allowances and other compensations for civil servants which are in violation of Regulation no. 33/2012 on Allowances in Salaries and Other Compensations for Civil Servants, and ensure such allowances are paid in compliance with applicable legislation.*

2. *All senior officers in the public administration must allow for such salary allowances only pursuant to the provisions of the Regulation no. 33/2012 on Allowances in Salaries and Other Compensations for Civil Servants.*

3. *The Government of the Republic of Kosovo must find a form to compensate maternity leave, early retirement of civil servants, and redundant civil servants, to allow institutions of public administration to recruit for vacancies and to ensure normal function of the institutions.*

CIVIL SERVANTS CONVICTED, UNDER INVESTIGATION AND INDICTED

The Board finds that the majority of public administration institutions are committed that the civil servants, who are convicted, under investigation and indicted, are addressed in compliance with civil service legislation, thus ensuring that there are no civil servant with criminal background is retained or appointed. In this case, the Board appreciates the commitment of institutional heads to address these cases pursuant to the law, thereby suspending such appointment with 50% of salaries of civil servants against whom criminal proceedings have been initiated.

During 2017, the Board rejected all complaints filed by civil servants suspended from their positions on grounds of initiating criminal proceedings or indictment, related to the their duties.

The Board finds that criminal proceedings, by prosecution offices or court proceedings, may sometimes take many years, thereby inhibiting normal functioning of institutions due to prolonged criminal proceedings, civil service positions remain vacant, thus causing problems in the functioning of the institution and state budget.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *All senior officers of public administration institutions must suspend at 50% pay all civil servants against whom criminal proceedings have been initiated, or respectively indicted by the State Prosecutor.*

2. *In amending-supplementing the Law on the Civil Service, the Ministry of Public Administration and the Government of the Republic of Kosovo must clearly set out the obligation that if a civil servant is found guilty and convicted by courts for committing criminal offences related to the position, or the reputation of the civil service is endangered, regardless of the conviction, he/she must automatically be dismissed from the civil service;*

3. *The new Law on the Civil Service should provide on preventive suspension at 50% of the salary of civil service employees, indicted by the state prosecution, while in cases in which civil servants are under investigation, such civil servants must be suspended only in case of request by prosecution authorities to suspend the civil servants due to potential obstruction of investigation.*

4. *The Prosecutorial Council and the Judicial Council of Kosovo must take action and require from prosecutors and judges to treat cases of civil servants as a priority.*

APPOINTING ACTING OFFICERS

In exercising its constitutional and legal functions, the Board has found that public administration institutions have committed many breaches in terms of appointing acting officers, by appointing them in violation of civil service legislation and by breaching the duration of such appointments, which is up to three months, as provided by Article 30, paragraph 4 of the Law on Civil Service. In this field, during 2017, 43 findings were found and 43 recommendations were issued to the monitored institutions.

The Board has found that in several cases, public administration institutions appoint acting officers for periods longer than three months, with an intention for the candidates appointed to meet the criterion of managerial experience, so that they acquire the right to apply and get appointed in such positions.

In some cases, public administration institutions have not even initiated recruitment procedures for appointing civil servants to vacant positions in the civil service, thereby allowing such positions to be held by acting officers for years.

The Board has noted that acting officers in some cases have been assigned civil servants from other units bypassing the employees of the respective unit, which is inconsistent with the civil service legislation and that affects the work of the unit.

The Board has found in some cases that they have been appointed acting officers in professional and technical-administrative positions that are contradictory to the legal provisions because the assignment of acting is done only for senior and senior management positions, while for professional level and technical-administrative positions the replacement can be made in cases when the institution deems it appropriate.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *The Ministry of Public Administration, the Government and the Assembly of Kosovo on the occasion of supplementing and amending the Law on Civil Service should set the timeline for the appointment of the acting officer for up to six months considering the duration of a recruitment procedure.*

2. *In amending the Law on Civil Service, the Ministry of Public Administration, the Government and the Assembly of Kosovo must regulate the manner of appointment for acting officers or substitution in cases of a vacant position due to civil servants being preventively suspended or suspended under agreement, and in cases of filling positions when civil servants are on maternity leave, or in any other paid or unpaid leave.*

3. *The new Law on Civil Service must provide sanctions for chief administrative officers and civil servants for failure to observe timelines for acting officers as per law.*

4. SENIOR MANAGEMENT POSITIONS

In its performance of constitutional and legal functions, the Board has found that immediate supervisors have not completed their annual performance appraisal process for senior management positions, while in some cases, it has been found that senior management positions were appraised by their supervisors at the end of their mandate for the three last years on duty. Similarly, in the majority of cases the files of senior management positions lacked their job objectives, which are determined as agreed with the leader of the institution institutions have issued acts of permanent appointments for senior managerial positions, in contradiction to legislation which provides on appointments of three years.

Also, the Board has found that in some cases, institutions have issued acts of permanent appointments for senior managerial positions, in contradiction to legislation which provides on appointments of three years.

The Board finds that secondary legislation providing for appointment criteria and procedures, performance appraisal procedures, extension of terms, reappointment, disciplinary and complaint procedures, remain, at times, incompliant with the applicable legislation, thereby causing legal deficiencies, due to their failure to regulate all aspects related to such positions in the executive branch, the legislative branch, and independent agencies and institutions.

The Board finds that the three-year mandate for senior management positions is a very short term, and as such, may adversely impact the fulfilment of medium and long term objectives for public administration institutions.

The Independent Oversight Board finds that the Government of the Republic of Kosovo must reassess the operations of the Senior Management Position Board of the Government of the Republic of Kosovo, and upon such reassessment, issue recommendations on the mandate of this Board in the system of appointment, management and functionality of senior management positions for the executive branch.

The Board has found in at least two cases that the Acting Secretaries General of the ministries are assigned in violation of the civil service law by not respecting the level of positions since the first subordinates have not been assigned to the acting post, instead, civil servants of the lowest management and professional level were assigned. Likewise, the deadlines for the appointment of Acting Secretaries General were not respected.

The Board has found that in certain cases the procedures for the extension of the mandate for senior management positions, despite being finalized until the decision of the Council on Senior Management Positions was issued for recommendation, the Government has not taken a final decision on whether or not to continue the mandate of senior management positions, which is in violation of civil service legislation.

During 2017, the Board has reviewed several complaints from the recruitment procedures of

senior management officers and finds that in some cases the Government of the Republic of Kosovo has issued a decision on the appointment of a successful candidate without ensuring that all procedures of the complaint to the relevant bodies determined by the legislation in force are exhausted.

RECOMMENDATIONS

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *In amending and supplementing the Law on Civil Service, the Ministry of Public Administration, the Government and the Assembly of Kosovo must determine the criteria and procedures for the appointment of the Secretary Generals and equivalent positions, thereby considering an option of remodelling such appointment system, with a special emphasis on Secretary Generals` positions. The Board recommends that the mandate for such senior managerial level positions must be 5 years.*

2. *The Government of the Republic of Kosovo should ensure that the procedures for complaints by candidates in the appointment procedures of the senior management level have been exhausted, prior to rendering the decision on the nomination of the candidate recommended for the respective position of the senior management level.*

3. *Until the amendment to the current civil service legislation, the Board recommends the Government of the Republic of Kosovo to urgently amend and supplement the Regulation no. 06/2010 on the Procedures for Appointments to Senior Management Positions in the Civil Service of the Republic Of Kosovo, and the Regulation no. 06/2012 on Senior Management Positions in the Civil Service of the Republic of Kosovo, since it is concluded that the provisions of such regulations are efficient and unclear for both recruitment/appointment and in disciplinary and complaints procedures in senior managerial positions.*

REPRESENTATION OF PEOPLE WITH DISABLITIES

During the performance of the oversight function of the implementation of the rules and principles of the civil legislation, the Board has found that in the monitored institutions 58 persons with special needs have been declared as employed and in this case the Board concludes that the representation of persons with special needs in the civil service of Kosovo needs to be increased in public administration institutions.

