

CIVIL SERVANTS RECRUITMENT PROCESS IN KOSOVO**Xhemazie Ibraimi****KolegjiAAB, Faculty of Law and Public Administration, Kosovo, Email: xhemazie.ibraimi@universitetiaab.com***Enver Mala***KolegjiAAB, Faculty of Law and Public Administration, Kosovo, Email: envermala@hotmail.com***(Received: January 2021; Accepted: March 2021; Published: May 2021)**

Abstract: In this study, we will analyze the instantaneous control in the recruitment of civil servants in the Republic of Kosovo. The purpose of the study is to achieve knowledge of the object of study, ie how the procedure of recruitment of civil servants is carried out, which procedures should be implemented until the establishment of employment in the civil service of Kosovo and which bodies are competent to control the legality of administrative acts of state administration bodies in the field of recruitment and establishment of employment of civil servants. Specifically the detailed aspects of the facility, ie how the recruitment is performed, how a labor relationship is established in the civil service of Kosovo, and how the control is applied internal versus the legality of administrative acts of public administration bodies in the field of recruitment of civil servants and by whom. The result of this study is the achievement with the knowledge of the object of study. In this study to achieve or not to confirm the hypotheses raised, we have used descriptive and statistical methods. Primary data are taken from the annual reports of the Ministry of Public Administration on the state of the civil service, the work reports of the Independent Oversight Board for Civil Service, literature, legal acts, and general normative acts governing the field of recruitment in civil service. The conclusion of this study is that the staffs in the civil service are not accepted according to the principle of merit, that the state administration bodies largely respect the deadlines for the establishment of labor relations, that there is no instantaneous control in the field of recruitment of civil servants. Had the proper influence on the heads of state administration institutions to recruit civil servants on the basis of merit.

Keywords: control; recruitment; civil service; administrative acts.

* Corresponding author: Xhemazie Ibraimi. *E-mail: xhemazie.ibraimi@universitetiaab.com*

Copyright © 2021 The Author(s). Published by VGWU Press

This is an Open Access article distributed under the terms of the Creative Commons BY 4.0 license (Creative Commons — Attribution 4.0 International — CC BY 4.0) which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

1. Introduction

The purpose of this study is to check the legality of administrative acts in the field of recruitment and establishment of employment in the civil service of Kosovo.

State administration institutions perform numerous functions and provide various services, both at the central and local level. In order to perform their competencies and obligations towards citizens as efficiently as possible, there is a need to recruit civil servants in different periods by different bodies.

A civil servant is considered an adequate person to exercise public administrative authority on the basis of ability and capacity, who assists the highest administrative leader in implementing policies, monitors the implementation of administrative rules and procedures, ensures their execution and provides administrative support. for their implementation.

Civil service is considered the whole body of administrative staff employed in central and local administration institutions, who implement policies and ensure compliance with relevant rules and procedures. **Shërbimi Civil në Kosovë organizohet në katër kategori funksionale, edhe atë në kategorinë funksionale: niveli i lartë drejtues, drejtues, profesional dhe tekniko administrativ.**

In this paper we will examine the issue of how recruitment procedures are implemented in the Kosovo civil service, what is recruitment, how do they start and who initiates the recruitment procedures in the Kosovo civil service, to which body are the requests for recruitment addressed and who reviews it , when the vacancies can be published, what should be the contents of the vacancies, when the vacancies should be repeated (re-announced), what are the selections, who establishes the AD-HOC Selection Committees of the Civil Service for testing the candidates, why the pre-selections are made, what are the procedures for testing the candidates, as well as what form of questions are asked to the candidates in the written test and in the oral interview, respecting the deadlines after the end of the competitions and that: if the candidate is accepted when he can establish employment, in what time limit the candidate signs the act of appointment (employment contract), what types of acts for appointment are provided by the provisions 1 in the civil service, how long does the probationary period of civil servants last after the appointment to the respective position, who does the evaluation of civil servants after the completion of probationary work, who does the evaluation of the work of civil servants on an annual basis, in how many forms can be interrupted employment relations in the civil service.

2. Literature Review

2.1 Recruitment in the Kosovo civil service

Recruitment is a process of accepting staff who have the necessary professional training, skills, and knowledge to fill the vacancy required to be filled by state

Ibraimi, X., Mala, E., (2021)

Civil Servants Recruitment Process in Kosovo

administration institutions, through announcements of vacancies on websites, publication boards in the relevant institution, and at least one daily newspaper (Havolli, Human Resources Manager, 2009, pp. 89-102).

The needs for recruitment of staff in the civil service usually arise when a position in a state administration institution is vacated due to the dismissal of a civil servant, eg early retirement, regular retirement, death of a civil servant before retirement age, final imprisonment with a duration longer than six months, termination of the contract by the disciplinary commission for non-fulfillment of duties or violation of the code of ethics, non-continuation of employment after passing probation by senior leaders administrative or for any other reason.

External recruitment procedures are developed in order to fill the positions with professional and technical-administrative level staff, while internal recruitment procedures are developed in order to advance (raise) the ranks of existing civil servants to senior management positions. (Public M. e., Regulation on career advancement of civil servants No. 21/2012, Article 5, 2012).

