

HR MANAGEMENT IN THE PUBLIC SECTOR OF THE REPUBLIC OF KOSOVO

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Abstract : In this paper we will address the management of human resources, where as a case study we have taken the management of human resources in the public sector in the Republic of Kosovo.

Human resource management is a very complex topic and of great importance for a society, state or organization, so it requires a rich and detailed legal basis to develop this process.

In the introduction of the paper will be introduced the definition or concept of human resource management and its characteristics

In the following chapters we will first present the legal basis which regulates the process of human resource management in the public sector in the Republic of Kosovo and relevant institutions responsible for the development of this process, then human resource planning, staff recruitment procedures, interview procedures, then selection of adequate staff to announce vacancy.

These procedures are developed through the Human Resource Management System, which we will discuss briefly in this paper.

In the end we will make a general conclusion and present our conclusions/recommendations. During our research we will be based on various research and scientific methods and we will make a combination of theoretical literature, legislation drafted by relevant institutions of the Government of Kosovo and practical implementation in public sector organizations in Kosovo.

Keywords: human resource, management, public sector, process, organization.

1. INTRODUCTION

Human resources are the people that work for an organization and the contributions that they make through their skills, their knowledge and their competence. Managing people at work is concerned with devising plans and approaches which best support and enable an organization’s people to contribute effectively in helping the organization to meet its objectives [1]. No two people are similar in mental abilities, tacticians, sentiments, and behaviors, they differ widely also as a group and are subject to many varied influences. The term human resources was first used in the early 1900’s, and then more broadly in the 1960’s, to describe the people who work for the organization as a whole. Human resources management is the term increasingly used to refer to the philosophy, policies, procedures and practices related to the management of people within an organization. The term personal management – or perhaps modern personnel management – means the same thing [2]. The process of human resource management in the government sector in Kosovo is a very complex topic and for which we often hear various irregularities in practice. Also for this the Government of Kosovo has been constantly criticized by the institutions of the European Union. Although the Government of Kosovo has drafted a broad legal basis for the management of Human Resources, there are still numerous criticisms and irregularities in this area. The purpose of this paper is to elaborate the process of human capital management in the public sector in our country as a factor which directly affects the performance and achievement of objectives of the institutions of the Republic of Kosovo. What we are most interested in about this problem is to research the problem and see the causes of the current, generally poor management of human resources in the government sector and what measures should be taken for the public administration of Kosovo to have an efficient management of human capital. This paper can make an important contribution, first to students that studying in the field of human resource management, then to public sector employees, officials of departments / divisions for human resource management, relevant institutions and other parties interested.

2. LEGAL FRAMEWORK GOVERNING HUMAN RESOURCE MANAGEMENT IN THE PUBLIC SECTOR IN KOSOVO AND RELEVANT INSTITUTIONS

2.1. Legal framework

- LAW NO. 06/L-114 ON PUBLIC OFFICIALS, Assembly of the Republic of Kosovo (Official Gazette of the Republic of Kosovo, 2019);
- LAW NO. 06/L-111 ON SALARIES IN PUBLIC SECTOR, Assembly of the Republic of Kosovo (Official Gazette of the Republic of Kosovo, 2019);
- LAW NO. 06/L-113 ON ORGANIZATION AND FUNCTIONING OF STATE ADMINISTRATION AND INDEPENDENT AGENCIES, Assembly of the Republic of Kosovo (Official Gazette of the Republic of Kosovo, 2019);
- LAW NO. 03/L-048 ON PUBLIC FINANCIAL MANAGEMENT AND ACCOUNTABILITY, Assembly of the Republic of Kosovo (Official Gazette of the Republic of Kosovo, 2008);
- REGULATION NO. 21/2020 ON THE PROCEDURE FOR THE CIVIL SERVANTS' AND PUBLIC SERVICE EMPLOYEES' PERFORMANCE APPRAISAL, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 01/2020 ON STANDARDS FOR INTERNAL ORGANIZATION, SYSTEMATIZATION OF JOBS AND CO-OPERATION IN STATE ADMINISTRATION INSTITUTIONS AND INDEPENDENT AGENCIES, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 10/2020 ON DECLARATION OF THE STATUS OF PUBLIC OFFICIALS, , (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 11/2020 ON THE DISCIPLINE AND COMPLAINTS OF PUBLIC OFFICIALS, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 12/2020 ON WORKING HOURS AND LEAVE OF PUBLIC OFFICIALS, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 13/2020 ON DISMISSAL AND EARLY RETIREMENT FROM CIVIL SERVICE, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO.14/2020 ON THE TRANSFER OF CIVIL SERVANTS, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO.15/2020 ON THE ADMISSION, EVALUATION AND DISCIPLINE OF SENIOR MANAGEMENT EMPLOYEES, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 16/2020 ON ADMISSION AND CAREER IN THE CIVIL SERVICE OF THE REPUBLIC OF KOSOVO, Government of Kosovo, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 01/ 2020 ON THE CONTENTS, ADMINISTRATION AND USE OF THE PERSONNEL FILE AND HUMAN RESOURCE MANAGEMENT INFORMATION SYSTEM, Ministry of Internal Affairs, (Official Gazette of the Republic of Kosovo, 2020);
- REGULATION NO. 02/2020 ON PERSONNEL PLANNING, Ministry of Internal Affairs, (Official Gazette of the Republic of Kosovo, 2020);

