

LAW No.03/L –149

ON THE CIVIL SERVICE OF THE REPUBLIC OF KOSOVO

Assembly of Republic of Kosovo;

Based on Article 65 (1) and Article 101 of Constitution of the Republic of Kosovo,

Adopts

LAW ON THE CIVIL SERVICE OF THE REPUBLIC OF KOSOVO

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose and Scope

1. This law regulates the status of Civil Servants and the terms and conditions of their employment relationship with the institutions of the central and municipal administrations.
2. For the purposes of this law, the institutions of the central and municipal administrations that are subject to this law include: the administration of Assembly, the administration of the Office of the President, the Office of the Prime Minister and ministries, executive agencies, independent and regulatory agencies and municipal administrations.
3. This law sets the rules for the overall management and organization of a politically neutral and impartial Civil Service, the rules on the admission to the Civil Service, working conditions, the rights and obligations of staff, personal conduct, career progression and professional development of Civil Servants.
4. The institutions of the public administration that regulated by special law shall be subject to the provisions of this law, except in cases where the special law contains provisions that are different from this law.

Article 2 Definitions

1. Terms used in this law have the following meaning:

1.1. **Civil service** – the entire body of employed administrative personnel, in institutions of central and municipal administration foreseen by this law, which apply policies and ensure respectability of certain rules and procedures;

1.2. **Civil Servants** – person employed to exercise public administrative authority based on ability and capacity, who participates in making and implementation of policies, monitoring the implementation of administrative rules and procedures, ensuring their execution and provision of overall administrative support for their implementation;

1.3. **Merit** – peculiarity that creates the right for employment of a candidate in a position within the civil service after successful completion of competitive selection and which gives the right of advancement in carrier to the Civil Servant, based on the results proven while performing administrative duties.

Article 3
The Civil Service of the Republic of Kosovo

1. The Civil Service is composed of impartial, professional, accountable Civil Servants and reflects multiethnicity and gender equality.
2. Civil Servants are employed on the basis of merit upon passing the selection procedures as established by this law and specific sub-legal acts.
3. Civil Servants of the Administration of the Assembly of Republic of Kosovo are part of Kosovo Civil Service. Specific conditions for work hours and compensations are regulated with special act by the Presidency of the Assembly.
4. The diplomatic and consulate personnel as well as the administrative staff either out-posted or employed in the Ministry of Foreign Affairs of Kosovo is part of the Kosovo Civil Service and is subject to the terms of this law and relevant applicable legislation.
5. The personnel employed by the Kosovo Police, the Kosovo Security Force, Kosovo Customs and the Kosovo Correctional Service if part of the Kosovo Civil Service and subject to this law and relevant applicable legislation.
6. With the exception of judges and prosecutors, the administrative personnel employed by the judiciary is part of the Kosovo civil service and subject to this law and relevant applicable legislation.
7. During the implementation of this law, the constitutional autonomy of the institutions independent from the executive shall be respected.
8. The terms of one gender used in this law include the other gender as well.
9. The recruitment, organization, promotion and management of the Kosovo Civil Service is based on the principle of *merit*; intended as the appointment of the best person for any given job in the public administration and the recognition of the good performance of Civil Servants in the exercise of their functions.

Article 4
Categories of Public Employees excluded from the Civil Service

1. Under the terms of this Law the status of Civil Servant does not apply to the following categories: the teaching staff of the education system, the medical staff of the health service, creators and art performers, Police Officers of the Kosovo Police, Customs Officers of the Kosovo Customs, Correctional Officers of the Kosovo Correctional Service and Members of the Kosovo Security Force, political appointees and all the persons appointed in positions by the political appointees and members of their cabinets, starting from the cabinet of the President, President of the Assembly, Prime-Minister and cabinets of the Ministers. Their employment relationship shall be regulated in accordance with the Law on Labor, special laws, collective agreements or with sector regulations.
2. Officials elected to elected positions in the institutions of the public administration and officials appointed by elected officials to specific positions are not Civil Servants (hereinafter referred to as: "Public Officials").
3. Personnel employed in the cabinets of public officials are not Civil Servants.
4. The personnel employed by the institutions of the public administration in the central and municipal level responsible to carry out support and maintenance work are not Civil Servants.

