



Republika e Kosovës
Republika Kosova-Republic of Kosovo



KËSHILLI I PAVARUR MBIKËQYRËS PËR SHËRBIMINCIVIL 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 2014

Prishtina
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1. EXECUTIVE SUMMARY

The annual report for 2014 contains detailed records and information on all activities and work done by the Independent Oversight Board for the Civil Service of Kosovo.

The report contains records on activities undertaken within the function of resolving complaints of civil servants and candidates for recruitment with the civil service, the function of monitoring proceedings of appointment of civil staff at managerial positions, and the function of oversight of implementation of rules and principles of civil service legislation, and other activities of the Board.

Through 2014, the Board has managed to review and decide on the merits of 650 complaints of civil servants and incumbents for recruitment with the civil service, out of a total of 689 complaints received in 2014 and 38 complaints carried over from 2013 for resolution in 2014.

In 2014, the Board has taken part in 44 observation procedures to observe the process of appointing managerial level civil servants. Out of 44 procedures observed, the Board has annulled 16 procedures due to legal and procedural violations, and approved 28 recruitment procedures for civil staff at managerial levels.

Within its function of oversight of compliance with legislation rules and principles in compliance with the Monitoring Plan, the Board has undertaken forty five (45) monitoring visits and has prepared forty five (45) reports of compliance assessment with rules and principles of civil service legislation.

In civil service legislation compliance assessment reports for 45 institutions at central and local levels, the Board has identified and reported on 265 breaches of rules and principles of civil service legislation, and has issued 178 recommendations for responsible officials in institutions monitored against such breaches.

Despite the fact that three (3) members of the Board had expired their terms, with the second half of the 2014 year, the Board has managed to invest more efforts in coping with the large volumes of work, compared to the previous year, and mark progress in the resolving complaints and rendering decisions on matters in full compliance with legislation.

Throughout the reporting period, the Board has coped with insufficient working premises, rooms for meetings, professional sessions or hearing sessions and budget limitations, challenges which are also expected to be carried over in 2015 as well.

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
- Legal and sub-legal provisions related to the civil service and the scope of activities of the Board.

Upon analysing the existing secondary legislation, the Board has managed, in 2014, to develop and adopt the essential regulations, with all due amendments and supplements, namely:

- 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. 03/2014 on Internal Organization and Systematization of Working Positions in the Independent Oversight Board for the Civil Service of Kosovo,
- Regulation no. 04/2014 amending the Regulation no. 01/2014 on the Work of the Independent Oversight Board for the Civil Service of Kosovo, and
- Regulation no. 05/2014 amending 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 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.

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.

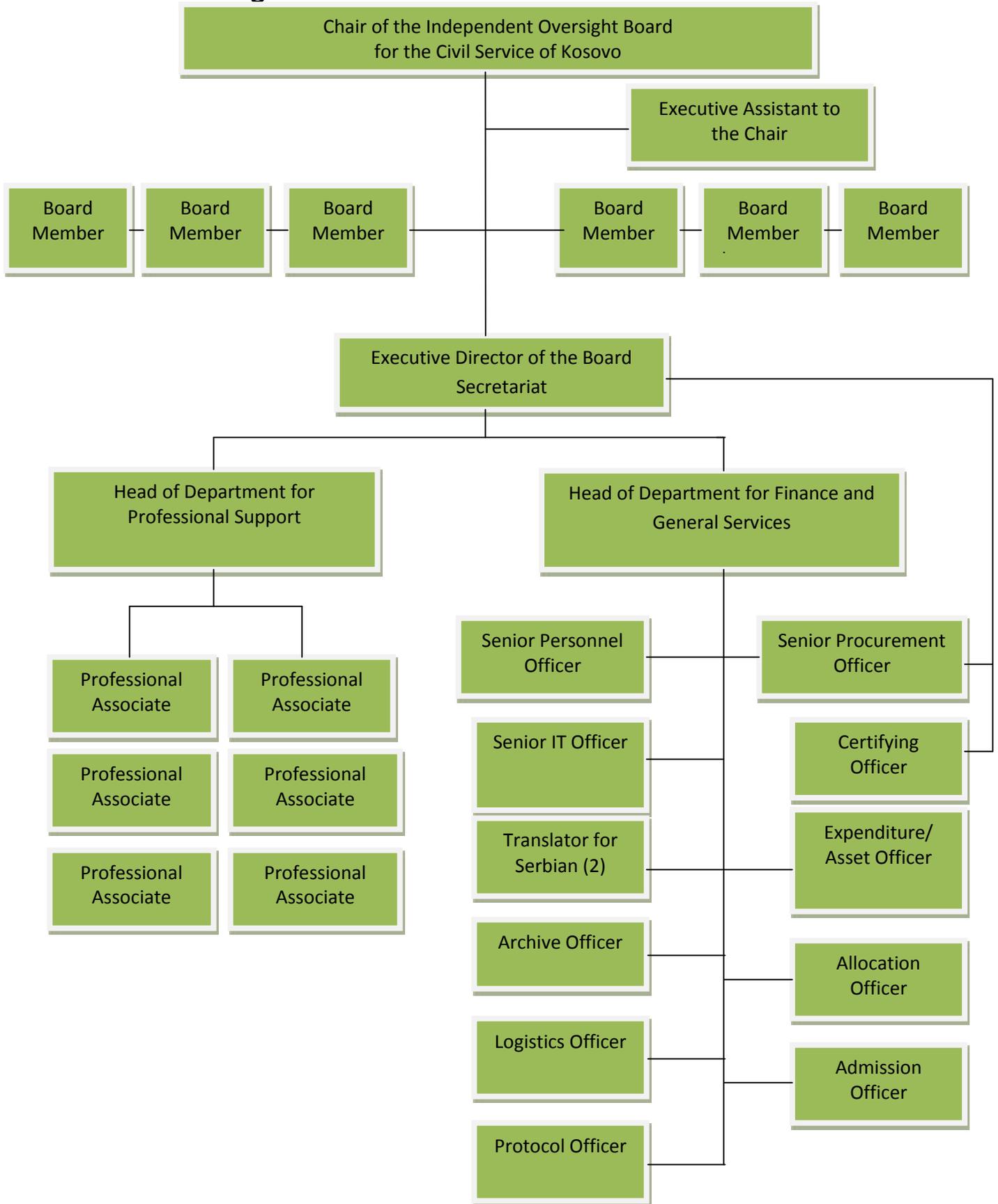
The provisions of this Law have also determined the composition of the Board, thereby providing that the Board shall be composed of seven (7) members, appointed by the Assembly of the Republic of Kosovo, pursuant to open and transparent procedures, and also provided that the composition of the Board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

At the onset of the second half of the year 2014, three (3) members of the Board had expired their terms in office, and therefore, until the end of the year, the Board only operated with four members.

THE SECRETARIAT of the Board assists the Board in performing its functions and duties, in accordance with 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 Secretariat is chaired by the Executive Director. The Secretariat is composed of the Department for Professional Support and the Department for Finance and General Services. The Secretariat has employed 18 civil servants.

Organizational Chart of the Board and Secretariat



5. BOARD ACTIVITIES IN THE REPORTING PERIOD - 2014

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 2014**.

5.1. COMPLAINT REVIEW FUNCTION

During 2014, the Board has received a total of 689 complaints filed by the civil servants, and incumbents for recruitment with the Civil Service of the Republic of Kosovo.

Apart from the **689** complaints received, the Board has also had for review 38 complaints carried over from 2013 for resolution in 2014. Based on such figures, it may be concluded that the Board has in 2014 had under review a total 727 complaints.

The Board has decided on the merits of 650 complaints, while 77 complaints were carried over for resolution within the legal deadline in 2015.