3. HUMAN RESOURCE PLANNING, IN PUBLIC SECTOR IN KOSOVO

Human Resource Planning: The objective of HR Planning is to ensure that the organization has the right types of persons at the right time at the right place. It prepares human resources inventory with a view to assess present and future needs, availability and possible shortages in human resource. Moreover, HR Planning forecast demand and supplies and identify sources of selection. Human Resource Planning develops strategies both long-term and short-term, to meet the man-power requirement.

3.1. Types of personnel development plans

Types of personnel development plans are [3]: Individual annual plan; Mid-term individual plan; General annual plan; General mid-term plan. The general annual plan and the general mid-term plan shall be drafted based on individual annual plans and individual midterm plans. The individual annual plan and mid-term individual plan, shall be drafted by the Human Resources Management Units (HRMU) of each institution that employs public officials. Individual annual plans may change during the year in order to adapt to certain situations of the personnel of the institution concerned. If there is a need to amend them by any case, the relevant changes must be accepted by the DMPO, which also reflects in the overall annual plan of the change concerned. Individual mid-term plans and the general mid-term plan are reviewed annually by the institutions responsible for their drafting and approval. Upon the approval, the personnel development plans shall be published on the unique website of the competition and appointment procedures, part of the HRMIS (Human Resources Management Information System). At the time of

preparation of the Medium Term Expenditure Framework (MTEF) each institution's human resources management units shall prepare draft individual (annual and mid-term) personnel development plans in order to comply with this framework. In determining the vacancies for which the competition will be announced for each group, category and class, periods of their fulfillment, as part of draft individual personnel development plans, HRMUs, shall consider [3]: reaching the retirement age of public officials; anticipating new positions; the progress of creating vacancies for other reasons not provided. The HRMU-s, draft individual consolidated plans for the entire system (ministry apparatus/Office of the Prime Minister and their subordinate agencies) and submit them for approval to the DMPO (Department Management of Public Officials – Ministry of Internal Affairs) within October of each year. The DMPO must, within 30 days upon receiving the individual plans from the state administration institutions, review and approve it, if it is in accordance with the relevant legal provisions. If encounters inaccuracies in the individual draft plans, the DMPO shall return for review to the sending institution and requests that any necessary changes be made within 7 days. Following the adoption of the budget law, the HRMU-s are required to harmonize individual draft personnel development plans with the approved budget and shall submit for approval to the DMPO no later than 10 days after the adoption of the law. Upon receiving individual draft personnel development the DMPO shall draft general personnel development plans (annual and mid-term) within December of each year, which shall be approved by the Minister responsible for Public Administration. The DMPO, upon approval of the general personnel development plans submits to Kosovo Institute for Public Administration the professional development plan of the existing personnel and the training needs of the personnel of the state administration institutions [3]. Personnel development plans, which include the analysis of personnel needs for the relevant annual or mid-term period, consist of [3]: an analysis of ways on meeting these needs including also the beneficiaries of the scholarship scheme; an analysis of existing staff professional development and staff training needs; the number of vacancies for which competition will be announced for each category and class and their filling periods, including admission, transferring and promotion; institutions/units where vacancies are planned to remain.

