



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 Working Report of the Independent Oversight Board for the Civil Service of Kosovo for 2015

Prishtina
February 2016

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

Submission of reports on the work and activities of the key institution of oversight of application of rules and principles of civil service legislation is privilege and responsibility at the same time.

In due consideration of all challenges and difficulties faced by the Board during 2015, it is our pleasure to inform you that the Board has managed to perform all its constitutional and legal functions in oversight of implementation of civil service legislation in institutions of public administration in both central and local levels.

The Annual Report 2015 represents a detailed overview of Board activities, underscoring the key achievements in establishing the authority of the Board, and in building confidence of institutional managers and all civil servants.

As in previous years, such achievements were only made possible due to major commitment of the Board Members and the support staff in the Secretariat, and therefore, I would use this occasion to extend our gratitude for the engagement of all staff in fulfilling the objectives of the Board.

The present Report includes data on activities undertaken in the function of resolving complaints of civil servants and incumbents for civil service positions, the function of monitoring managing level civil servant appointment procedures, and the function of oversight of application of rules and principles of civil service legislation, representation of the Board in judicial proceedings, cooperation of the Board with domestic and international institutions, and participation of the Board in conferences and important meetings related to reform processes for the public administration.

Through 2015, apart from the performance of duties and legal requirements, the Board has paid special attention to the cooperation with domestic and international institutions.

In regard to cooperation with domestic institutions, one must underscore excellent cooperation we have had with the Kosovo Assembly Committee for Public Administration, the Ombudsperson Institution, State Prosecution, the Kosovo Institute for Public Administration, the Kosovo Judicial Institute, the Association of Kosovo Municipalities, and managers of personnel in the Office of the Prime Minister and all ministries of the Government of Kosovo.

In relation with good cooperation with international institutions, we must emphasize the cooperation with OSCE, a visit paid to the Board by the Finnish Ambassador to Kosovo, and head of Legal Unit in the Office of the Special Representative of the European Union, meetings with the Chair of State Presidency of Turkish Personnel, and the Ombudsperson of the Republic of Turkey, Mr. Nihat OMEROGLU, with a view of exchanging experiences and best practices in the area of public administration.

Also, we must emphasize that the Board has enjoyed open cooperation with online and press media outlets, by ensuring physical presence in all events held by the Board, and by offering access to any document or information required.

Board Members shall continue to exercise their duties in full compliance with constitutional and legal mandates in relation to the application of civil service legislation in public administration institutions at central and local levels, in fulfilling the state objective for developing a professional, accountable administration in the service to the citizens and the state itself.

Best,

Lulzim ALIAJ

Chair

Independent Oversight Board for the Civil Service of Kosovo

1. EXECUTIVE SUMMARY

The Annual Report 2015 contains detailed data and information on all activities and work completed 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. Also, the report includes other activities of the Board, such as representation of the Board before judicial proceedings, cooperation of the Board with domestic and international institutions, and Board attendance of important meetings and conferences related to the reform in public administration.

In 2015, the Board has managed to review and resolve the merits of 632 complaints filed by civil servants and incumbents for positions in civil service, of which 613 complaints were received in 2015, while 77 complaints were carried over from 2014 for resolution in 2015.

Through 2015, the Board has monitored 68 recruitment procedures related to appointment of managerial level civil servants. Out of 68 recruitment procedures monitored, the Board has approved as regular 34 recruitment procedures, while 34 recruitment procedures for managerial level civil servants were annulled on grounds of legal and procedural breaches.

In the framework of oversight of application of rules and principles of legislation, and in accordance with the Monitoring Plan, the Board has conducted 41 monitoring visits to oversee the application of civil service legislation rules and principles.

In its oversight reports for the rules and principles of civil service legislation in central and local institutions, the Board has identified and recorded 226 violations of rules and principles of civil service legislation, and has issued 179 recommendations for responsible officials of monitored institutions.

In the first half of 2015, the Board has only had half of its capacities, since the period only had four Members of the Board, while the Assembly of the Republic of Kosovo, on 07.04.2015, respectively on 04.06.2015, appointed the 3 new Members of the Board, thereby completing the Board as per the Law on the Independent Oversight Board for the Civil Service of Kosovo.

Throughout the reporting period, and similarly to earlier years, the Board has suffered from a severe lack of working areas, meeting rooms, or any rooms for professional or hearing sessions, and insufficient budget, challenges which are expected also in 2016.

2. LEGAL FRAMEWORK

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

- Constitution of the Republic of Kosovo,
- Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo,
- Law no. 03/L-149 on the Civil Service of the Republic of Kosovo,
- Law no. 02/L-028 on Administrative Procedure,
- Regulation no. 01/2014 on the Work of the Independent Oversight Board for the Civil Service of Kosovo,
- Regulation no. 02/2014 on Rules of Procedure of Complaints in the Independent Oversight Board for the Civil Service of Kosovo, and
- Regulation no. 01/2015 on Rules and Procedures of Observation of Appointment of Managerial Level Civil Servants.

The difficulties faced by the Council in relation to the legal basis include the failure to approve all sub-legal acts for the civil service, collisions between legal provisions of different laws, but also between secondary legislation acts, and further uncertainties in terms of categories of civil servants and others due to the incomplete classification of working positions, and failure to implement legal duties in terms of organization and structuring of the state administration.

In terms of civil service legislation, there is an apparent lack of willingness of managers of several institutions to implement civil service legislation, thereby justifying with provisions of other laws, as is the case with the responsible persons in the Kosovo Police, the Constitutional Court, the Ministry of Education, Science and Technology, the Kosovo Police Inspectorate.

3. SCOPE OF ACTIVITIES OF THE BOARD

The Board is an independent body, which oversees the compliance with rules and principles governing the Civil Service of 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

For the purpose of carrying out 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 appeals; and
- 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

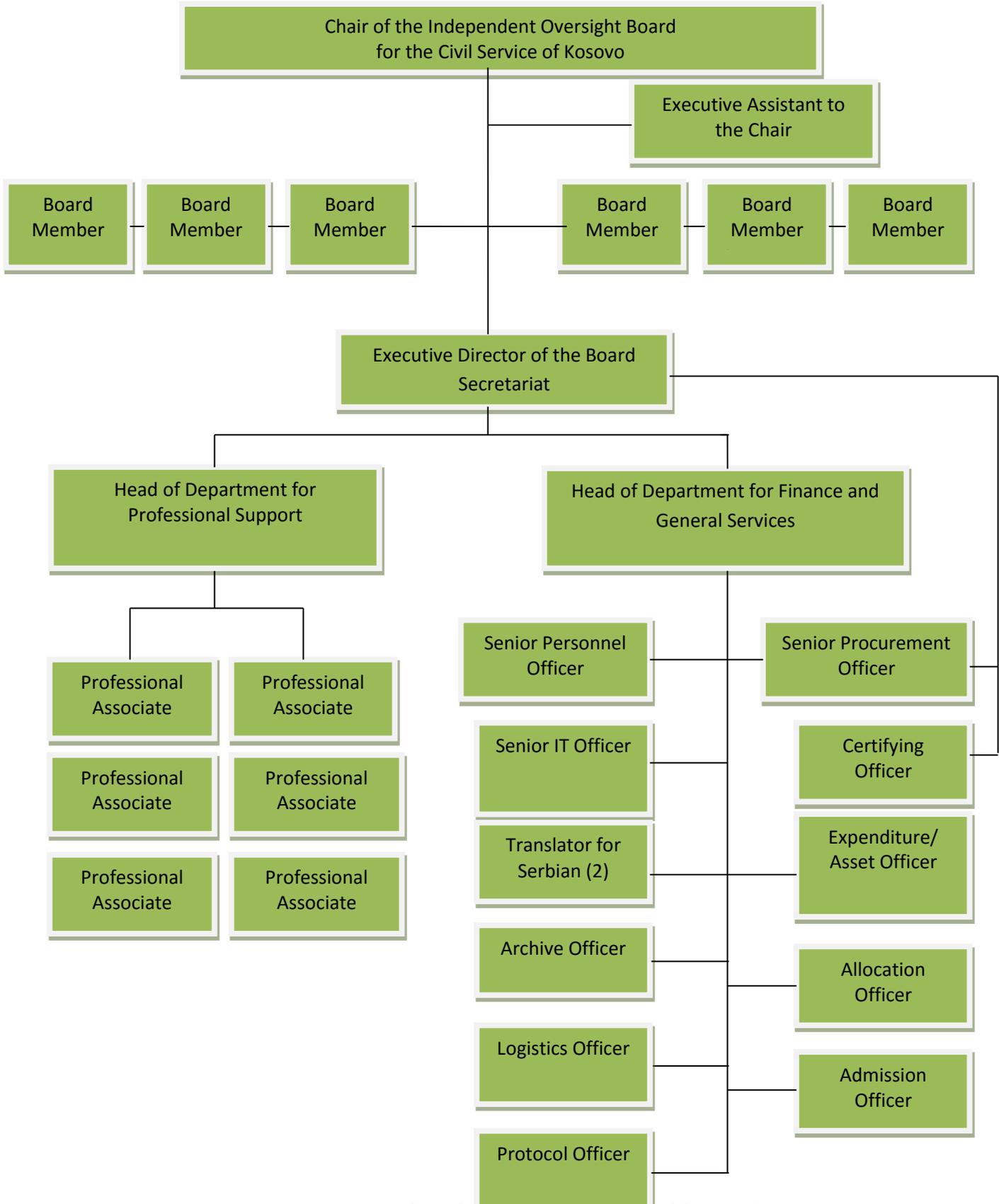
The internal organization of the Board is provided upon by the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo, and the Regulation no. 03/2014 on Internal Organization and Systematization of Working Positions in the Independent Oversight Board for the Civil Service of Kosovo.

The provisions of this Law have also determined the composition of the Board, thereby providing that the Board shall be composed of seven (7) members, appointed by the Assembly of the Republic of Kosovo, pursuant to open and transparent procedures, and also provided that the composition of the Board shall reflect the multi-ethnic and gender nature of society.

The term of office of all Board members shall be five years, with a possibility of re-election. The Chairman of the Board is elected by the Board members themselves, at a term of two years.

THE SECRETARIAT of the Board assists the Board in performing its legal and constitutional functions and duties. The Secretariat is chaired by the Executive Director, and employs 19 civil servants. The Secretariat is composed of the Department for Professional Support and the Department for Finance and General Services.

Organizational Chart of the Board and



5. BOARD ACTIVITIES IN THE REPORTING PERIOD -2015

In the next section, we present a full overview of exercise of functions of the Board, including the complaint review process, the managerial level civil servant appointment observation process, and the oversight of implementation of civil service legislation rules and principles, within the reporting period **1 January - 31 December 2015**.

5.1. COMPLAINT REVIEW FUNCTION

During 2014, the Board has received a total of **613** complaints filed by the civil servants, and incumbents for recruitment with the Civil Service of the Republic of Kosovo.

Apart from the **613** complaints received in 2015, the Board has also had for review 77 complaints carried over from 2014 for resolution in 2015. Based on such figures, it may be concluded that the Board has in 2015 had under review a total 690 complaints.

The Board has decided on the merits of 632 complaints, while 58 complaints were carried over for resolution within the legal deadline in 2016.

This report contains statistical records for complaints received by:

1. Object of complaint,
2. Gender structure of complainants,
3. Ethnic structure of complainants, and
4. Institutions the decisions of which have been complained against.

