



**INSTITUCIONET E PËRKOHSHME TË VETQEVERISJES
PRIVREMENA INSTITUCIJA SAMOUPRAVE
PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT**

**QEVERIA E KOSOVËS
VLADA KOSOVA
GOVERNMENT OF KOSOVA**

**MINISTRIA E SHËRBIMEVE PUBLIKE
MINISTARSTVO JAVNIH SLUZBI
MINISTRY OF PUBLIC SERVICES**

**Këshilli i Pavarur Mbikëqyrës i Kosovës
Nezavisni Nadzorni Odbor Kosova
Kosovo Independent Oversight Board**

ANNUAL REPORT FOR THE YEAR 2005

PRISHTINA, JANUARY 2006

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Abbreviations

IPVQ-PISG-Provisory Institutions of Self-Government

PSSP-SRSG-Special Representative of Secretary General

KPM-ISC-Independent Supervisory Council

MSHP-MPS-Ministry of Public Services

SHKC-CSK-Civil Service of Kosova

RREG-Regulation on CSK 92001/36

UA-AO-Administrative order (2003/2)

AP-EA-Employment Authority

QKUK-KUCC-Kosova University Clinic Centre

MEF-MEF-Ministry of Economy and Finance

MEM-MEM-Ministry of Environment and Mining

MKRS-MCYS-Ministry of Culture Youth and Sports

MP-PM-Personnel manager

KE-ECH-Executive Chief of Municipality or executive agency

SMPS-Institute for management of Public Services-London

OSCE-Organization for Cooperation and Security in Europe

INTRODUCTION

Independent Supervisory Council of Kosova (ISCK) based on the article 14.1 of UNMIK Regulation on Civil Service of Kosova No.2001/36, article 25 of the Regulation on working Rules of ISCK (AO MPS 2005/01, after overall review and the disposition of existing documentation, presents the Annual Work Report to The Special Representative of Secretary General of United Nations for Kosova (SRSG), Prime minister of Kosova, Minister in Ministry of Public Services (MPS).

The annual Report includes reporting period from January.01, 2005 till December 31, 2005, and aims to present the activity done by the Council, undertaken activities, to render achievements and success of the Council, to emphasize the problems and stagnations in KCS and to give comments and suggestions for future work.

Background and Aim

At time of big changes in post war Kosova new realities have happened in all spheres of life and specially in the legal and political field where formal sources of justice are changed and in this context based on Regulation 2001/36 the Independent Supervisory Council is established as a new Organ, a specific sui generis, not very common in juridical practice in Kosova.

The Council is established with the aim to supervise the application of the Regulation on Civil Service of Kosova (CSK), respecting its managing principles based on which it is established and as an efficient mechanism which guarantees a multiethnic, professional balanced between the genders, impartial, ethic and responsible service.

Establishment and Structure of the Council

The Independent Supervisory Council of Kosova is established based on the Regulation 2001/36 on CSK-chapter III.

The Council is comprised of seven members that are nominated by SRDG in consultation with Prime-minister.

The composition of the Council renders multiethnic character of Kosova since there are four Albanian members, two members from minorities and one international member at the initial phase as a specialist for civil administration and after one year will be replaced by a local member from the council.

In accordance with legal norms the Council is an autonomous unit within Ministry of Public Services and it is financed from the budget of this Ministry.

ISCK was formed on 23 of September, 2004 and within a period of two years from its formation it shall be transformed into an organ which shall directly report to Kosova Assembly.

The members of the Council according to Law on KCS are not considered as civil servants.

The Council has its chairman who is elected by the Council.

Aiming to perform technical work MPS has provided the Council with administrative staff who supports ISCK in performing of functions; the staff is organized at the secretariat of the Council and the staff members are civil servants.

The Council reports directly to Minister in MPS, SRSG and to Prime-minister.

Board's Functions

Kosovo Independent Oversight Board is organ:

- That in the last level processing the complaints of the civil employees till in the level of the departments directors on administrative procedures according to the LSCL
- Highest of Administration whom pursues Law implementation control of the Civil Employees on the PISG(Ministry, Municipalities including and the Secretariat of the Kosovo Assembly ,Prime Minister's office, Health and Education)
- Organ that observes and decide on election legality of the directors of the Departments (Municipalities including and the Secretariat of the Kosovo Assembly
- Organ that gives evaluation of principles observance of the Law on Civil Service in the PSIG and the other works according to the SRSG and the Prime Minister's Office , and the annual report it delivered to the Prime Minister and the SRSG

The Legal Base on pursuing of the above mentioned functions the KIOB has foreseen with:

- Regulation on the KIOB (2001/36)
- UA, 2003/2 on Implementation of Reg2001/36
- Regulation on Work of the KIOB (UA 2005/01MPS)
- Regulation on Complaints Procedures of the KIOB (UA 2005/02 MPS)
- KIOB perform the applicable laws in the Kosovo according to the regulation no 199/24 on applicable Law in the Kosovo.
- The Board had drafted the questionnaires with criteria's that composed in a case of observance the LKCS's completing of the evaluating function.

Complaints Functioning

Once of the most important functions of the Board is exactly the function of the complaints selection of the Civil employees till in the level of the departments directors and applicants of the KSC. Doing this function according to the legal proposition, the KIOB confirms its professionalism and the consecration of it's members for impartiality and correct access by all regards of entity , sex, age politic direction etc.

Is necessary to stressed that the Board till on 08 august 2005 hasn't Regulation On Procedures of the Complaints when its complied as a draft owned by KIOB and its delivered in the MPS after its processing with necessary modification its signed by the Minister of the MPS after that has take the approval of the Prime Minister's and SRSG .

The Board considering this fact , all complaints that have received after the data that when is approved regulation has decided to proceeded with priority, after its related with concrete terms for their solution , so they before this date will solve according with opportunity that it's has.

Also the Board establish the Commission of three members whom proceeding with complaints till the beginning and till the take of final decision for every compliant subject.

The Board has received 169 complaints during period January- December 2005 which are registered in secretariat and are recorded according to the foreseen procedures.

In 132 cases from these complaints are pursued by civil employees of KCS, which in complaints pretended that with decision of the Employment Authority is violated any right by work relation .

37 Complaints are received by applicants for employment in KCS. During elaboration of complaints cases, KIOB has ascertained that they are of the different natures:

- 37 cases of job vacancy violation rules,
- 76 cases for interruption of job contracts,
- 23 cases for un-extension of job contracts,
- 7 cases for degradation,
- 17 cases for compensation of personal incomes,
- 3 cases for suspension by work,
- 3 cases of the others natures.