Recruitment of civil servants should be done in accordance with the principle of merit, professional ability, impartiality, equal opportunities, non-discrimination and equal representation, based on public competition and after the evaluation of written and oral tests by a commission of independent and professional established by the recruiting institution as well as after the completion of the recruitment procedures and deadlines for appeal.

The right to apply for employment in the civil service belongs to the citizens of the Republic of Kosovo of adult age, who have full capacity to act, are in possession of civil and political rights, have the appropriate professional training for the position of required professional, have the professional and physical ability to perform executive or managerial duties and perform administrative functions.

The Ministry of Public Administration, re-appointed to the Ministry of Internal Affairs and Public Administration in 2020, is responsible for compiling an annual report on its activity during the respective year, the content of which should include the number of recruitment procedures, announcement of vacancies, review of applications for recruitment, termination of employment and the number of complaints filed during the respective year (Stavileci, Batalli, & Sadushi, Administrative Law Organization and Administrative Activity, 2012, pp. 84).

2.2 Initiation of the recruitment procedure in the civil service

Recruitment procedures in the Kosovo civil service begin when the heads of sector units in municipalities (divisions in the ministry) in which vacancies will be filled, address the directors of directorates in the municipality (directors of departments in the relevant ministry) with requests for filling vacancies through the official e-mail

address or in physical form (Public M. e., Regulation on Recruitment Procedures in the Civil Service, No.02/2010, Article 9, 2010).

After receiving the requests, the directors of the directorates (departments) address the personnel units with requests for filling the vacancy. Attached to the requirements are the files prepared by the heads of departments (heads of divisions) for that position.

The files prepared by the leaders of the recruiting units should always contain the formal requirements for filling the vacancies, a brief description of why it is necessary to fill the vacancies, a brief description of the vacancies eg position titles, name of the units in which the vacancies will be filled, whether they are career positions or not, the reference numbers of the personnel plans, the duration of the engagements to which the functional categories belong and the job descriptions of the jobs.

Based on the annual work reports of MPA, respectively MPBAP, state administration institutions during the period 2016-2019, have planned to fill 6686 vacancies with career civil servants, but have managed to initiate only 3342 requests for the recruitment of servants civil.

During 2016, they planned to fill 1295 vacancies with civil servants, managed to fill only 60% of vacancies, failed to fill 40% of vacancies.

During 2017, they planned to fill 1536 vacancies with civil servants, managed to fill only 41.99% of vacancies, failed to fill 58.01% of vacancies.

During 2018, they planned to fill 1428 vacancies with civil servants, managed to fill only 50.63% of vacancies, failed to fill 49.37% of vacancies.

During 2019, they planned to fill 2427 vacancies with civil servants, managed to fill only 49.32% of vacancies, failed to fill 50.68% of vacancies.

2.3 Reviews of recruitment requests

Requests for staff recruitment received from the directors of directorates (departments) are reviewed by managers and staff immediately upon their receipt by the heads of the requesting units. (Public M. e., Regulation on Recruitment Procedures in the Civil Service, No.02/2010, Articles 10-14, 2010).

The review of applications for recruitment starts from the verification of the request for filling vacancies or new positions (if they are new positions), whether they have been submitted by authorized persons. Then it is verified whether the positions are vacant or new, whether they are foreseen in the individual annual plan for HR, whether they are foreseen in the budget for salaries (is the financial line provided), whether those positions can be filled through the transfer of any civil servant existing or must be completed through external vacancy announcements (outsourcing recruitment). Are the job titles (positions) in line with the job vacancies and are they within the framework provided in the catalog of job titles in the Kosovo civil service.

Ibraimi, X., Mala, E., (2021)

Civil Servants Recruitment Process in Kosovo

View professional training and work experience are required in accordance with job descriptions and responsibilities. Requests that meet the above criteria are approved, while those that do not meet are rejected (Public M. e., Regulation on transfer of civil servants No. 06/2010, 2010).

Announcements of vacancies for the recruitment of civil servants by state administration institutions are published only after the DCSA has authorized personnel managers to publish vacancy announcements. (Public, Regulation on recruitment procedures in the Kosovo civil service no. 02/2010, Articles 22, 29, 2010).

Based on the annual work reports of the MPA, respectively the MPBAP-department for civil service administration during the period 2016-2019, the state administration bodies have been authorized to publish 3342 internal and external competitions.

2.4 Contents of competition announcements

Every announcement of vacancies must contain at the entrance of the vacancy this data, there must be legal provisions based on which the vacancies are published (Public M. e., Regulation on Recruitment Procedures in the Civil Service, No.02/2010, Article 16, 2010).

The contents of the vacancies should include the titles of the vacancies and the number of executors, the reference numbers of the vacancies, the positions where the vacancies will be filled or where the civil servants will work if they are selected after the completion of the recruitment procedures, to which functional categories do the positions belong, what are the ranks of the jobs, the duration of the appointments, are they career positions or not, the duration of the probationary work.

2.5 Re-announcement of competitions

A condition for continuing with the development of recruitment procedures after the deadline for submission of applications is the acceptance of at least five applications of candidates, of which at least three with adequate qualifications and one must be in terms of gender. (Public, Regulation on recruitment procedures in the Kosovo civil service no. 02/2010, Articles 22, 29, 2010).