5.1.1. Complaints received, by object of complaint

The Board has received complaints with various objects of complaint, and divided by type of object, in numbers and percentages, which are presented in the following table:

No.	Object of Complaint	Number of complaints	Percentage
1	Disputed recruitment	153	24.95%
2	Material compensation	86	14.03%
3	Termination of working relationship	83	13.53%
4	Transfer	65	10.60%
5	Performance appraisal	41	6.68%
6	Disciplinary measure	41	6.68%
7	Request within employment relationship	30	4.89%
8	Violation of right to pay	30	4.89%
9	Issues of promotion	21	3.42%
10	Failure to enforce decision of Complaints Commission	20	3.26%
11	Preventive suspension	19	3.09%
12	Demotion	9	1.46%

13	Against appointment of acting in duty	8	1.30%
14	Failure to extend working contract	4	0.65%
15	Agreed suspension	3	0.48%
	Total:	613	100%

Table no.1 presents the complaints received by object of complaint

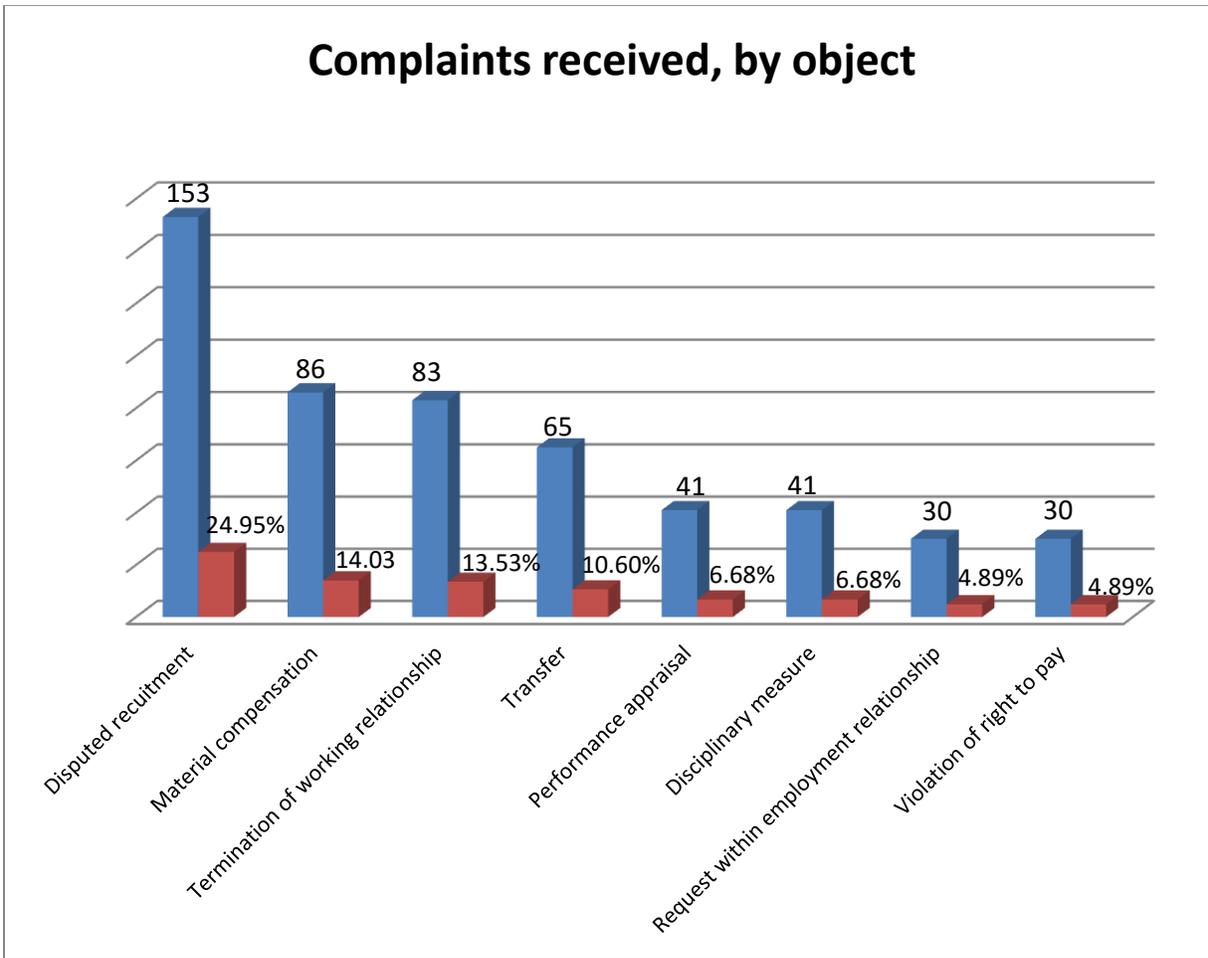
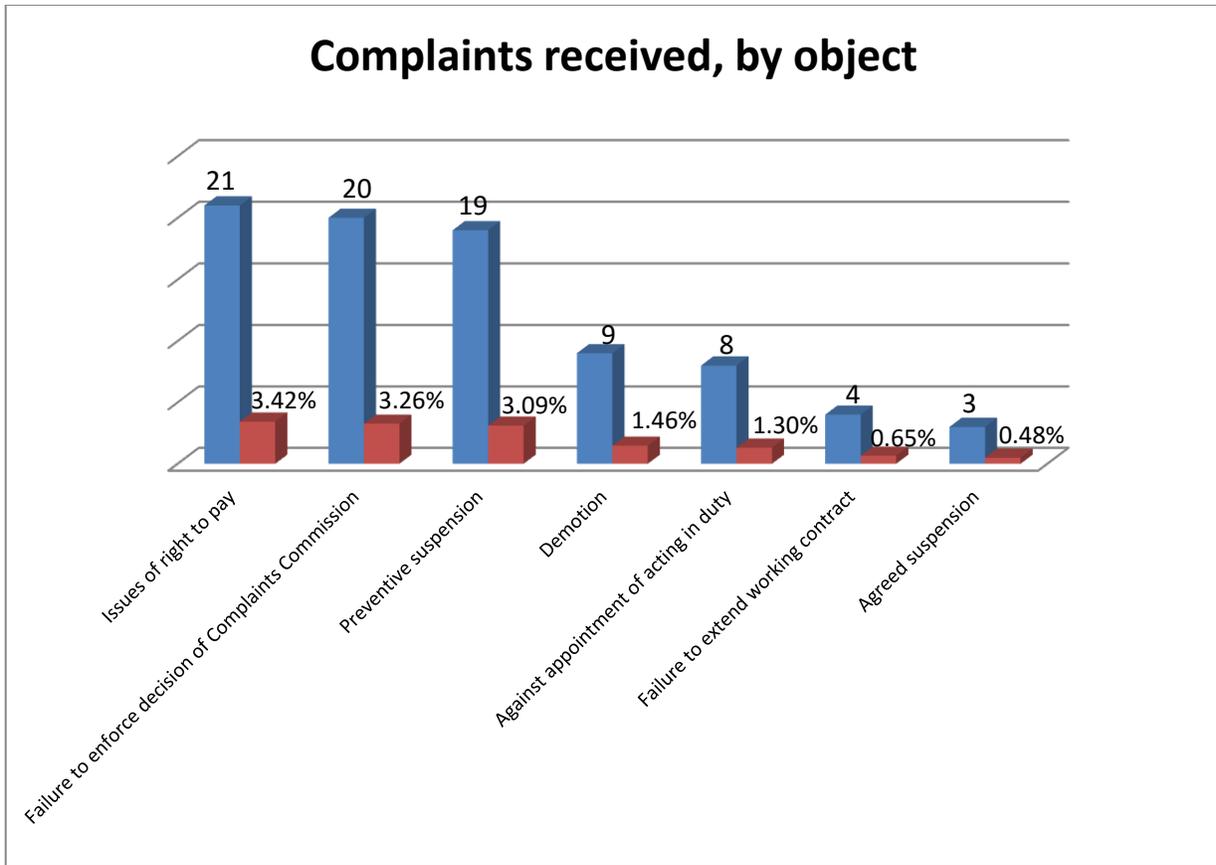


Chart no. 1 presents the table 1 data, complaints by object of complaint



continued chart no. 1.

5.1.2. Complaints received by gender structure of complainant

Out of 613 complaints received in 2015, 436 complaints or 71.12% of the total number of complaints were received from male complainants, while female complainants have filed 177 complaints, or 28.88% of the total number of complaints.

No	Complaints received by gender structure	Number of complaints	Percentage
1.	Male	436	71.12%
2.	Female	177	28.88%

Table no. 2 presents the complaints received by gender of complainants

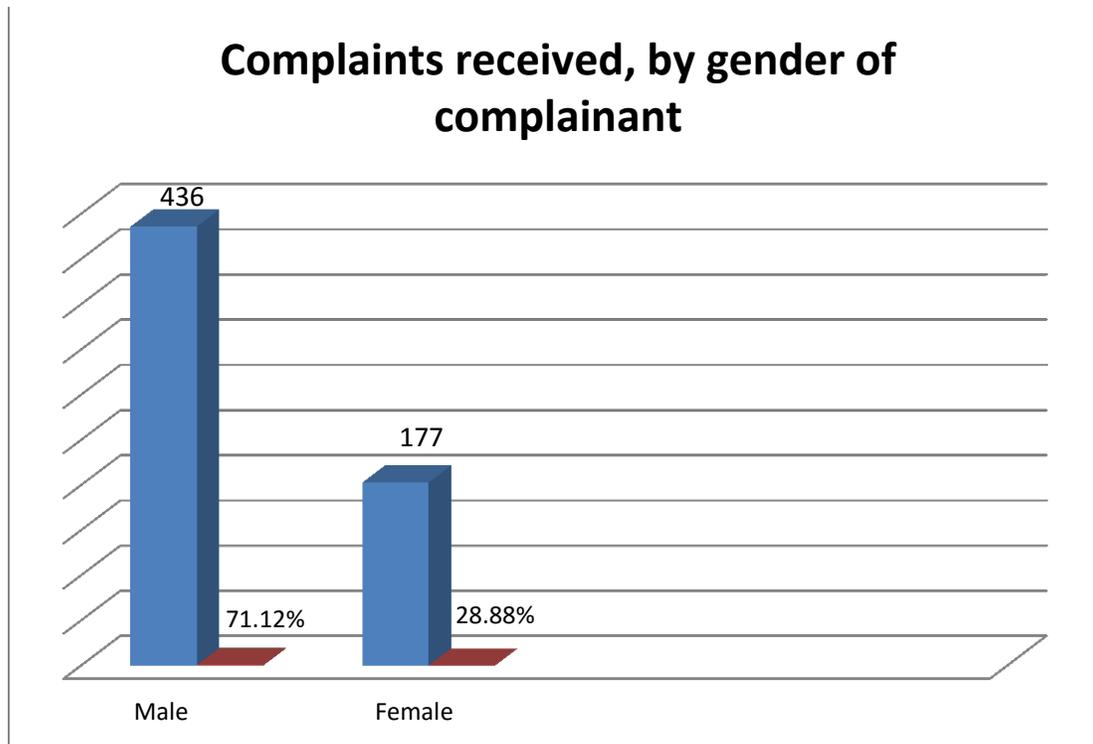


Chart no. 2 reflects data of table no. 2, division of complaints by gender of complainant

5.1.3 *Complaints received, by ethnic structure of complainants*

From 613 complaints received in 2015, complainants of Albanian ethnicity have filed 571 complaints, or 93.14% of the total number of complaints, while from Serbian ethnicity complainants, 38 complaints, or 6.19% of the total number of complaints, 3 complaints or 0.49 % of the total number of complaints were received from Bosnian ethnicity complainants, and from Turkish community complainants, 1 complaint or 0.16% of the total number of complaints.