This report contains statistical records for complaints received by:

Object of complaint,

1. Gender structure of complainants,
2. Ethnic structure of complainants, and
3. 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	Material compensation	199	28.88%
2	Disputed recruitment	178	25.83%
3	Termination of working relationship	111	16.11%
4	Transfer	43	6.24%
5	Disciplinary measure	39	5.66%
6	Demotion	25	3.62%
7	Preventive suspension	20	2.90%
8	Violation of right to pay	18	2.61%
9	Failure to extend working contract	14	2.03%
10	Other	11	1.59%
11	Against appointment of acting in duty	10	1.45%
12	Issuance of act of appointment	5	0.72%
13	Performance assessment	5	0.72%
14	Promotion issue	5	0.72%
15	Failure to enforce decision of Complaints Commission	4	0.58%
16	Agreed suspension	2	0.29%
	Total:	689	100%

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

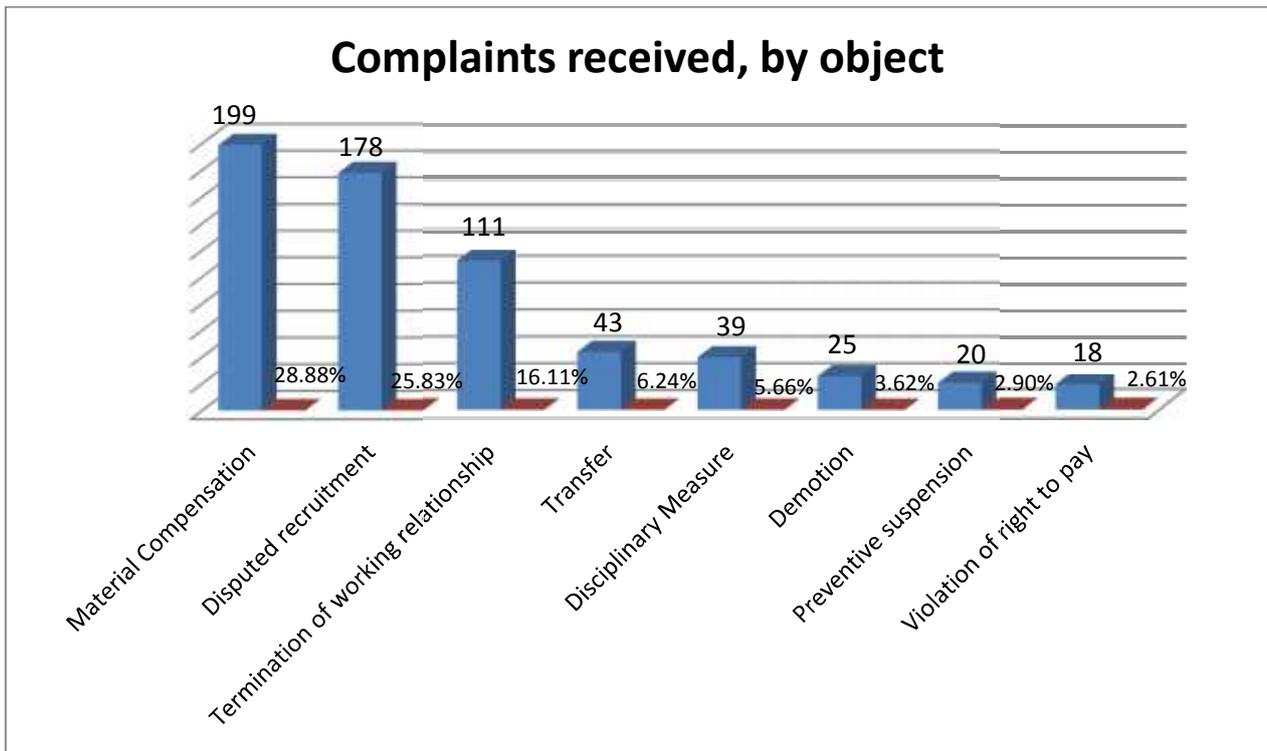


Chart no. 1 presents the table 1 data.

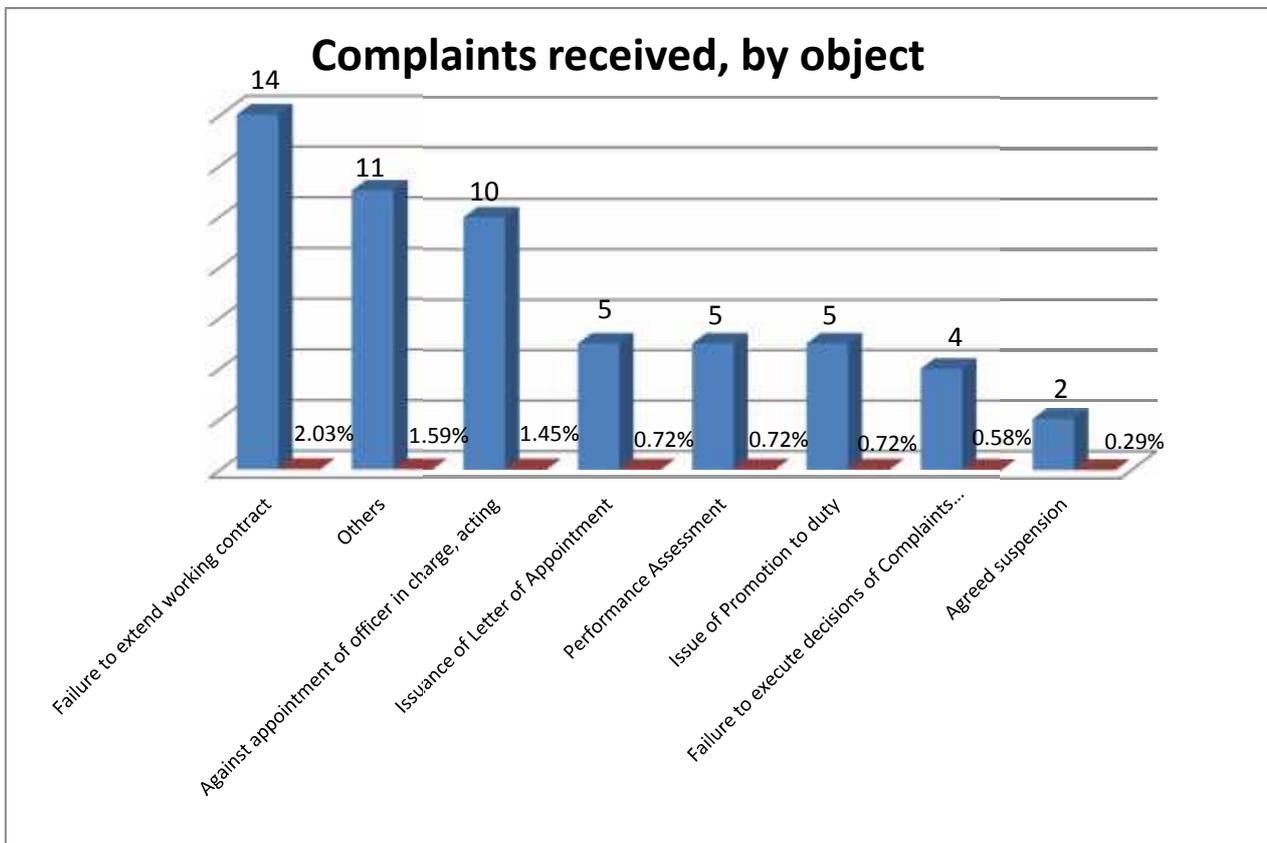


Chart no. 1 continued.

5.1.2. Complaints received by gender structure of complainant

Out of 689 complaints received in 2014, 486 complaints or 70.53% of the total number of complaints were received from male complainants, while female complainants have filed 203 complaints, or 29.47% of the total number of complaints.

No	Complaints received by gender structure	Number of complaints	Percentage
1	Male	486	70.53%
2	Female	203	29.47%

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

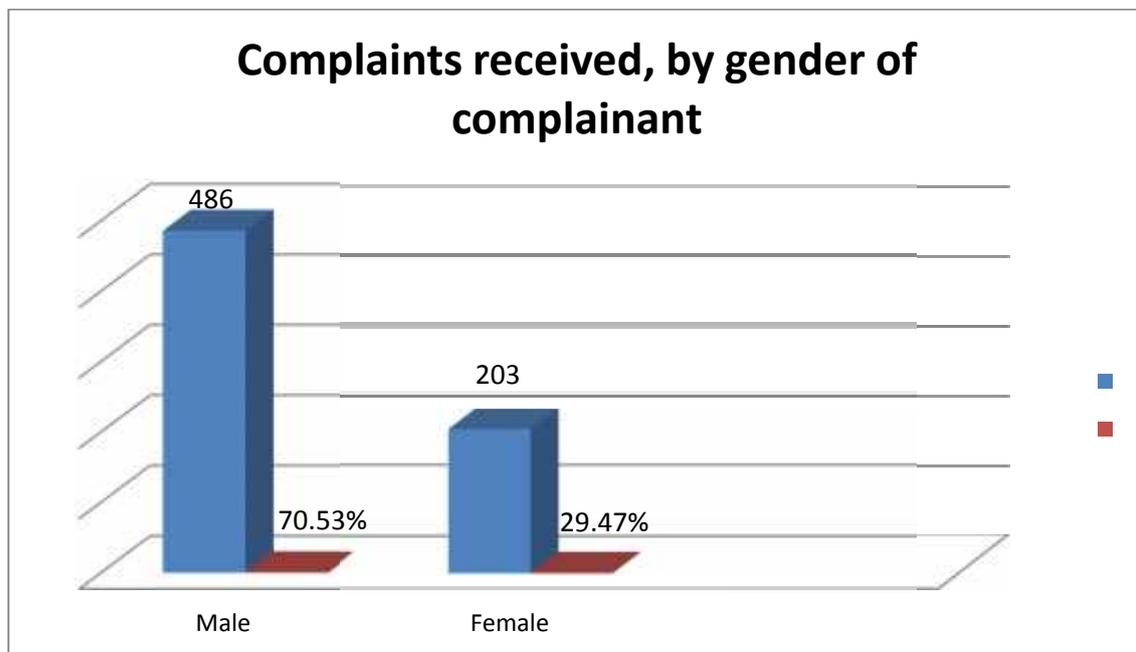


Chart no. 2 reflects data of table no. 2

5.1.3. Complaints received, by ethnic structure of complainants

From 689 complaints received in 2014, complainants of Albanian ethnicity have filed 632 complaints, or 91.72% of the total number of complaints, while from Serbian ethnicity complainants, 46 complaints, or 6.67% of the total number of complaints, 9 complaints or 1.30% of the total number of complaints were received from Bosnian ethnicity complainants, and from Turkish community complainants, 2 complaints or 0.29% of the total number of complaints.