By above mentioned cases it could be ascertained that 43 or 25% of complaints have been submitted by females and 126 cases or 75% have been male's remonstrant.

According to the nationality belongs the Board has received 163 complaints or 96 % by Albanian remonstrant and 6 complaints or 4% by minorities.

4 complaints are pursued by Serb community, two of them are females and two are males and all of them are of the same subject nature, interruption of the job contracts. Also with the same subject nature are received two complaints, a compliant by Turkish community, and a compliant by Bosnian community.

It's important to underline the fact that 8 complaints have received during 2003 year and 90complaints during 2004 year.

In the continuation, according to the above mentioned notes see the table no 1 and after that the respective diagrams.

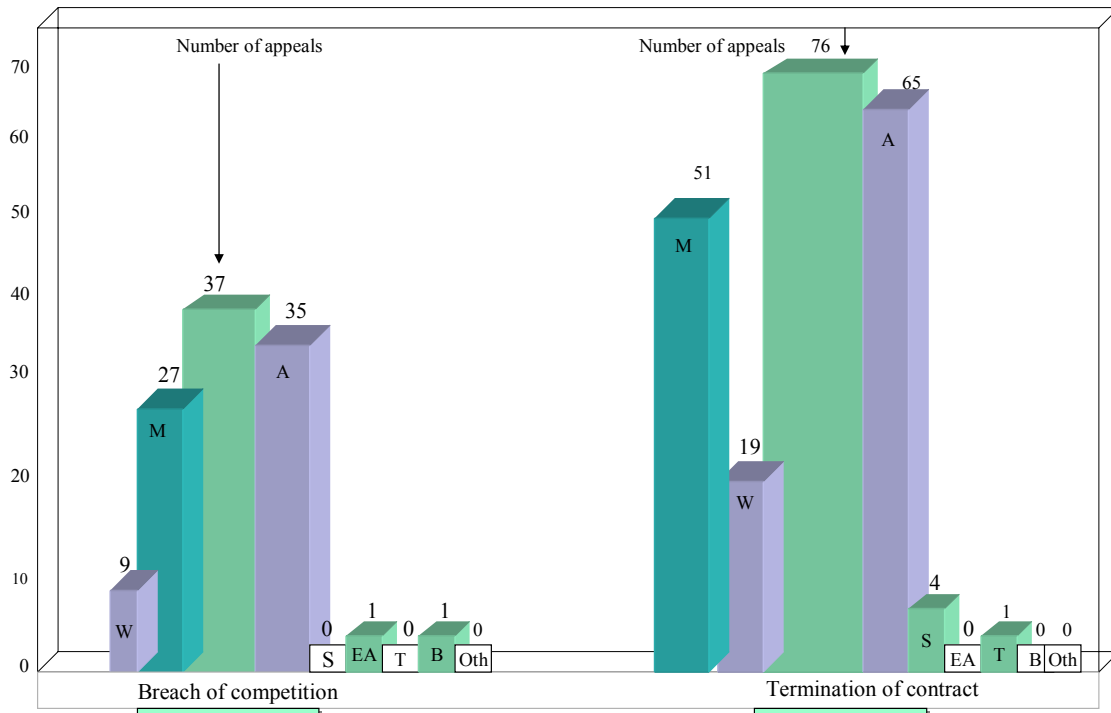
The Review of exponent complaints in % according to natures, nationality of the period from 01.01.2005 since 31.12.2005

According to the natures	No. Comp.	Females	Males	Albanians	Serb	Employment Authorities	Turkish	Bosnians	The Others	Exponent in %
Job Vacancy violation	37	9	28	35	-	1		1		22. %
Contract interruption	70	19	51	65	4	-	1			41. %
Dismiss on of Position	6	-	6	6	-		-	-	-	4. %
Degradation	7	3	4	7	-	-	-	-	-	4. %
Suspension	3	-	3	3						2. %
Compensation to the App.	17	4	13	17	-		-	-	-	10. %
in objective evaluation	0	0-	0	0	-		-	-	-	00 %
Graduation Stopping	0	0	0	0	-		-	-	-	0. %
Contract in extension.	22	7	15	22	-		-	-	-	13. %

<u>Discipline measures</u>	3		3	3	-		-		-	2. %
<u>other measures</u>	4	1	3	4						2. %
<u>total</u>	169	43	126	162	4	1	1	1		100. %
<u>expo.in %</u>		25. %	75 %	95.85 %	2.36 %	0.59.%	0.59. %	.059. %	.%	

According to these data, it result that complaints are pursued in these bases, 70 cases of the contract interruption or 41.6% , 37 cases or 22% for the job vacancy violation. After followed they for in- extension of the job contracts, for compensation of personal incomes and so alternately.

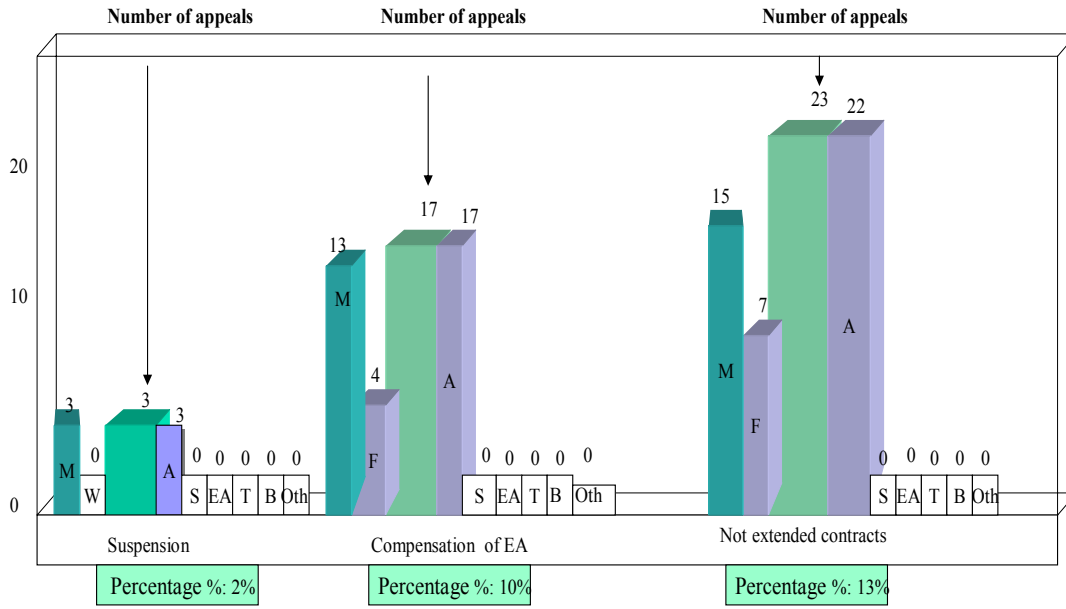
By the employee are established special subjects for all cases of the complaints.