No.	Complainants received, by ethnicity of complainants	Number of complaints	Percentage
1.	Albanian	571	93.14%
2.	Serb	38	6.19%
3.	Bosnian	3	0.49%
4.	Turkish	1	0.16%

Table no. 3 presents the complainants received by ethnicity of complainants

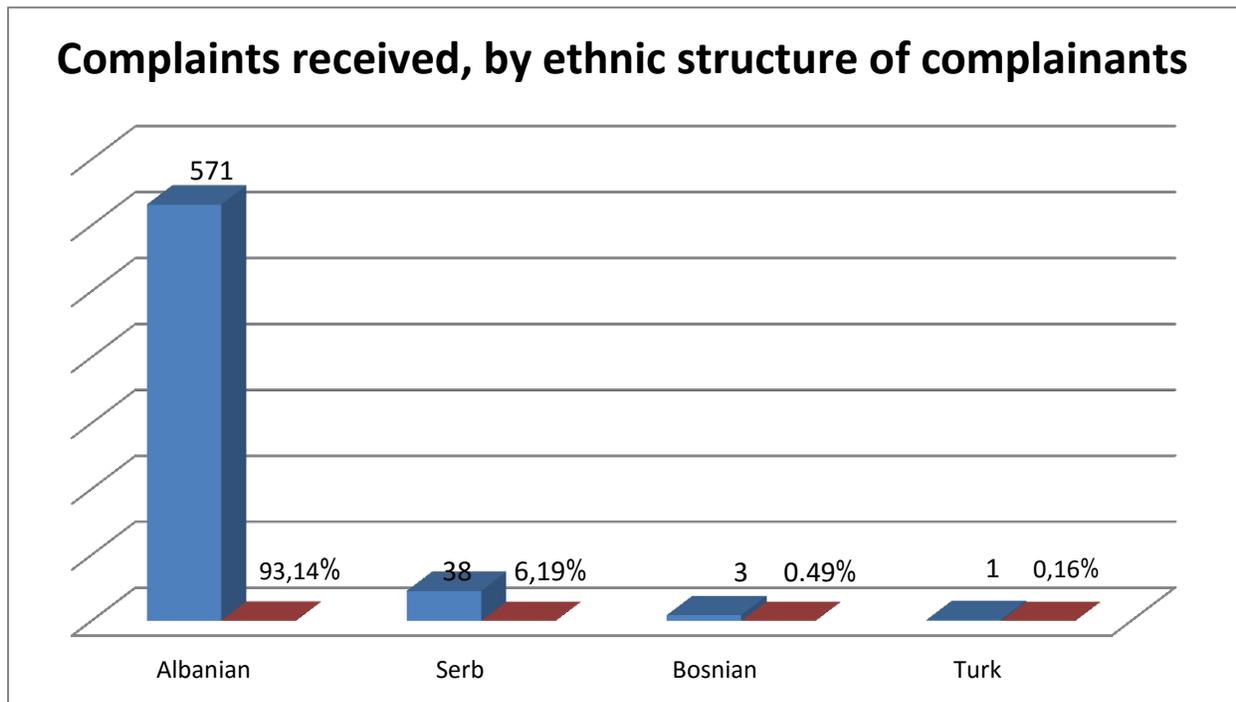


Chart no. 3 presents data of table no. 3

5.1.4. Complaints received, by institutions the decisions of which have been complained against

During the reporting period, the Board has received complaints from civil servants and incumbents for recruitment with the civil service, filed against employment authorities, as the following: 369 complaints, or 60.20 % of the total number of complaints were filed against decisions of central administration institutions, and 244 complaints, or 39.80% of the total number of complaints were filed against decisions of institutions in local administration.

No.	Complaints received by institutions, decisions of which have been complained against	No. of complaints	Percentage
1.	Central administration institutions	369	60.20%
2.	Local administration institutions	244	39.80%

Table no. 4 presents the complaints received by institutions, the decisions of which have been complained against

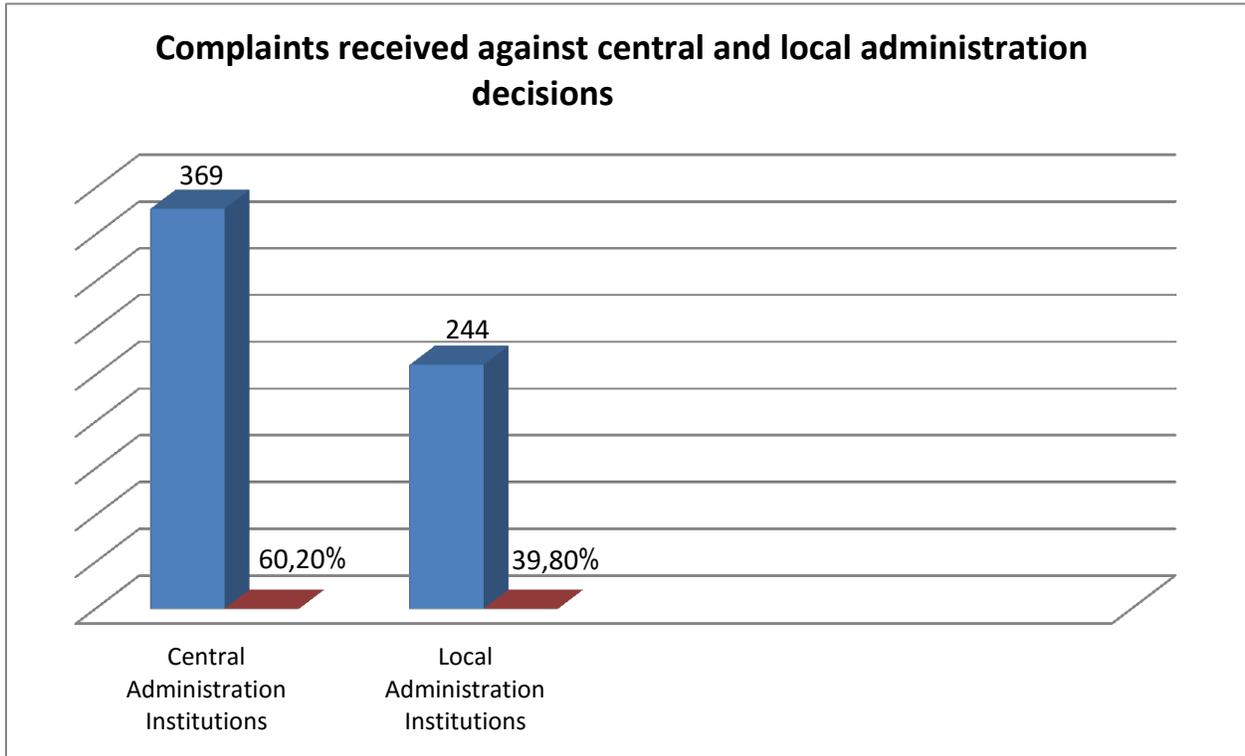


Chart no.4 reflects the data from table no. 4

6. COMPLAINTS RECEIVED AGAINST DECISIONS OF INSTITUTIONS

6.1. Complaints against decisions of central administration institutions

During the reporting period, the Board has received 369 complaints against central administration institutions' decisions.

Nr.	Institutions of Central Administration	Number of complaints	Percentage
1	Ministry of Trade and Industry	34	5.54%
2	Ministry of Infrastructure	25	4.08%
3	Ministry of Internal Affairs	23	3.75%
4	Tax Administration of Kosovo	19	3.1%
5	Food and Veterinary Agency	17	2.77%
6	Kosovo Privatization Agency	16	2.61%
7	Ministry of Economic Development	16	2.61%
8	Ministry of Education, Science and Technology	15	2.45%
9	Secretariat of the Kosovo Judicial Council	14	2.3%
10	Kosovo Forest Agency	13	2.12%
11	Ministry of Foreign Affairs	12	1.96%
12	Kosovo Statistical Agency	12	1.96%
13	Ministry of Culture, Youth and Sports	11	1.8%
14	Ministry of Environment and Spatial Planning	10	1.63%
15	Kosovo Council for Cultural Heritage	10	1.63%
16	University of Prishtina	9	1.47%
17	State Prosecution	9	1.47%
18	Kosovo Police	9	1.47%
19	University of Prizren	8	1.30%
20	Ministry of Public Administration	7	1.14%
21	Ministry of Health	6	0.98%
22	Office of the Auditor General	6	0.98%
23	Ministry of Labour and Social Welfare	6	0.98%
24	Ministry of Finance	5	0.81%
25	National Library of Kosovo	4	0.65%
26	University of Gjakova	4	0.65%
27	Ombudsperson Institution of Kosovo	4	0.65%
28	Ministry of Justice	4	0.65%
29	Kosovo Security Council	4	0.65%
30	Competition Authority of Kosovo	4	0.65%
31	Other employing authorities (public enterprises)	3	0.49%
32	National Theatre of Kosovo	2	0.33%
33	Assembly of the Republic of Kosovo	2	0.33%
34	Ministry of Kosovo Security Force	2	0.33%
35	Ministry for Communities and Returns	2	0.33%
36	Public Procurement Review Body	2	0.33%

37	Police Inspectorate of Kosovo	2	0.33%
38	IOBCSK Secretariat	2	0.33%
39	Ministry of Diaspora	2	0.33%
40	Waste and Water Regulatory Office	2	0.33%
41	Kosovo Correctional Service	1	0.16%
42	Kosovo Agency for Medicinal Products	1	0.16%
43	Ministry of Agriculture, Forestry and Rural Development	1	0.16%
44	Central Election Commission	1	0.16%
45	Ministry of Local Government Administration	1	0.16%
46	Kosovo Property Agency	1	0.16%
47	Museum of Kosovo	1	0.16%
48	Electronic Communications Regulatory Authority	1	0.16%
49	Anti-Corruption Agency	1	0.16%
50	Kosovo Cadastral Agency	1	0.16%
51	Main Family Medicine Centre –Prishtina	1	0.16%
52	Student Centre	1	0.16%
	Total complaint no.	3	60.20%

Table no. 5 presents the complaints received by the Board in 2015, against local administration institutions

Complaints received against central administration institutions, by object of complaint	Complaints received against central administration institutions, by object of complaint															
	Material compensation	Disputed recruitment	Termination of employment relationship	Transfer	Disciplinary measure	Demotion	Preventive suspension	Failure to extend working contract	Violation of right to salary	Against act of appointment of acting officer	Performance appraisal	Issue of promotion	Failure to enforce decision of Complaints Commission	Request from working relationship	Agreed suspension	Total
Ministry of Trade and Industry	2	1		1			2		1		1	12	13	1		34
Ministry of Infrastructure		1		16	1	1	3				1			2		25
Ministry of Internal Affairs	1	14	1	2	2	2			1							23
Tax Administration of Kosovo	6		2	8	2	1										19
Food and Veterinary Agency	1			2	6					2	2	2		2		17
Kosovo Privatization Agency	1	2	1		1				5			2	1	3		16
Ministry of Economic Development	1	7	1			1			4		1			1		16
Ministry of Education, Science and Technology		7			5				2	1						15
Secretariat of the Kosovo Judicial Council	6	2		2	1				1			1	1			14
Kosovo Forest Agency			4		1						8					13
Ministry of Foreign Affairs	1	5	1	1						2				2		12
Kosovo Statistical Agency	5	1		4					1					1		12
Ministry of Culture, Youth and Sports		5	2	2		1				1						11
Ministry of Environment and Spatial Planning	1	4	1	1			3									10
Kosovo Council for Cultural Heritage		1					1				3			5		10
University of Prishtina	1	4	1				3									9