No.	Complainants received, by ethnicity of complainants	Number of complaints	Percentage
1	Albanian	632	91.72%
2	Serb	46	6.67%
3	Bosnian	9	1.30%
4	Turkish	2	0.29%

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

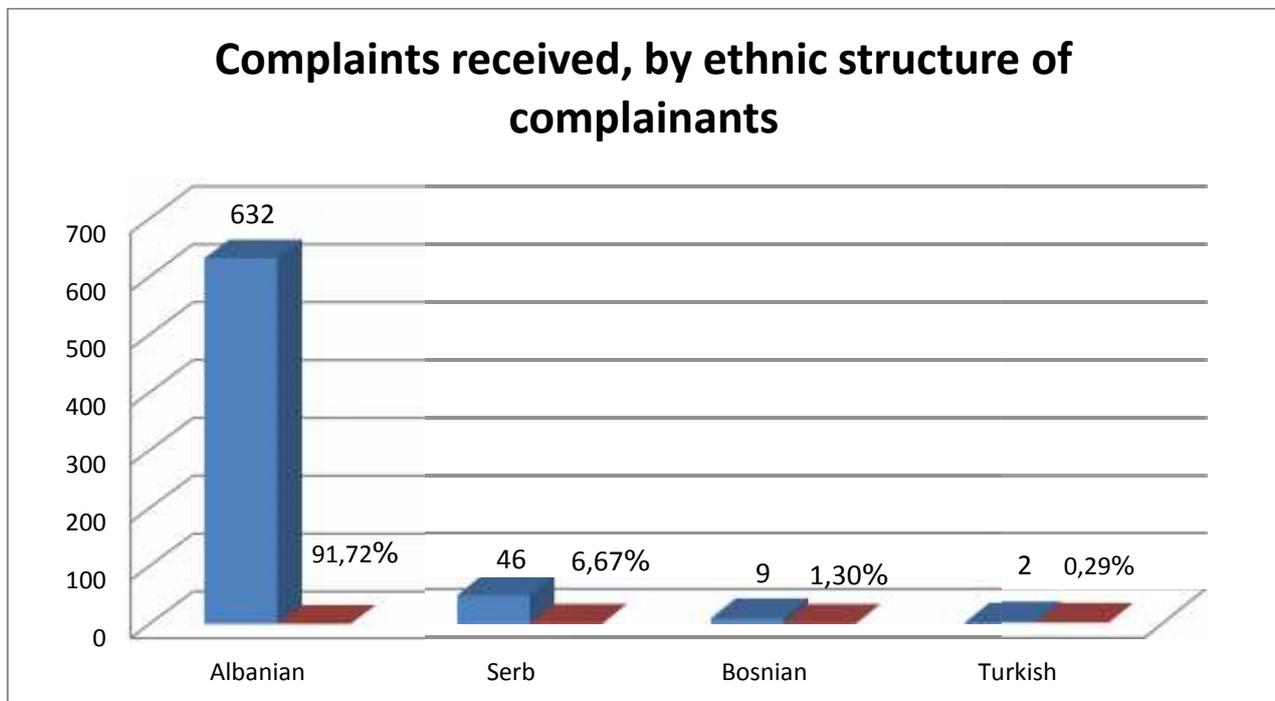


Chart no. 3 presents data of table no. 3

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: 428 complaints, or 62.11% of the total number of complaints were filed against decisions of central administration institutions, and 261 complaints, or 37.88% 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	428	62.11%
2	Local administration institutions	261	37.88%

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

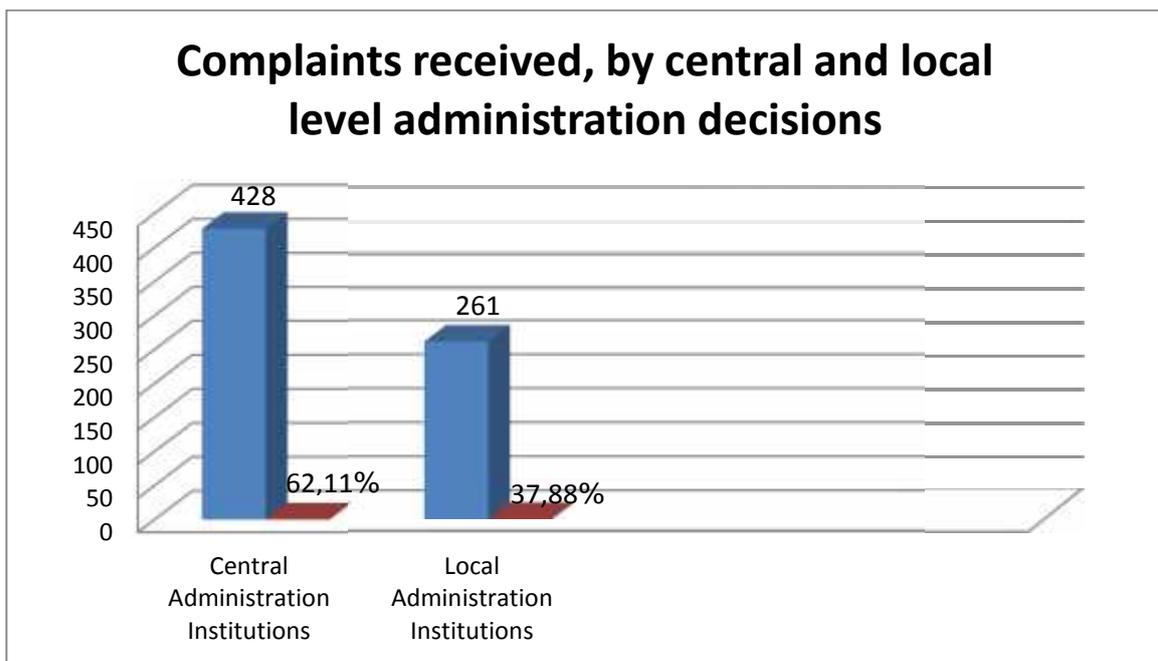


Chart no.4 reflects the data from table no. 4

6. COMPLAINTS RECEIVED AGAINST DECISIONS OF INSTITUTIONS

6.1. Complaints against decisions of central administration institutions

During the reporting period, the Board has received 428 complaints against central administration institutions' decisions.

	Institutions of Central Administration	Number of complaints	Percentage
1	Secretariat of the Kosovo Judicial Council	129	18.72%
2	Ministry of Trade and Industry	35	5.07%
3	Ministry of Internal Affairs	31	4.49%
4	Ministry of Foreign Affairs	23	3.33%
5	State Prosecution	16	2.32%
6	Privatization Agency of Kosovo	15	2.17%
7	Ministry of Infrastructure	11	1.59%
8	Food and Veterinary Agency	11	1.59%
9	Ministry of Health	10	1.45%
10	Tax Administration of Kosovo	10	1.45%
11	Kosovo Police	9	1.30%
12	Ministry of Labour and Social Welfare	9	1.30%
13	Ministry of Culture, Youth and Sports	9	1.30%
14	Kosovo Correctional Service	8	1.16%
15	Kosovo Agency for Medicinal Products	8	1.16%
16	Ministry of Environment and Spatial Planning	7	1.01%
17	Kosovo Forest Agency	7	1.01%
18	Ministry of Public Administration	6	0.87%
19	Statistical Agency of Kosovo	5	0.72%
20	Assembly of the Republic of Kosovo	5	0.72%
21	National Library of Kosovo	5	0.72%
22	Ministry of Diaspora	4	0.58%
23	Ombudsperson Institution	4	0.58%
24	Independent Commission for Mines and Minerals	4	0.58%
25	Office of the Auditor General	4	0.58%
26	Ministry of Education, Science and Technology	3	0.43%
27	Ministry of Agriculture, Forestry and Rural Development	3	0.43%
28	Ministry of Justice	3	0.43%
29	University of Mitrovica	3	0.43%
30	Ministry of Kosovo Security Force	2	0.29%
31	Ministry of Finance	2	0.29%
32	Ministry for Communities and Returns	2	0.29%
33	Office of the Prime Minister	2	0.29%
34	Kosovo Forensic Agency	2	0.29%
35	Kosovo Academy of Science and Arts	2	0.29%