Article 5
Basic Principles of the Civil Service

1. Civil Servants shall perform their duties according to the principles of:

1.1. **Legality** - Civil Servants are required to exercise their duties in compliance with the Constitution, applicable international legislation and applicable law.

1.2. **Non discrimination** - no one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.

1.3. **Obligation to respond on the requests** - Civil Servants are required to respond promptly and react appropriately to any petition, initiative, or appeal submitted by individuals, private organizations or other bodies of the public administration;

1.4. **Effectiveness and Efficiency** - Civil Servants are expected to ensure a simplified and economically viable implementation of administrative rules and procedures for the achievement of the objectives assigned to the administration and in the public interest to the benefit of both the public administration and the client-citizens;

1.5. **Accountability** - Civil Servants have the obligation to report, explain and be answerable for resulting consequences deriving from their administrative actions, decisions and inactions.

1.6. **Impartiality and professional independence** - Civil Servants shall not act in a biased manner, which means having an inclination in favor of a particular outcome in assessing a given situation, causing as a consequence an unjustified or unfair detriment to the general interest or to the right of other interested parties;

1.7. **Transparency** - Civil Servants shall preserve the confidentiality of information at their disposal, without prejudicing the obligations arising from the applicable legislation on access to public documents. Processes in the Civil Service are open to the public.

1.8. **Avoiding conflict of interests** - Civil Servants shall not allow their private interest to interfere with their public position and shall abstain from performing any private or public activities that are incompatible with their public position and might generate conflict of interest. Civil Servants shall act pursuant to the provisions of this law and the applicable law for avoiding conflict of interest.

1.9. **Principle of equal opportunities for communities and gender** – communities and their members have equal opportunities for participation in civil service and institutions of central and municipal administrations. Equal opportunities for participation in civil service, bodies of public administration have members of both genders.

CHAPTER II INSTITUTIONAL FRAMEWORK OF CIVIL SERVICE ADMINISTRATION

Article 6 Central Civil Service Administration

1. The Government shall set forth the main policy orientations of the state for the Civil Service, shall supervise implementation of these policies and reports at least annually to the Assembly on the state of the Civil Service.

2. The Ministry in charge of public administration is responsible for:

2.1. drafting and supervising the implementation of Civil Service policies;

2.2. proposing legal acts and issuing sub-legal acts from the area of the Civil Service;

2.3. determination of norms and standards for the functional organization of the institutions that are part of the Civil Service;

2.4. proposal to the government policies concerning salaries and awards in the institutions of the public administration;

2.5. development, coordination, supervision and implementation of training, education and capacity building policies in the Civil Service of Kosovo.

Article 7

Civil Service Management Structures within the Public Administration

Any institution that employs Civil Servants has units for management and development of personnel and human resources (hereinafter referred to as: "Personnel Unit").

Article 8

Central Civil Servants' Registry

1. The Ministry in charge establishes, maintains and administers the Central Civil Servants' Registry.
2. The Central Civil Servants' Registry is a unified system and shall interact with the Civil Service Payroll Data Base and the obligatory pension insurance data base.
3. Civil Servants are entitled to access their files and be informed about their content and to copy data from their files.
4. Each public institution that employs Civil Servants will be linked electronically to the Central Civil Servants' Registry, shall have the obligation to share the electronic records of its personnel with the Central Civil Servants Registry and ensure timely updating of Civil Servants' records that will be kept on paper as well as electronic format.
5. The records from Central Civil Servants' Registry are protected with legislation in force.
6. The Ministry in charge of public administration shall issue sub-legal acts for regulating the content of personnel files and the procedures for management and access to the records contained in the Central Civil Service Registry.

Article 9

Independent Oversight Board for Civil Service

The Board is an independent institution for supervising the legality of the management in the Civil Service and is regulated with special law.