The development of recruitment procedures is interrupted if after the last date for receipt of applications and after the extension of deadlines for receipt of applications for another seven days it is not possible to accept the balanced number of applications from the ethnic and gender aspect. Contests must be re-announced within ten days.

The recruitment procedures continue with less than three applications received from candidates with adequate school training, which is required by the competitions if due to the lack of sufficient applications to continue with the development of recruitment procedures, the competitions are repeated.

2.6 Selection

Selection is the process of measuring the differences between candidates to find civil servants who have the profiles that best meet the job descriptions and specifics that are required to be filled, and who after their selection will help mostly the institutions in which they will be employed to achieve their objectives (Havolli, Human Resource Management, 2009, pp.103-115).

Based on the annual work reports of MPA respectively MPBAP, during the period 2016-2019, 5597 selection procedures, 3342 regular selection procedures, and 2255 simplified procedures were conducted.

During 2016, through the development of regular recruitment procedures, 777 positions were filled, of which 506 through external competitions, while 271 through internal competitions (promotions). (Public, Work report on the state of the civil service, the year 2015, 2016).

During 2017, through the development of regular recruitment procedures, 645 positions were filled, of which 273 through external competitions, and 372 through internal competitions (promotions). (Public Annual Work Report for 2016, 2017, pp. 27-32).

During 2018, through the development of regular recruitment procedures, 723 positions were filled, of which 508 through external recruitment, and 215 through career promotion procedures or transfers to any other position within the civil service of the same institution. (Public Work Report on the Status of the Civil Service for the year 2017, 2018, pp. 27-32).

During 2019, through the development of regular recruitment procedures, 1197 positions were filled, of which 887 through the development of external recruitment procedures, and 310 through career promotion procedures or transfers to any other position within the civil service of the same institution. (Public Work Report on the Status of the Civil Service for the year 2018, 2019, pp. 25-30).

Also, during the period 2016-2019 through the development of simplified (accelerated) recruitment procedures have recruited 2880 employees, with agreements for the performance of specific jobs, 2255 of which through the development of simplified procedures, and 625 without developing any procedures. simplified recruitment.

2.7 Establishment of AD-HOK Civil Service Selection Commissions

In order to develop recruitment procedures for filling vacancies, institutions that recruit civil servants to establish ad-hoc selection committees for the civil service. (Public M. e., Regulation on Recruitment Procedures in the Civil Service, No.02/2010, Article 7, 2010).

Selection committees are established by top administrative leaders with the authority to conduct recruitment procedures and should consist of five members who should

Ibraimi, X., Mala, E., (2021)

Civil Servants Recruitment Process in Kosovo

have higher positions than the position required to be filled, one committee member should be very ethnic and gender.

Commissions are established by the top administrative leaders of recruitment institutions through a decision. If selection committees cannot be established the personnel unit must prepare a written statement. The PSU must obtain the written approval of the top administrative leaders before proceeding with the selection process of CSC members. A copy of the reports is sent to the Independent Oversight Board for the Civil Service, after obtaining approval from top administrative leaders. The mandate of the CSPC ends at the moment the recruitment process ends.

The role of the CSCE chairperson is to ensure that the selection processes are carried out fairly, objectively, and accurately, to determine the schedule of written and oral testing, and to prepare a report on the completion of the recruitment procedure. A brief written letter to the MP, which should include the names of the committee members, the names of each candidate participating in the recruitment procedure, the overall scores of each candidate, and the recommendation of the successful candidate.

The evaluation of the answers given by the candidates in the written or oral test is done by each member of the CSCE, separately and the evaluation points are placed in the form of MAP-SHKC 08 format, for the written test, then collected and divided for five (5). In the MAP-SHKC 08a format, the oral interview scores are placed then added and divided into five (5).

In the form MAP-SHKC09, the points collected from the written tests and the oral interviews are placed and divided into two (2), ie the final points (Public, Regulation on recruitment procedures in the civil service, No. 02/2010, Article 33, 2010).

2.8 Pre-selection

Pre-selection means reviewing the applications of candidates who have applied (applied) for vacancies announced by the recruiting institution. Pre-selection is done when a large number of candidates have applied for vacant positions and to eliminate (remove from the competition) candidates who do not meet the conditions and criteria required in the announcement of competitions. (Havolli, Human Resource Management, 2009, pp. 104-105).

The review of applications is the first stage of starting the selection procedure by the ad-hoc selection committee of the civil service and is done to compile the shortlist of candidates. The selection of candidates in the shortlist is done through the review and evaluation of applications submitted by candidates who have applied for vacancies announced.

The criteria to be shortlisted are school education (qualification), work experience, skills, and abilities. Each CSCC member evaluates each candidate individually, and candidates who cross the 40-point threshold qualify for the shortlist (Public,

Regulation on recruitment procedures in the civil service, No.02/2010, articles 24-31, 2010). The finalization of the shortlist by the CSPC must be done no later than five days after the deadline for application. Candidates who have managed to enter the shortlist are invited to take the written tests at least five days before the written test. Announcements must be published on the website and the notice boards at the facility of the recruiting institution. Based on the annual reports of MPA, respectively MPBAP, the selection commissions during the period 2016-2019, have reviewed 26104 applications of candidates who have applied for employment in various positions announced by public administration institutions.