State Prosecution	2	5							2						9
Kosovo Police		5		3								1			9
University of Prizren		8													8
Ministry of Public Administration		5						1			1				7
Ministry of Health	3			2	1										6
Office of the Auditor General	1	1			1							1	2		6
Ministry of Labour and Social Welfare		2	1					3							6
Ministry of Finance	1		1			1			1				1		5
National Library of Kosovo		2			1								1		4
University of Gjakova				4											4
Ombudsman Institution of Kosovo		4													4
Ministry of Justice		1	3												4
Kosovo Security Council				1							1		2		4
Competition Authority of Kosovo										4					4
Other employing authorities (public)		2	1												3
National Theatre of Kosovo			2												2
Assembly of the Republic of Kosovo	1										1				2
Ministry of Kosovo Security Force				2											2
Ministry for Communities and Returns	1				1										2
Public Procurement Review Body		1						1							2
Police Inspectorate of Kosovo			2												2
IOBCSK Secretariat		1							1						2
Ministry of Diaspora		1	1												2
Waste and Water Regulatory Office													2		2
Kosovo Correctional Service	1														1
Kosovo Agency for Medicinal Products				1											1
Ministry of Agriculture, Forestry and Rural Development Rural	1														1

Central Election Commission		1														1
Ministry of Local Government															1	1
Kosovo Property Agency									1							1
Museum of Kosovo			1													1
Electronic Communications Regulatory Authority		1														1
Anti-Corruption Agency		1														1
Kosovo Cadastral Agency											1					1
Main Family Medicine Centre –Prishtina			1													1
Student Centre				1												1
Total	37	95	27	53	23	7	12	1	24	6	21	20	17	25	1	369

Table no. 6 represents the complaints received against central administration institutions' decisions, by object of complaint.

6.2. Complaints against decisions of local administration institutions

During the reporting period, the Board has received 244 complaints against local administration institutions, all presented in the following table:

No.	Local Administration Institutions	Number of complaints	Percentage
1	Municipality of Prishtina	61	9.95%
2	Municipality of Partesh	17	2.77%
3	Municipality of Gjilan	16	2.61%
4	Municipality of Ferizaj	16	2.61%
5	Municipality of Lipjan	15	2.45%
6	Municipality of Leposavic	15	2.45%
7	Municipality of Gjakova	13	2.12%
8	Municipality of Mitrovica	11	1.8%
9	Municipality of Kamenica	10	1.63%
10	Municipality of Malisheva	6	0.97%
11	Municipality of Obiliq	6	0.97%
12	Municipality of Klina	6	0.97%
13	Municipality of Peja	5	0.81%
14	Municipality of Viti	5	0.81%
15	Municipality of Skenderaj	5	0.81%
16	Municipality of Drenas	5	0.81%
17	Municipality of Kaçanik	5	0.81%
18	Municipality of Rahovec	4	0.65%
19	Municipality of Graçanica	4	0.65%
20	Municipality of Suhareka	3	0.5%
21	Municipality of Shtime	3	0.5%
22	Municipality of Vushtrri	3	0.5%
23	Municipality of Prizren	2	0.33%
24	Municipality of Klllokot	2	0.33%
25	Municipality of Dragash	2	0.33%
26	Municipality of Podujeva	2	0.33%
27	Municipality of Deçan	2	0.33%
	Total number of complaints:	244	39.80%

Table no. 7 represents the data on the number and percentages of complaints received by the Board in 2015, against local administration institutions' decisions

Complaints received against decisions of local administration institutions	Complaints received against decisions of local administration institutions															
	Material compensation	Disputed recruitment	Termination of employment relationship	Transfer	Demotion	Disciplinary measure	Against annulment of recruitment	Preventive suspension	Failure to extend working contract	Against act of appointment of acting officer	Violation of right to salary	Performance appraisal	Failure to enforce decision of Complaints Commission	Other rights from employment relationship	Agreed suspension	Total
Municipality of Prishtina	12	13	32					1						2	1	61
Municipality of Partesh	2								1			14				17
Municipality of Gjilan	6	1	2	3		1					1		1	1		16
Municipality of Ferizaj	5	1	1	3		5								1		16
Municipality of Lipjan	3	8		1					2				1			15
Municipality of Leposavic			15													15
Municipality of Gjakova	1	6				2		1						2	1	13
Municipality of Mitrovica	3	4												4		11
Municipality of Kamenica	2	4	2								1			1		10
Municipality of Malisheva		3				1				1				1		6
Municipality of Obiliq		2		1				3								6
Municipality of Klina	6															6
Municipality of Peja		1				1		1			1			1		5
Municipality of Viti	2	2	1													5
Municipality of Skenderaj	1	3	1													5
Municipality of Drenas		2	1	2												5
Municipality of Kaçanik		2			1	1	1									5
Municipality of Rahovec					2			1						1		4
Municipality of Graçanica			2		1	1										4
Municipality of Suhareka		1						2								3
Municipality of Shtime	1	1												1		3
Municipality of Vushtrri	1	2														3
Municipality of Prizren		2														2
Municipality of Klllokot						2										2
Municipality of Dragash	1	1														2
Municipality of Podujeva	1	1														2
Municipality of Deçan											2					2
Total:	47	60	57	10	4	14	1	9	3	1	5	14	2	15	2	244

Table no.8 represents the complaints received against decisions of local administration institutions, by object of complaint

7. COMPLAINTS BY TYPE OF RULING

During 2015, the Board has received and decided a total of 632 complaints:

7.1 Approved

Are complaints filed by complainants, which upon review of evidence and fact, 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 eighty three (183) complaints.

7.2 Partially approved.

Are 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 ten (10) complaints.

7.3 Rejected

Are complaints filed by complainants, which the Board has rejected as ungrounded, upon review of evidence and fact presented by complainants and employment authorities, upholding the decisions of employment authorities.

During the reporting period, the Board has rejected one hundred ten (110) complaints.

7.4 Dismissed as inadmissible

Are complaints filed by complainants, which the Board has dismissed as inadmissible, because they were filed beyond legal deadline for complaint, or filed by persons which are not authorized by law to appear before procedure.

During the reporting period, the Board has dismissed as inadmissible one hundred sixty one (161) complaints.

7.5 Declining jurisdiction

Are complaints filed by complainants, for which the Board has declined jurisdiction, since the complaints were filed by persons who do not enjoy status of civil servants, or were not incumbents for recruitment with the civil service.

During the reporting period, the Board has declined jurisdiction in sixty seven (67) cases.

7.6 Ordering the administrative body to issue administrative act

Are 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 nineteen (19) cases.

7.7 Remand to review

Are 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 fact 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 fifty-one (51) cases.

7.8 Conclusion of administrative proceeding

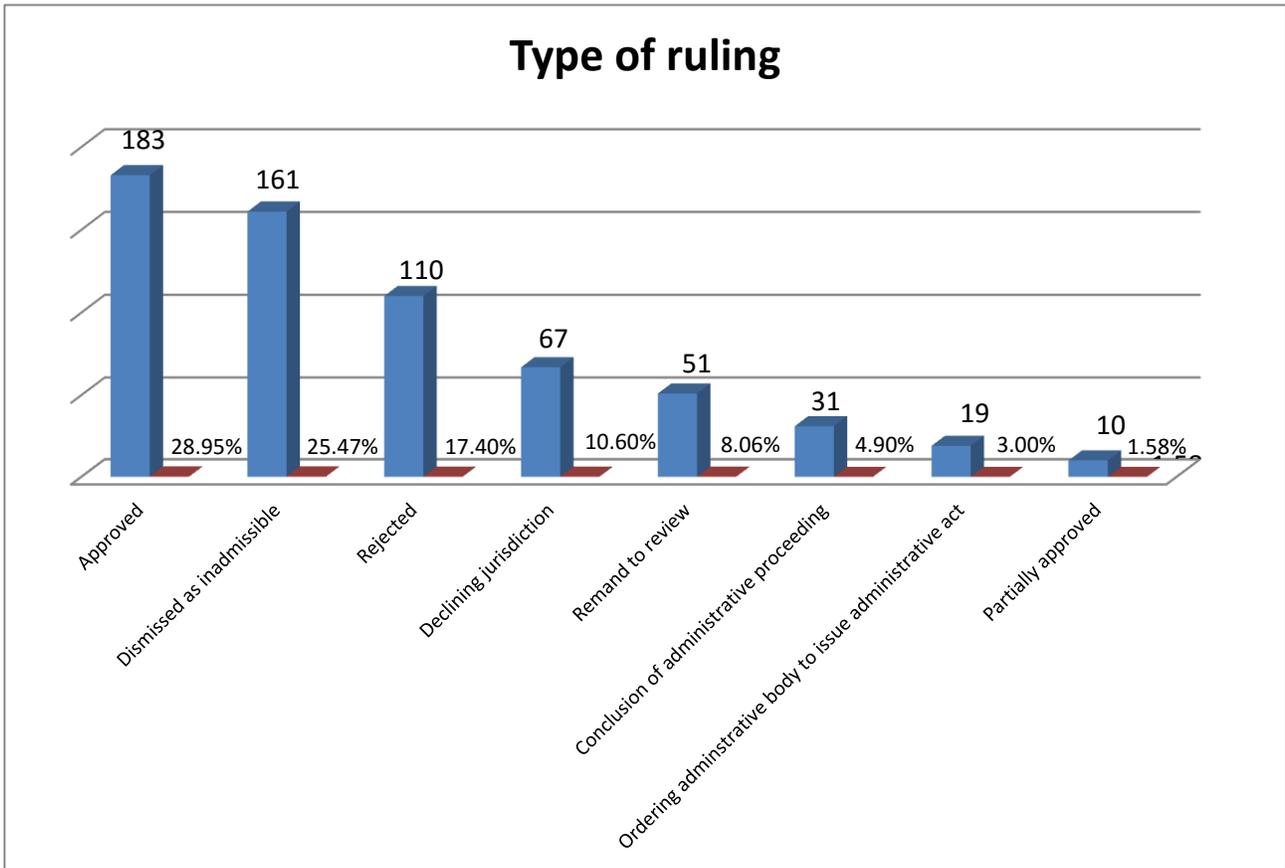
Are decisions rendered by the Board for the cases in which the complainants withdraw their complaints, or when the Board deems that the object of complaint for which the proceeding was initiated, or the purpose of decision has become impossible.

During the reporting period, the Board has concluded administrative proceedings in thirty-one (31) complaints.

The following table shows the conclusions on 632 complaints by the Board, the number of complaints reviewed, and percentages in comparison to total number of complaints.