4. ADMISSION TO THE CIVIL SERVICE, IN THE REPUBLIC OF KOSOVO

Admission and career advancement in the civil service shall be based on the principles of equal opportunities, non-discrimination, and fair and proportional representation of gender and of members of non-majority communities. Civil Servants shall be admitted and advanced in career on the basis of merit evaluated under a competitive and transparent procedure defined by Law and related by-laws. Admission to the Civil Service shall, as a rule, be done only to the professional category.

4.1. Responsibility for organizing the competition

The competition for admission to the civil service for all professional category positions in State Administration Institutions shall be organized by the Department for Management of Public Officials (DMPO) in the ministry responsible for Public Administration [4]. The competition for admission to the civil service for any other state institution shall be organized under the responsibility of the Other State Institution itself, from the Unit of Human Resources of the institution.

4.1.1. Organization and calendar of competition procedures

The competition procedures for admission to the civil service for the professional category shall be organized separately for the group of general management positions and for each group of special management positions according to the relevant regulation on job classification. The competition shall be organized at least once a year for each group and only if necessary, it can be organized more than once a year. The Responsible Unit, on the basis of the annual staff development plan, shall prepare and publish the calendar of competition procedures development for each Group by the 31 January of each year.

4.1.2. Announcement of Competition

The announcement of a competition procedure shall be published by the Responsible Unit on the unique website of the competition and appointment procedures, part of the Human Resources Management Information System (HRMIS). The announcement of competition shall be published, as appropriate, also on: the website of the ministry responsible for public administration, for competitions for admission to the civil service in State Administration Institutions, and on the websites of each state administration institution, as a separate link linked to the HRMIS or to: *the website of the Other State Institution for the competition for admission to these institutions*. Notice for initiation of application procedure shall be announced on a deadline of not shorter than 21 calendar days from the date set for submission of application, by the responsible unit. Deadline for receiving the applications cannot be shorter than 8 days and not longer than 15 calendar days. The announcement of competition shall be published in accordance with the relevant Law on the Use of Languages [5].

4.1.3. Stages of competition

The competition for admission to the civil service comprises of two stages [4]: Preliminary verification of candidates; and Evaluation of candidates. Preliminary verification - Preliminary verification is the process of verifying whether the candidate meets the requirements for application. Preliminary verification shall be conducted by the Responsible Unit, based on the documents submitted as part of the application and other ex officio verifications related to the preliminary verification. Upon completion of the preliminary verification, the Responsible Unit shall determine the candidates who meet the requirements for application. Only candidates who meet the requirements for application shall be eligible to further compete at the next stage, which is referred to as short listing. The list shall be published in accordance with the Regulation but not later than 15 days from the final date of receipt of applications. Candidates, who do not meet the requirements for application in accordance with Regulation, shall not be eligible to further continue the competition. The decision on failure to meet the requirements of application shall be reasoned and notified individually to the applicants, not later than 14 calendar days from the final date of receipt of applications. Within 3 days of the date of individual notice, the notified candidates who do not meet the requirements of application shall be entitled to submit an internal appeal. The appeal shall be submitted in writing to the Responsible Unit. The Responsible Unit shall review the appeal and notify the candidate on the decision taken, within 5 days of its submission. Evaluation of candidates - Candidates shall be evaluated by the Admission Committee established in accordance with Regulation. The evaluation of candidates shall include, according to the following order: evaluation through a written test; evaluation of biography/CV, and evaluation through an oral interview. Admission Committees for state administration institutions. To evaluate the candidates, in the procedure of competition in the State Administration Institutions, an Admission Committee shall be established for each Group (of general administration and for each group of special administration). Admission Committees, in accordance with Regulation, shall consist of [4]: (1) member from the Responsible Unit, who chairs the committee; (3) members from civil servants of low or middle management level, who perform the duty in specialized positions related to the field of knowledge, skills, and qualities for which the evaluation of candidates is conducted and who perform the duty in a state administration institution; (1) external expert in the field of human resources selection/evaluation, from specialized organizations or universities of the certain field. Admission Committees are established by the Government of the Republic of Kosovo, by proposal of the Minister responsible for public administration. For the chairman and each member, the Government shall approve one principal member and one substitute member. The substitute member shall perform the duty in the event of the temporary impossibility of the principal member. Members of the Admission Committees shall have a mandate of 2 years. The mandate of the members of the committee cannot be extended for 2 consecutive times in the same committee. Members of the Admission Committees shall be trained in performing their duties.