2.9 Content of the written test

The first procedure after compiling the shortlist and inviting candidates to take the test is to compile written tests. Tests compiled by CSC members should be checked by the personnel managers of recruiting institutions before written tests can be taken. Checking test questions before taking the test is done in order to verify whether the questions are submitted in accordance with the description of duties or applicable legislation governing this area. (Public M. e., Regulation on Recruitment Procedures in the Civil Service, No.02/2010, Articles 36-39, 2010).

The purpose of conducting written tests is to assess candidates' skills and abilities in a practical way. Through the test to create an overview for each candidate and have the opportunity to assess which of the candidates has shown the best performance, to perform the tasks required by the vacancy announced.

3. Establishment of employment relations in the civil service

Employment relations in the civil service, between employers and civil servants, are established through acts of appointment after successfully passing the testing stages. Employment relations in the Kosovo civil service are established after the successful completion of recruitment procedures, ie after holding written tests and oral interviews as well as after the expiration of deadlines for the use of legal remedies. (MPA, Regulation on the appointment of civil servants No. 07/2010, 2010). Based on the work reports of the MPA, respectively MPBAP, state administration institutions during the period 2016-2019, have established 3342 employment relationships with career civil servants and 2280 with employees to perform specific tasks.

3.1 Procedures after completion of recruitment

The procedures for the nomination of successful candidates start from the moment when the chairpersons of the ad-hoc selection committees for the civil service (CSPS), compile a written report through which they inform the managers of the personnel units on the results of the competitions (tests). Notices should always

contain a list of candidate names and points for each candidate who has participated in the final recruitment procedure including the nomination of the candidate who has proved n to be most successful to fill the position announced after completing the written and oral tests for appointment to the civil service (MPA, Regulation on Civil Service Recruitment Procedures No. 02/2010, 2010).

The right to appointments in the civil service is won by the candidates who, after completing the written and oral tests, have managed to collect 60 points or more.

The managers of the personnel units, after verifying that the recruitment procedures have been conducted properly and that the candidates proposed for appointment meet the defined conditions and possess the qualification required by the competition, the final list with the names of the candidates who have participated in the testing. final including the CSPC proposal for an appointment is sent for final approval to the highest administrative leaders of the respective institution. After receiving the approvals from the top administrative leaders they must publish the final lists of results which must include the final points for each candidate who has undergone the test and the name of the candidate selected for the position for which they are developed the recruitment procedure. Final lists must be published on the recruitment institution's website and publication tables no later than seven days after the completion of the recruitment procedures.

After the expiration of the legal deadline for the use of legal remedies by any candidate dissatisfied with non-selection and if within these legal deadlines no candidate has exercised his legal right and has not filed an appeal against the selection decision, invite the candidates selected by CSCs, and approved by top administrative leaders to sign appointment acts.

Before inviting selected candidates to sign appointment acts, they must verify the candidates' personal details. The personal data (civil status and criminal file) of the candidates are verified in the Civil Register and in the competent Court for the period from the date of application to the date of preparation of the acts of appointment. In case of any changes in the candidates' data, they should update them in the candidate files. In cases when the personnel manager during the verification phase discovers that the candidate accepted after submitting the application has lost the capacity to act or has been convicted by the court, he eliminates him from the right to be appointed to the selected positions.

After verifying the personal data of the candidates nominated for an appointment, the acts of appointment and other accompanying documents are sent for signature to the highest administrative leaders of the recruiting institutions, ie to the mayors or the general secretaries in the relevant ministry.

After the signing of the acts of appointment by the highest administrative leaders, the acts of appointment are sent to the selected candidates within thirty (30) days after the expiration of the deadline for using the legal means to sign them. Delivery

or acceptance of appointment acts to the candidates or by the candidates is done through registered mail and directly.

The procedures for the appointment of civil servants in the civil service are completed after the acts of appointments sent are returned by post or sent directly signed by the selected candidates within the legal deadline of fifteen (15) days, to the managers of personnel units (MPA, Regulation on the appointment of civil servants No. 07/2010, 2010). Acts of appointment are considered valid even if they arrive at the personnel office after the legal deadlines, then if the postal delivery dates or any other evidence on the delivery date confirm that the appointment acts were sent within the legal deadline by the selected candidates.

3.2 Type of acts of appointment in the civil service

The provisions of the legislation in force governing the recruitment procedures in the civil service provide for two types of appointment acts: acts of indefinite appointment and acts of appointment of a fixed term. Career civil servants are provided with acts of indefinite appointment, while non-career civil servants are provided with fixed-term appointments. (Kosova K. i., Law on Civil Service No. 03/L-149, Article 12, 2010). According to the work reports of MPA / MPBAP, state administration institutions during the period 2016-2019, have provided 3342 civil servants with acts of indefinite appointments. During 2016, 777 civil servants were elected by acts of indefinite appointment, 2.55% of which were senior management, 21.41% managerial, 67.46% professional, and 7.27% technical-administrative. During 2017, with acts of indefinite appointments, 645 civil servants were elected 1.55%, of which 23.41% of senior management, 69.46% of professional level, and 5.27% of technical level- administrative. Also, during this year, 816 civil servants have been selected by agreement to perform specific tasks with a fixed term of up to six months, of which 49% at the central level, 48% at the local level, and in the courts 3.00%. During 2018, 723 civil servants were elected by acts of indefinite appointment, 1.94% of which were senior management, 24.44% managerial, 60.58% professional, and 16.04% technical-administrative. Also, during this year, 991 civil servants have been selected by agreement to perform specific tasks with a fixed term of up to six months, of which 44% at the central level, 56% at the local level. During 2019, with acts of indefinite appointments, 1197 civil servants were elected, 0.25% of which senior management level, 23.30% management level, 62.65% professional level, and 13.78% technical-administrative level. Also, during this year 1073 civil servants have been selected by agreement to perform specific tasks with a fixed term of up to six months, of which 42% at the central level, 58% at the local level. Personnel managers must record the acts of appointments received by the selected, in the main electronic files within two (2) working days, at the relevant personnel unit. Adequate measures should also be taken to ensure that the acts of appointment