Type of ruling	Number of complaints	Percentage
Approved	183	28.95%
Dismissed as inadmissible	161	25.47%
Rejected	110	17.40%
Declining jurisdiction	67	10.60%
Remand to review	51	8.06%
Conclusion of administrative proceeding	31	4.90%
Ordering administrative body to issue administrative act	19	3.00%
Partially approved	10	1.58%
Total	632	100%

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



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

8. TYPES OF RULINGS BY INSTITUTION DECISIONS

This section of the report presents the data on the types of rulings of the Board divided 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 **375** complaints filed against decisions of central administration institutions, namely on **329** complaints of 2015, and **46** complaints carried over from 2014 to 2015.

Central administration institutions	Approved complaints	Rejected complaints	Partially approved complaints	Dismissed as inadmissible	Declining jurisdiction	Remand to review	Conclusion of administrative proceedings	Ordering authority to issue administrative act	Number of complaints reviewed
Ministry of Trade and Industry	6	9		5	4	12	4		40
Ministry of Internal Affairs	4	12		4	1	2	1		24
Ministry of Infrastructure	16	3		3		1			23
Secretariat of the Kosovo Judicial Council	3	1		13	3				20
Kosovo Privatization Agency	2	5		11					18
Food and Veterinary Agency	1	6		6				4	17
Ministry of Foreign Affairs		6		3		1	2	3	15
Ministry of Economic Development	4		5	5		1			15
Tax Administration of Kosovo	5	2		4	1	1			13
Ministry of Education, Science and Technology	6	2			1		2	2	13
Kosovo Statistical Agency				6	5		1		12
Kosovo Forest Agency		3		2		6			11
State Prosecution	4	3		4					11
Ministry of Environment and Spatial Planning	4	3		1			2		10
Kosovo Council for Cultural Heritage	2			3		3	1	1	10
Kosovo Police	5	1		2	1	1			10
Ministry of Culture, Youth and Sports	1	2	1	2	1	1	1		9
University of Prishtina				5	4				9
Office of the Auditor General	2	4		1					7
Ministry of Public Administration	2	1		1			3		7
Ombudsperson Institution	6	1							7
University of Prizren				4			1		5
Ministry of Labour and Social Welfare	1			3	1				5
Ministry of Health				4				1	5
Ministry of Finance		2		2		1			5
National Library of Kosovo				4					4
Ministry of Justice	1	2		1					4
Kosovo Competition Authority						4			4
Kosovo Security Council	1			3					4
Other employment authority					3				3
Ministry of Diaspora				1	2				3
Kosovo Agency for Medicinal Products		1		1		1			3
University of Gjakova	1	1							2
Ministry for Communities and Returns	2								2
Procurement Review Body	2								2

Kosovo Police Inspectorate	1					1			2
Secretariat of the Independent Oversight Board		1		1					2
Kosovo Correctional Service				2					2
Central Election Commission	1				1				2
Regulatory Authority for Electronic and Postal Communications		1		1					2
University of Mitrovica	2								2
Ministry of Kosovo Security Force						1			1
National Theatre of Kosovo					1				1
Water and Waste Regulatory Office								1	1
Ministry of Agriculture, Forestry and Rural Development				1					1
Ministry of Local Government Administration	1								1
Kosovo Museum				1					1
Kosovo Cadastral Agency	1								1
Kosovo Property Agency		1							1
Student Centre	1								1
Kosovo Assembly				1					1
Commission for Mining and Minerals	1								1
Total:	89	73	6	111	29	37	18	12	375

Table no. 10 presents types of rulings on 2015 complaints against decisions of central administration institutions.

8.2 Types of decisions against decisions of local administration institutions

During the reporting period, the Board has decided on **257** complaints filed against decisions of local administration institutions, namely for **226** complaints of 2015, and **31** complaints carried over from 2014 to 2015.

Local administration institutions	Approved complaints	Rejected complaints	Partially approved complaints	Dismissed as inadmissible	Declining jurisdiction	Remand to review	Conclusion of administrative proceeding	Ordering authority to issue administrative act	Number of complaints reviewed
Municipality of Prishtina	32	13		11	1	2	2	1	62
Municipality of Leposavic				1	20				21
Municipality of Ferizaj	6	3		4	4			1	18
Municipality of Gjilan	3	4		8	1	1			17
Municipality of Partesh	6			3	2	6			17
Municipality of Lipjan	7			2		1	4	2	16
Municipality of Gjakova	6	3		2	3		1		15
Municipality of Mitrovica	2	2	2	2	2	1			11
Municipality of Kamenica	4		1	4					9
Municipality of Kaçanik	4	2			1	1			8
Municipality of Peja	3		1		1		1	1	7
Municipality of Obiliq	1	3		2					6
Municipality of Malisheva	2	2		1			1		6
Municipality of Klina		2			1		3		6
Municipality of Viti	2			1	2			1	6
Municipality of Skenderaj	3			2					5
Municipality of Drenas	1	2		1				1	5
Municipality of Dragash	1			2					3
Municipality of Graçanica	1			1			1		3
Municipality of Vushtrri	2			1					3
Municipality of Suhareka						2			2
Municipality of Deçan				2					2
Municipality of Podujeva	2								2
Municipality of Prizren	1	1							2
Municipality of Rahovec	2								2
Municipality of Shtime	2								2
Municipality of Klllokot	1								1
Total:	94	37	4	50	38	14	13	7	257

Table no. 11 presents the types of rulings over complaints of 2015, filed against decisions of local administration institutions

9. EXECUTION OF BOARD 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 execute Board decisions.

Board decisions are final administrative decisions, and are mandatory to be executed 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 execute a Board decision represents a severe violation of working duties as per the Law on the Civil Service in the Republic of Kosovo.

In 2015, employment authorities had legal duty to execute **263** Board decisions, namely:

- **183** decisions approving complaint,
- **10** decisions partially approving complaint,
- **19** decisions thereby ordering employment authorities to issue administrative act, and
- **51** decisions thereby 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 follows that employment authorities have executed **221** decisions, thereby failing to execute **41** Board decisions. During the reporting period, a court ruling was issued to postpone deadline for execution in one (1) case.

Board decisions on complaints	Number of complaints	Decisions executed	Decisions unenforced	Deadline for execution not expired	Decisions suspended by Court ruling
Approved	183	146	36		1
Remand to review	51	47	4		
Order to decide	19	18	1		
Partially approved	10	10	0		
Total:	263	221	41	0	1

Table no. 12 represents the number of complaints, decisions executed, decisions unenforced, and decisions suspended by court decision

Execution of Board decisions by employing authorities

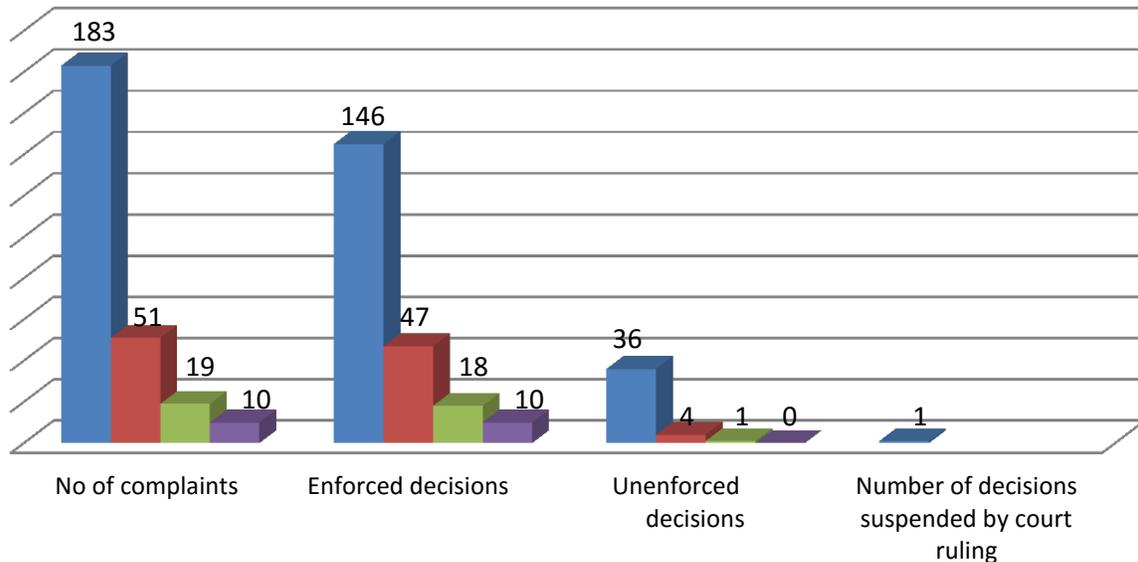


Chart no.6 presents the records of table no.12

The following table shows data on public administration that have not executed Board decisions, and the number of rulings failed to execute

Central administration institutions	Number of decisions
Municipality of Prishtina	13
Kosovo Police	5
Tax Administration of Kosovo	4
State Prosecutor	3
Ministry of Education, Science and Technology	2
Municipality of Lipjan	2
Municipality of Podujeva	2
Procurement Review Body	1
Police Inspectorate of Kosovo	2
Ministry of Foreign Affairs	1
Municipality of Malisheva	1
Municipality of Gjilan	1
Office of Auditor General	1
Municipality of Viti	1
Municipality of Skenderaj	1
Municipality of Gjakova	1
Total:	41

Table no. 13 presents the institutions of public administration failing to enforce Board decisions, and the number of unenforced decisions

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

During the reporting period, the Board has exercised its oversight duties as per 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 monitoring 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 working positions in the civil service, termination, suspension and conclusion of working relationship; disciplinary commissions and disciplinary procedures, and dispute and complaint resolution commissions within central and local public administration institutions.

By Decision no. 292/2015 of 30.01.2015, the Board approved the Monitoring Plan for 2015, thereby planning to monitor seventy-one (71) institutions at central and local levels.

Pursuant to the Monitoring Plan, the Board has executed forty-one (41) monitoring visits and has prepared forty-five (45) reports of the oversight of application of rules and principles of civil service legislation. In such reports on the application of rules and principles of civil service legislation for the Ministry of Foreign Affairs, included were the reports on the application of rules and principles of civil service legislation for embassies of the Republic of Kosovo in Ankara, Berlin and Bern.

In reports on the application of rules and principles of civil service legislation for institutions at central and local levels, the Board has identified and reported on 226 breaches of rules and principles of civil service legislation, and deriving from such breaches identified, the Board issued 179 recommendations for responsible persons in institutions monitored.

11. FUNCTION OF OBSERVATION OF RECRUITMENT PROCEDURE FOR MANAGERIAL LEVEL CIVIL SERVANTS

The function of observation of 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 2015, the Board has participated in 68 appointment procedures for civil servants of a managerial level.

Upon observing appointment procedures for civil servants to managerial positions, the Board issued a total of sixty-eight (28) decisions in 2015, thereby ruling whether such appointments of civil servants to managerial positions were made in compliance with rules and principles stipulated by the Law on the Civil Service of the Republic of Kosovo.

During 2015, the Board has taken part in 68 observation procedures in terms of appointment of civil servants to managerial positions. Out of 68 cases observed, the Board approved 34 recruitment procedures, and annulled 34 recruitment procedures, on grounds of 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 appointment procedures, and types of rulings over such procedures.