4.1.4. Evaluation through written test

Evaluation through written test shall be the first step of the process of evaluation of candidates. In the written test, candidates shall be evaluated for the necessary knowledge, skills and qualities required for the respective Group. The written test shall be conducted and evaluated electronically. The maximum possible rating of the written test shall be up to 70 points. The Admission Committee may select a set of questions, from the written test database, for testing the knowledge, skills and qualities required for the relevant Group. The questions are designed according to the model multiple choice questions with one correct answer. The number of questions of the written test can be no less than 50 questions and no more than seventy 70 questions. The Commission shall be responsible, under the legislation in force, for the storage of information and the written test [4].

4.1.5. Evaluation of the biography

After the written test, the evaluation of the candidates shall continue with the evaluation of the biography. Only candidates who have received at least 40 points in the written test shall be subject to the evaluation of biography. Evaluation of the biography shall consist of evaluation of the quality and level of education, of significant work experience, and job-related trainings in the relevant field related to the Group for which the competition is being conducted. The maximum rating of the biography shall be up to 20 points, divided as follows: *up to 8 points on the quality and level of education; up to 7 points for significant work experience; and up to 5 points for trainings.*

4.1.6. Evaluation through an oral interview

After the evaluation of biography, the evaluation of the candidates shall continue with an oral interview. Only candidates who have scored at least 60 points in the first two steps of the evaluation shall be eligible to participate in the interview. In the interview shall be evaluated the knowledge, skills or qualities required for the relevant Group that cannot be evaluated through the written test. The interview being conducted shall be a structured interview by the Evaluation Committee that prepares or selects a set of the same questions for all candidates for the oral interview, which shall be prepared on the interview day. The maximum rating for the interview shall be up to 10 points. Each of the Admission Committee members shall make a detailed evaluation of each question. The

evaluation for each candidate is the average of the evaluations of all members [4]. Candidates who are rated with 70 points and more shall be the winning candidates. An official appointed under the Regulation shall be subject to a probationary period of 1 year from the date of starting work. Probationary period is the theoretical and practical preparation of the employee for successfully performing the duties of the position where he/she is appointed.

4.2. Transfer within the category

Any vacant position in the professional, low and mid-level management categories, shall be initially open to be filled by existing civil servants of the same category, through transfer within category. Transfer within the category is a competitive procedure. The competition shall be organized for each vacant position. Competition for transfer within the category is a closed one and only existing civil servants of the same category employed in the same or another civil service institution shall be eligible to participate [4].

4.3. Promotion

In cases where a vacant position in low and mid-level management category is not filled through the procedure of transfer within the category, the position shall be opened to be filled through promotion. Promotion is a competitive procedure. The competition shall be organized for a vacant position. Competition for promotion is a closed one and only existing civil servants of a lower category employed in the same or another civil service institution shall be eligible to participate [4].

5. WORKING HOURS AND LEAVE OF PUBLIC OFFICIALS

5.1. Working hours

The working hours of public officials and technical and support staff shall as a rule start at 08:00 and end at 16:00, (5) days a week, namely Monday to Friday. The working hours of civil service employees shall be defined by the Ministry responsible for the relevant public service. Public officials shall be entitled to a break of (1) hour at the middle of the working hours. In addition to the regular working hours by Regulation, employees may work flexible working hours. Flexible working hours can only be applied if the required number of working hours is provided and can start up to an hour late than the regular working hours. The immediate supervisor of the employee shall be notified of the flexible working hours [6]. In exceptional cases, when specific work needs dictate so, specific institutions may set working hours other than those in the preceding paragraphs of this Article. In any case, working hours may not exceed (40) hours per week or (12) hours per day, including (1) hour of break.

5.1.1. Part-time working hours

Part-time working hours are shorter working hours than full-time working hours. The employment relationship may be concluded part-time, for a fixed-term, and for an indefinite term. The employee who works part-time shall enjoy all the rights and obligations arising from the employment relationship same as a full-time employee, in proportion to the hours worked by the employee [6].