36	University of Gjakova	2	0.29%
37	Central Election Commission	2	0.29%
38	Regional Water Company Radoniqi	1	0.14%
39	Ministry of Local Government Administration	1	0.14%
40	Agency for Memorial Complex Management	1	0.14%
41	Kosovo Accreditation Agency	1	0.14%
42	Kosovo Customs	1	0.14%
43	University of Prishtina	1	0.14%
44	Kosovo Council for Cultural Heritage	1	0.14%
45	Regional Hospital of Gjakova	1	0.14%
46	Kosovo Cadastral Agency	1	0.14%
47	Kosovo Property Agency	1	0.14%
48	Kosovo Museum	1	0.14%
49	State Agency for Protection of Personal Data	1	0.14%
50	Kosovo Academy for Public Security	1	0.14%
51	Electronic Communications Regulatory Authority	1	0.14%
52	Public Procurement Review Body	1	0.14%
	Total	428	62.11%

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

Complaints received against central administration institutions, by object of complaint	Material compensation	Dispute of recruitment	Termination of working relations	Transfer	Disciplinary measure	Demotion	Preventive Suspension	Failure to extend working	Violation of right to pay	Against appointment of acting officer	Performance assessment	Issue of promotion	Failure to enforce decision of Complaints Commission	Others	Agreed suspension	Issuance of letter of appointment	Total
Ministry of Trade and Industry		8	4	5	2	5	2		1		3	1	4				35
Ministry of Internal Affairs	17	11	1				2										31
Ministry of Foreign Affairs		5		1	4	3				8	2						23
State Prosecution	3	12	1														16
Privatization Agency of Kosovo	1	2		1	1		2	1	1	1				1		4	15
Ministry of Infrastructure		3	1		2	4								1			11
Food and Veterinary Agency		4	6					1									11
Ministry of Health		5	4	1													10
Tax Administration of Kosovo			5	2	3												10
Ministry of Labour and Social Welfare	1					5								2	1		9

Ministry of Culture, Youth and Sports		6		2			1											9
Kosovo Police	3	2	2	1						1								9
Kosovo Correctional Service	6	1														1		8
Kosovo Agency for Medicinal Products		1		1	5	1												8
Ministry of Environment and Spatial Planning	1	5			1													7
Kosovo Forest Agency		1	4		1	1												7
Ministry of Public Administration	1	4	1															6
Statistical Agency of Kosovo	1	2						2										5
Assembly of the Republic of Kosovo		2			2									1				5
National Library of Kosovo				5														5
Ministry of Diaspora		3												1				4
Ombudsperson Institution			1	1	2													4
Independent Commission for Mines and Minerals		2			2													4
Office of the Auditor General		2	1						1									4
Ministry of Education, Science and Technology	1	2																3
Ministry of Agriculture, Forestry and Rural Development	1	1			1													3
Ministry of Justice								1			1		1					3
University of Mitrovica		3																3
Ministry of Kosovo Security Force			2															2
Ministry of Finance							1	1										2
Ministry for Communities and Returns		1	1															2
Office of the Prime Minister	1	1																2
Kosovo Forensic Agency		2																2
Kosovo Academy of Science and Arts		2																2
University of Gjakova		2																2
Central Election Commission		2																2
Kosovo Property Agency				1														1
Ministry of Local Government Administration		1																1
Kosovo Museum	1																	1
Regional Water Company Radoniqi				1														1
Agency for Memorial Complex Management		1																1
Kosovo Accreditation Agency		1																1
Kosovo Customs	1																	1
University of Prishtina									1									1

Kosovo Council for Cultural Heritage			1														1
Regional Hospital of Gjakova	1																1
Kosovo Cadastral Agency					1												1
State Agency for Personal Data Protection		1															1
Kosovo Academy for Public Security		1															1
Electronic Communications Regulatory Authority		1															1
Public Procurement Review Body		1															1
Total	154	117	36	22	27	19	8	5	5	10	4	4	4	7	1	5	428

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 261 complaints against local administration institutions.

No.	Local Administration Institutions	Number of complaints	Percentage
1.	Municipality of Prishtina	34	4.93%
2	Municipality of Malisheva	23	3.33%
3	Municipality of Gjakova	19	2.75%
4	Municipality of Lipjan	18	2.61%
5	Municipality of Peja	15	2.17%
6	Municipality of Mitrovica	15	2.17%
7	Municipality of Partesh	13	1.88%
8	Municipality of Gjilan	13	1.88%
9	Municipality of Kaçanik	12	1.75%
10	Municipality of Ferizaj	10	1.45%
11	Municipality of Kamenica	10	1.45%
12	Municipality of Obiliq	10	1.45%
13	Municipality of Leposaviq	9	1.3%
14	Municipality of Vitia	9	1.3%
15	Municipality of Skenderaj	8	1.16%
16	Municipality of Prizren	6	0.87%
17	Municipality of Rahovec	6	0.87%
18	Municipality of Suhareka	5	0.72%
19	Municipality of Kllokot	5	0.72%
20	Municipality of Drenas	3	0.43%
21	Municipality of Klina	4	0.58%
22	Municipality of Dragash	3	0.43%
23	Municipality of Gracanica	3	0.43%
24	Municipality of Podujeva	3	0.43%
25	Municipality of Novobrd	2	0.3%
26	Municipality of HanElez	1	0.14%

27	Municipality of Shtimje	1	0.14%
28	Municipality of Vushtrri	1	0.14%
	Total	261	37.88%

Table no. 7 represents the data on the number and percentages of complaints received by the Board in 2014, against local administration institutions' decisions

Complaints received against decisions of local administration institutions	Material compensation	Disputed recruitment	Termination of working relationship	Transfer	Disciplinary measure	Demotion	Preventive suspension	Failure to extend working contract	Violation of right to pay	Performance assessment	Failure to enforce decision of Complaints Commission	Other	Agreed suspension	Total
Municipality of Prishtina	7	7	15		1	1		1	2					34
Municipality of Malisheva		6	16					1						23
Municipality of Gjakova	5	2		1			9							19
Municipality of Lipjan	2	3	3	7					2				1	18
Municipality of Peja	2	3	6	1	2		1							15
Municipality of Mitrovica	4	10	1											15
Municipality of Partesh	1		7	1		4								13
Municipality of Gjilan	1	2	7	2								1		13
Municipality of Kaçanik		7			5									12
Municipality of Ferizaj	5	1							2		2			10
Municipality of Kamenica	1	4	1	2				1	1					10
Municipality of Obiliq	1			3	1		1	1	2			1		10
Municipality of Leposavic			9											9
Municipality of Vitia	3	2				1		1	1	1				9
Municipality of Skenderaj	4	1	1	1					1					8
Municipality of Prizren		5						1						6
Municipality of Rahovec	2			1	2			1						6
Municipality of Suhareka		2					1		2					5
Municipality of Klllokot			5											5
Municipality of Klina	3							1						4
Municipality of Drenas		3												3
Municipality of Dragash	3													3
Municipality of Graçanica			1		1			1						3
Municipality of Podujeva		1		2										3
Municipality of Novobrdó			2											2
Municipality of HanElez		1												1

Municipality of Shtimje			1											1
Municipality of Vushtrri	1													1
Total	45	62	75	21	12	6	12	9	13	1	2	2	1	261

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

7. COMPLAINTS BY TYPE OF RULING

During 2014, the Board has received and decided a total of 650 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 thirty four (134) 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 approved three (3) 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 forty four (144) 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 two hundred (200) 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 forty-five (45) 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 eighty-five (85) 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 nineteen (19) cases.

7.8. Conclusion of administrative proceeding

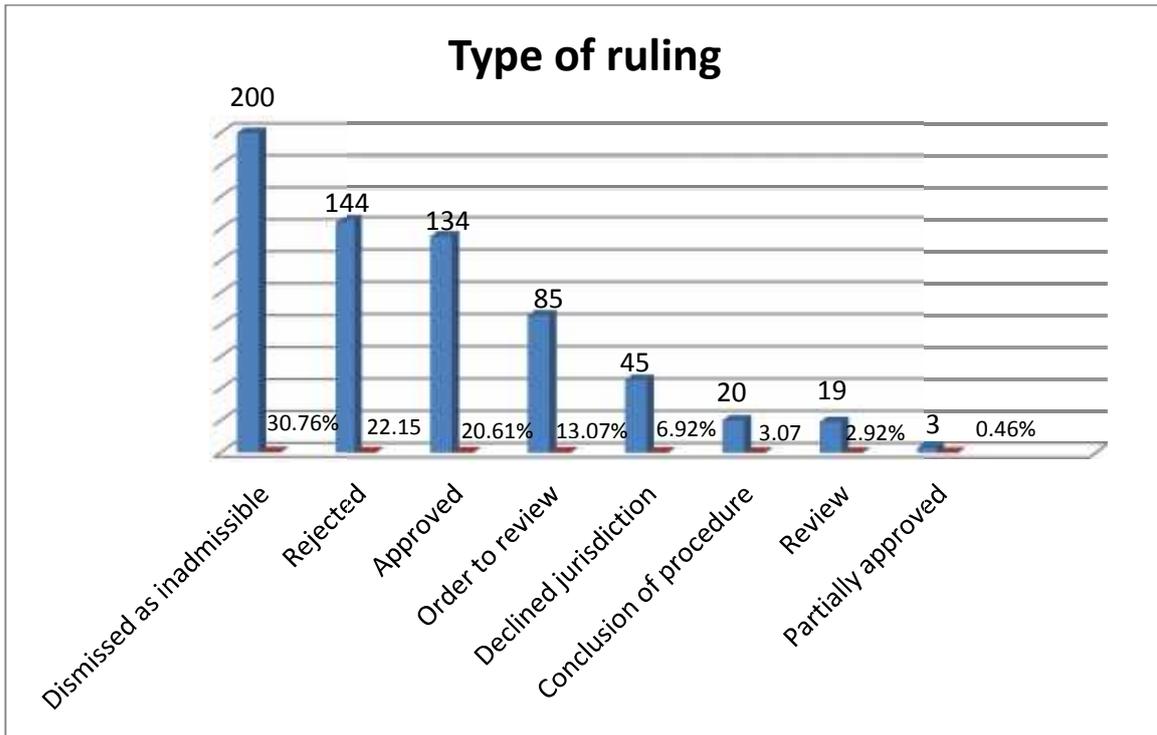
Are decisions rendered by the Board for the cases in which the complainants withdraw their complaints, or when the Board deems that the object of complaint for which the proceeding was initiated, or the purpose of decision has become impossible.