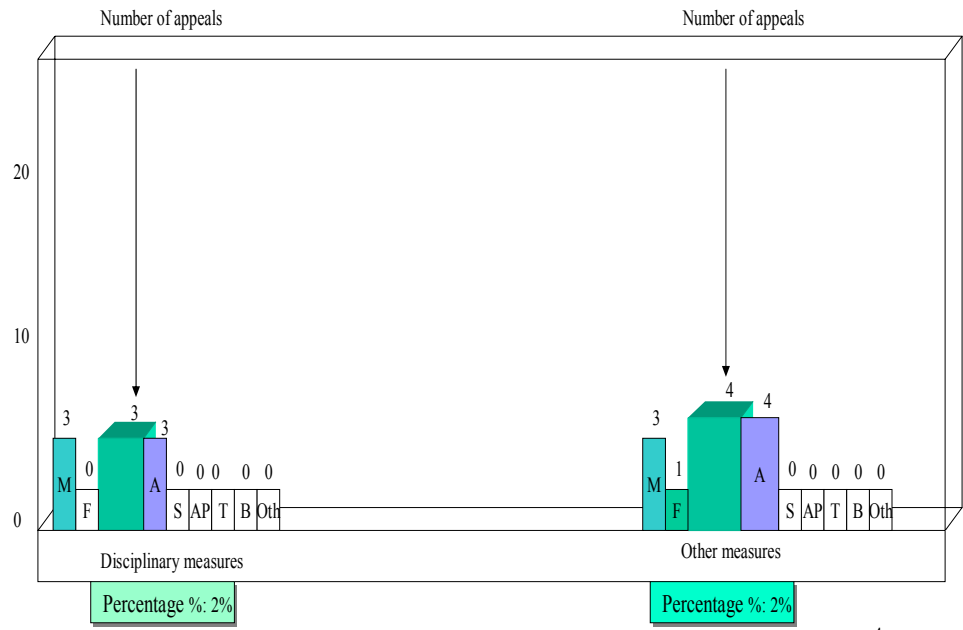


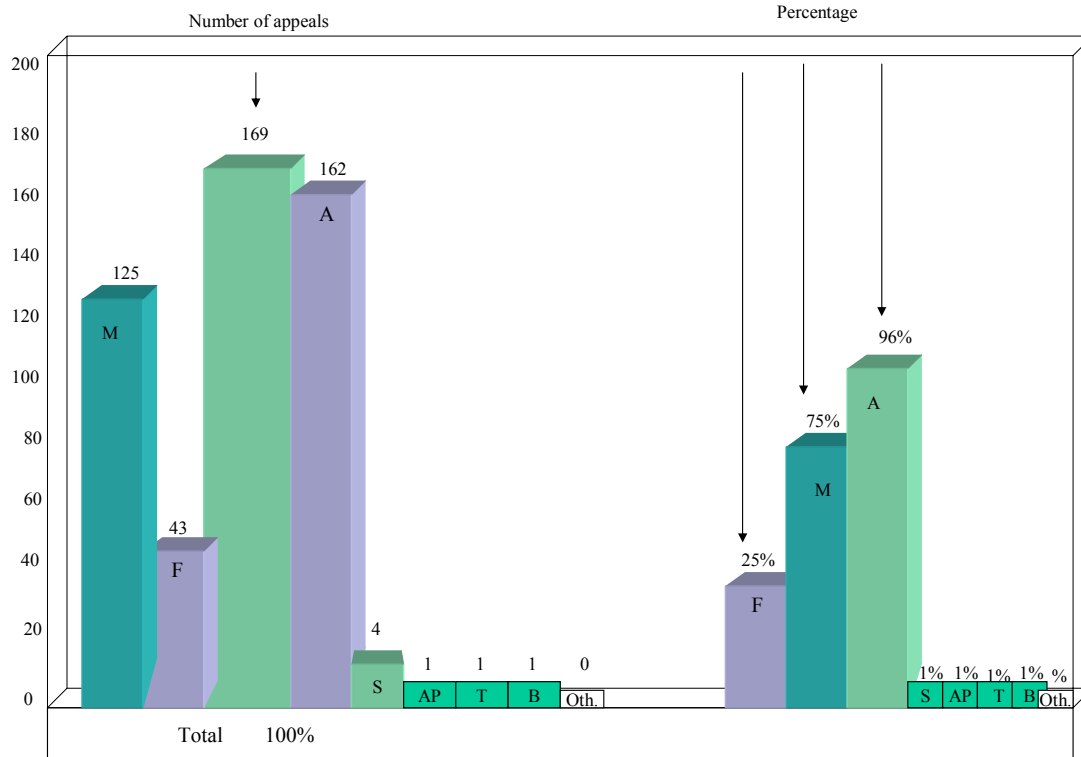
M- Male
F- Female

A- Albanian
S- Serb
EA- Employing Authority

T- Turkish
B- Bosnian
Oth.- Others







The relevant KIOB committees appointed by the board to decide on the appeals have solved 79 appeals altogether, 26 of them were solved during 2005, and 53 during the first two months of 2006. Always having in mind the absence of the regulation for appeals, the board started dealing with appeals from 08 August 2005. For details see tables No. 2 and 3.

Table No.2. Appeals reviewed from 08.08.2005 to 31.12.2005

	No. of Appeals	Female	Male	Albanian	Serb	Turkish	Bosnian	Others	Approved	Partly approved	Refused	Rejected/Thrown	Others
Total No. of appeals reviewed	26	07	19	26	-	-	-	-	05	01	17	-	03
In %		27%	70%	100%					19.2%	3.8%	65%		11%

The data presented above show that 15% of the appeals filed in 2005 were solved

Table No. 3 Appeals reviewed from 08.08.2005 to 20.02.2006

	No. of Appeals	Female	Male	Albanian	Serb	Turkish	Bosnian	Others	Approved	Partly approved	Refused	Rejected/Thrown	Others
Total No. of appeals reviewed	53	14	39	53	-	-	-		07	08	34	01	02
In %		26.4%	73.6%	100%					13.2%	15%	64%	1.8%	3.6%

Highlighted features of the appeals filed

- Cases when the appeals are solved within the Employing Authority by the CEO, not by the Appeals Committee
- Cases when the EA does not respond to the appeal presented,
- Cases when the appeal within the EA are addressed to other institutions as inspections or permanent secretaries (especially in the education field)
- Non-observance of the time lines etc.