Article 10

Kosovo Institute of Public Administration

The Kosovo Institute of Public Administration (KIPA) is responsible for the implementation of training and education policies and strategies and capacity building in the Civil Service.

CHAPTER III

ADMISSION, APPOINTMENT AND TERMS OF EMPLOYMENT

Article 11

Admission to the Civil Service

1. Admission to the Civil Service of Kosovo shall be done in compliance with principles of merit, professional capacity, impartiality, equal opportunities, non discrimination and equal representation, on the basis of public competition and upon verification of eligibility of the candidates to act.
2. Communities and their members have a right to a fair presentation and proportional in civil service and bodies of central and local public administration.

3. Within the civil service in institutions of central level the minimum of 10% of positions should be reserved for persons belonging to communities that are not majority in Kosovo and who fulfill the specific employment criteria. In municipal level for qualified members of the community that are not majority in Municipality, the number of reserved working places shall be in compliance with percentage representation of the communities in the given Municipality.

4. Within six (6) months from entry into force of this law, the Ministry in charge for public administration issues secondary legislation that regulates procedures to ensure fair proportional representation of the communities in Kosovo Civil Service in central and local level, as foreseen in paragraph 3 of this Article.

5. Within six (6) months from entry into force of this law, the Ministry in charge for public administration issues secondary legislation on procedures of civil service: recruitment, probation period, job description, work appraisal, disciplinary procedures, appeal procedures, working hours and attendance at work, annual leave procedure, personnel notes, procedures for equal opportunities, as well as termination of work.

Article 12 **Categories of Civil Service Employees**

1. The Civil Service of Kosovo shall have two (2) categories of employees:

1.1. career Civil Servant positions – that exercise functions on a permanent basis, for the achievement of general institutional objectives; and

1.2. non-career Civil Servant positions – that exercise functions of a limited duration up to two (2) years, for the implementation of specific projects, temporary replacement of permanent Civil Servants and in cases of work overload.

2. The same principles shall govern the mission procedures for career and non-career Civil Servants.

3. Career and non-career positions shall be approved by the Government for the institutions of the executive, after proposal by the relevant institution and approval by the Ministry responsible for public administration and ministry responsible for finance.

4. Fixed-term appointments of less than six (6) months shall be governed by contracts called Special Service Agreements and shall be regulated by the Law on Obligations and a simplified recruitment procedure shall be applied.

Article 13 **General Requirements for Admission to the Civil Service**

1. Citizens of the Republic of Kosovo who have reached the majority age, who have full capacity to act, who are in position of their civil and political rights, who have the educational background and professional competence required to carry out executive, managerial or implementation administrative functions and who meet the physical conditions required for the concerned position have the right for employment in the Civil Service of Kosovo.

2. Admission to the Civil Service of Kosovo may be conducted until one (1) year before the mandatory retirement age.

3. In line with the European principles of free movement of workers and non-discrimination foreigners that possess the required qualifications for the concerned position may be admitted to the Civil Service of Kosovo. The Government shall specify the core state functions (related to the sovereignty of the state) that are restricted only for citizens of Kosovo.

4. Voluntary work without pay may be permitted in the Civil Service of Kosovo for retired Civil Servants up to the age of seventy (70) years old. Voluntary work shall be regulated in a regulation issued by the Government.

Article 14
Restrictions to the Appointment of Public Officials to Civil Servant positions

1. Public Officials may not be appointed by means of Government executive decision to positions that the law reserves for career Civil Servants and the Civil Service does not reserve any positions to be assigned to Public Officials.
2. Public Officials may compete as external candidates for vacant position in the Civil Service without any preferential treatment during the selection process. Public officials who successfully pass the screening and testing according to this law shall acquire the status of Civil Servants with all rights and obligations and relinquish their status of Public Officials and consequent rights, obligations and entitlements.