Institution	Civil service managerial positions	Annulment date
1. Ministry of Culture, Youth and Sports	1. Head of Division for Policy Coordination	28.12.2015
	2. Director of National Gallery of Kosovo	23.11.2015
2. Ministry of Trade and Industry	3. Director of Department for Private Sector Promotion	24.12.2015
	4. Director of Department for Private Sector Development	12.11.2015
	5. Director of Department for Private Sector	12.02.2015
	6. Head of Department of Trade	06.01.2015

3. Ministry of Internal Affairs	7. Head of Division for Cooperation with Domestic and International Organizations	17.12.2015
4. President of Kosovo	8. D/Director of Department for Legal Affairs and International Relations	09.12.2015
5. Election Complaints and Appeals Commission	9. Head of Legal Department	30.11.2015
6. Ministry of Labour and Social Welfare	10. Head of Labour Office 11. Head of Employment Office in Podujeva	12.11.2015 26.01.2016
7. Ministry of Infrastructure	12. Director of Department for European Integration and Policy Coordination	05.11.2015
8. Ministry of Economic Development	13. Director of Legal Department 14. Director of Department for European Integration and Policy Coordination for Economic Development 15. Director of State Museum of Crystals and Minerals-Trepça 16. Director of Department for European Integration and Policy Coordination for Economic Development	30.09.2015 20.04.2015 23.04.2015 16.07.2015
9. Kosovo Probation Service	17. Director of Department for Finance and General Services	13.10.2015
10. Municipality of Gjakova	18. Director of Museum 19. Chief of Culture Section	16.09.2015 16.09.2015
11. Municipality of Deçan	20. Chief of Education Section 21. Chief of Education Section	10.08.2015 15.09.2015
12. Municipality of Mitrovica	22. Chief of Public Communications Unit	14.09.2015
13. Ministry of Public Administration	23. Director of Department for Public Administration Reform Management 24. Director of Department for Public Administration Reform Management 25. Director of Department for Public Administration Reform Management	04.03.2015 16.07.2015 03.09.2015
14. Ministry of Justice	26. Head of Procurement Office	28.08.2015
15. University of Peja	27. Head of International Cooperation Office	31.08.2015
16. Ministry of Finance	28. Director of Central Department for Public-private Partnerships 29. Director of Legal Department	27.05.2015 06.07.2015
17. Ministry of Agriculture, Forestry and Rural Development	30. Director of Department of Forestry	25.03.2015

18. Kosovo Academy for Public Safety	31. Head of Strategic Planning Division	10.03.2015
19. Secretariat of the Independent Oversight Board for the Civil Service of Kosovo	32. Director of Department for Professional Support	02.03.2015
20. Municipality of Klllokot	33. Chief of Education Section	04.12.2015
21. Ministry of Local Government Administration	34. Head of Division for Budget and Finance	18.11.2015

Table no. 15 presents recruitment procedures for managerial level civil servants, which due to legal and procedural breaches were annulled by Board or employment authority decision, in total 34 recruitment procedures

The following table shows the recruitment procedures for managerial level positions approved by the Board as regular recruitment procedures.

Institution	Managerial Level positions	Date of approval
1. Municipality of Mitrovica	1. Director of PLSS „Mehë Uka” 2. Director of PLSS „Ismail Qemali” 3. Director of PLSS „Bedri Gjinaj” 4. Director of PLSS „Shemsi Ahmeti” 5. Director of PLSS „Bislim Imeri” 6. Director of PLSS „Xhevat Jusufi”	14.12.2015
2. Ministry of Foreign Affairs	7. Director of Department for International Organizations	14.12.2015
3. Municipality of Deçan	8. Chief of Education Section	01.12.2015
4. Ministry of Internal Affairs	9. Head of Division for Legislative Drafting 10. Director of Directorate for Document Production 11. Director of Department for Finance and General Services	03.11.2015 21.07.2015 16.06.2015
5. Ministry of Environment and Spatial Planning	12. Director of Department for European Integration and Policy Coordination for 13. Director of Directorate for Administration of Bjeshkët e Nemuna National Park	24.11.2015 20.04.2015
6. Ministry of Labour and Social Welfare	14. Head of Division for Monitoring Employment Offices	24.11.2015
7. Ministry of Trade and Industry	15. Director of Department of Trade 16. Head of Division for Trading Policies	17.06.2015 06.11.2015

8. Ministry of Finance	17. Director of Central Department for Public-Private Partnerships	06.10.2015
	18. Director of Department of Budget	06.10.2015
9. Ministry of Diaspora	19. Director of Department for Preservation and Cultivation of Education and Culture in Diaspora	09.09.2015
	20. Director of Department of Cultural Centres in the Diaspora.	
	21. Director of Department of Finance and General Services.	
10. Ministry of Economic Development	22. Head of Division of Information Technology	17.09.2015
	23. Director of State Museum of Crystals and Minerals-Trepça	10.08.2015
	24. Director of legal Department	18.10.2015
11. Kosovo State Archive Agency	25. Director of Department for Development Policy	07.08.2015
12. Ministry of Agriculture, Forestry and Rural	26. Director of Department of Forestry	29.05.2015
13. Statistical Agency of Kosovo	27. Director of Department of Administration	22.05.2015
14. Kosovo Academy for Public Safety	28. Head of Division of Strategic Planning	10.04.2015
15. Municipality of Prizren	29. Director of Secondary School – Remzi Ademaj	23.12.2015
	30. Director of Secondary School -Ymer Prizreni	
16. Ministry of Culture, Youth and Sports	31. Director General of National Theatre of Kosovo	15.12.2015
	32. Director of National Library of Kosovo „Pjetër Bogdani”	07.09.2015
17. University of Mitrovica	33. Head of Public Communications Unit	28.12.2015
18. Office of the Prime	34. head of Archives	18.11.2015

Table no. 16 presents the recruitment procedures for managerial level positions, approved by the Board as compliant with legislation.

12. RECOMMENDATIONS AND CHALLENGES OF THE BOARD

Despite numerous problems, both in terms of finance and human resources and capacities, and even lack of appropriate premises for work, and lack of support staff, the Board has managed to fulfil its constitutional and legal obligations to a satisfactory level in 2015.

Meanwhile, some of the problems and difficulties faced by the Board, in the past and the present, have prevented the Board from performing fully in exercising its functions.

The following is a presentation of some of the key challenges faced by the Board during the reporting period.

Even despite promises of the representatives of the Assembly and the Government of the Republic of Kosovo, namely the Ministry of Public Administration and the Ministry of Finance, the problems and difficulties faced by the Board in terms of budget and working premises remain unsolved. The Board continues to cope with difficulties in exercising its constitutional and legal functions.

Due to such difficulties, the Board could not fully comply with the Monitoring Plan for the implementation of rules and principles of civil service legislation by central and local public administration institutions in the Republic of Kosovo.

The following is a presentation of some of the key challenges faced by the Board during the reporting period.

- **Insufficient budget in goods and services** – is one of the challenges faced by the Board throughout the years, and specifically in 2015. These limitations have largely constrained the exercise of Board functions, specifically in exercising the function of oversight of implementation of rules and principles of civil service by central and local institutions, and diplomatic missions abroad. As a result of limited possibilities in implementing the Annual Monitoring Plan for 2014, namely due to budgetary constraints in covering mandatory expenditure, the Board was forced to reduce the number of monitoring sessions to the employing authorities.
- **Insufficiency of working premises** – the lack of sufficient premises in the building the Board is accommodated, namely the accommodation of 5-6 officials in an area of 20 m², has rendered the performance of Board members and officials difficult, in terms of review and resolution of complaints, holding hearing sessions and panel sessions for complaint review, and holding meetings of the Board. These premises or offices have conditions below any standard for efficient or effective work.

Despite all promises of members of the Assembly of the Republic of Kosovo, and the Government, namely the Ministry of Public Administration, and repeated demands by the Board to obtain sufficient working premises, no solution has so far been found for a functional building for the Board.

Current working areas fail to meet even the minimum criteria and standards of performance, for the Board to meet the requirements in an efficient and effective manner.

- **Failure to approve capital project budget requirements of the Board** – a justified request for purchasing newer and efficient vehicles, since the vehicles used currently by the Board have gone beyond amortization (manufactured between 1998 and 2002), and causing enormous costs of fuel and maintenance, hardly afforded by a small budget allocated to the Board

Pursuant to the above, the Board hereby recommends the Assembly of the Republic of Kosovo:

1. In case of budgetary review, to reflect upon the challenges presented with the current report, thereby increasing the budget of the Board, thereby enabling us to fulfil objectives set forth, pursuant to the constitutional and legal mandate, and preserving institutional independence.
2. To engage with its mechanisms and influence competent institutions to create better working conditions for the Board, for us to be able to perform our constitutional and legal obligations.

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 appointment 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 issue recommendations for competent institutions to rectify violations identified.

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

Also, the Board 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 seem to cause trouble in the operations of public administration institutions.

In parallel, the Board shall also present its problems and challenges in terms of collisions between certain categories of civil service and civil staff of the Constitutional Court, civil staff of the Kosovo Police, staff of the Tax Administration of Kosovo, inspectors of the Kosovo Police Inspectorate, diplomatic staff in diplomatic missions of the Republic of Kosovo, and managing and administrative staff in educational and vocational training institutions.

The assessment of relevant areas is based on the number of complaints received and reviewed, the rulings on such complaints, findings and recommendations from the monitoring activities on institutions, and oversight processes in appointment of managerial level civil servants.

1. Recruitment with the civil service

During 2015, the Board has reviewed and ruled on 163 complaints related to recruitment procedures. Out of such complaints, the Board has approved 80 complaints, thereby annulling such recruitment due to legal and procedural breaches.

During 2015, the Board has taken part in 68 observation procedures, in cases of appointment of managerial level civil servants. Out of 68 procedures observed, the Board has annulled 34 recruitment procedures due to legal and procedural violations. The Board concludes that this is a concerning fact, since 50% of appointment procedures for managerial level officials were annulled due to legal and procedural violations by public administration institutions.

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 and admission of civil servants to the civil service (in promotion procedures or external recruitment). Based on the records collected in its exercise of constitutional and legal functions, namely in complaint review, observation of appointment of managerial level civil servants, and in oversight of application of rules and principles of civil service legislation, the Board has concluded that most

of the violations in recruitment processes are related to:

- Failure to observe deadlines for recruitment procedures;
- Failure to obtain authorization for recruitment publication from the DCSA/MPA;
- Issuance of authorization for publication by the DCSA/MPA with different criteria for similar positions;
- Establishment of Civil Service Selection Commission (CSSC) in violation of legal provisions;
- Failure of CSSC in calculating working experience of incumbents for admission into civil service;
- Preparation of written and oral tests in violation of legal provisions.

The Board hereby recommends the Ministry of Public Administration to amend the Regulation 02/2011 on Recruitment Procedures for the Civil Service, since it considers that recruitment procedures must be simplified, while complaint timelines must be shortened.

The Board has also found that the Ministry of Public Administration has begun implementing the electronic system of approving recruitment procedure authorizations, albeit without making necessary amendments to the Regulation 02/2011 on Recruitment Procedures for the Civil Service, in determining the procedures and steps of such an electronic processing system.

In amending the Law on Civil Service, one would need to analyse the possibility of application of a centralized recruitment system for the civil service, since the latter is thought to be positive in terms of reaching higher standards of recruitment in the civil service and in terms of fulfilling objectives of merit-based employment and other principles of civil service.

2. Disciplinary Committees and Disciplinary Procedures

The Board has in 2015 reviewed and resolved 134 complaints related to disciplinary measures imposed by Disciplinary Committees: Board Panels have reviewed 79 complaints related to decisions of Disciplinary Committees, thereby approving 40 complaints, and invalidating thus decisions of Disciplinary Committees, and have rejected 39 complaints, thereby upholding the decisions of Disciplinary Committees. In 76 complaints, the Board did not review the merits of such complaints, because they were dismissed as inadmissible, or the Board declined jurisdiction, or decided to conclude administrative proceedings.