5.1.2. Reduced working hours

Reduced working hours shall be assigned to jobs and duties which, despite the application of protective measures, expose the employee to harmful health impacts. Working hours shall be reduced in proportion to the hazardousness to health and the ability of the employee to work. Working hours may be reduced to a maximum of (20) hours per week for high-level hazard jobs [6].

5.1.3. Extended working hours – Overtime

In exceptional cases, due to the increased volume of work or emergency needs, the public official may work overtime or be assigned on standby duty, work overnight, on public holidays or on weekends. Overtime may last as long as deemed necessary by the institution, but not exceeding eight (8) hours per week. Overtime shall be remunerated to the official up to (50%) of days off or (50%) of allowances, calculated as follows [6]: 30 % per hour for overtime; 20 % per hour for standby duty; 30 % per hour for night shift; 50 % per hour for work during the holidays; and 50 % per hour for work during the weekends. The public official may request from the employer that re-numeration be granted in days off instead of allowance for overtime work.

5.2. Leave of Public Officials

5.2.1. Annual leave

The public official shall be entitled to at least (20) days of paid annual leave in each calendar year. Without prejudice to Regulation, the length of annual leave may be extended depending on work experience, with (1) day extra for every five (5) work experience. Mothers or foster parents of children up to (3) years old and persons with disabilities shall receive (2) additional working days of paid annual leave. Neither the paid sick leave nor the official holidays shall be counted in the days of paid annual leave if they happen to take place during the annual leave. The newly employed public official shall be entitled to annual leave only after six months of uninterrupted work. In case of termination of the employment relationship in the institutions of the Republic of Kosovo, the public official shall be compensated in cash calculated for the unused days of annual leave.

5.2.2. Sick leave

In case of sickness or temporary disability at work, the public official shall inform, during the day, their immediate supervisor and justify their absence through a certificate issued by the competent medical body. The public official shall be entitled to sick leave of up to (20) working days within (1) year with 100% salary compensation. The public official may also use the medical leave days provided for under Regulation in case of illness of his/her child upon presenting the certificate issued by the competent medical body. The public official shall be entitled to compensation for sick leave as a result of an injury at work or occupational illness related to the performance of works and services for the institution for up to (90) days with compensation of 70 % of their salary [6].

5.2.3. Maternity leave

Female public officials shall be entitled to maternity leave in accordance with the provisions of the Law on Maternity leave. The right to maternity leave from Regulation shall be used by presenting medical evidence issued by a competent medical body.

5.2.4. Unpaid absence from work

Public officials shall be entitled to unpaid absence from work in accordance with the provisions of the Law on Labor. In exceptional cases, the public official may be entitled to unpaid leave for purposes of [6]: higher professional education and training; their or close family members' health; temporary transfer to other duties inside or outside the country; running in municipal or central elections.

6. TRANSFER OF CIVIL SERVANTS

6.1. Temporary transfer

The civil servant may be temporarily transferred to another civil service position of the same category inside and outside the state administration institution and another state institution according to the cases defined in Regulation. Temporary transfer shall take place according to the term defined in the relevant transfer decision and is mandatory [7]. After the expiration of the temporary transfer period, the civil servant shall return to the previous position.

6.2. Temporary transfer in the interest of the institution

The civil servant may be transferred in the interest of the institution at the request of the institution. In cases where the civil servant is required to be transferred to another civil service institution, other than the institution where he is appointed, the institution submitting the application for temporary transfer must obtain the prior approval of the institution where the civil servant is employed. The temporary transfer in the interest of the institution shall be approved by the responsible unit, which notifies in writing the civil servant who will be transferred. In order to take this decision, the responsible unit shall rely on the analysis of the fulfillment by the employee of the criteria of the position where he is required to be transferred.

6.3. Salary and compensations during temporary transfer

During the temporary transfer period, the civil servant shall receive the salary with its highest components between the salary of the previous position and the one to which he/she is transferred. The civil servant, who at the request of the institution is transferred to another position and to another location, which is further away from his regular place of work, shall be reimbursed for travel expenses by the institution, which makes the transfers of the employee.

6.4. Permanent transfer

Permanent transfer is the mandatory assignment of a civil servant to another Civil Service position, in cases [7]: of health incapability to perform the duties of the previous position; - of avoiding a constant conflict of interest, as defined by law; of the termination of the suspension at the request of the civil servant when he cannot return to his previous job position.