The function of assessing the observance of the Law on Kosovo Civil Service

Having in mind that the present report is the first annual work report presented by the board, it is necessary to state that with purpose of exercising this function the KIOB has organized promotion visits to employing authorities of KCS, getting reciprocally informed on the functions of the board and its competencies, as well as on the current situation in the employing authority itself. Another aim of the visits made from 13.12.2004 to 01.03.2005 was to place cooperation between the KIOB and the EA as provided in Section 13.4 of the LKCS.

In these visits, the board members have communicated with the Permanent Secretaries of Ministries, CEOs of Executive Agencies, and CEOs of Kosovo Municipalities, as a result there two general conclusions:

- **All employing authorities welcome the establishment and the work commence of the KIOB, and**
- **All employing authorities have declared that they are ready to cooperate with the KIOB, and good cooperation is achieved with most of the EA.**

In order to have efficient coordination of the visits mate to EA, where the implementation of the LKCS will be assessed, the Board drafted the visits plan, whereas aiming to unify the work procedure and criteria for the board commissions that will conduct this assessment the board has approved the **unique questionnaire** that served as a leading base for implementing the foreseen controls (see the unique questionnaire)

THE FORM OF ASSESSING THE OBSERVANCE

CONTENTS OF THE DATA IMPLEMENTING THE ADMINISTRATIVE DIRECTION 2003/2 IMPLEMENTING UNMIK REGULATION 2001/36 ON THE KOSOVO CIVIL SERVICE

No.	DOCUMENTATION	YES	NO
1	PERSONNEL 1.1 Is the personnel manager appointed? 1.2 Are the authorizations passed to the personnel manager? 1.3 How many persons are there in personnel? 1.4 Place where the documents are kept? 1.5 Is it in a special office? 1.6 or in an open space? 1.7 Does the civil servant have access to see them?		
2	DOCUMENTATION 2.1 Documentation on qualification and work experience 2.2 Original or copy of the diploma?		
3	Recruitment 3.1 The request for vacancy announcement – Beginning of recruitment 3.2 Who signs and allows the request? 3.3 How do you publish the vacancy? 3.4 Is it published in two languages? 3.5 In places where communities live? 3.6 If available, we need see the contract or written evidence of your contact with the community media. 3.7 Are the applications in two languages? 3.8 Who decides on establishing the commission? 3.9 Is there gender and multi-ethnic harmony? <ul style="list-style-type: none"> - Form of long list of candidates - Form of short list of candidates - How do you call the candidates? (by form, telephone). In particular the communities <ul style="list-style-type: none"> - The form of final selection by questions? 		

	<ul style="list-style-type: none"> - The form of final individual assessment? - Final interview – general assessment - Final ranking - Final report of the appointing commission - Who signs this report? <p>4. Probation work</p> <p>4.1 Do you exercise probation work for the civil servants?</p> <p>4.2 For what period of time?</p> <p>4.3 Who oversights the probation work?</p> <p>4.4 Is the official informed of the period and condition of the probation period?</p> <p>4.5 Who instructs and supports the official during the probation work?</p> <p>4.6 Does the personnel manager remind the head on the request for probation work assessment that is in compliance with the probation work plan?</p> <p>4.7 Who assesses the probation work?</p> <p>4.8 Is there a head-employee interview?</p> <p>4.9 Does the employee sign the form for probation work?</p> <p>4.10 Is the employee informed of the right to appeal on work termination?</p> <p>4.11 Is there any case when the employee filed an appeal against work termination for reason of non-success in probation work?</p> <p>4.12 See a form of probation work</p>		
5	WORK TERMINATION		
	5.1 When do you inform the official that his/her work is terminated, due to the contract expiry, as there is no budgetary decision?		
6	JOB DESCRIPTION		
	<p>6.1 Who presents the request for a new job position?</p> <p>6.2 Who assesses that the new job position is reasonable?</p> <p>6.3 Who prepares the job description?</p> <p>6.4 Who allows the new job positions?</p>		

	<p>6.5 Is there a copy of the job description in the personal file of the employee?</p> <p>6.6 See a case of job description.</p>		
7	<p>WORKING HOURS</p> <p>7.1 Is the work attendance overseen?</p> <p>7.2 See the evidence on work attendance?</p>		
8	<p>ABSENCE – SICK LEAVE</p> <p>8.1 How do you justify the absence of the employee for 2 – 3 days?</p> <p>8.2 How do you act with the officials who have used the paid sick leave, and who are still not able to work, i.e. sick?</p> <p>8.3 How to you act with the officials injured in work?</p> <p>8.4 What documentation you use to justify them?</p> <p>- Medical signs</p> <p>Or only the medical report</p> <p>8.6 See the evidence of absence and sick leave.</p>		
9	<p>GRADING</p> <p>9.1 Any case of employee grading?</p> <p>9.2 If the employee is graded;</p> <p>a) Was the grading procedure done through vacancy announcement, i.e. Competition procedure?</p> <p>b) or done based on the head recommendations and positive work assessment?</p> <p>9.3 If the case is of under b) see the written decision with the justification allowed by the PS</p>		
10	<p>EQUAL OPPORTUNITIES</p> <p>10.1 Has the senior official for equal opportunities been appointed?</p> <p>10.2 If appointed, is he/she dealing with matters of:</p> <p>- raising the communities representation in employment</p>		

	<p>organizations,</p> <ul style="list-style-type: none"> - gender equality (how much are females represented in work?) <p>10.3 Is the strategy of equal opportunities implementation mentioned:</p> <ul style="list-style-type: none"> - support the communities, female, limited abilities persons; - support the usage of two-languages <p>10.4 Is the implementation of equal opportunities overseen?</p> <p>10.5 Is the report on applying the equal opportunities strategy and its progress during 2005 mentioned</p> <p>11.2 See – the list of filling new job positions for the directors of departments in 2005</p>		

Following this, visits monitoring the KCS law were made as follows:

- One visit to the administration of Kosovo Assembly
- One to the administration of the Kosovo Presidency
- One to the administration of the Prime Ministry
- 13 to the Ministries of Kosovo Government
- 30 to Municipalities
- 4 to the Executive Agencies
- One to the Kosovo Tax Administration
- One to the Administration of the University
- 14 to the PU faculties
- 8 to the Prishtina Hospital and its clinics
- 8 to regional hospitals

During these visits, the Employing Authorities were given the written relevant recommendations and were suggested on what fields corrections and improvements were needed, and the same sent to the Permanent Secretaries of the Ministries or CEOs of Municipalities, responsible Ministries and to the Minister of MPS. The board reviewed the implementation of recommendations which were mostly implemented, and in cases when unreasonably not implemented, the board shall decide in compliance with sections 13.3 of the regulation of KCS.