Some improvement has been noted in certain institutions, such as the Assembly of the Republic of Kosovo and others, with special vacancies for civil servants with special needs.

The Board has recommended to the Ministry of Public Administration that in the new Regulation on Recruitment Procedures in Civil Service, it shall set forth provisions providing for special testing procedures, both oral and in written, adjusting them to the categories of persons with special needs.

The Board has found that the Law on Civil Service does not contain any mandatory quota of persons with special needs.

The Board from 2017, in the new questionnaire of monitoring the Public Administration Institutions has determined as monitoring area the representation of persons with special needs and while performing this process will introduce in each institution the findings and will provide concrete recommendations for the institution taking into account the quota set out by the Law on Vocational Ability and Rehabilitation of People with Disabilities which stipulates that every 50th employee has to be with disabilities.

Also, the Board decided to issue a special report during 2018 so as to reflect with correct statistics what is the number of persons with disability in the civil service, and addressing the recommendations for competent institutions.

RECOMMENDATIONS

Having in mind the conclusions above, the Board hereby makes the following recommendations:

1. *Until the new Law on Civil Service is issued, public administration institutions shall undertake actions for the employment of persons with special needs based on the Law on vocational Ability and rehabilitation of people with disabilities, which stipulates that every 50th employee has to be with special needs;*

2. *Ministry of Public Administration, Government and the Assembly with the new Law on Civil Service shall determine a legal provision defining the quota that at least every 50th civil servant has to be with special needs within the Public Administration Institutions.*

TRAINING IN THE CIVIL SERVICE

The Independent Oversight Board for the Civil Service of Kosovo, within its constitution and legal mandate for monitoring compliance with rules and principles of the civil service, and taking into account the legislation provisions on civil service that determine the obligation of responsible officials to consider the professional promotion of the civil servants by trainings in the civil service and the fact that the participation in training programmes is mandatory for all civil servants, in exercising function of review of complaints of civil servants, observing procedures of advancement/promotion of managerial level positions, and function of monitoring compliance with rules and principles of civil service legislation by public administration institutions at central and local levels, has identified violations, challenges and weaknesses in this area.

The Board noted that there is a lack of coordination and communication in the preparation of the training plan between the institutions that employ civil servants and the Ministry of Public Administration as a competent institution for the development, coordination, supervision and implementation of training, education and capacities development in Kosovo Civil Service as well as the Kosovo Institute for Public Administration as the institution responsible for the

implementation of policies and strategies for training, education and capacity building in the Civil Service.

It is also concluded that the Kosovo Institute for Public Administration during 2017 has partially taken into account the recommendations issued by the Board in the previous year regarding the inclusion in the training program, of the recommended training for identified areas, as areas in which it is necessary to organize trainings for civil servants of the managerial and professional level by not informing the Board about the inclusion or not of the training topics recommended by the Board.

Based on the data collected from the exercise of the constitutional and legal function, the Board concludes that the most frequent breaches in the area of trainings and professional promotion of the civil servants are as follows:

- In most institutions, Form 3 is not prepared for the areas of training required for the civil servant, based on the civil servant's demonstrated abilities and on the appraisal made by the assessor;
- In most institutions, the Institution personnel unit does not collect all data on the need for training for the institution staff, based on the needs identified in the evaluation forms, and does not draft the needs plan for training of that institution until 31 January of each calendar year under the form 4 of Regulation no. 19/2012 on Assessment of Civil Servants' results at work;
- MPA/Department of Civil Service Administration, has not drafted the training needs plan at the Civil Service level by March of each year, according to the obligation from paragraph 3 of Article 16 of Regulation no. 19/2012 on Assessment of Civil Servants' results at work;
- Most of the institutions / human resources units do not keep evidence of the civil servants and trainings at all;
- Institutions have sent civil servants in paid trainings inside and outside the country for the same training that have been in the Training Program by the Kosovo Institute for Public Administration.

RECOMMENDATIONS

Having in mind the conclusions above, the Board hereby makes the following recommendations:

1. *All heads of Public Administration Institutions undertake all actions to identify the relevant training areas for civil servants, based on the demonstrated abilities of the civil servant and on the assessment made by the assessor;*
2. *All staff units draft the institution's training needs plan by January 31 of each year according to Form 4 of Regulation no. 19/2012 on Assessment of Civil servant's results at work;*
3. *MPA/Department of Civil Service Administration, shall draft the training needs plan at the Civil Service level within March of each year, according to the obligation from paragraph 3 of Article 16 of Regulation no. 19/2012 on Civil Servants performance appraisal;*
4. *All human resources units should keep detailed records of civil servants attending trainings, trainings held, training providers and any other relevant information in this*

area;

5. *The Government of the Republic of Kosovo / Ministry of Public Administration through a sub-legal act regulates the organization of paid trainings in and out of the country, by specifying only the specialized trainings not organized by KIPA, can be organized by the public administration institutions with payment according to budgetary planning;*

• Kosovo Institute for Public Administration shall include in the training programme the following trainings:

- Administrative law/new law on administrative procedure;
- Recruitment procedures in the civil service;
- Promotion procedures in the civil service;
- Transfer procedures in the civil service;
- Disciplinary proceedings, termination, suspension and conclusion of employment relationship in the civil service;
- Dispute resolution and complaint proceedings in the civil service;
- Recruitment procedures for directors and deputy directors of educational and training institutions;
- Maintenance and contents of personnel files for civil servants;
- Probation periods in the civil service;
- Performance appraisal for civil service;
- Procedures of leaves for civil servants; and
- Administrative disputes.

CIVIL SERVANTS IN INDEPENDENT CONSTITUTIONAL INSTITUTIONS

The Independent Oversight Board has carefully monitored issues raised by civil servants in independent constitutional institutions, namely related to preservation of functional independence of independent institutions in enforcing civil service legislation.

The Board finds that the Government, respectively the Ministry of Public Administration did not undertake measures and actions to explain that the implementation of which provisions of civil service legislation breach or may breach the independence of independent institutions set out by the Constitution, taking also into account the conclusions of the Judgment of the Constitutional Court in the case KO 73/16 dated 16.11.2016.

The Board finds that the Law on the Civil Service provides that constitutional independence must be observed in its implementation, or more specifically, the Article 3, paragraph 7 of the Law on Civil Service: ***"During the implementation of this law, the constitutional autonomy of the institutions independent from the executive shall be respected".*** The Board concludes that until the amendment of the Law on the Civil Service, the Government of Kosovo, and its Ministry of Public Administration and the Ministry of Finance must closely cooperate with independent constitutional institutions to determine and define matters that are considered to be intrusions with the autonomy of independent institutions, and compile and issue a sub-legal act defining such matters, in a view of avoiding any dilemmas and damages to processes and intrusion to the functions of independent institutions.