placed in the personal files of civil servants are confidential. All acts of appointments must be registered in the human resources information management system (HRMIS), within five (5) working days from the date of their receipt.

3.3 Probationary time in the civil service

Candidates who have successfully passed the testing procedures and have been admitted to the civil service as career civil servants must undergo probationary work for a period of twelve (12) months (MPA, Regulation on probation in the civil service No. 02/2011, 2011). Civil servants admitted to non-career positions must undergo probationary work for a period of three (3) months.

Probationary work in case of maternity leave, medical leave, military service, or in other special circumstances, is extended as long as the probationary period has been terminated.

3.4 Job evaluation

Evaluations of the performance of civil servants had to be made by the direct leaders no later than January 15 of the following year. The assessments are made in order to assess whether the civil servants have achieved the objectives set by the direct leaders at the beginning of the year. Evaluation of the work of civil servants according to the legislation in force by direct leaders should be done in the presence of civil servants (Public M. e., 2012).

According to the provisions of the legislation in force, the direct leaders are obliged to meet with the civil servants in probation forty, at the latest forty-five (45) days before the end of the probationary period, and to talk to them regarding the evaluation of the probationary period. (MPA, Regulation on probationary work of civil servants, no. 02/2011, 2011).

After meetings between direct managers and civil servants on probation, the direct leaders decide whether to confirm the continuation of the employment relationship with civil servants on probation or terminate their employment.

3.5 Termination of employment

Employment relations between civil servants and state administration institutions according to the provisions of the legislation in force are terminated in three (3) different forms, through unilateral decision, due to inability to act, and due to restructuring or termination of position (Publike, 2011). The employment relationship is terminated through a unilateral decision if: the civil servant resigns from the position he holds, is dismissed due to poor performance, violation of the code of conduct is not confirmed employment after the probationary period, due to achievement of retirement age, effective imprisonment for a period longer than six months by the court, death of a civil servant, early retirement, after confirmation of

the violation by the disciplinary commission, etc. The employment relationship is terminated due to the inability to act if the medical commission finds that the civil servants are not able to perform their duties due to health problems.

The employment relationship due to the restructuring or termination of the position is terminated if the institution where the civil servant was employed joins another institution and as a result of the merger the position in which the civil servant was assigned is terminated, if the civil servant refuses to perform the necessary training that enables his reassignment to another position and if the institution fails to reassign him to another position within a year. Disciplinary proceedings start from the moment when the civil servant or any citizen reports the violation of the civil servant verbally or in writing to the direct leader or the highest administrative leader (Public, Regulation on Disciplinary Procedures in the Civil Service, no. 04/2011, articles 10-15, 2011).

The competencies of the SC are to hear the evidence from the parties regarding the alleged violations, to decide on the basis of the administration of evidence and the verification of the factual situation, as well as to determine the nature (height) of the measure of review.

During the period 2016-2019, for various reasons, ASH institutions have terminated 1241 employment relationships with civil servants, 361 through resignation (voluntary) from the civil service, in 92 cases due to violations confirmed by the disciplinary commission, in 40 cases due to early retirement, in 665 cases due to reaching the age of 65 (retirement), in 3 cases because the state administration bodies have not managed to settle them within one year of termination of their positions and 90 cases because health institutions, through medical reports have found that civil servants are not fit for health reasons or do not have the physical ability to exercise official duties in the civil service of Kosovo.

4. Analysis and results

Figure 1 shows the positions in the civil service.

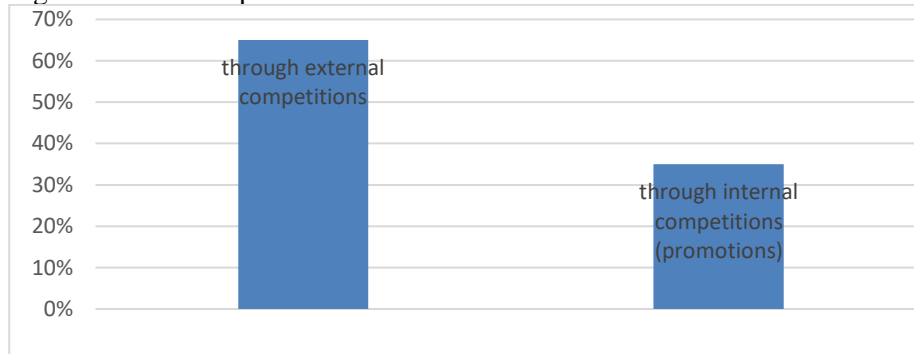


Figure 1 Positions in the civil service

Ibraimi, X., Mala, E., (2021)

Civil Servants Recruitment Process in Kosovo

State administration institutions during the period 2016-2019, have recruited 3342 career civil servants, 2174 through external recruitment and 1168 through internal recruitment.