See the following tables for the visits made.

	Sent recommendations	Date of Visit	Date the recommendati on was sent	Time line to implement	Control day
1	M.A. Ferizaj	11.04.05	20.04.05	No time line	20.06.05
2	M.A. Leposaviq	13.04.05	19.05.05	No time line	19.07.05
3	M.A. Prishtinë	13.04.05 19.04.05	02.06.05	2 Months	02.08.05
4	M.A. Malishevë	14.04.05	14.06.05	2 Months	14.08.05
5	M. Kulturës Rinisë dhe Sportit	11.04.05	13.06.05	2 months	13.08.05
6	Kryeministri	22.04.05	02.06.05	2 months	02.08.05
7	M.A. Shtime	25.04.05	13.06.05	2 months	13.08.05
8	M.A. Drenasë (Gllgovc)	29.04.05	07.06.05	2 months	07.08.05
9	M. Mjedisit dhe Planifikimit Hapsinor	13.05.05	15.06.05	2 months + Continues	15.08.05
10	M.A. Skenderaj	19.05.05	13.06.05	2 months	13.08.05
11	Enti I Statistikës së Kosovës	23.05.05	15.06.05	2 months	15.08.05
12	M. Transportit dhe Post Telekomunikacionit	06.05.05	17.06.05	2 months	17.08.05
13	M. Bujqësisë Pylltaris & Zh.R.	05.05.05	20.06.05	2 months	20.08.05
14	M.SH.P	27.04.05	20.06.05	2 months	20.08.05
15	Kuvendi I Kosovës	15.04.05	20.06.05	2 months	20.08.05
16	M.A. Vushtrri	12.05.05	23.06.05	2 months	23.08.05
17	M.A. Mitrovicë	20.05.05	23.06.05	2 months	23.08.05
18	M.A. Besianë (Podujevë)	28.04.05	23.06.05	2 months	23.08.05
19	M.A. Gjakovë	27.04.05	24.06.05	2 months	24.08.05
20	M.A. Rahovecë	16.05.05	24.06.05	2 months	24.08.05
21	M.A. Novo-Berd	25.05.05	29.06.05	2 months	29.08.05
22	M.A. Zveqan	09.06.05	01.07.05	2 months	01.09.05
23	M.A. Dragash	10.06.05	01.07.05	2 months + Continues	01.09.05
24	M.A. Lypian	03.06.05	05.07.05	2 months +Continues	05.09.05
25	M.A. Viti	03.06.05	05.07.05	2 months	05.09.05
26	Universiteti I Prishtinesë me Fakultetet	14.06.05	05.07.05	2 months + Continues	05.09.05
27	M. për Administratën e Qeverisjes Lokale	10.06.05	06.07.05	2 months + Continues	06.09.05
28	M.A. Dardanë (Kamenicë)	04.05.05	07.07.05	2 months + Continues	07.09.05
29	Qendra e Studenteve	22.06.05	07.07.05	2 months + Continues	07.09.05
30	M. Punësë & Mirqenjës Sociale	21.04.05	12.07.05	2 months +Continues	12.09.05
31	M.A. Fushë Kosovë	18.04.05	12.07.05	2 months + Continues	12.09.05
32	M.A. Therandë (Suharekë)	06.06.05	14.07.05	2 months + Continues	14.09.05
33	Agj. Katastral i Kosovës	15.06.05	14.07.05	2 months	14.09.05
34	M.A. Shtërpcë	04.07.05	14.07.05	2 months	14.09.05
35	M.A. Deqan	13.06.05	13.07.05	2 months	13.09.05
36	M.A. Gjilan	15.04.05	14.07.05	2 months +	14.09.05

				Continues	
37	M. Tregtis dhe Industris	11.05.05	14.07.05	2 months + Continues	14.09.05
38	M. Arsimit	13.06.05	18.07.05	2 months + Continues	18.09.05
39	M.A. Istog	08.06.05	20.07.05	2 months+contin	20.09.05
40	M of Return	01.07.05	21.07.05	2 months	21.09.05
41	MEF	17.05.05	22.07.05	2 months+contin	22.09.05
42	M.A. Klinë 30.06.05	30.06.05	22.07.05	2 months+contin	22.09.05
43	M.A. Kaqanik	09.05.05	22.07.05	2 months+contin	22.09.05
44	Kosovo Agency for Medical products	13.06.05	22.07.05	2 months+contin	22.09.05
45	KIPA	19.07.05	25.07.05	2 months+contin	25.09.05
46	M.A. Obiliq	15.07.05	25.07.05	2 months+contin	25.09.05
47	M.A. Prizren	11.07.05	25.07.05	2 months+contin	25.09.05
48	Kosovo Tax Adminstration	27.06.05	27.07.05	2 months+contin	27.09.05
49	M.A. Pejë 06.07.05	06.07.05	27.07.05	2 months+contin	27.09.05
50	Ministry of Health	07.07.05	02.08.05	2 months+contin	02.10.05
51	President of Kosovo Office	11.11.05	05.12.05	2 months+contin	05.02.06
52	Inspectorial Agency	01.12.05			
53	Veterinary Agency	01.12.05			
54	Forestry Agency	01.12.05			

No	Date	Faculty	Hour	Planed	Realized
1	14.06.2005	University of Prishtina	10.00	Planed	Realized
2	17 .06. 05	Philosophic faculty		Planed	Realized
3	20.06.05	Faculty of Law		Planed	Realized
4	21.06.05	Faculty of Medicine	10.00	Planed	Realized
5	20 .06. 05	Faculty of Philology		Planed	Realized
6	20.06.05	Faculty of Economy		Planed	Realized
7	17.06.2005	Aculy of architecture and - -	13.30	Planed	Realized
8	21 .06. 2005	Faculty of Educaton		Planed	Realized
9	21.06.05	Faculty of art		Planed	Realized
10	21.06.2005	Faculty of Mechanical Engineering	11.30	Planed	Realized
11	21 .06. 2005	Faculty of Physical Culture		Planed	Realized
12	21.06.2005	Faculty of Agriculture		Planed	Realized
13	21.06.2005	Faculty of Electrical and computers Engineering	12.00	Planed	Realized
14	22 .06. 2005	Student center		Planed	Realized
15	21.06.2005	Faculty of Mathematical - natural science		Planed	Realized