The Independent Oversight Board has held meetings with representatives of several independent institutions and the Ministry of Public Administration, and stands ready to provide its active inputs to the process, all within bounds of its constitutional and legal mandate.

RECOMMENDATION

In due regard of the findings above, The Board hereby makes the following recommendations:

1. *Until the amendment of the Law on Civil Service, independent constitutional institutions and the Government of the Republic of Kosovo, namely the Ministry of Public Administration and the Ministry of Finance must determine a list of issues raised in relation to the autonomy of constitutional independent institutions, and issue a sub-legal act to set out and clarify such issues, in order to preserve the functional independence of independent constitutional institutions during the implementation of civil service legislation and remove any uncertainty which influence the functionality of objectives of the independent institutions.*

2. *Amendments and supplements to the Law on the Civil Service must clearly provide on all issues related to implementation of civil service legislation in preserving functional autonomy of independent constitutional institutions.*

ETHNIC REPRESENTATION IN THE CIVIL SERVICE

Constitution of the Republic of Kosovo provides: *"The composition of the civil service shall reflect the diversity of the people of Kosovo and take into account internationally recognized principles of gender equality".*

The Board finds that the Article 11 of the Law on the Civil Service sets out the non-majority community representation in both levels of public administration, central and local.

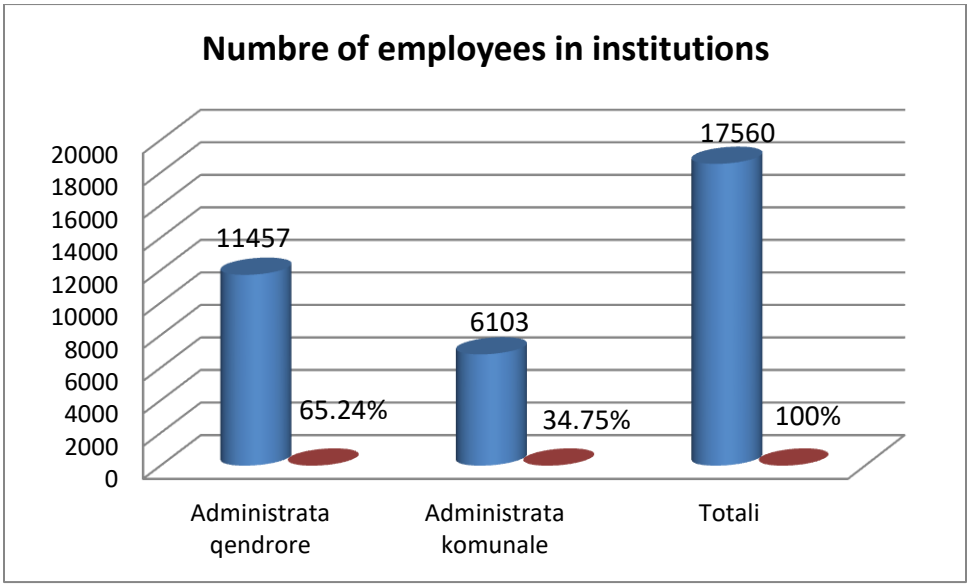
Legal provisions require that in the civil service institutions, at the central level, at least 10% must be reserved for persons belonging to communities that are not a majority in Kosovo, and that meet specific employment criteria. At the municipal level, for qualified members of communities that are not a majority in such a municipality, the number of reserved working positions shall reflect the percentages of communities living in such a municipality.

The Ministry of Public Administration has issued a Regulation no. 04/2010 on Procedures of Fair and Proportional Representation of Non-Majority Communities in the Kosovo civil service, which provides on conditions and procedures of including non-majority communities in the civil service.

Based on the statistics provided by the Ministry of Public Administration of 2017, the Board finds that out of 17.560 people employed with the civil service, 11.457 civil servants are employed at the central level, while 6.103 civil servants are employed at the municipal level.

Number of civil servants employed at central and local administration

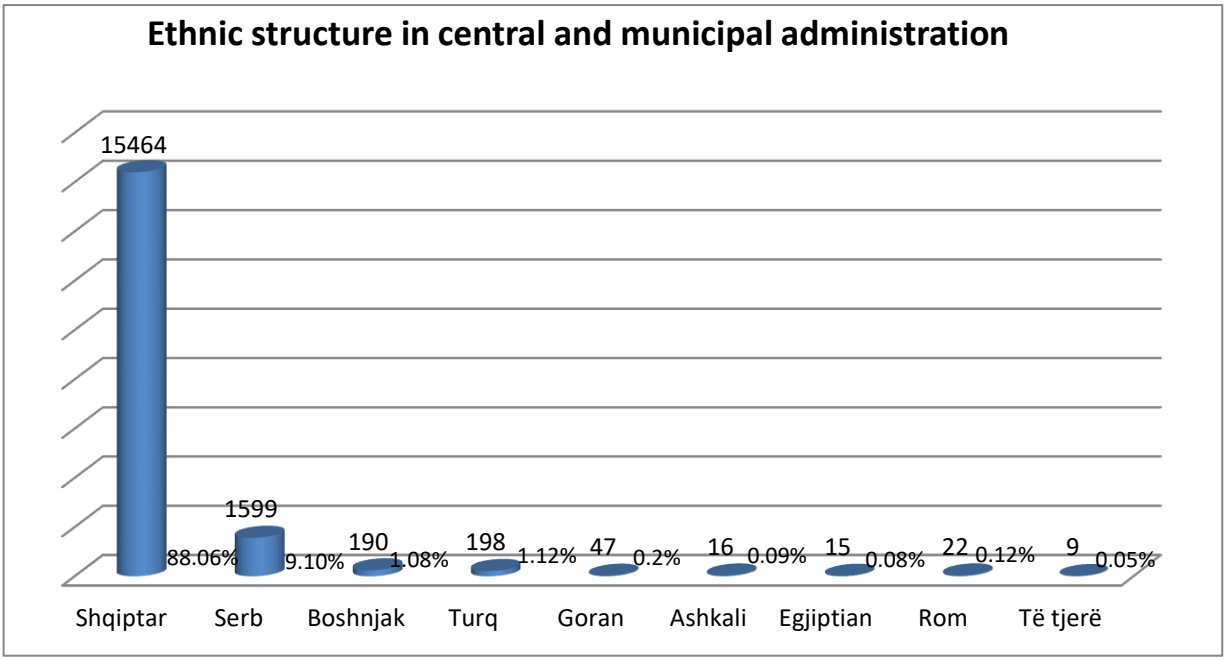
Administration	No. of employees	Percentage
Central	11.457	65.24%
Local	6.103	34.75%
Total	17.560	100%



The Board finds that from 17.560 civil servants employed with the civil service of Kosovo, of them 15.464 civil servants or 87.61% belong to Albanian community as majority, while non-majority community members take 11.94%, as follows: 1.599 civil servants or 9.10% from the Serbian ethnic community, 190 civil servants or 1.08% from the Bosnian community, 198 civil servants or 1.12% from Turkish community, 22 civil servants or 0.12% from Roma community, 16 civil servants or 0.09% from the Ashkali community, 47 civil servants or 0.26% of Gorani community, 15 civil servants or 0.08% from the Egyptian community and 9 civil servants or 0.05% from other ethnic communities (Croat, Montenegrin).