During the reporting period, the Board has concluded administrative proceedings in twenty (20) complaints.

The following table shows the conclusions on 650 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
Dismissed as inadmissible	200	30.76%
Rejected	144	22.15%
Approved	134	20.61%
Ordering administrative body to issue administrative act	85	13.07%
Declining jurisdiction	45	6.92%
Conclusion of administrative proceeding	20	3.07%
Remand to review	19	2.92%
Partially approved	3	0.46%
Total	650	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 **413** complaints filed against decisions of central administration institutions, namely on **382** complaints of 2014, and **31** complaints carried over from 2013 to 2014.

Central administration institutions	Approved	Rejected	Partially approved	Dismissed as inadmissible	Ordering administrative body to issue administrative act	Remand to review	Declining jurisdiction	Conclusion of administrative proceeding	Number of complaints reviewed
Secretariat of the Kosovo Judicial Council	3	7		95	16		1	1	123
Ministry of Internal Affairs	3	3		11	10			1	28
Ministry of Trade and Industry	4	12	1	3	4	1	1	1	27

Ministry of Foreign Affairs	4	10		2	6			3	25
State Prosecution	4	7		1				2	14
Privatization Agency of Kosovo	2	2		7		1	1		13
Ministry of Infrastructure	2	6		1	1			1	11
Food and Veterinary Agency		4		5	2				11
Ministry of Labour and Social Welfare	3	1	1	3	2				10
Tax Administration of Kosovo	1	5		2	2				10
Ministry of Health	3	5						1	9
Ministry of Culture, Youth and Sports	6			1	2				9
Kosovo Police	2	1		5	1				9
Kosovo Forest Agency		4		1	2		1		8
Ministry of Public Administration	1	5			1				7
Kosovo Correctional Service		1		6					7
Kosovo Statistical Agency	1	4		1				1	7
Kosovo Property Agency		1		6					7
Ministry of Environment and Spatial Planning		3				1		2	6
Kosovo Agency for Medicinal Products	1			1	4				6
Kosovo Assembly		1		1		2	1		5
National Library of Kosovo	2			1	2				5
Ministry of Education, Science and Technology	2			2					4
Ministry of Kosovo Security Force	1	2			1				4
Independent Commission for Mines and Minerals	3					1			4
Ministry of Justice		1		1			1		3
Ministry of Agriculture, Forestry and Rural Development		1		2					3
Ministry of Diaspora		2		1					3
Ministry of Communities and Returns	2				1				3
Kosovo Academy of Science and Arts	1			1	1				3
Office of the Prime Minister		1			1				2
Office of the Auditor General	2								2
Kosovo Forensic Agency	1	1							2

University of Gjakova	2								2
Central Election Commission		1			1				2
Ministry of Finance							1		1
Ministry of Local Government Administration	1								1
Ministry of European Integration		1							1
Ombudsperson					1				1
University of Mitrovica	1								1
Kosovo Museum							1		1
Regional Water Company Radoniqi							1		1
Memorial Complex Management Agency	1								1
Kosovo Accreditation Agency	1								1
Kosovo Customs							1		1
University of Prishtina				1					1
Kosovo Council for Cultural Heritage		1							1
Regional Hospital of Gjakova							1		1
Kosovo Cadastral Agency	1								1
Kosovo Academy for Public Security	1								1
Procurement Review Body	1								1
State Agency for Personal Data Protection					1				1
University of Peja	1								1
Regional Hospital of Mitrovica	1								1
TOTAL	65	93	2	161	62	6	11	13	413

Table no. 10 presents types of rulings on 2014 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 237 complaints filed against decisions of local administration institutions, namely for 230 complaints of 2014, and 7 complaints carried over from 2013 to 2014.

Local Administration Institutions	Approved	Rejected	Partially Approved	Dismissed as inadmissible	Ordering administrative body to issue administrative act	Review	Decline of Jurisdiction	Conclusion of procedure	Number of complaints reviewed
Municipality of Prishtina	10	9		5	3	2	2	1	32
Municipality of Malisheva	12	4			1	3	2		22
Municipality of Lipjan	5	2		3	1	1	3	1	16
Municipality of Gjakova	2	2		4	7		1		16
Municipality of Peja	1	4		4		1	2	1	13
Municipality of Partesh	8		1				4		13
Municipality of Gjilan		2		1		1	8		12
Municipality of Mitrovica	4	3		4	1				12
Municipality of Kamenica	4	2			1	1	1	1	10
Municipality of Obiliq	2	6		1				1	10
Municipality of Ferizaj		6		3					9
Municipality of Viti	1	2		4			1		8
Municipality of Skenderaj	2			2	4				8
Municipality of Prizren	3	3		1	1				8
Municipality of Kaçanik	3	2		1	2				8
Municipality of Rahovec	1			3		1			5
Municipality of Klina	1	1		2				1	5
Municipality of Suhareka		2		1	1		1		5
Municipality of Kllokot	3					2			5
Municipality of Podujeva	2				1				3
Municipality of Gracanica	1					1	1		3
Municipality of Drenas	3								3
Municipality of Leposavic							3		3
Municipality of Vushtrri		1					1		2
Municipality of Dragash							1	1	2
Municipality of Novobrdó							2		2
Municipality of Shtime	1								1
Municipality of Han Elez							1		1
Total	69	51	1	39	23	13	34	7	237

Table no. 11 presents the types of rulings over complaints of 2014, 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 2014, employment authorities had legal duty to execute **241** Board decisions, namely:

- **134** decisions approving complaint,
- **3** decisions partially approving complaint,
- **85** decisions thereby ordering employment authorities to issue administrative act, and
- **19** 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 **181** decisions, thereby failing to execute **54** Board decisions. During the reporting period, the deadline for execution has not expired in 3 cases of Board decisions.

From the total number of 650 Board decisions, in 2014, the Court has ruled on the postponement of execution only for three (3) Board decisions.

Board decisions on complaints	Number of complaints	Decisions executed	Decisions unenforced	Deadline for execution not expired	Decisions suspended by Court ruling
Approved	134	87	41	3	3
Order for revision	85	77	8		
Remand to review	19	15	4		
Partially approved	3	2	1		
Total:	241	181	54	3	3

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

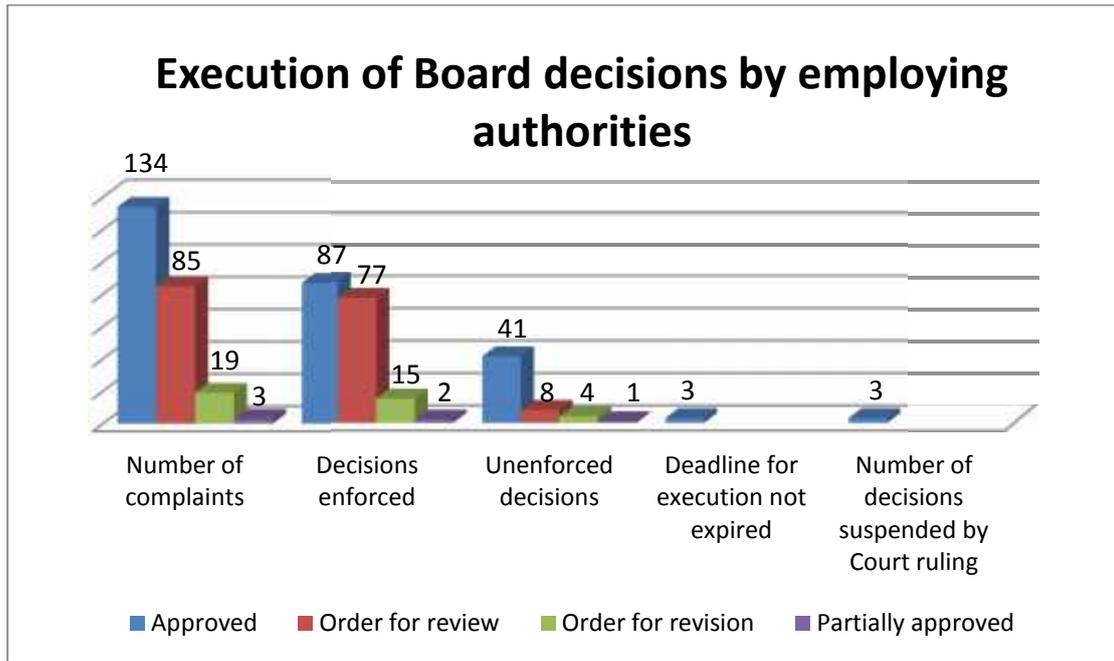


Chart no.6 presents the records of table no.12

The following table shows the data on public administration institutions failing to execute Board decisions, including numbers of decisions unenforced.