In 2015, the Board has reviewed 134 complaints against decisions of Disciplinary Committees, of which it has approved 28 complaints, thereby annulling the decisions of Disciplinary Committees, and has rejected as ungrounded 35 complaints, thereby upholding decisions of Disciplinary Committees. The Board did not review the merits of 71 complaints, since such complaints were dismissed as inadmissible, or declining jurisdiction, or decided to terminate the administrative proceeding.

Based on the complaints reviewed in 2015, the Board has found that Disciplinary Committees have in many cases been unable to conduct their proceedings in compliance with legal provisions and timelines, or have not managed to determine the disciplinary measure in response to the breaches

identified, thereby rendering such decisions absolutely invalid and null. This fact demonstrates that Disciplinary Committees must be much more prudent in terms of exercising their functions, in compliance with procedures, because exceeding legal timelines by the Commission may cause irreparable damage to the institution, having in mind that the alleged violator, although it is proven as a violation, may be reinstated to his/her position due to the procedural violations of such Committees.

Based on records collected in its exercise of constitutional and legal duties, the Board has found that the most frequent violations in disciplinary proceedings are the following:

- Establishment of the Disciplinary Committee in violation of Article 70 of the Law on Civil Service;
- Initiation of disciplinary proceedings by an inappropriate authority;
- Failure to observe legal deadlines in terms of initiation and proceedings;
- Imposing disciplinary measures in violation of primary and secondary legislative acts;
- Drafting of decisions in contradiction with the format and content as provided by legal provisions in the Law on Administrative Procedure.

The Board has identified that members of such Disciplinary Committees have not attended mandatory training workshops related to disciplinary proceedings, and that there is an urgent need of holding training workshops for chairpersons and members of Disciplinary Committees in institutions of central and local administration.

3. Complaint and Dispute Resolution Commissions

The Board has found that out of the total number of complaints reviewed and adjudicated in 2015, a total of 183 complaints were reviewed, and partially approving 10 complaints, thereby annulling decisions of Complaint and Dispute Resolution Commissions, and rejecting 110 complaints and upholding decisions of such Complaint and Dispute Resolution Commissions.

Based on the complaints reviewed in 2015, the Board has found that the establishment of Complaint and Dispute Resolution Commissions was made in contradiction to the Law no. 03/L-149 on the Civil Service of the Republic of Kosovo, section on the composition of Complaint and Dispute Resolution Commissions, because such commissions were established on the basis of Regulation no. 05/2011 on Procedures for Resolving Disputes and Complaints.

Based on the complaints reviewed in 2015, the Board has found that Complaint and Dispute Resolution Commissions in many cases were not able to properly ascertain the situation of fact and law in decisions of Disciplinary Committees, and consequently, did not pursue procedures as provided by legal provisions and the timelines. In some cases, the Complaint and Dispute Resolution Commissions rendered their decisions beyond legal deadline, thereby rendering acts which are absolutely null and void.

Based on data collected in its exercise of constitutional and legal functions, the Board has found that the most frequent violations in complaint proceedings by the Complaint and Dispute Resolution Commissions were the following:

- Establishment of Complaint and Dispute Resolution Commissions in contradiction with the Article 82 of the Civil Service Law;

- Failure to observe legal timelines in conducting complaint proceedings;
- Remand to review by the disciplinary commission, in contradiction with the procedure;
- Preparation of decisions in breach of format and content as provided by legal provisions of the Law on Administrative Procedure.

The Ministry of Public Administration must take measures in amending the Regulation no. 05/2011 on Complaint and Dispute Resolution procedures, in provisions on composition and duration of term of chair and members of such Commissions, to ensure compliance with the Civil Service Law.

The Board has found that members of Complaint and Dispute Resolution Commissions have not attended mandatory training on issues related to procedures in resolving disputes and complaints, and therefore, it is of critical importance to hold training workshops for chairs and members of Complaint and Dispute Resolution Commissions.

4. Classification of working positions in civil service

The majority of public administration institutions have already filed their proposals to the Ministry of Public Administration in terms of classification and systematization of working positions, in due observation of their internal regulations and provisions of the Regulation no. 05/2012 on Classification of Working Positions in the Civil Service of Kosovo. Based on Monitoring Reports on the application of rules and principles of civil service legislation in public administration institutions, the Board has found that a small number of institutions, a total of five (5), have not filed their proposals with the MPA in relation to classification and systematization of working positions, and on such grounds, the Board has issued recommendations to employing authorities to conclude the classification of working positions and in the shortest timeline, to submit their proposals to the MPA.

The Board praises the activities taken by the Government of the Republic of Kosovo, namely the Ministry of Public Administration and the Ministry of Finance, but finds that the process of classification and systematization of working positions in the civil service is not finalized, and that process is necessary to enable a standardized payroll system, and full application of the performance assessment process.

5. Performance Assessment

Based on Monitoring Reports on the application of rules and principles of civil service legislation in public administration institutions, the Board has found that in 24 institutions of public administration, violations were made since the managing staff have not completed the performance assessment of their subordinates for the calendar year.

The Board has concluded that in the majority of public administration institutions, the performance assessment of civil servants continues to observe an earlier Administrative Instruction, due to the difficulties in implementing the Regulation no. 19/2012 on Performance Assessment of Civil Servants.

The Board has found that the performance assessment is not compliant with objectives and activities of civil servants, because in many cases, annual performance plans for civil servants

upon which the performance would be assessed are missing.

The Board found that in many cases, performance assessment is made beyond legal timelines, and in some other cases, performance assessment has not been made for years in positions of managerial level and positions of senior managerial level.

The Board would appreciate the activities of the Kosovo Institute for Public Administration in including training workshops on performance assessment for civil servants in their annual work plans.

6. Civil Servant transfers

Based on Monitoring Reports on the application of rules and principles of civil service legislation in public administration institutions, and based on complaints reviewed in 2015, the Board has concluded that in 27 public administration institutions, transfers of civil servants were conducted in violation of Article 28 of the Law on the Civil Service of the Republic of Kosovo, and Regulation no. 06/2010 on Transfers of Civil Servants.

In permanent transfers of civil servants, the breaches have mainly involved the lack of consent of civil servants, which is one of the key conditions for such permanent transfers to be lawful.

In temporary transfers of civil servants, breaches have mainly involved the failure to determine the duration of such temporary transfers.

7. Leaves in civil service

Based on Monitoring Reports on the application of rules and principles of civil service legislation in public administration institutions, the Board has concluded that leaves of civil servants are mainly proceeded in compliance with the provisions of the Regulation no. 06/2011 on Leaves of Civil Servants. During 2015, the Board has only received a modest number of 9 complaints related to the leaves of employees.

The Board also recommends the public administration institutions to not allow for leaves of staff contracted for special services in contradiction to the rules on special service staff members.

8. Personnel Files

Based on Monitoring Reports on the application of rules and principles of civil service legislation in public administration institutions, the Board has found that personnel file administration and maintenance is improving towards the observation of standards set forth by law. In only a small number of public administration institutions, personnel files are found to be held in unsafe premises. The Board has found that personnel files are not updated pursuant to rules, thereby attaching the promotion and professional advancement of civil servants. The Board has instructed the human resource managers in strictly applying Article 5, paragraph 2 of the Regulation no. 03/2011 on Files and Central Registry of Civil Servants of the Republic of Kosovo, and to obtain records on the civil state and criminal files of recruited applicants.

14. REPORT ON BUDGET EXECUTION BY THE BOARD

The Budget allocated to the Board, as per the Law no. 05/L-001 on the Budget of the Republic of Kosovo in 2014, was **282.303.00 Euros**, while the final budget in the KFMIS was **278.441.00 Euros**.

No	Economic Categories	Budget approved by Law no. 04/L-233	Amendments authorized by Government Decisions	Amendments authorized by Government Decisions	Final Budget - SIMFK
1	Salaries and per diems	226.076.00	222.214.00	3.862.00	222.214.00
2	Goods and services	52.402.00	52.402.00	00	52.402.00
3	Utilities	3.825.00	3.825.00	00	3.825.00
4	Capital expenditure	-00	00	00	00
	Total	282.303.00	278.441.00	3.862.00	278.441.00

Table no.17 presents the allocation of funds by economic category

From the table above, it is visibly clear that there is a difference between the approved budget and the final budget in all economic categories.

In the economic category of **Salaries and Perdiems**, the difference is 3.862.00 €. This difference is due to the reduction of the salary line by mid-term budget review, as per Law no. 05/L-046.

- Initial approved budget for 2015, Salaries and Perdiems226.076.00 €
- Reduction of Salaries and Perdiems line budget, as per Law no. 05/L-046..... 3.862.00 €
- **Final budget for the category in 2015..... 222.214.00€**

In the economic category of **Goods and Services**, in the year of 2015, the budget remained the same. In the economic category of **Utilities**, in the year of 2015, the budget remained the same.

During 2015, from the budget approved by the Assembly of the Republic of Kosovo, the Board has executed a total of **99.44%** of the budget. The division of budget funds implemented by economic categories is the following:

- **Economic category Salaries and Perdiems:** budget spent in a rate of **99.72%**.
- **Economic category Goods and Services:** Budget spent to the rate of **99.39%**.
- **Economic category Utilities:** Budget spent to the rate of **83.33%**.

No.	Budget code	Final budget	Executed	Unspent	Expressed in %
1	Salaries and per diems	222.214.00	221.601.80	612.20	99.72
2	Goods and services	52.402.00	52.082.48	319.52	99.39
3	Utilities	3.825.00	3.187.24	637.76	83.33
4	Capital expenditure	00	00	00	00
	Total	278.441.00	276.871.52	1.569.48	99.44

Table no.18 presents budgetary expenditure by economic categories

15. COOPERATION OF THE BOARD WITH OTHER INSTITUTIONS

During 2015, 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 Committee for Public Administration. The Board extended full collaboration to the Ministry of Public Administration, within bounds of constitutional functions and responsibilities of the Board, in terms of oversight of lawfulness in the civil service.

The Independent Oversight Board for the Civil Service of Kosovo, in coordination and cooperation with the Association of Kosovo Municipalities, within the framework of exercising constitutional and legal powers on oversight of application of civil service legislation in public administration institutions, held a meeting with the Municipal Mayors of Kosovo.

In its cooperation with the Kosovo Judicial Institute, the Chair of the Board held a training involving “Judicial Proceedings in Employment Disputes”, with a special emphasis on judicial proceedings for disputes in civil service employment in the Republic of Kosovo, a training provided within the framework of Continued Legal Education Program for judges and prosecutors.

Also, the Board held another training on “Functions and powers of the Independent Oversight Board for the Civil Service of Kosovo” for twenty-seven (27) potential candidates for judges and prosecutors attending training in the Kosovo Judicial Institute.

The Board also held a special meeting with personnel managers in the Prime Minister’s Office and all ministries of the Government of Kosovo, to discuss about problems, challenges and legislation on civil service.

In cooperation with the Kosovo Institute for Public Administration, Board members have held different lectures in recruitment procedures, disciplinary proceedings, complaint procedures, and the procedure of oversight of managerial level civil servant recruitment procedures.

During 2015, the Board has enjoyed great cooperation with international agencies, thereby emphasizing cooperation with the OSCE, GIZ and SIGMA.