1	M.A. Ferizaj		
2	M.A. Prishtinë	With remarks	Manager of personnel not appointed
3	Prime Ministry	All recommendations have been implemented	
4	M.A. Drenasë (Glllogvc)	With remarks	Manager of personnel not appointed
5	M of Transport and Post Telecommunications	All recommendations have been implemented	
6	M.A. Mitrovicë	With remarks	Manager of personnel not appointed
7	M of Local Government Administration	With remarks	The employees' evaluation has not been done in probation period.
8	Student Center	All recommendations have been implemented	
9	M.A. Gjilan	With remarks	Manager of personnel not appointed
10	M of Trade and Industry	All recommendations have been implemented	
11	M.A. Istog		
12	Kosovo Agency for Medicinal Products	All recommendations have been implemented	
13	M.A. Obiliq		
14	M.A. Prizren	With remarks	The recommendations not implemented and Manager of personnel has not cooperated with the Board.
15	M.A. Malishevë	With remarks	The vacancies/announcements has not been announced according to legal provisions

16	M.A. Skenderaj	With remarks	The announcements/vacancies are not announced according to legal provisions. Procedures on maternity leave are not based on LCS
17	MPS		
18	Kosovo Assembly	With remarks	The competences are not transferred to the personnel manager
19	M.A. Vushtrri	With remarks	The education employees of Serb minority have not signed the contracts
20	M.A. Besianë (Podujevë)	With remarks	The competences are not transferred to the personnel manager and the announcements/vacancies have not been announced according to legal provisions
21	M.A. Therandë (Suharekë)	With remarks	The announcements/vacancies have not been announced, the contracts are not compiled according to legal provisions
22	M of Return	With remarks	The procedure on probation period is not implemented and the employee's evaluation is not done. Systematization of work positions which is covered by the ministry budget is not clear. Employment and dismissal as a labour surplus should be done according to CS procedures. The rule of CS procedures foreseen in Administrative Direction No. 2003/02 in section 7.8 and 9 has not been implemented when the Ministry is established.
23	M.A. Klinë	With remarks	The competencies are not transferred to the personnel manager and the announcements/vacancies have not been announced according to legal provisions
24	M.A. Kaçanik	With remarks	The announcements/vacancies

			in Serbian language are not announced in Serbian media but only in Albanian newspaper
25	KIPA	With remarks	Personnel manager is not appointed. The disciplinary and compile commission is not established and the announcements/vacancies are not announced according to legal provisions.
26	M of Culture Sport and Youth		
27	M.A. Gjakovë	With remarks	The section 12 of Regulation 2001/36 in conformity with the appointment of directors and competences are not transferred to the personnel manager
28	M.A. Rahovec	With remarks	The personnel manager is not appointed
29	M.A. Dragash	With remarks	The recommendation are not implemented in sector of Health and Education
30	M.A. Lypian	With remarks	The personnel manager is not appointed, the section 12 of Regulation 2001/36 on procedures for directors appointments and section 4 of Regulation 2003/02 have not been respected
31	M.A. Fushë Kosovë	All recommendations are implemented	
32	Ministry of Health		
33	M.A. Shtime	All recommendations are implemented	
34	MESP--	With remarks	The contracts are signed by the Permanent Secretary
35	Prishtina University together with faculties	With remarks	University Status and duration of contracts to be harmonized with the LCS
36	M.A. Dardanë (Kamenicë)	With remarks	The Education and Health are nor covered by the personnel manager (only Serb employees) and competences are not transferred to the MP
37	M of Education		
38	M.A. Viti	All recommendations are implemented	CONCLUDED: the situation is very good

39	MLSW	With remarks	The contracts are signed by the director of Central Administration and not by the PM, and the parties are not informed about the right on claims
40	Kosovo Cadastre Agency	All recommendations are implemented	
41	M.A. Deçan	With remarks	The personnel manager is not appointed
42	MEF	With remarks	The personnel manager is not appointed. The files are not situated as foreseen by the law
43	Kosovo Tax Administration	With remarks	The contracts are signed by the director, and not by the personnel manager
44	M.A. pejë		The contracts are signed by the Chief Executive
45	President of Kosovo Office		
46	Agency of Inspectorate		
47	M.A. Leposaviq	All recommendations are implemented	
48	Kosovo Statistical Office	With remarks	The personnel manager is not appointed.
49	MAFRD	All recommendations are implemented	
50	M.A. Novo Bërdo	With remarks	The education and health are not covered by the personnel manager (only for Serbian employees)
51	M.A. Zveqan	All recommendations are implemented	
52	M. A. Shtërpcë	With remarks	The personnel manager is not appointed.
53	Veterinary Agency		
54	Forestry Agency		

Characteristics regarding the assessment of respecting the law

As it can be seen in the table on implementation of recommendations, most of employing authorities have respected given recommendations and efficiently averted the defects, but it is worth mentioning that during the first visits, most of EA have not appointed the personnel manager, what directly affects in implementation of LCS principles. After giving the recommendations, most of EA have appointed PM, and this has positively influenced in implementation of LCS provisions.

- It is characteristic that some EA have appointed the PM but the responsibilities determined by the law have not been transferred from the main executive officer, notably he/she is not allowed to sign the work contracts for the employees.
- It was verified that in some EA, the annual assessment of employees has not been done as foreseen in article 3.1(d), but after the suggestions are given by KIOB the situation is evidently improved.

In this direction, KIOB during exercising the function has seen that some EA are very precise in implementation of the law, as: Municipality of Vitia, F. Kosova, Prime Ministry, Kosovo Assembly Administration etc.

There are cases, where implementation of the law is very low, as: Ministry of Return especially in the first phase of employment, without clear criteria and without respecting the competition. After a period of time this has been averted. In august 2005, in this Ministry, as a result of budgetary reductions the work contracts have not been extended 61 employees; some of them have submitted appeals to KIOB, and these appeals are in procedure to be solved.

In Municipality of Prizren, some lacks are noticed in cooperation with the KIOB.

The function of monitoring the appointment of department directors

Based on Regulation No. 2001/36 on KCS, under section 12 is determined the right of monitoring the appointment of Civil Servants in the level of directors of departments.

It was the first time that such a procedure on appointment of directors, to be foreseen by the law that the monitoring to be done by a commission of KIOB, which shall guarantee the transparency and implementation of procedures foreseen by the law and other legal acts.