Central administration institutions	Number of decisions unenforced
State Prosecution	3
University in Gjakova	2
Office of the Auditor General	2
Ministry for Communities and Returns	1
Ministry of Environment and Spatial Planning	1
Ministry of Foreign Affairs	1
Privatization Agency of Kosovo	1
Kosovo Agency for Medicinal Products	1
Central Election Commission	1
Total	13
Local administration institutions	Number of decisions unenforced
Municipality of Malisheva	10
Municipality of Gjakova	6
Municipality of Lipjan	6
Municipality of Klllokot	5
Municipality of Prishtina	5
Municipality of Mitrovica	3
Municipality of Kamenica	2
Municipality of Podujeva	2

Municipality of Drenas	1
Municipality of Kaçanik	1
Municipality of Klina	1
Municipality of Partesh	1
Municipality of Skenderaj	1
Total	44

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. 7/2014 of 24.02.2014, the Board approved the Monitoring Plan for 2014, thereby planning to monitor eighty-three (83) institutions at central and local levels.

Considering the fact that terms of office had expired for three (3) members of the Board in the beginning of the second half of 2014, and a great volume of complaints received in 2014, the Board, on 15.10.2014, has amended the Monitoring Plan 2014, according to which, it was determined to monitor 55 institutions at central and local levels.

Pursuant to the Monitoring Plan, the Board has executed forty-eight (48) 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 three (3) embassies of the Republic of Kosovo.

In reports on the application of rules and principles of civil service legislation for 48 institutions at central and local levels, the Board has identified and reported on 265 breaches of rules and principles of civil service legislation, and deriving from such breaches identified, the Board issued 178 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 2014, the Board received 29 notices to observe appointment procedures for 44 positions of civil servants to managerial positions.

Upon observing appointment procedures for civil servants to managerial positions, the Board issued a total of twenty-eight (28) decisions in 2014, 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 2014, the Board has taken part in 44 observation procedures in terms of appointment of civil servants to managerial positions. Out of 44 cases observed, the Board approved 28 recruitment procedures, and annulled 16 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	Managerial positions of civil servants, recruitment procedures of which were approved by the Board
1. Ministry of Environment and Spatial Planning	<ol style="list-style-type: none"> 1. Head of Department for Spatial Planning, Construction and Housing 2. Head of Department for Environmental Monitoring, Assessment and Reporting 3. Head of Hydro-Meteorological Institute of Kosovo 4. Head of Department for Administration of National Park,,Bjeshkët e Nemuna”
2. Information Society Agency	<ol style="list-style-type: none"> 1. Head of Department of System Management and Integration 2. Head of Department for Central Operations and Safety 3. Head of Department for Networks and Telecommunications 4. Head of E-Governance Development Department
3. Food and Veterinary Agency	<ol style="list-style-type: none"> 1. Head of Department of Administration 2. Head of Department of Animal Health and Well-being 3. Head of Public Health Department.
4. Ministry of Trade and Industry	<ol style="list-style-type: none"> 1. Head of Department for Private Sector Development 2. Head of Strategic Produce Market Control Department 3. Head of Department for Private Sector Promotion
5. Kosovo Assembly	<ol style="list-style-type: none"> 1. Head of General Legal and Procedural Issues 2. Head of Department for Parliamentary Committee Support
6. Office of the Prime Minister	<ol style="list-style-type: none"> 1. Head of Strategic Planning Office 2. Head of Government Coordinating Secretariat
7. Kosovo Academy for Public Security	<ol style="list-style-type: none"> 1. Head of Department for Training and Program Support
8. University of Mitrovica	<ol style="list-style-type: none"> 1. Head of Department for Budget and Finance
9. Ministry of Economic Development	<ol style="list-style-type: none"> 1. Head of Mining Department
10. Regulatory Authority for Electronic and Postal Communications	<ol style="list-style-type: none"> 1. Head of Procurement Office
11. Ministry of Education, Science and Technology	<ol style="list-style-type: none"> 1. Head of Department for Higher Education
12. Ministry of Justice	<ol style="list-style-type: none"> 1. Head of Department for Professions
13. University of Prishtina	<ol style="list-style-type: none"> 1. Secretary General of the Faculty of Mathematic-Natural Sciences
14. Ministry of Diaspora	<ol style="list-style-type: none"> 1. Head of Department for Preservation and Cultivation of Education and Culture in the Diaspora
15. Ministry of Culture, Youth and Sports	<ol style="list-style-type: none"> 1. Head of Legal Department
16. Kosovo Forestry Agency	<ol style="list-style-type: none"> 1. Head of Kosovo Forestry Research Institute

Table no. 15 presents the institutions and positions of managerial level civil servants, for which recruitment procedures were approved by the Board

Institution	Civil service positions of managerial level, recruitment procedures of which were approved by the Board
1. Ministry of Foreign Affairs	1. Head of Department for Policy Issues 2. Head of Department for Policy Planning
2. Ministry of Education, Science and Technology	1. Director of Higher Education Department 2. Executive Financial Officer
3. Kosovo Council for Cultural Heritage	1. Chief of Program for Protection of Material Cultural Protection 2. Chief of Program for Protection of immaterial Cultural Protection
4. Ministry of Environment and Spatial Planning	1. Head of Department for EU Integration and Policy Coordination
5. Ombudsperson Institution	1. Head of Procurement Department
6. Ministry of Diaspora	1. Head of Department for Finance and General Services
7. Ministry of Finance	1. Director of Legal Department
8. Regulatory Authority for Electronic and Postal Communications	1. Head of Procurement Office
9. Ministry of Infrastructure	1. Director for EU Integration and Policy Coordination
10. Ministry of Culture, Youth and Sports	1. Director of National Library of Kosovo, „Pjetër Bogdani”
11. Ministry of Trade and Industry	1. Head of Department of Trade
12. Office of the Prime Minister	1. Head of Strategic Planning Office
13. Ministry of Public Administration	1. Head of Department for Public Administration Reform Management

Table no. 16 presents the institutions and positions of managerial level civil servants, recruitment procedures of which were annulled by the Board

12. RECOMMENDATIONS AND CHALLENGES OF THE BOARD

Despite numerous problems, both in terms of finance and human resources and capacities, in 2014, the Board has managed to fulfil its constitutional and legal obligations to a satisfactory level, in such areas in which the performance was directly dependant on the human factor.

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.

- **Failure to enforce Board decisions** – The Board has found that some of the senior managerial officers (Chief Administrative Officers), who are responsible for enforcing Board decisions, have acted negligently and irresponsibly in enforcing such decisions, for which the Board must notify in written the Prime Minister of Kosovo, the Assembly of the Republic of Kosovo, and direct supervisors, according to Article 15, paragraphs 1 and 5 of the Law no. 03/L-192 on the Independent Oversight Board for the Civil Service of Kosovo. Although such notifications represent grounds for initiating disciplinary procedures against persons liable for failure to execute decisions, no concrete step has been taken, not even in a single disciplinary case. This has sensibly expanded further the irresponsibility and negligence of responsible officials, who due to tolerance of their own superiors against such breaches of law, by failure to execute Board decisions, have damaged the budget of the Republic of Kosovo, be that in allocation of salaries for incumbents who were employed before concluding complaint proceedings, while by executive order of Courts the final decision of the Board is upheld, thereby terminating working relationship entered into by an unlawful procedure, or in cases of failure to enforce the Board decisions by which complaints of civil servants were approved, thereby causing the situation in which upon an executive order of the Court, upholding Board decisions, the officials are to be returned to their positions, thereby requiring full compensation of salary and other benefits deriving from working relationship, which were initially denied unjustly.
- **Insufficient budget in goods and services** – is one of the challenges faced by the Board throughout the years, and specifically in 2014, due to overall budget cuts in the category. These cuts 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 appeals of the previous legislature, the members of which had seen individually the severe condition of such premises, and the efforts of the Board to coordinate with the Ministry of Public Administration in finding sufficient areas for the activities of this constitutional institution, no solution has so far been found, and the Board, a constitutionally established institution mandated to oversee the public administration, continues to exercise functions in very inappropriate premises and conditions, and below any working standard.