Total Central and Municipal administration institutions, by ethnic structure

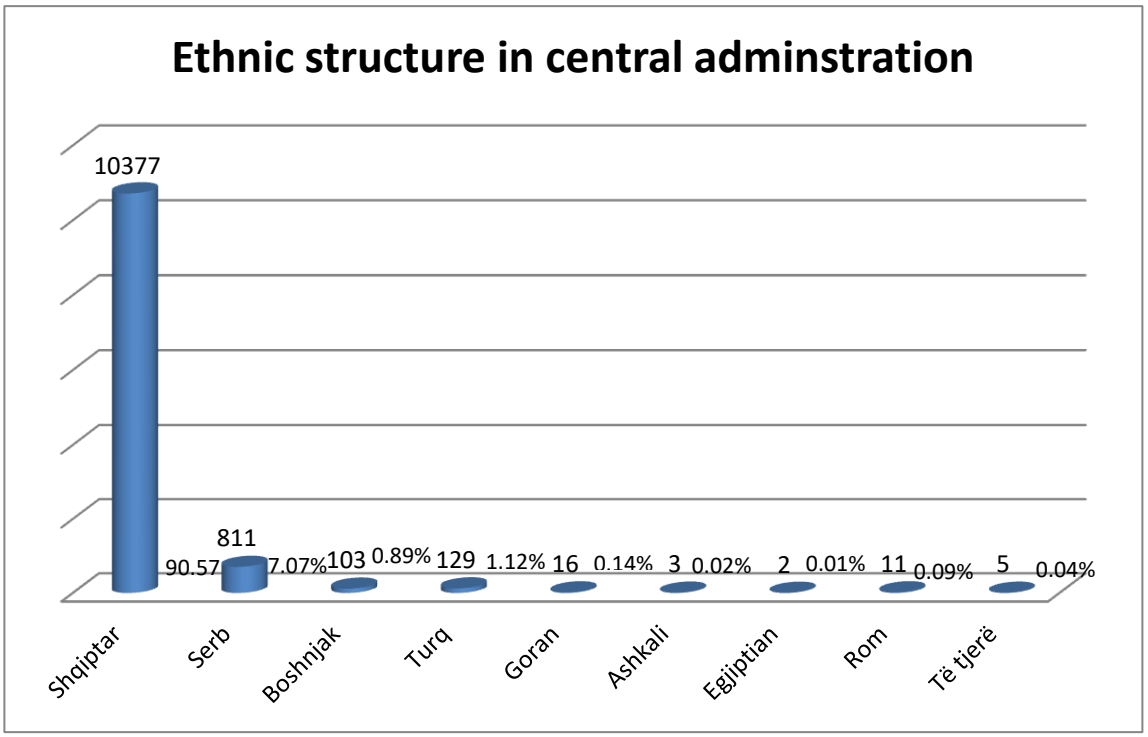
Albanian	Serb	Bosniak	Turkish	Gorani	Ashkali	Egyptian	Roma	Other	Total
15.464	1.599	190	198	47	16	15	22	9	17.560
88.06%	9.10%	1.08%	1.12%	0.02%	0.09%	0.08%	0.12%	0.05%	100%



Based on the statistics, the Board finds that at the central level, out of 11.457 employees, 10.377 or 90.57% are Albanian civil servants, while non-majority community members make 1.080 or 9.42%, as follows: 811 or 7.07% are Serb civil servants, 103 or 0.89% Bosniak civil servants, 129 or 1.12% Turkish civil servants, 16 or 0.14% Gorani civil servants, 3 or 0.02% Ashkali civil servants, 2 or 0.01% Egyptian civil servants, 11 or 0.09% Roma civil servants and 5 or 0.04% other civil servants (Croat, Montenegrin).

Ethnic structure in the central administration

Albanian	Serb	Bosniak	Turkish	Gorani	Ashkali	Egyptian	Roma	Other	Total
10.377	811	103	129	16	3	2	11	5	11.457
90.57%	7.07%	0.89%	1.12%	0.14%	0.02%	0.01%	0.09%	0.04%	100%



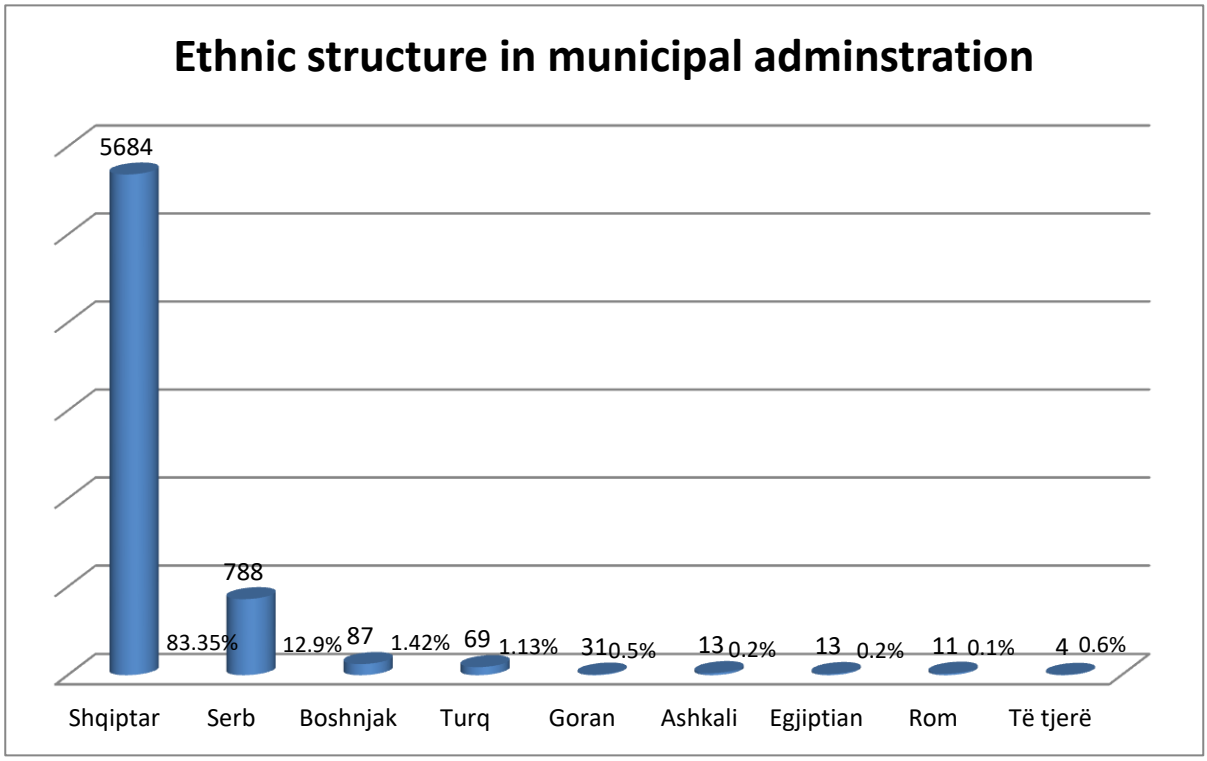
The Board has required from the Ministry of Public Administration to utilize the mechanism of consent for publishing vacancies, and require from institutions that have not reached the level of representation, to publish such vacancies only for non-majority communities underrepresented, until such quotas set out by the law are reached.

According to the Board's recommendation provided in the report of 2016, Ministry of Public Administration, in the new Regulation on Recruitment Procedures which is finalized and is expected to be signed by the Minister, has included a specific Article that entitles the Ministry of Public Administration to require public administration institutions that did not reach the quotas of representation of non-majority communities, to firstly open vacancies only for those communities.
The Board has also required that in the new legislation on civil service, a centralized and group recruitment system must be included, and the application of this system may be a good solution for the group system to set out quotas for admission of underrepresented communities in the civil service, until legally required quotas are reached.