In these monitoring visits the Independent Oversight Board is presented in commissions with three members.

Commissions of the Board, in concrete monitoring cases have requested to see the observance of KCS governing principles:

- If the interviewing commission is established in regular way and if it fulfils the foreseen criteria by the section 7.2 of AI.
- Announcement of vacancies and job description
- list of candidates with evidence on qualification
- full interviewing procedure
- final list of assessment of candidates
- any other relevant document on the selection process

During the reporting period KIOB has made 56 monitoring visits in EA, where the procedure of appointment of directors has been developed and the board has established relevant commissions.

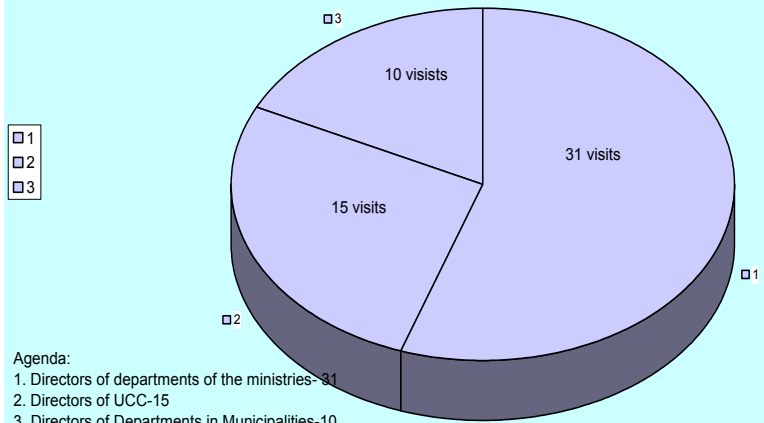
Regarding this see table below of EA visited and appointment of directors of departments that should be selected along with relevant diagrams that present the activity of KIOB.

Employing authority	Date of visit	Date of the decision	Depart. - Directorate
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Munic. Ferizaj	01.03.2005		Director of Office on Minority issues
MEM	-----	16.03.2005	Dep. of Mine
MAFRD		16.03.2005	Dep. of Procurement
MESP		16.03.2005	Dep. of Procurement
MEM		17.03.2005	Director of Dep. of Mines
MESP		19.04.2005	Dep. of production and --
MAFRD		26.04.2005	Dep. of procurement
MAFRD		29.04.2005	Directorate for supply
Municipalit of Dragash		29.04.2005	Directorate for Health
MEM		17.05.2005	Dep. for Energy
MEM		17.05.2005	Dep. for Strategy and Devel.
Ministry of Return		20.05.2005	Dir. Of Dep. for media
Ministry of Return		20.05.2005	Dir. Of Dep. for displaced persons
MEM		25.05.2005	Dep. for mine
M. of Dragash		31.05.2005	Dir. for Budget and Finan.
M. of Dragash		31.05.2005	Dir. Fro Urb.Plan.Invest.
MPTT		03.06.2005	Dir. of roads
MPTT		03.06.2005	Dep. of procurement
M. of Dragash	23.06.2005	22.06.2005	Dir. for Educ.democ.media
MEM	26.07.2005	21.07.2005	Dep. of procurement
MIT	27.07.2005	25.07.2005	Dep. of meteorology
M. of Mitrovica	28.09.2005	21.07.2005	Dir.of urb.plan.recon.ban
M. of Leposaviq	08.09.2005	06.09.2005	Office for communities
MH		20.09.2005	Dep. for strateg. develop.
MIT		05.10.2005	Dep. of meteorology
M. of Mitrovica	13.10.2005	11.10.2005	Dir. for Agric. And Env.pro.
UCC	26.09.2005	09.09.2005	Pediatrics Clinic
UCC	26.09.2005	09.09.2005	Clinic of obstetr. Gyneco.
UCC	26.09.2005	09.09.2005	Clinic of ORL
UCC	27.09.2005	09.09.2005	Clinic of anesthe.
UCC	27.09.2005	09.09.2005	Center of Diagnos.
UCC	27.09.2005	09.09.2005	Institutions
UCC	28.09.2005	09.09.2005	Intern Clinic
UCC	28.09.2005	09.09.2005	Center of emergency
UCC	29.09.2005	09.09.2005	Clinic of dermatol.
UCC	29.09.2005	09.09.2005	Clinic of neurology.
UCC	29.09.2005	09.09.2005	Clinic of oftalm.
UCC	29.09.2005	09.09.2005	Clinic of infec.
UCC	03.10.2005	09.09.2005	Clinic of lungs
UCC	03.10.2005	09.09.2005	Ortop. nationale center

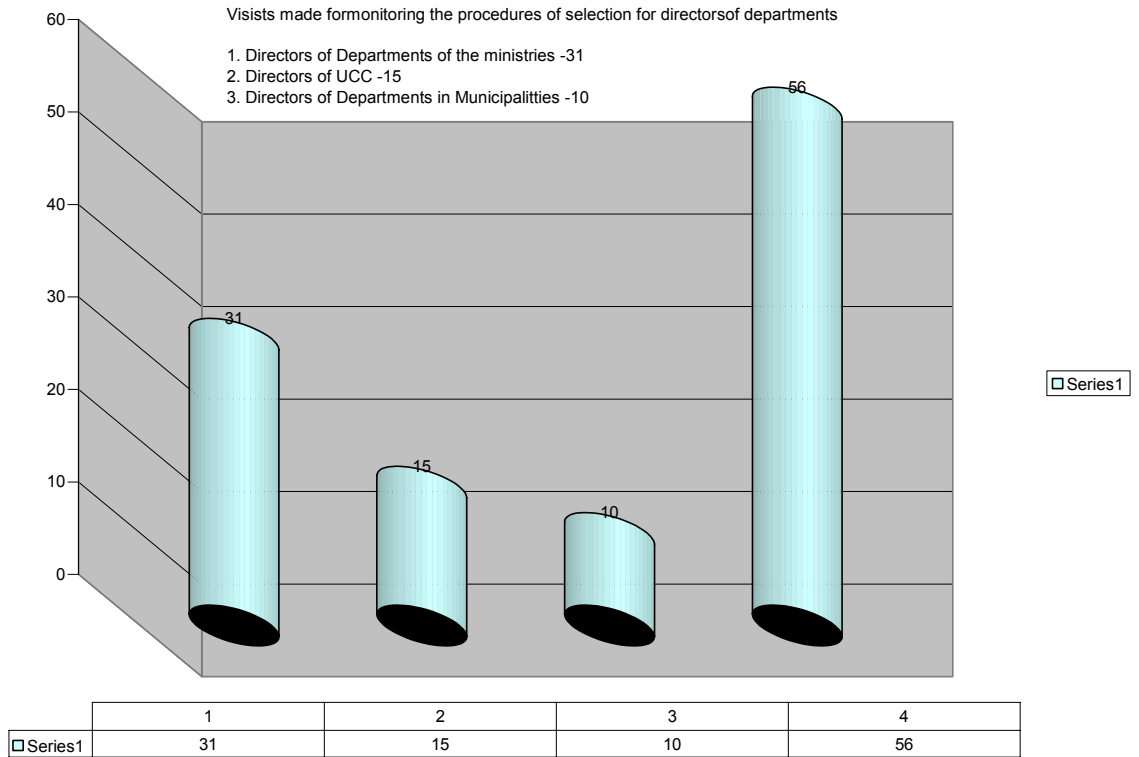
MPTT	18.10.2005	11.10.2005	Dep. of vehic.
M. of Mitrovica	13.10.2005	11.10.2005	Dir. for agr.and env.prot.
MAFRD	20.10.2005	14.10.2005	DCA
MPTT	08.11.2005	01.11.2005	Dep. of roads
MPTT	09.11.2005	08.11.2005	Dep. of procurement
MPS	15.11.2005	15.11.2005	DCA
MAFRD		23.12.2005	Leg.office for pub.relation
MR		23.12.2005	Dep. of culture
MR		23.12.2005	Dep. of youth
MR		23.12.2005	Dep. of sport
MR		23.12.2005	Dep. QJR
MR		23.12.2005	DCA
MEF	20.01.2006	13.01.2006	Dir. of inform.technol.
UCC	20.01.2006	13.01.2006	Clinic of pediat.
MEF	30.12.2005		Dep. of fiscal pol.