- **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.
- **Absence of three (3) members of the Board** – During this year, or namely from the beginning of the second half of the year, the Board has had to cope with an additional challenge, due to the expiration of term of three (3) members of the Board, a challenge exacerbating the situation when considering the fact that according to the statistical records as presented with the present report, the number of complaints has increased by 237 in comparison to 2013, when the Board had received a total of 452 complaints. Therefore, the Board has received, in 2014, a total of 689 complaints.

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.
3. In terms of exercising its oversight board on the Government, to undertake measures and actions against public administration officials failing to enforce decisions 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 appointment of managerial level civil servants, and in oversight of application of rules and principles of civil service legislation.

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.

1. Recruitment with the civil service

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, either 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 obtain authorization for vacancy announcement from the DACS/MPA, contents of the written test, the composition of the Selection Committee for the Civil Service, calculation of working experience of an incumbent before graduation, when applying for a position requiring university education, and failure to observe the timelines for recruitment processes.

During 2014, the Board has reviewed and ruled on 151 complaints related to recruitment procedures. Out of such complaints, the Board has approved 67 complaints, thereby annulling such recruitment

procedures due to legal and procedural violations, and rejected only 44 complaints (other complaints were dismissed as inadmissible, or the Board declined jurisdiction).

During 2014, the Board has taken part in 44 observation procedures, in cases of appointment of managerial level civil servants. Out of 44 procedures observed, the Board has annulled 16 recruitment procedures due to legal and procedural violations, while approving 28 recruitment procedures. The Board concludes it is a concerning fact, since 45% of appointment procedures for managerial level officials were annulled due to legal and procedural violations by public administration institutions.

2. Disciplinary Committees and Disciplinary Procedures

Based on Monitoring Reports on the application of rules and principles of civil service in public administration institutions, the Board has found that around 98% of institutions monitored in 2014, have rendered their decisions establishing Disciplinary Committees, in contradiction with the Law No. 03/L-149 on the Civil Service of the Republic of Kosovo, the items related to Disciplinary Committee composition, because such committees were established pursuant to Regulation no. 04/2011 on disciplinary procedures.

Public administration institutions failed to observe hierarchy of legal acts, although there is some collision between the Law on the Civil Service and secondary legislative acts regulating the Area. The Ministry of Public Administration must undertake measures to amend the Regulation no. 04/2011 on disciplinary procedures, in those provisions on the composition and duration of term of chair and members of the Committee, for it to be in accordance with the Law on the Civil Service.

Based on the complaints reviewed during 2014, the Board has concluded that Disciplinary Committees in many cases have not been able to complete procedures pursuant to legal provisions and timelines set forth, more precisely have failed in determining clearly the disciplinary measures against breaches identified, and in several cases, they have issued decisions beyond the legal deadline set forth, thereby rendering such decisions absolutely invalid and without any legal effect. In some cases, Disciplinary Committees have managed to validate the alleged breaches which were serious, but further decided beyond the set legal deadline of 30 days, thereby forcing the Board to find such decisions absolutely invalid. This fact shows that Disciplinary Committees need to be more effective in their exercise of duty, and observe the proceedings, because failure to observe such legal deadlines may cause irreparable damages to the institution, having in mind that the alleged violator, although confirmed in such a violation, is restored to his/her working position only because the Committee fails to proceed in contradiction to legal provisions.

The Board has found that out of 155 complaints reviewed and resolved in 2014, all 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.

The Board has also identified that the Disciplinary Committee members have not attended mandatory training on matters related to disciplinary procedures, therefore necessitating urgent organization of training workshops for chairs and members of Disciplinary Committees of central and local administration institutions.

3. Dispute and Complaint Resolution Commissions

Based on its Monitoring Reports on the application of rules and principles of civil service legislation, the Board has found that around 98% of institutions monitored in 2014 have issued their decisions establishing Dispute and Complaint Resolution Commissions in contradiction with the Law no. 03/L-149 on the Civil Service of the Republic of Kosovo, in terms of composition of such a Dispute and Complaint Commission, because such Commissions were established pursuant to Regulation no. 05/2011 on Dispute and Complaint Resolution Procedures. Public administration institutions failed to observe hierarchy of legal acts, although there is some collision between the Law on the Civil Service and secondary legislative acts regulating the Area. The Ministry of Public Administration must undertake measures to amend the Regulation no. 05/2011 on Dispute and Complaint Resolution procedures, in those provisions on the composition and duration of term of chair and members of the Commission, for it to be in accordance with the Law on the Civil Service.

Based on complaints reviewed during 2014, the Board has found that Dispute and Complaint Resolution Commissions have not succeeded in properly ascertaining fact and law of decisions of Disciplinary Commissions, and consequently, failed to undertake procedures pursuant to legal provisions and timelines set forth. In some cases, Dispute and Complaint Resolution Commissions have rendered their decisions beyond set legal deadlines, thereby rendering such acts absolutely invalid and without legal effect. The Board has also identified that such Dispute and Complaint Resolution Commissions have been able, in cases, to properly review decisions of Disciplinary Commissions, but only beyond the 30-day legal deadline, thereby forcing the Board to find such acts absolutely invalid. This shows that Dispute and Complaint Resolution Commissions need to be more effective in their exercise of duties and observation of procedures, because the failure to observe such timelines causes irreparable damages to the institution, having in mind that the alleged violator, although confirmed in such a violation, is restored to his/her working position only because the Commission fails to proceed in contradiction to legal provisions.

Out of the total number of complaints received and resolved in 2014, the Board Panels have approved 137 complaints, thereby invalidating decisions of Dispute and Complaint Resolution Commissions, and rejected 144 complaints, thereby upholding the decisions of Dispute and Complaint Resolution Commissions. Consequently, the Board concludes that around 50% of decisions of such Dispute and Complaint Resolution Commissions were rendered in contradiction with the law and procedures set forth for Dispute and Complaint Resolution.

The Board has also identified that the Dispute and Complaint Resolution Commission members have not attended mandatory training on matters related to complaint and dispute procedures, therefore necessitating urgent organization of training workshops for chairs and members of Dispute and Complaint Resolution Commissions in central and local administration institutions.

4. Job Descriptions

The majority of institutions have not regulated their descriptions of working positions, namely the Regulations on Systematization of Working Positions, thereby proceeding their review and approval with the personnel managers and chief administrative officers. Therefore, with a view of fulfilling this condition in compliance with provisions of the Regulation on job descriptions. The Board thus recommends to the public administration bodies to regulate their working positions within legal

deadline, specifically recommending the clear determination of working titles, job descriptions and professional qualifications for working positions.

5. 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 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 has found that an unjustifiable delay of the Government of the Republic of Kosovo, namely the Ministry of Public Administration and the Ministry of Finance, in finalizing the process of classification and systematization of working positions in the civil service, has brought to the situation of a deficient salary system, and a missing performance assessment process, because they are both closely linked to the process of systematization and classification of working positions.

4. 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 some sectors of the public administration, the superiors 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 the Regulation no. 19/2012 on Performance Assessment of Civil Servants.

The Board has concluded that in 2014, in several institutions, the new performance assessment is in application, pursuant to Regulation no. 19/2012 on Performance Assessment of Civil Servants. This process has involved various irregularities and uncertainties, since the process is rather complex. The Board has concluded that the DACS/MPA must provide continued clarifications on the new assessment process, because several institutions have addressed the Board for such clarifications (though the Board is not the competent authority), since they claim that the DACS/MPA has not provided such clarifications.

5. 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 2014, the Board has concluded that public administration institutions have performed their transfers in contradiction to 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.

6. Leaves in civil servants

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 2014, the Board has only received a modest number of complaints related to the leaves of employees.

The Board hereby recommends the public administration institution superiors to be diligent in allowing paid leaves with the justification of capacity building for the interest of institution or the country overall. This stipulation may apply only in cases when a specialty of a civil servant is in the interest of an institution, or the country itself, but may not be applied for regular or first-level studies of civil servants.

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

7. 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. 04/L-233 on the Budget of the Republic of Kosovo in 2014, was **259.500.00 Euros**, while the final budget in the SIMFK was **273.746.01 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	193.351.00	14.168.01	-----	207.519.01
2	Goods and services	61.649.00	(-9.247.00)	10.000.00	62.402.00
3	Utilities	4.500.00	(-675.00)	-----	3.825.00
4	Capital expenditure	-----	-----	-----	-----
	Total	259.500.00	4.246.01	10.000.00	273.746.01

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 14.168.01 € This difference is due to the salary increase of 25% for civil servants as per Government Decision no. 03/177.