At the municipal level, from the total of 6.103 employees in the civil service, 5.087 or 83.35% are Albanian civil servants, while the non-majority communities have 1.016 or 16.64% and that is as follows: 788 or 12.91% Serb civil servants, 87 or 1.42% Bosniak civil servants, 69 or 1.13% Turkish civil servants, 31 or 0.5% Gorani civil servants, 13 or 0.2% Ashkali civil servants, 13 or 0.2% Egyptian civil servants, 11 or 0.1% Roma civil servants and 4 or 0.06% others.

Ethnic structure in the Municipal Administration

Albanian	Serb	Bosniak	Turkish	Goorani	Ashkali	Egyptian	Roma	Other	Total
5.087	788	87	69	31	13	13	11	4	6826
83.35%	12.9%	1.42%	1.13%	0.5%	0.2%	0.2%	0.1%	0.6%	100%



The Board, in the Institution Monitoring Questionnaire, has already introduced a specific area and that is the oversight of the implementation of civil service legislation by public administration institutions in terms of ethnic representation at central and local level. In the Monitoring Reports will ascertain the situation and concrete recommendations will be given to each institution that has not met the legal obligation for ethnic representation.

RECOMMENDATIONS

Having in mind the conclusions above in this area, the Board hereby makes the following recommendations:

1. The Government of the Republic of Kosovo, namely the Ministry of Public Administration, must determine a mechanism which obliges public administration institutions, both central and municipal, to comply with the requirement of ethnic representation, thereby having a special plan for non-majority communities Ashkali, Roma, Gorani and Egyptian, because of their underrepresentation in the civil service.

2. All main administrative officials, especially those in municipalities, must take action to meet the ethnic representation quotas in their recruitment procedures as per applicable legislation.

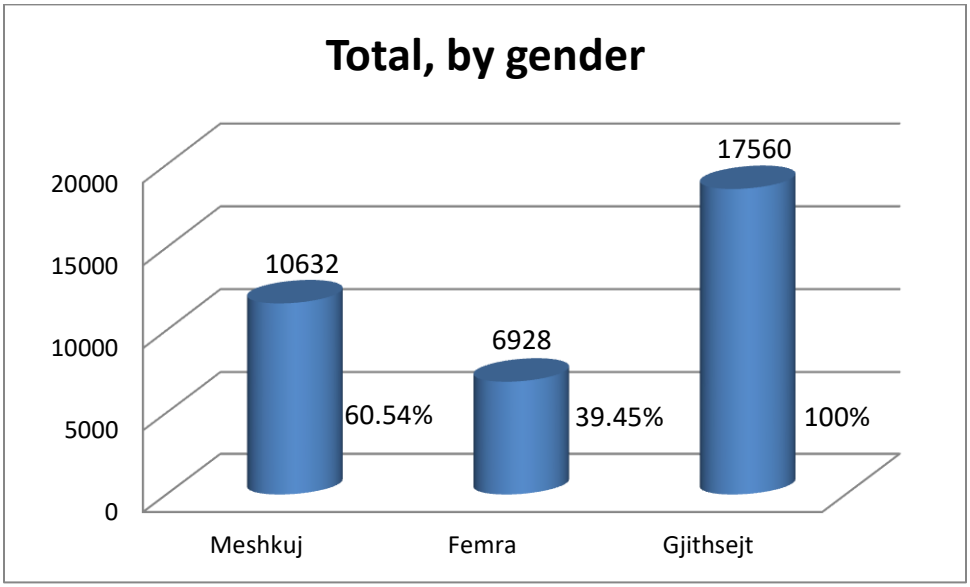
3. All main administrative officers and human resource managers at public administration institutions must review their civil servants' lists and accurately report on ethnicity of civil servants within their institutions.

GENDER REPRESENTATION IN THE CIVIL SERVICE

Based on records of the Ministry of Public Administration, the Board finds that the Kosovo civil service employed 17.560 civil servants, from which 10.632 or 60.54% are male civil servants, while 6.928 or 39.45% civil servants are women.