Figure 2 presents the percentage of civil servants of career employees and by agreement for the performance of specific jobs for the period 2016-2019.

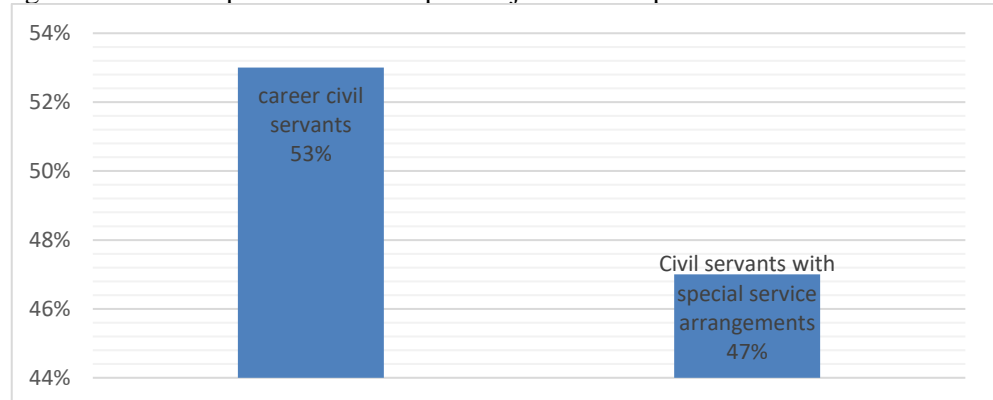


Figure 2 Percentage of civil servants of career employees and by agreement for the performance of specific jobs for the period 2016-2019

State administration institutions during the period 2016-2019, have employed 53% career civil servants and 47% civil servants to perform specific tasks.

Figure 3 presents the employment with a "specific work agreement" for the period 2016-2019.

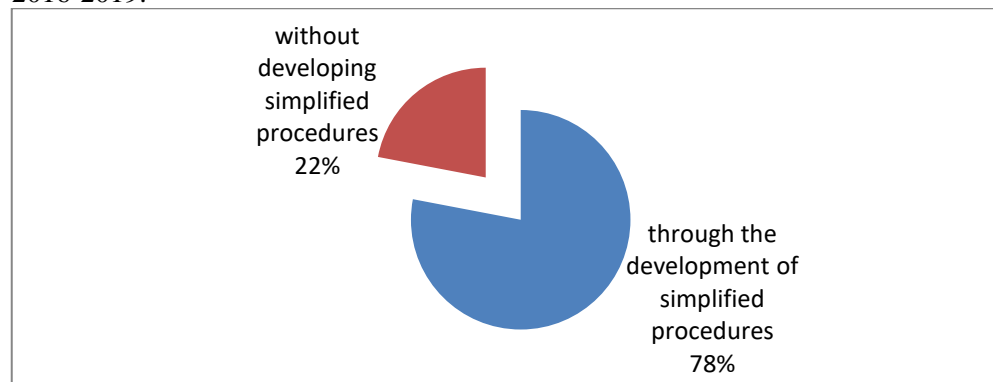


Figure 3 Employments with "specific work agreement" for period 2016-2019

State administration institutions during the period 2016-2019, have employed 2880 civil servants to perform specific tasks, 2255 of which through the development of

simplified procedures and 625 civil servants without developing any simplified procedures.

Figure 4 presents the percentage of procedures approved and rejected by the IOBCSC, for appointments of senior-level CS, after monitoring.

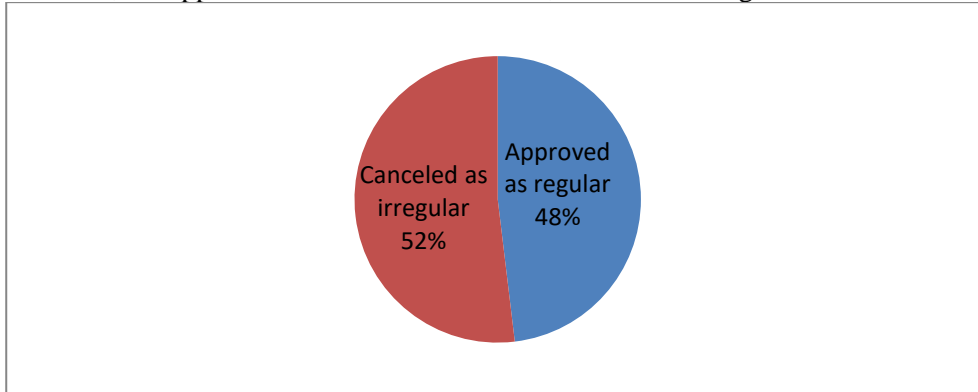


Figure 4 The procedures approved and rejected by the IOBCSC, for appointments of senior-level CS, after monitoring