- Initial approved budget for 2014.....193.351.00€
- Increase as per Government Decision no. 03/177.....14.168.01€
- **Final budget for the category in 2014.....207.519.01€**

In the economic category of **Goods and Services**, in the year of 2014, we have suffered a decrease of 15% as per Government Decision no. 07/172 of 27.02.2014, in the amount of 9.247,00€, and as a result, we have the following condition:

- Initial approved budget for 2014.....61.649.00€
- 15% cut in budget, as per Government Decision no. 07/172.....9.247.00€
- **Budget for Goods and Services52.402.00€**

In due account of the difficulties faced due to the 15% budget cut, the Board filed special requests with the Ministry of Finance, and upon justifying such request with the Government Decision no. 01/204, of 05.11.2014, the Board was allocated funds for covering such expense in the category of Goods and Services to the amount of 10.000.00 Euro.

As a result of the Government Decision no. 01/204, of 05.11.2014, the final budget of the Board for the category of Goods and Services, for 2014, was 62.402.00 Euro.

In the economic category of **Utilities** for 2014, we suffered a budget cut of 15%, as per Government Decision no. 07/172 of 27.02.2014, in the amount of 675,00 € and as a result, we had the following condition:

The initial approved budget for 2014..... 4.500.00 €
 15% cut from the budget, as per Government Decision no. 07/172.....675.00€
budget for Utilities..... 3.825.00€

During 2014, from the budget approved by the Assembly of the Republic of Kosovo, the Board has executed a total of **99.89%** of the budget. The division of budget funds implemented by economic categories is the following:

- **Economic category Salaries and Perdiems:** The budget spend in a rate of **100%**.
- **Economic category Goods and Services:** Budget spent to the rate of **99.82%**.
- **Economic category Utilities:** Budget spent to the rate of **95.40%**.

No.	Budget code	Final budget	Executed	Unspent	Expressed in %
1	Salaries and per diems	207.519.01	207.519.01	-	100%
2	Goods and services	62.402.00	62.286.62	115.38	99.82%
3	Utilities	3.825.00	3.649.16	175.84	95.40%
4	Capital expenditure	----	-----	----	00
	Total	273.746.01	273.454.79	291.22	99.89%

Tableno.18 presents budgetary expenditure by economic categories

15. REPORTING ON ADDRESSING RECOMMENDATIONS OF THE OFFICE OF THE AUDITOR GENERAL

In its audit on financial statements and budget expenditure for 2013, the Office of the Auditor General had only one finding, and upon it a recommendation, related to the mobile telephony services through free competition, since the Board only used a contract entered into by the Ministry of Public Administration with the company “VALA”.

The Board made its efforts to enforce such a recommendation, but since bidders only bid with more costly services in comparison with the contract currently used by the Board, and due to budget constraints in obtaining such services, such a recommendation was impossible to implement.

16. COOPERATION

During 2014, 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.

During 2014, the Board has enjoyed great cooperation with international agencies, thereby emphasizing cooperation with the OSCE, GIZ and SIGMA.

Within its efforts to improve international cooperation, the Board has enjoyed good cooperation with relevant institutions in Turkey and Albania, thereby implementing study visits with a view of exchanging experiences and good practices 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.

17. COMPARISON OF BOARD PERFORMANCE IN 2013 AND 2014

17.1. Complaint review function

The following text presents the data on the performance of the Board in 2014, compared to the same period in 2013, in compliance with the requirements and format of the Working Report.

In 2014, the Board has received a total of 689 complaints, while in 2013, the Board had received 452 complaints.

Deriving from such numbers, it may be concluded that the Board has received 237 complaints more in 2014 than in 2013.

During 2014, the Board has also reviewed 38 complaints carried over from 2013 for review in 2014, apart from the new 689 complaints received in 2014. Based on such figures, it follows that the Board has had for review a total of 727 complaints.

Hence, in 2014, the Board has reviewed the merits of 650 complaints, and carried over 77 complaints for review within legal deadline in 2015.

During 2013, the Board had 28 complaints to review as carried over from 2012, apart from the 452 new complaints received during the year. Based on such records, it follows that the Board has had for review a total of 480 complaints during 2013.

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 2014, the Board reviewed the merits of 210 complaints in excess of the 2013 numbers. 39 more complaints were carried over from 2014 to 2015, in comparison to complaints carried over from 2013 in 2014.

In 2014, employing authorities had a total of 241 Board decisions to enforce and implement. Out of 241 decisions, in 2014, employing authorities have enforced 181 decisions, thereby failing to enforce 54 decisions. In 3 cases, the court had ruled on postponing execution, while for 3 cases, the deadline of such execution has not expired.

In 2013, employing authorities had a total of 188 Board decisions to enforce and implement. Out of 188 decisions, in 2013, employing authorities had enforced 142 decisions, thereby failing to enforce 46 decisions.

The number of unenforced decisions in 2014 is for 8 decisions larger than the same number in 2013.

No.	Complaints/decisions	2014	2013	Difference	Comparison of complaints and decisions between 2014 and 2013
1.	Complaints received	689	452	237	In 2014, the Board received 237 more complaints than in 2013
2.	Complaints under review of the Board	727	480	247	In 2014, the Board had for review 247 more complaints than in 2013
3.	Board decisions on complaints	650	440	210	In 2014, the Board issued 210 more decisions than in 2013
4.	Executable decisions	241	188	53	In 2014, employing authorities had 53 more decisions to enforce compared to 2013
5.	Decisions executed	181	142	37	In 2014, 37 more decisions enforced compared to 2013
6.	Decisions unenforced	54	46	8	In 2014, 8 more decisions unenforced compared to 2013
7.	Complaints carried over to following year	77	38	39	From 2014 to 2015, 39 more complaints carried over, compared to the number carried over from 2013 to 2014

Table no.19 presents a comparison of complaints received, complaints under review, and rulings rendered during 2014 and 2013.

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

During 2014, the Board has taken part in 44 observation processes in recruitment and appointment of managerial level civil servants. From 44 appointment procedures observed, the Board has approved 28 recruitment procedures, and annulled 16 recruitment procedures, on grounds of legal and procedural breaches.

In 2013, the Board had taken part in 33 cases of observation of appointment of managerial level civil servants. Out of 38 procedures observed, the Board approved 34 recruitment procedures, thereby annulling 4 recruitment processes, on grounds of legal and procedural breaches.

Based on such records, one may conclude that the Board has observed 6 recruitment procedures for managerial level civil servants in excess of 2013 numbers.

In 2014, the Board approved 6 recruitment procedures for managerial level civil servants fewer than in 2013.

In 2014, the Board annulled 12 recruitment procedures for managerial level civil servants more than in 2013.

No.	Observation procedure	2014	2013	Difference	Compared observation procedures
1	Observation procedures on recruitment of managerial level civil servants	44	38	6	Board has observed 6 recruitment procedures for managerial level civil servants in excess of 2013 numbers
2	Procedures approved	28	34	6	In 2014, the Board approved 6 recruitment procedures for managerial level civil servants fewer than in 2013.
3	Procedures annulled	16	4	12	In 2014, the Board annulled 12 recruitment procedures for managerial level civil servants more than in 2013.

Table no.20 presents a comparison of observation procedures between 2014 and 2013

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

In 2014, the Board planned to monitor 83 institutions, while with a revised monitoring plan, upon expiration of terms of office of three (3) Board Members, the Board reduced the number of planned monitoring processes into 55 institutions at central and local levels.

In 2014, the Board engaged into forty-eight (48) monitoring visits, and prepared forty-five (45) oversight reports on the application of civil service legislation rules and principles.

In its reports of 2014 on the application of rules and principles of the civil service legislation in 48 local and central administration institutions, the Board found and reported 265 breaches of rules and principles of the civil service legislation, and issued 178 recommendations for responsible officials of such monitored institutions in rectifying such breaches.

In 2013, the Board had planned to monitor 112 institutions at local and central levels.

In 2013, the Board had undertaken twenty-six (26) monitoring visits. In other institutions not monitored, the Board had made an effort to implement such review of application of rules and principles of the civil service legislation by questionnaires sent to institutions, but thereby resulting in failure, since half of the institutions never returned their questionnaires.

In 2014, the Board planned to monitor 57 institutions fewer than in 2013.

Based on such records, it may be concluded that the Board, in 2014, has monitored 22 institutions more than in 2013.

In 2014, the Board failed to undertake 7 monitoring exercises as planned with the Monitoring Plan, while failing to undertake 86 monitoring visits, as planned by Monitoring Plan, in 2013.

No.	Oversight function	2014	2013	Difference	Compared oversight in 2014 and 2013
1	Monitoring visits planned	55	112	57	In 2014, the Board planned to monitor 57 institutions fewer than in 2013.
2	Monitoring visits undertaken	48	26	22	the Board, in 2014, has monitored 22 institutions more than in 2013
3	Monitoring visits not undertaken	7	86	79	In 2014, the Board failed to undertake 7 monitoring exercises as planned with the Monitoring Plan, while failing to undertake 86 monitoring visits, as planned by Monitoring Plan, in 2013

Table no.21 presents a comparison of oversight function between 2014 and 2013