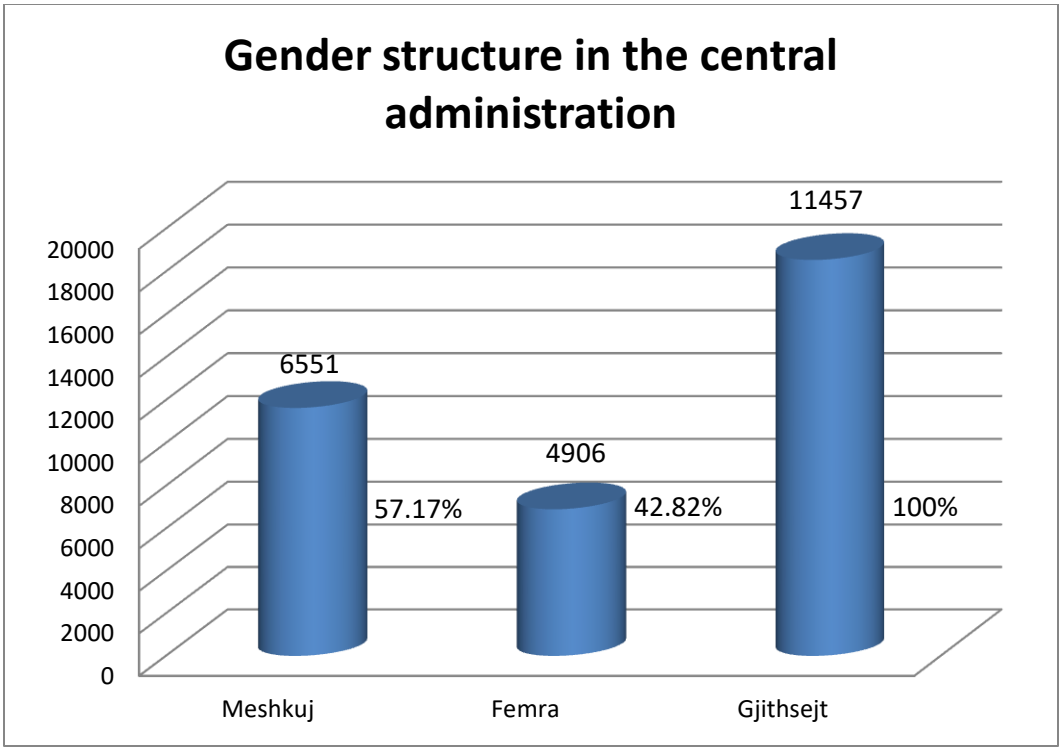
Gender representation

Man	10.632	60.54%
Women	6.928	39.45%
Total	17.560	100%



Gender structure in the central administration

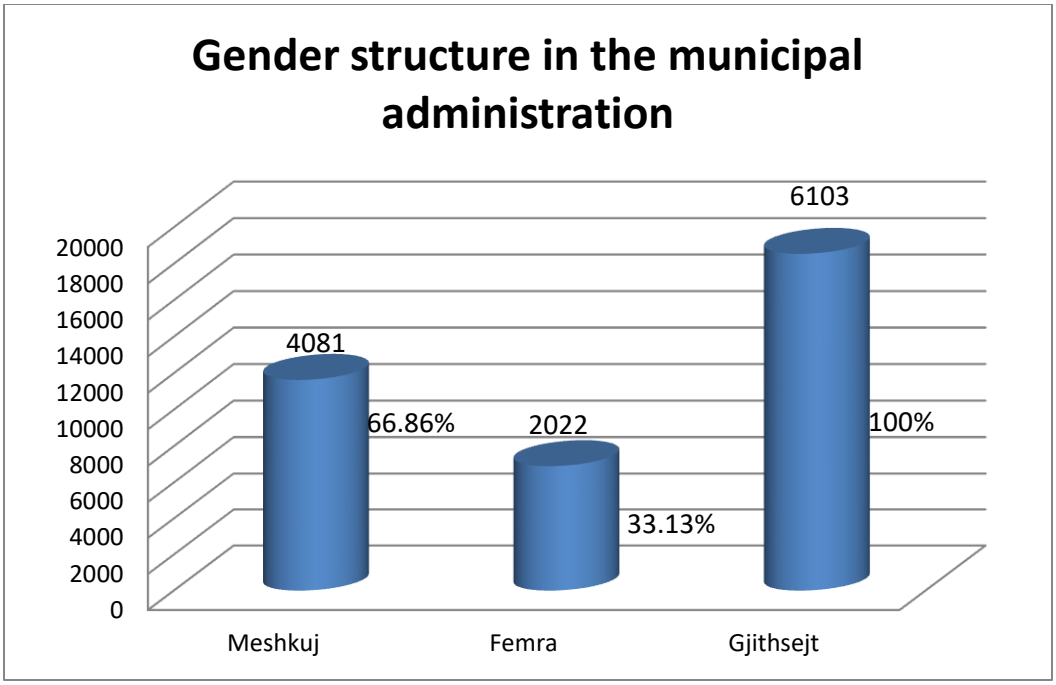
Male	6.551	57.17%
Female	4.906	42.82%
Total	11.457	100%



The Board found that 11.457 civil servants employed at central public administration institutions, 6.551 or 57.17% are male civil servants, while 4.906 or 42.82% are female civil servants.

Gender structure in the local administration

Male	4.081	66.86%
Female	2022	33.13%
Total	6.103	100%



The Board found that the municipal level institution employs 4.081 or 66.86% male civil servants, and 2022 or 33.13% female civil servants.

The Board, in the Institution Monitoring Questionnaire, has already included a specific area and that is the oversight of the implementation of civil service legislation by public administration institutions in terms of gender representation at central and local level. In the Monitoring Reports will be ascertained the situation and concrete recommendations will be given for each institution in relation to gender representation.

RECOMMENDATIONS

Having in mind the conclusions above in this area, the Board hereby makes the following recommendations:

1. *Public administration institutions in central and local levels must commit to employ more female civil servants in the civil service, both at central and local level.*

2. *The Ministry of Public Administration and the Government of the Republic of Kosovo must commit to increasing the presence of women in managerial level positions in the civil service, at both local and central levels.*

3. *The Ministry of Public Administration and the Government of the Republic of Kosovo must take urgent action in ensuring gender equality in senior level positions, because representation of women at this level of civil service is minimal, and as a result, it is not in compliance with the principle of gender equality.*

Nr.	Institutions of central and local level	Internal Organization	Recruitment Procedure	Disciplinary Procedure	Appeals Commission	Evaluation Procedure	Vacation Procedures	Transfer Procedure	Data on ethnic, gender and special needs representation	Suspension, termination of employment	No compatibility between HoD and CS and public function	Data for CS for criminal prosecution or conviction	CS trainings.	Work attendance, wages, allowances and other benefits	Enforcement of the Board's Recommendations and Decisions	Total findings	Total recommendations
1	Presidency of Kosovo	1	1	0	0	0	0	0	1	0	0	0	1	0	0	4	4
2	Kosovo Assembly	1	0	0	0	1	0	0	0	0	0	0	0	0	0	2	2
3	Office of the Prime Minister	0	0	0	0	1	0	0	1	0	0	0	0	0	0	2	2
4	Kosovo Agency of Statistics	0	1	0	0	1	0	0	1	0	0	0	0	0	0	3	3
5	Kosovo Security Council	1	0	1	1	1	1	0	1	0	0	0	1	1	0	8	8
6	Ministry of Agriculture, Forestry Rural Development	2	3	1	1	0	0	0	2	0	0	0	0	0	1	10	10
7	Kosovo Forest Agency	2	3	0	0	0	0	0	2	0	0	0	1	0	0	8	8
8	Ministry of Infrastructure	2	0	2	1	0	0	0	1	0	0	0	0	0	0	6	6
9	Labour Inspectorate	1	1	1	0	1	1	0	2	0	0	0	0	1	0	8	8
10	Ministry of Education,	1	1	1	1	1	0	0	1	0	0	0	0	0	0	6	6

	Science and Technology																
11	Students Centre	0	2	1	1	1	0	0	3	0	0	0	1	0	0	9	9
12	University of Prishtina	2	0	1	0	1	0	0	2	0	0	0	1	0	1	8	8
13	University of Gjilan	1	0	0	1	1	0	0	1	0	0	0	1	0	0	5	5
14	University of Gjakova	1	0	0	0	1	0	0	1	0	0	0	0	0	1	4	4
15	University of Mitrovica	2	1	0	0	2	0	0	1	0	0	0	0	0	0	6	6
16	University of Prizren	3	4	0	1	1	1	0	1	0	0	1	1	0	0	13	13
17	University of Peja	1	0	1	1	1	1	0	1	0	0	0	0	0	0	6	6
18	Ministry of Local Government Administration	1	0	0	0	2	2	0	2	0	0	0	0	0	1	8	8
19	Ministry of Internal Affairs	0	2	0	1	1	0	0	1	0	0	0	0	0	1	6	6
20	Emergency Management Agency	2	0	0	0	1	1	1	2	0	0	0	1	0	0	8	8
21	Kosovo Academy for Public Safety	1	0	0	0	0	0	0	2	0	0	0	0	0	1	4	4
22	Police Inspectorate of Kosovo	2	0	1	1	2	2	0	1	0	0	0	1	0	0	10	10
23	Ministry of Health	3	1	0	0	2	0	0	2	1	0	0	0	1	0	10	10
24	Kosovo Agency for Medical Products	3	0	1	1	1	0	0	1	0	0	0	1	0	0	8	8
25	Ministry of Justice	2	0	0	0	0	1	0	3	0	0	0	0	0	0	6	6
26	Agency for the Management of Sequestrated and Confiscated Assets	1	0	0	0	0	0	0	1	0	0	0	0	0	0	2	2
27	Kosovo Correctional	2	2	0	0	0	0	0	2	0	0	0	1	0	0	7	7