5. Conclusions

During this study, it was found that the process of recruiting civil servants is not carried out by respecting and implementing the proclaimed norms and laws in force but is carried out by fulfilling the administration with political militants who should be rewarded for their party and political commitments, not by recruit adequate, professional staff who know the job well. So reforming the state administration is not a priority, but only the easiest way to systematize (comfort) their party militants, to whom they have been promised jobs in exchange for votes and support during the election campaign. In order to achieve these goals, the leaders of the institutions violate all the principles and procedures of recruitment defined by the provisions of the Law on Civil Service No. 03 / L-149 and the Regulation on Recruitment Procedures in the Civil Service No. 02/2010. These violations start with the pre-selection of the candidate, the adjustment of the competition criteria including the professional preparation of the candidates who have been pre-selected, the appointment of members of the KPSHCK who are obedient, and not those who have adequate professional training, manipulation of points written tests in favor of their preferred candidate and pre-selected by them. All these violations are done so that their pre-selected candidates are ranked first in the final lists of results announcements, in order to proclaim (create) saliva in front of the general public that they have been selected according to the skills, abilities shown during the test and is based on the criteria set by the competitions.

ASH institutions have not managed to cover over 50% of the planned positions with career civil servants. In positions planned for career civil servants, they have recruited employees through simplified procedures for performing specific jobs. They have entered into a large number of so-called "specific work agreement" contracts, in violation of the provisions of the civil service legislation in force, ie without applying the simplified recruitment procedures at all. I have also found that in most cases the deadlines for concluding these agreements have been violated, the heads of institutions, although according to the provisions of the Law on Civil Service can enter into agreements for the performance of specific work for a period of six (6) months, Employees are extended their contracts beyond six (6) months, without applying any simplified recruitment procedures (without announcing a vacancy). MPA / MPBAP and the Ministry of Finance include employees engaged in agreements for performing specific tasks in some cases in the list of salaries of civil servants, although they are not paid from the budget approved for salaries of civil servants, but from the category of goods and services.

Disciplinary commissions, disciplinary measures against civil servants in most cases, have been considered beyond the (outside) deadlines provided by law for placement. As a result of non-compliance with the deadlines for meritorious placement, employers are being caused irreparable damage, because civil servants who have violated the rules of work or have failed to fulfill their duties in the exercise of their activities despite violations after administration of evidence, verification, and verification of factual situation are being verified.

6. Recommendations

Based on the whole study done and the knowledge gained from this study, I have issued some recommendations which are considered necessary to prevent recruitment on a partisan, clientelistic, familial basis and provide equal employment opportunities to all citizens, regardless of I belong to a political party or are apolitical and for the control of administrative acts issued by state administration bodies to be effective and to contribute to the elimination of illegal actions, I recommend that: MPBAP to propose to the Assembly of Kosovo the approval of the draft law, through which it would oblige the state administration institutions that recruit civil servants, to conduct recruitment procedures through the electronic organization of tests. The application of electronic tests would significantly affect the civil service, to accept candidates who have proved to be the most successful during the testing phases, have adequate skills, abilities and professional training, so admissions to the civil service would be made in accordance with the principle of meritorious, not according to political, family, clientelistic affiliation. Application of candidate testing electronically is necessary, because each candidate participating in the written tests, is enabled immediately after the completion of the tests to receive the results

Ibraimi, X., Mala, E., (2021)

Civil Servants Recruitment Process in Kosovo

regarding the height of points achieved during the written test, so the points would be published automatically immediately after the completion of the written tests, which would make it impossible for the members of the selection commissions, after the completion of the tests, to manipulate the points of the written tests (as they usually do), in favor of the selected candidates in advance by their superiors.

MIA to propose to the Assembly of Kosovo the approval of the draft law, through which the competencies for organizing the testing of candidates, will be transferred to MIA and will prohibit the possibility of hiring staff through agreements for performing specific tasks, according to the procedures. simplified. The transfer of competencies of the MPBAP, regarding the organization of recruitment procedures for civil servants at the national level, would enable the composition of CSCs to be professional or to be composed of experts in the relevant field. For the recruitment of civil servants to be done on the principle of merit, the composition of the selection committees must consist of at least two university professors, an expert from civil society, a senior civil servant, and an official from the recruiting unit, will be allowed to participate in the development of the recruitment procedure, non-governmental organizations and the People's Advocate in the capacity of observers. Thus, the adoption of a law, which will eliminate the possibility of recruitment with agreements for the performance of specific jobs and the competencies for the development of recruitment procedures will be transferred to the MPBAP, would enable the recruitment in the civil service to be done according to the principle of merit, rather than on a partisan, family basis, would make it impossible for the leaders of the recruiting institutions to select the candidates in advance, to adapt the criteria and conditions of the competitions to them, and in the planned positions for civil servants will be recruited, not staff with agreements to perform specific tasks, but above all would contribute to the reform of ASH to move forward, so the administration to function efficiently and its citizens to receive their required services.

Acknowledgments

The author thanks the anonymous reviewers and editor for their valuable contribution.

Funding

This research received no specific grant from any funding agency in the public, commercial, or not – for – profit sectors.

Author Contributions

The authors contributed equally to this work.

Disclosure Statement

The author has not any competing financial, professional, or personal interests from other parties.