6.5. Transfer due to closure and restructuring of the institution

In case of closure and restructuring, as a result of the restructuring occurred in the institution, the following cases shall be deemed as changes of positions [7]: reduction of jobs; restructuring of jobs; the criteria of jobs have changed. If the cases referred to Regulation, civil servants shall be systemized in new jobs created, restructured, or remained as a result of restructuring or closure of the institution, at the same category, in one of the institutions referred to the Law.

6.6. Duration of employment relationship

Employment relationship for administrative/technical and support staff is employment relationship for unlimited duration. Exceptionally, employment relationship of administrative/technical and support staff can be for a limited duration for following reasons [8]: for substitution in cases of temporary absence of a permanent administrative/technical and support staff; cases of temporary workload in the institution; specific projects of limited duration in the institution; Employment relationship for limited duration is linked with the period that reason for it exists, but cannot be longer than (1) year.

7. HUMAN RESOURCE MANAGEMENT INFORMATION SYSTEM

The Human Resources Management Information System (HRMIS) is a centralized and unified information management system of the Kosovo civil service, which is now extended to all public administration institutions at central and local level. The use of this system in the institutions of the Republic of Kosovo is accompanied by great challenges, due to the use of this system for the first time, therefore training for the use of this system was more than necessary.

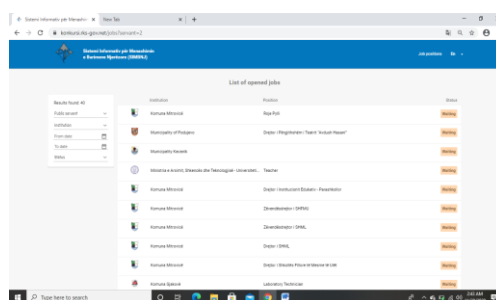
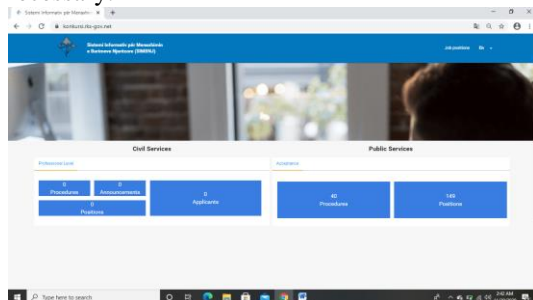


Figure 1. The Main window of HRMIS (<https://konkursi.rks-gov.net/>) Figure 2. List of opened jobs in HRMIS (<https://konkursi.rks-gov.net/>)

Through this system, all application procedures and recruitment of applicants for the public sector in Kosovo will be developed.

8. CONCLUSION

Human resource has a paramount importance in the success of any organization because most of the problems in organizational setting are human and social rather than physical, technical or economical failure. In the words of Oliver Sheldon, “No industry can be rendered efficient so long as the basic fact remains unrecognized that it is principally human. Human Resources Management is a system that focuses on human resources development on one hand and effective management of people on the other hand so that people will enjoy human dignity in their employment. Every manager in the typical organization has major responsibilities in all of the processes normally included under human resources management as they relate to all employees under his or her authority. Nonsupervisory employees may also contribute to the management of the various human resources processes. Top executive, including the Human Resources executive, have a dominant role in establishing ethical standards for managing human resources, as well as for all organizational activities. In turn, managers and employees at all levels have important roles in influencing and upholding ethical standards. Human resource management in the public sector in Kosovo is based on the legal framework (laws, regulations, administrative instructions) drafted by the Government and other relevant institutions. It is very important to emphasize that during 2020, the Government of Kosovo has completely changed the legal framework, which regulates the issue of Human Resource Management (law, regulations and administrative instructions). The new legal framework of Human Resource Management gives hope that it will be more efficient, transparent and will prevent abuses and irregularities during the procedures of this very important and complex process. The most important part of the new legislation is the application and written test that will be done electronically through the Human Resource Management Information System (HRMIS). The Ministry responsible for Public Administration in Kosovo has not yet functionalized and introduced the Human Resource Management Information System (HRMIS), with the justification that they are incorporating the necessary data in the database of this system. Due to this, no public sector organization in the Republic of Kosovo is able to conduct competition and recruitment procedures in the civil service. The legal framework for Human Resource Management in the public sector in Kosovo is sufficient in general terms with the data necessary for a sound human capital management.

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