	Service																
28	Ministry for Community and Return	2	0	1	1	0	0	0	2	0	0	0	0	0	0	6	6
29	Ministry of Trade and Industry	1	3	1	0	2	0	1	2	0	0	0	0	0	2	12	12
30	Ministry of Economic Development	1	1	0	1	0	0	0	2	0	0	0	0	0	0	5	5
31	Ministry of Culture, Youth and Sport	1	0	1	1	0	0	0	0	0	0	0	0	0	0	3	3
32	National Library of Kosovo	0	3	1	1	1	1	0	1	0	0	0	1	0	0	9	9
33	State Agency of Kosovo Archives	1	2	0	0	0	0	0	1	0	0	0	0	0	0	4	4
34	Ministry of Foreign Affairs	1	4	0	0	3	0	0	2	0	0	0	1	1	1	13	13
35	Ministry of Public Administration	0	0	0	1	2	2	0	2	0	0	0	0	0	0	7	7
36	Kosovo Institute for Public Administration	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
37	Ministry of Finance	1	2	1	0	0	0	0	2	0	0	0	0	0	0	6	6
38	Central Procurement Agency	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	2
39	Tax Administration of Kosovo	1	1	0	0	1	3	1	3	0	0	0	1	0	5	16	16
40	Kosovo Customs	1	0	2	2	1	0	0	1	0	0	0	1	0	0	8	8
41	Ministry of Environment and Spatial Planning	1	2	0	0	2	0	0	2	0	0	0	1	0	0	8	8
42	Kosovo Cadastral Agency	1	0	1	1	1	1	0	2	0	0	0	1	0	1	9	9
43	Ministry of	1	0	0	0	2	2	0	2	0	0	0	0	0	0	7	7

	Kosovo Security Force																
44	Ministry of Diaspora	1	0	0	0	0	1	0	1	0	0	0	0	0	0	3	3
45	Municipality of Deçan	2	2	1	0	1	1	0	1	2	0	0	0	1	0	11	11
46	Municipality of Drenas	2	3	1	1	1	1	0	1	0	0	0	1	1	1	13	13
47	Municipality of Graçanica	0	0	1	1	0	0	0	1	0	0	0	1	0	0	4	4
48	Municipality of Istog	1	1	0	0	1	1	0	1	0	0	0	0	0	0	5	5
49	Municipality of Junik	1	0	1	1	1	1	0	1	0	0	0	0	0	0	6	6
50	Municipality of Klina	0	0	0	0	1	1	0	2	0	0	0	0	0	0	4	4
51	Municipality of Mitrovica	1	1	1	0	2	0	0	2	0	0	0	0	1	0	8	8
52	Municipality of Novobërdë	1	5	0	1	1	1	0	2	1	0	0	0	0	0	12	12
53	Municipality of Obiliq	0	1	0	1	1	1	0	2	0	0	0	0	0	1	7	7
54	Municipality of Prishtina	3	2	0	0	2	0	0	2	0	0	0	0	0	0	9	9
55	Municipality of Podujeva	0	0	1	1	1	1	1	1	0	0	0	0	0	0	6	6
56	Municipality of Prizren	1	2	1	0	3	0	1	2	0	0	0	0	0	1	11	11
57	Municipality of Skenderaj	0	1	0	1	0	0	0	2	0	0	0	1	0	0	5	5
58	Kosovo Prosecutorial Council	1	2	0	1	2	0	1	1	0	0	0	1	0	0	9	9
59	Secretariat of Kosovo Judicial Council	2	1	0	0	1	0	0	1	0	0	0	0	1	0	6	6
60	Basic Court in Pejë	0	2	1	1	0	1	0	3	0	0	0	0	0	0	8	8
61	Basic Court in Mitrovicë	1	0	1	1	1	0	0	2	0	0	0	1	0	0	7	7
62	Basic Court in Prizren	1	4	1	1	1	0	0	0	0	0	0	0	1	0	9	9
63	Basic Court in	1	4	1	1	1	0	0	0	0	0	0	0	1	0	9	9

	Gjakova																
64	Ombudsperson Institution	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	2
65	Anti-Corruption Agency	1	0	0	0	0	0	0	1	0	0	0	0	0	0	2	2
66	Privatization Agency of Kosovo	1	1	1	0	2	1	1	1	1	0	0	0	0	0	9	9
67	Railway Regulatory Authority	1	0	0	0	0	0	0	2	0	0	0	0	0	0	3	3
68	Regulatory Authority of Electronic and Postal Communications	1	3	1	1	1	0	0	1	0	0	0	0	0	0	8	8
69	National Audit Office	1	0	0	0	1	0	0	2	0	0	0	0	0	1	5	5
70	Independent Media Commission	1	2	0	0	1	1	0	0	0	0	0	1	0	0	6	6
71	Kosovo Competition Authority	1	1	0	0	0	0	0	1	0	0	0	0	0	0	3	3
72	Independent Commission for Mines and Minerals	0	0	1	1	0	1	1	1	0	0	0	0	0	0	5	5
73	Public Procurement Regulatory Commission	2	0	0	0	2	0	0	1	0	0	0	1	0	0	6	6
74	IOBCSK Secretariat	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
75	Election Complaint and Appeal Panel	1	1	1	1	0	0	0	0	0	0	0	0	0	0	4	4
76	Property Comparison and Verification Agency	1	1	0	0	0	0	1	2	0	0	0	0	0	0	5	5
77	Ministry of Education,	0	0	0	0	0	0	0	0	0	0	0	0	0	0		1

	Science and Technology (extraordinary monitoring)																
78	Academy of Justice	1	0	1	1	1	0	0	1	0	0	0	1	0	0	6	6
79	Municipality of Gjilan																
	Total:	**83**	**80**	**35**	**35**	**68**	**33**	**9**	**106**	**5**	**0**	**1**	**25**	**10**	**19**	**509**	**510**

14. COURT RULINGS

Based on the records available, the Board finds that during the reporting period, it has received 178 rulings from courts of the country, of which 146 judgments and 32 decisions.

The Board concludes that 117 judgments have ruled against claim suits of claimants against Board decisions, thereby upholding the Board decisions.

26 judgments by domestic courts have approved claim suits of claimants against Board decisions, thereby quashing 26 Board decisions, thereby remanding Board decisions to review.

Whereas, with 2 judgments of the Supreme Court, the cases are returned to the Basic Court of Prishtina for retrial.

With one (1) judgment, the Court of Appeals approved the Board appeal filed against the Judgment of the Basic Court of Prishtina.

These data conclude that during 2017 there was no final judgment of Basic Court of Prishtina – Department for Administrative Matters which would set aside the decision of the Independent Oversight Board for the Civil Service of Kosovo.

From 32 rulings that have been received from courts in 2017, the situation is reflected as follows:

- with 16 Rulings, the Court rejected claims of parties to postpone (adjourn) the execution of the Board decisions. This ascertains that during 2017 the court did not approve any claim for postponement of execution of the Board decisions;
- with 8 Rulings, the Basic court of Prishtina has suspended the court proceedings;
- with 4 Rulings were dismissed the claims filed against the Board decisions;
- with 4 Rulings was granted the withdrawal of claims filed against the Board decisions.

Court rulings and judgments were rendered to Board decisions in prior years, though finalized by courts in 2017.

According to the data provided by the Basic Court in Prishtina – Department for Administrative Matters, during 2017, 200 claims were filed with this court by which was opened administrative conflict against rulings issued by the Board during 2017. With this is ascertained that from 817 rulings issued by the Board 617 of them have not been challenged in the court, respectively were considered by parties as fair final rulings.

15. COOPERATION OF THE BOARD WITH OTHER INSTITUTIONS

During 2017, the Board has assigned much diligence to increasing cooperation with local and international institutions, apart from exercising its own duties and legal responsibilities.

In its cooperation with domestic institutions, the Board has enjoyed excellent cooperation with the Assembly of Kosovo, Government of the Republic of Kosovo, respectively the Ministry of Public Administration. Also, the Board extended full collaboration to the Kosovo Institute for Public Administration, Kosovo Judicial Institute, Anti-Corruption Agency, Ombudsperson, State Prosecution and Kosovo Police and other Institutions, in relation to cases required for review within bounds of constitutional functions and responsibilities of the Board, in terms of oversight of lawfulness in the civil service.