Article 15
Appointment to Senior Managerial Positions

1. General Secretaries and equivalent positions shall be selected from a list of Civil Servants holding senior managerial positions and managerial positions, classified as such pursuant to the rules on the classification of posts set forth by this law, or equivalent positions in institutions of the public administration or public and private enterprises that are candidates for the concerned position. Such list shall be prepared on the basis of applications received upon announcement of a public competition.
2. The Ministry responsible for public administration shall establish a Criteria Assessment Commission (the Commission), comprised of 3 (three) general secretaries, 1 (one) university professor from the relevant subject area and one (1) member from the civil society. The head of the institution where the vacancy has arisen shall appoint two (2) of the members of the Commission.
3. The commission shall exercise the procedure and at its conclusion propose to the Ministry responsible for public administration three (3) of the best candidates. The Ministry responsible for public administration shall then submit to the head of the relevant institution three (3) of the best candidates for his/her approval. For executive institutions, the Ministry responsible for public administration shall propose to the Government the candidate preferred by the head of the relevant institution, which is appointed by the Government to the relevant position for a three (3) year term. For institutions outside the executive, the head of the institution shall select one (1) of the three (3) candidates proposed by the commission.
4. The detailed procedure for appointment to senior managerial positions shall be defined in a special regulation issued by the Government.

Article 16
Senior Management Officers' Mobility within the Civil Service

1. Senior management officers and management officers in the Civil Service may be assigned to different positions equivalent in grade for a specified period of time, but no longer than six (6) months.
2. Upon consent by the officer and proposal by the institution, he/she may be assigned to a position for a specified period of time.
3. The conditions and procedures for the implementation of special capacity building programmes and the mobility of officers shall be determined with regulation by the Government.

Article 17
Civil Servants Elected or Appointed to Public Office out of the Civil Service

1. Civil Servants may occupy, temporarily, political positions. During the mandate in such positions, their status of Civil Servants shall be suspended due to the incompatibility between political appointments and the status of Civil Servant.

2. Civil Servants who are candidates in municipal or central elections, shall be placed on special leave without pay one (1) month before the elections until the official certification of the elections results. Civil Servant who was not elected has a right to be reinstated in the Civil Service position one (1) week from the day of announcement of official election's results.

3. Civil Servants can not occupy directing positions in political parties and can not be politically active.

4. Civil Servants elected in municipal and central elections have a right to apply and compete with other candidates for any vacant position in civil service.

Article 18 **Basic Criteria for Admission to the Civil Service**

1. Admission to the Civil Service shall take in compliance with the principle of merit, open publication of vacancies, transparency, objectivity and impartiality of the testing committee, non discrimination of candidates and the right to appeal at the end of the procedure.

2. Institutions are obligated to prepare institutional human resources admission plans.

3. Admission to the Civil Service for career positions is open for all candidates and for all non management positions in all institutions. For senior management and management positions, admission is conducted through the promotion of existing Civil Servants. If no applications (candidatures) from existing Civil Servants are received or if the candidates are considered unsuitable at the end of the competition process, admission shall be opened to all interested persons.

4. Admission to the Civil Service for non career positions is open for all candidates without exception.

5. For management positions, admission is done through advancement of existing Civil Servants.

6. Admission into civil service is enabled for external candidates too:

6.1. for position that require specialized abilities and which are not within the civil service;

6.2. if there are no application forms of existing Civil Servants;

6.3. when no internal candidate fulfills the criteria for admission at the end of selecting process.

7. For the purpose of conducting the admission procedures for two types of positions, the institution shall establish *ad-hoc* committee.

8. Admission procedures are organized, managed and implemented by the institution that intends to fill its vacant positions, in cooperation and compliance with the Department of the Ministry in charge of public administration responsible for the development and implementation of human resources planning and management policies in the Civil Service of Kosovo.

9. Admission to the Civil Service for positions with unlimited time in the beginning is made at the lowest grade of the relevant functional category. Admission of candidates for vacant announced positions, classified in higher beginner levels may be done only on the grade in which the position was classified.

10. Detailed procedures for the implementation of admission procedures shall be established by the Government with special regulation.