References

1. Aguri, S. (2014). Administrative Law, p.43. Prishtina.
2. Havolli, Y. (2009). Human Resources Manager, (103-115). Prishtina: Rinves Development Research Institute.
3. Havolli, Y. (2009). Human Resources Manager, (104-105). Prishtina: Rinvest Development Research Institute.
4. Havolli, Y. (2009). Human Resources Manager, (89-102). Prishtina: Rinvest Development Research Institute.
5. Kosovo, K. i. (2010). Law on Administrative Disputes No.03/L-202, Article 29. Prishtina: Official Gazette of RK, No.82 / 010.
6. Kosovo, K. i. (2010). Law on Civil Service No. 03/L-149, Articles 81 - 82. Prishtina: Official Gazette of RK, No. 72/2010.
7. Kosovo, K. i. (2010). Law on Civil Service No.03/L-149. Prishtina: Official Gazette of RK, No.72 / 2010.
8. Kosovo, K. i. (2016). Law on General Administrative Procedure no. 05/L-031. Prishtina: Official Gazette of RK, No.20 / 2016.
9. MAP. (2010). Regulation on Civil Service Recruitment Procedure No. 02/2010, Article 10-14. Prishtina: Official Gazette of RK, MAP-02/2010.
10. MAP. (2010). Regulation on the Appointment of Civil Servants No. 07/2010. Prishtina: Official Gazette of RK, MPA 07/2010.
11. MAP. (2010). Regulation on the Appointment of Civil Servants No. 07/2010, Articles 4-5. Prishtina: Official Gazette of RK, MAP- 07/2010.
12. MAP. (2010). Regulation on the Civil Service Recruitment Procedure No. 02/2010, articles 22.29. Prishtina: Official Gazette of RK, MAP-02/2010.
13. MAP. (2010). Regulation on the Civil Service Recruitment Procedure No. 02/2010, Article 7. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
14. MAP. (2010). Regulation on the Civil Service Recruitment Procedure No. 02/2010. Prishtina: Official Gazette of RK, MAP-02/2010.
15. MAP. (2010). Regulation on the Recruitment Procedure in the Civil Service No. 02/2010, Article 9. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
16. MAP. (2010). Regulation on the Recruitment Procedure in the Civil Service No. 02/2010, Article 16. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
17. MAP. (2010). Regulation on the Recruitment Procedure in the Civil Service No. 02/2010, Article 33. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
18. MAP. (2010). Regulation on the Recruitment Procedure in the Civil Service No. 02/2010, Articles 24 - 31. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
19. MAP. (2010). Regulation on the Recruitment Procedure in the Civil Service No. 02/2010, Articles 36 - 39. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
20. MAP. (2011). Regulation on Probationary Work in the Civil Service No. 02/2011. Prishtina: Official Gazette of RK, MAP-02/2011.

Ibraimi, X., Mala, E., (2021)

Civil Servants Recruitment Process in Kosovo

21. MAP. (2011). Regulation on Probationary Work in the Civil Service No. 02/2011. Prishtina: Official Gazette of RK, MAP-02/2011.
22. Public, M. e. (2010). Regulation on Transfer of Civil Servants No. 06/2010. Prishtina: Official Gazette of RK, MAP-06/2010-RR. MAP. (2010).
23. Public, M. e. (2011). Regulation on Disciplinary Procedures in the Civil Service, No.04 / 2011 articles 6,7,8. Prishtina: Official Gazette of RK, MAP-04/2011.
24. Public, M. e. (2011). Regulation on Disciplinary Procedures in the Civil Service, No.04 / 2011 articles 6,7,8. Prishtina: Official Gazette of RK, MAP-04/2011.
25. Public, M. e. (2011). Regulation on Termination, Suspension, and Termination of Employment in the Civil Service, No. 01/2011 (Article 13). Prishtina: Official Gazette of RK, MAP-01/2011.
26. Public, M. e. (2011). Regulation on Termination, Suspension, and Termination of Employment in the Civil Service, No. 01/2011 (Article 13). Prishtina: Official Gazette of RK, MAP-01/2011.
27. Public, M. e. (2012). Regulation on Career Advancement of Civil Servants No. 21/2012, (Article 5). Prishtina: Official Gazette of RK, MAP-21/2012.
28. Public, M. e. (2012). Regulation on Evaluation of Performance of Civil Servants, No. 19/2012, Articles 9-11. Prishtina: Official Gazette of RK, MAP-19/2012.
29. Public, M. e. (2016). Work Report on the Status of the Civil Service, the year 2015. Prishtina: MAP website.
30. Public, M. e. (2017). Work Report on the Status of the Civil Service, 2016, (pp.27-32). Prishtina: MPA Website.
31. Public, M. e. (2018). Work Report on the Status of the Civil Service, the year 2017, (pp.27-32). Prishtina: MPA Website.
32. Public, M. e. (2019). Work Report on the Status of the Civil Service, 2018, (pp.30-31). Prishtina: MPA Website.
33. Regulation on the Recruitment Procedure in the Civil Service No.02/2010, Article 15. Prishtina: Official Gazette of the Republic of Macedonia, MAP-02/2010.
34. Stavileci, E., Sokali, A, Batalli, M., & Sadushi, S. (2012). Administrative Law and Administrative Activity, p.84. Prishtina: University of Prishtina.
35. Stavilevci, E. (1997). Introduction to Administrative Sciences. Pristina: Institute of Textbooks and Teaching Aids of Kosovo.