In terms of international cooperation, we must emphasize the visit paid to the Board by the Finnish Ambassador to Kosovo, Mrs. Anne HUHTAMÄKI and Mr. Jouni Lehtimäki, head of Legal Unit in the European Union Special Representative Office, and the agreement on exchange of experience between the Board and similar institutions in Finland.

In terms of enhancing international cooperation, the Board has enjoyed the excellent cooperation of relevant institutions in Turkey, and especially with the Chairman of the State Personnel Department, Mr. Mehmet Ali KUMBUZOĞLU, and the Ombudsperson of Turkey, Mr. Nihat OMEROĞLU, with whom it has exchanged best practices and experience in the area of public administration.

Also, the Board has made its efforts to ensure open cooperation with online and press media,

thereby ensuring physical access to all premises and processes of the Board, and enabling access to any document or information required.

16. COMPARISON OF BOARD PERFORMANCE IN 2014 AND 2015

16.1 Complaint review function

The following text presents the data on the performance of the Board in 2015, compared to the same period in 2014, in compliance with the requirements and format of the Working Report.

In 2015, the Board has received a total of 613 complaints, while in 2014, the Board received 689 complaints. Deriving from such numbers, it may be concluded that the Board has received 76 complaints less in 2015.

During 2015, the Board has also reviewed 77 complaints carried over from 2014 for review in 2015, apart from the new 613 complaints received in 2015. Based on such figures, it follows that the Board has had for review a total of 690 complaints. In 2015, the Board has reviewed the merits of 632 complaints, and carried over 58 complaints for review within legal deadline in 2016.

In 2013, the Board had reviewed the merits of 440 complaints, while 38 complaints were carried over for review in 2014, within legal deadline.

Based on such records, it may be concluded that in 2014, the Board had for review 247 complaints in excess of 2013 numbers.

In 2015, employing authorities had a total of 263 Board decisions to enforce and implement. Out of 263 decisions, in 2015, employing authorities have enforced 221 decisions, thereby failing to enforce 54 decisions. In 3 cases, the court had ruled on postponing execution.

In 2015, 40 more Board rulings were enforced in comparison to 2014.

No.	Complaints/decisions	2015	2014	Difference	Comparison of complaints and decisions
1.	Complaints received	689	613	-76	The Board has received 76 complaints fewer in 2015 compared to 2014
2.	Complaints under review of the Board	727	690	-37 ↓	The board has reviewed 37 complaints fewer in 2015 compared to 2014
3.	Board decisions on complaints	650	632	-18 ↓	In 2015, the Board has rendered 18 decisions fewer than in 2014
4.	Executable decisions	241	263	22 ↑	In 2015, employment authorities have had 22 more decisions to enforce compared to 2014

5.	Decisions executed	181	221	40 ↑	In 2015, 40 decisions more were enforced in comparison to 2014
6.	Decisions unenforced	54	41	+13 ↑	In 2015, we marked an increase in terms of enforcement of decisions, and 13 decisions was the difference in unenforced decisions with 2014
7.	Complaints carried over to following year	77	58	-19 ↓	19 complaints fewer were carried over from 2015 to 2016, compared to the carried over from 2014 to 2015

Table no.19 presents a comparison of complaints received, complaints under review, and rulings rendered during 2015 and 2014.

16.2. The function of observation of recruitment procedures for managerial level civil servants

During 2015, the Board has taken part in 68 observation processes in recruitment and appointment of managerial level civil servants. From 68 appointment procedures observed, the Board has approved 34 recruitment procedures, and annulled 34 recruitment procedures, on grounds of legal and procedural breaches.

In 2014, the Board had taken part in 44 cases of observation of appointment of managerial level civil servants. Out of 44 procedures observed, the Board approved 28 recruitment procedures, thereby annulling 16 recruitment processes, on grounds of legal and procedural breaches.

Based on such records, one may conclude that the Board has observed 24 recruitment procedures for managerial level civil servants in excess of 2014 numbers.

In 2015, the Board approved 6 recruitment procedures for managerial level civil servants more than in 2014.

In 2015, the Board annulled 18 recruitment procedures for managerial level civil servants more than in 2014.

No.	Observation procedure	2014	2013	Difference	Compared observation procedures
1	Observation procedures recruitment of managerial level civil servants	68	44	24	In 2015, the Board has overseen 24 more recruitment procedures compared to 2014
2	Procedures approved	34	28	6	In 2015, the Board has approved 6 recruitment procedures more than in 2014
3	Procedures annulled	34	16	18	In 2015, the Board has annulled 18 recruitment procedures more than in 2014

Table no.20 presents a comparison of observation procedures between 2015 and 2014

16.3. Function of oversight of application of rules and principles of civil service legislation

In 2015, the Board engaged into forty-one (41) monitoring visits, and prepared oversight reports on the application of civil service legislation rules and principles.

In its reports of 2015 on the application of rules and principles of the civil service legislation in 41 local and central administration institutions, the Board found and reported 226 breaches of rules and principles of the civil service legislation, and issued 179 recommendations for responsible officials of such monitored institutions in rectifying such breaches.

In 2014, the Board had undertaken forty-eight (48) monitoring visits.

Based on such records, it may be concluded that the Board, in 2015, has monitored 7 institutions less than in 2014.

In 2015, due to its capacity and budgetary constraints, the Board failed to undertake more monitoring exercises, though it aims to conduct 77 monitoring visits.

No.	Oversight function	2014	2013	Difference	Compared oversight in 2014 and 2013
1	Monitoring visits undertaken	41	48	-7	In 2015, the Board has monitored 7 institutions less than in 2014

Table no.21 presents a comparison of oversight function between 2015 and 2014

17. BOARD ACTIVITIES IN DEFENDING RULINGS BEFORE COURTS

During the reporting period, and based on data in our possession, in terms of appearance before courts of the country to defend Board rulings, the Board has received seventy (70) rulings from the Basic Court in Prishtina.

The Board has filed 70 replies to claims filed against decisions of the Board.

During the reporting period, the Board has received 110 court rulings, of which 57 judgments, of which, thirteen (13) judgments ordering the Board to review its decisions, while in 44 judgments, the courts have decided to uphold Board decisions and to reject claims made against them.

Also, during the reporting period, the courts have issued 53 decisions, of which 19 decisions rejecting institutions' claims to postpone execution of Board decisions.

In 34 court decisions, the courts have dismissed claims, have declined jurisdiction, suspended proceedings or terminated proceedings.

Also, during the reporting period in terms of appearance of the Board before court, professional associates have appeared in 75 court sessions before the Basic Court in Prishtina – Department for Administrative Issues.

18. RECOMMENDATIONS FOR PUBLIC ADMINISTRATION INSTITUTIONS

In its exercise of constitutional and legal functions in oversight of application of civil service legislation rules and principles by local and central public administration institutions of the Republic of Kosovo, the Independent Oversight Board for the Civil Service of Kosovo hereby lists some of the most important recommendations for the proper operation of public administration, in compliance with legislation and recognized standards of public administration.

Recommendations are addressed to the Assembly of the Republic of Kosovo, the Government, Ministry of Public Administration, Ministry of Finance, and key managers of public administration institutions at local and central levels.

1. The Assembly and the Government of Kosovo must take all efforts to enforce all decisions of the Independent Oversight Board for the Civil Service of Kosovo, beyond efforts made in 2015, and thereby already influencing the enforcement rate for Board decisions;
2. The Assembly, the Government of Kosovo and the Ministry of Public Administration must take all efforts to halt all changes in status of civil servants by legal or secondary acts, apart from cases and exemptions provided by the civil service legislation;
3. Eliminate problems and challenges raised by managers of institutions in terms of application of civil service legislation on certain categories of civil service: civilian staff of the Kosovo Police, civil staff of the Constitutional Court, the staff of the Tax Administration of Kosovo, inspectors of the Kosovo Police Inspectorate;
4. Eliminate legal collisions and uncertainties on the status, recruitment procedure and qualification criteria for managing and administrative staff in educational and vocational training institutions;
5. Amend the Law on Civil Service, in due consideration of challenges and difficulties identified in application, and pursuant to recommendations and suggestions of relevant institutions;
6. Review the possibility of establishing a centralized recruitment system for the civil service;
7. Finalization of classification process, and approval of ranks in the civil service;
8. Amendment of the Regulation on Recruitment Procedure;
9. Amendment of the Regulation on Disciplinary Proceedings;
10. Amendment of the Regulation on Complaint Procedures;

11. Amendment of the Regulation on Classification of Working Positions in the Civil Service;
12. Amendment of the Regulation on Transfer of Civil Servants;
13. The Ministry of Public Administration must adopt a Regulation on procedures of recruitment for special services, and halt the hiring of people without any procedure or criteria;
14. Observe legal deadlines and procedures on appointment of acting officers in managing positions, and eliminate violations of the Law in terms of exceeding the 3-month deadline for such acting officers, as provided by Article 30, paragraph 4 of the Law no. 03/L-149 on the Civil Service of Kosovo;
15. Observe provisions in primary and secondary legislation related to mutual recognition of degrees, and include such criterion in recruitment procedures,
16. Observe legal provisions on preventive suspension of civil servants, as per Article 69 of the Law no. 03/L-149 on the Civil Service of the Republic of Kosovo.

The Independent Oversight Board for the Civil Service of Kosovo, in its exercise of constitutional and legal functions in oversight of application of civil service legislation rules and principles by local and central public administration institutions, in exercising its function of review of complaints, observation of promotion/recruitment procedures for managerial level servants, and function of monitoring implementation of rules and principles of civil service legislation principles by local and central public administration institutions, has identified the violations, challenges and gaps in the performance of civil servants.

Based on all findings and conclusions of the Board, and in due consideration of permanent requests by civil servants, personnel managers and chief administrative officers in institutions, in addressing recorded legal and procedural weaknesses, and always in an effort of training and advancing civil servants and creating a responsive and professional administration, the Board has identified the areas in which training is required for civil servants at managerial and professional levels.

In due respect of powers and responsibilities of the Kosovo Institute for Public Administration, and especially in its periodical identification and assessment of needs for training of civil servants at central and local levels, offering training workshops for training of civil servants at central and local levels, and in coordinating activities with institutions at central and local levels, upon a meeting held with KIPA officials, and in our common assessment of training needs, the Board has filed an official request to the Kosovo Institute for Public Administration to include in its training plan the following civil service training workshops:

1. Administrative law;
2. Civil service recruitment procedure;

3. Drafting official letters and administrative acts;
4. Promotion procedures in civil service;
5. Transfer procedures in civil service;
6. Disciplinary procedure, termination, suspension and conclusion of employment with civil service;
7. Dispute and complaint resolution procedure in civil service;
8. Recruitment of school and vocational training facility directors and deputy directors;
9. Regulation and content of personnel files for civil servants;
10. Probation work in civil service;
11. Performance assessment for civil servants;
12. Leave procedures in civil service.
13. Administrative conflict.

In organizing such specific training workshops in proposed areas, we have taken into account the facts and data obtained in resolving more than 600 complaints, in our monitoring of institutions and in oversight of recruitment procedures. There have been many cases in which due to errors, uncertainties or inaccurate application of legal provisions by relevant officials or commissions, the Board had to annul recruitment or transfer procedures, and in many cases, the Board has reinstated many civil servants who have indeed violated their contracts, but disciplinary proceedings against them were not in compliance with the procedure and law, thereby adversely impacting the administration, but also the budget of the Republic of Kosovo.