In 2017, the Board within the external cooperation has paid a visit to the Republic of Albania, meeting with the Civil Service Commissioner of the Republic of Albania, Public Administration Minister and the Administrative Court as well. Also, during 2017, the Board along with the MPs of the Kosovo Assembly paid a study visit to the Republic of France, respectively General Inspectorate of Administration and School for Public Administration ENA.
In this reporting year, the representatives of the Board participated in study visits to the Republic of Germany and Republic of Portugal, which have been organized by German Agency for International Cooperation (GIZ), respectively by the European Commission.

During 2017, German Agency for International Cooperation (GIZ) approved the request of the Board for issuing and publication of bulletin of decisions of the Independent Oversight Board. This Bulletin is published for the first time and contains a summary of the most important decisions of the appeals function, which are of different nature in the way of decision-making, are of different legal matters as well as of the complainants of different communities and genders.

Also, the Board has had an open cooperation with online and press media, civil society thereby ensuring physical access to all premises of the Board, and enabling access to any document or information required.

16. COMPARISON OF BOARD`s PERFORMANCE OF 2017 WITH THAT OF 2016

16.1. Complaint review function

The following text presents the data on the performance of the Board in 2017, compared to the same period in 2016, in compliance with the requirements and format of the Work Report.

In 2017, the Board has received a total of 812 complaints, whereas in 2016, the Board had received 596 complaints. Deriving from such numbers, it may be concluded that the Board has received 216 complaints more than in 2016.

During 2017, the Board reviewed 891 complaints and of them decided on 817 complaints, compared to 2016 when it had for review 654 complaints from which decided on 571 of them. From this, it results that during 2017 the Board decided on 246 complaints more than in 2016.
During 2016, the Board had for review 654 complaints, while in 2017 had for review 891 complaints. From this, it results that during 2017, the Board had for review 237 complaints more than in 2016.

From 2017 to 2018 have been transferred 5 complaints less than complaints transferred from 2016 to 2017.

In 2017 the employment authorities were obliged to implement 341 Board decisions, out of 341 decisions, the employment authorities implemented 232 decisions, 46 decisions were not implemented, while 63 decisions are in the process of implementation.

No.	Complaints /decisions	Year 2017	Year 2016	Difference	Comparison of complaints and decisions between 2017 and 2016
1.	Complaints received	812	596	216	In 2017, the Board has received 216 complaints more than in 2016
2.	Complaints under review of the Board	891	654	237	In 2017, the Board has reviewed 237 complaints more than in 2016
3.	Board complaints (Numbre of decisions)	817	571	246	In 2017, the Board has rendered 246 decisions more than in 2016
4.	Executable decisions	341	209	132	Employment authorities in 2017 were obliged to implement 132 decisions more than in 2016
5.	Decisions eenforced	232	181	51	Number of decisions enforced is 51 more than in 2016
6.	Decisions unenforced	46	28	18	In 2017 were not enforced 46 decisions, while in 2016 were not enforced 28 decisions.
7.	Complaints transferred to the following year	74	79	5	From 2017 to 2018 were transferred 5 complaints less than from 2016 to 2017

Table no.21 indicates a comparison of complaints received, complaints under review, and rulings rendered during 2017 and 2016.

16.2. Recruitment procedures for managerial level civil servants observation function

During 2017, the Board has observed 312 procedures on the processes of appointment of managerial level civil servants. From 312 appointment procedures observed, the Board has approved 164 recruitment procedures, and annulled 148 recruitment procedures, on grounds of legal and procedural breaches.

Based on such records, one may conclude that the Board in 2017 has observed 64 recruitment procedures for managerial level civil servants more than in 2016.

No.	Observation procedure	Year 2017	Year 2016	Difference	Compared observation procedures
1	Observation procedures on recruitment of managerial level civil servants	312	248	64	In 2017, the Board has observed 64 recruitment positions more than in 2016
2	Procedures approved	164	104	60	In 2017, the Board has approved 60 recruitment positions more than in 2016
3	Procedures annulled	148	144	4	In 2017, the Board has annulled 148 recruitment positions. 4 positions more than in 2016.

Table no.22 indicates a comparison of observation procedures for 2017 and 2016

16.3. Application of rules and principles of civil service legislation oversight function

In 2017, the Board carried out 81 monitoring visits and prepared eighty one (81) oversight reports on compliance with civil service legislation rules and principles.
In 2016, the Board carried out 57 monitoring visits. This implies that the Board in 2017 carried out 24 monitoring visits more than in 2016.

In its 2017 reports on monitoring the implementation of rules and principles of the civil service legislation in 81 local and central administration institutions, the Board found and reported 521 breaches of rules and principles of the civil service legislation, and issued 522 recommendations for responsible officials of such monitored institutions in rectifying such breaches.

No.	Oversight function	Year 2017	Year 2016	Difference	Compared oversight procedures for 2017 and 2016
1	Monitoring visits carried out	81	57	24	In 2017, the Board monitored 24 institutions more than in 2016.

Table no.23 indicates a comparison of oversight procedure for 2017 and 2016

17. REPORT ON BUDGET EXECUTION BY THE BOARD

The initial budget approved to the Board, pursuant to the Law 05/L-125 on the Budget of the Republic of Kosovo for 2017, was at the amount of: EUR 372.734.00. The reviewed budget pursuant to the Law 06/L-002, was at the amount of: EUR 372.734.00 and final budget -KFMIS, was at the amount of: 356.734.00 Euros.

No	Economic Categories	Initial budget approved as per Law no. 05/L-125	Upon budget review, pursuant to Law on Budget no. 06/L-002	Difference	Final Budget – KFMIS
1	**Salaries and per diems**	236.507.00	236.507.00	00	236.507.00
2	**Goods and Services**	107.402.00	117.358.00	00	117.358.00
3	**Utilities**	3.825.00	2.869.00	00	2.869.00
4	**Capital expenditure**	25.000.00	16.000.00	16.000.00	000
	Total	**372.734.00**	**372.734.00**	**16.000.00**	**356.734.00**

Table no. 24 indicates the allocation of funds by economic categories

Based on the table no.24, it is obvious that there is a difference between the approved budget and the final budget, totalling 16.000.00€.

This difference resulted due to shortening of the Board's budget in the capital economic category, by the Government of Kosovo by means of the decision no.10/19, dated 15.12.2017.
During 2017, from the budget approved by the Assembly of the Republic of Kosovo, the Board has spent a total of **94.97**% of the budget. The budget spent in the economic categories is as follows:

Economic Category Wages and Salaries: Budget is spent at the extent of **100%.**
Economic Category Goods and Services: Budget is spent at the extent of **84.78%.**
Economic Category Utilities: Budget is spent at the extent of **94.71%.**

No.	Budget Code	Final Budget	Executed	Unexecuted	Percentage %
1	Wages and Salaries	236.507.00	236.594.88	(-87.88)	100%
2	Goods and services	117.358.00	99.490.75	17.867.25	84.78%
3	Utilities	2.869.00	2.717.16	151.84	94.71%
4	Capital expenditures	000	00		00
	Total	**356.734.00**	338.802.79	17.931.21	94.97%

Table no. 25 indicates the budget expenditures by economic categories