Visits made for monitoring the procedure of selection for directors of departments



Visits made for monitoring the procedure of selection for directors of departments

1. Directors of departments of the ministries - 31
2. Directors of UCC - 15
3. Directors of Departments in Municipalities - 10



Characteristics on monitoring the appointment of directors of departments

Mainly, the selection procedures have been developed according to legal procedures.

There were cases, where some lacks have been noticed:

Announcement of vacancies was not according to criteria under article 4 of Administrative Instruction No. 2003/2

The competition for applicants was not extended for another 15 days as foreseen under article 4.2, (g) of the same Administrative Instruction

The composition of interviewing commissions in contradiction with the provision 7.2 of Administrative Instruction that foresees the gender and ethnicity equality.

Not respecting article 7.3 of Administrative Instruction No. 2003/2.

All these defects are concluded in the initial phase of functioning of the Board, but afterwards in most Employing Authorities these defects have been improved. Employing Authorities very often have required explanations from IOB and required explanations have been provided to them in the meaning of implementation of procedures foreseen by the law.

General comments

Kosovo Independent Oversight Board concludes that during 2005, an efficient activity has been developed and positive results have been achieved. In its initial work phase in most employing authorities the personnel managers have not been appointed, who according to IOB are key persons within the employing authorities dealing with the management of legal procedures and human resources in the employing authority, and with the direct activity of IOB has been achieved not only to appoint the managers of personnel but also to take competences foreseen with the legal provisions and this has evidently affected in increasing positive processes in KCS in the aspect of implementation of the law.

In the field of education, even though by the law determined as civil servants and paid by KCB, the Board has concluded that in most municipalities even though the municipalities formally – legally are employers, they do not have access in personal files of employees. In some municipalities, educational employees of Serb minority receive salaries but they refuse to sign the work contracts.

Irregularities have been noticed in solving the appeals of educational employees in preschools, primary and secondary schools, where some appeals are solved by the appeal committee of the municipality and some by the appeal committee of the ministry, with often involvement of regional education inspectors.

In this direction, the Law on KCS determines that each EA should have an appeal commission, exclusive competence of which is taking decisions on submitted appeals.

Also, in the field of health, personal files are spread out in health organs. In regional hospitals, UCC and in some clinics that function as independent authorities, even though according to Reg 2001/19 as Employing Authorities are determined Ministries and Executive Agencies, whereas the manager of personnel of this Ministry has access only in personnel files of administrative staff employed in the Ministry.

The Board thinks that in this direction is necessary to improve legal regulative that would clearly define competences and responsibilities in these two fields of civil service.

Challenges and difficulties

One of the main difficulties that the Board faces during the whole time of its functioning is not having the number of members foreseen by the law.

From the day of its establishment and until the day when this report has been prepared, IOB only for a short period has had 7 members, whereas since 30th March until 17th November has had only 5 members. This has caused practical problems in efficient performing of duties of the Board, as many times the Board has faced situations where it was necessary to engage more members for concrete activities, whereas activities were limited with time lines.

In some cases, IOB was not able to establish commissions with three members for each function that it has, because of the lack of foreseen number of members, and very often happened to have two activities at the same time in two different functions.

Recommendations of IOB

In order to increase the level of implementation of the Law on Civil Service, IOB evaluates that is required:

- To clearly determine by the Law the manner of performance of its decisions.
- The issue of promotions within the Civil Service to be obligatory elaborated in order to avoid the dilemmas that EA is continuously facing.
- IOB to increase efforts for information of citizens through public information means, manuals and bulletins on the role of IOB and rights of civil servants regarding IOB.
- To increase the cooperation with local and international organisations and bodies in the field of Civil Service and Administration.
- IOB to establish a clear action strategy
- To initiate the issue of transformation of the board in accordance with article 7.2 of Regulation on KSC (2001/36)
- IOB along with DCSA and KIPA to be actively involved in the process of KCS reform.

Kosovo Independent Oversight Board expresses its gratitude to the Special Representative of Secretary General for the diligence shown during the appointment of IOB members.

- Kosovo Prime Minister for engagement in approving the appointments and giving the compliance for board regulations
- Minister of Ministry of Public Services for continuous engagement in providing with support staff for the board and providing with logistic services and drafting of two necessary regulations for the work of IOB
- OSCE and Department of Civil Services of UNMIK for correct cooperation
- CMPS based in London for training of members of the Board and providing continuous advises
- All Employing Authorities in Kosovo Civil Service for respectable approach toward the Board
- The Board expresses its readiness for cooperation with all interested subjects and welcomes all initiatives in this direction.
- Aware that we could not present everything in this annual work report, the Board shall carefully review all suggestions and eventual critics.

Kosovo Independent Oversight Board