Article 19 **Employment Relationship in the Civil Service**

1. Civil Servants enter into employment upon successfully completing the admission procedures that are foreseen by this law and related secondary regulations and receiving a letter of appointment communicated within thirty (30) days after the completion of the procedure by the competent institution of the public administration where the newly hired Civil Servant shall be employed.

2. Civil Servants hired to fill career positions are offered open-ended appointment. Civil Servants hired to fill non-career positions are offered fixed-term appointment.

3. If the employment letter is not returned as signed by the admitted candidate within fifteen (15) days from the notification, then the employment position is offered to another candidate from the list of candidates, in compliance with rules and procedures foreseen with sub-legal acts.

Article 20 Probationary Appointments

1. Candidates who have successfully passed the admission procedures are considered to be Civil Servants on probation.

2. All candidates admitted in the Civil Service to fill career positions are awarded a probationary appointment for the duration of twelve (12) months. At the end of probation period, the direct superior, based on the positive performance appraisal, based on performance results of Civil Servant, shall decide on his/her confirmation or not to appointment in that work position.

3. In special circumstances (maternity leave, sick leave, and military service) and in other special cases, probationary appointments may be extended by the time the probationary appointment was terminated.

4. All candidates employed to the civil service hired to fill non career positions are awarded a probationary appointment of the duration of three (3) months, subject to confirmation upon assessed positive performance.

5. During the probationary appointment, Civil Servants shall undergo entry level training and other special training programs for their relevant position.

6. Probation is not applicable for Civil Servants hired to a position through promotion.

7. The human resources management unit of the institution is responsible for supporting Civil Servants in probationary appointment, assigning trainers, respecting the performance appraisal procedures and deadlines, the confirmation of the Civil Servant by the superior and advising the superior throughout the procedure.

Article 21 Appeals against the Non-Confirmation and the end of the Probationary Appointment

Civil Servants on probationary appointment that are not confirmed in their work position may appeal before the Independent Oversight Board against the decision within a period of thirty (30) days after such decision is communicated from the personnel unit.

Article 22 Terms and Conditions of Fixed-Terms Appointments

1. Civil Servants on a *fixed-term* appointment shall not be treated in a less favorable manner, in terms of wages, trainings, social security, retirement contributions and benefits, access to vacant positions within the public administration or the institution that employs them, than comparable permanent Civil Servants appointed to permanent core positions solely because they have a fixed-term appointment.

2. Transfer of Civil Servants from fixed-term position to Civil Servant with indefinite-term position is done only if a new vacant position is open and if the performance appraisal is considered satisfactory within last two (2) years.

3. The end of a fixed-term employment of Civil Servant shall be done at the end of certain employment date, completion of a specific task, which makes the activities impossible on permanent bases.

**CHAPTER IV
CAREER DEVELOPMENT - CIVIL SERVICE JOB CLASSIFICATION**

**Article 23
Functional Positions**

1. The personnel employed in the Civil Service is divided in four (4) functional categories:
 - 1.1. Civil Servants of senior-level management;
 - 1.2. Civil Servants of management level;
 - 1.3. Civil Servants of professional level;
 - 1.4. Civil Servants of the technical-administrative level.

**Article 24
Job grades**

1. Each functional category of Civil Servants shall include job grades that shall be defined in terms of required responsibility, complexity, inter-personal skills, qualifications and experience.
2. Specific legislation and sub-legal acts shall determine the number of grades assigned to each functional category and set the standards and procedures for grading each job according to the terms set on a job description.

**Article 25
Steps**

For each job grade there will be steps established in progressive order. Civil Servants' career progression from their present step to a higher step shall be based on performance.

**Article 26
Promotions**

1. Career advancement in the Civil Service is ensured by means of rising from lower to higher functional category, or from lower to higher grade within the same functional category.
2. Access, through promotion, to higher levels of the functional hierarchy in the Civil Service of Kosovo is based on merit and is open to all qualified Civil Servants without, in compliance with the anti-discrimination principles established in this law and the Law on Anti-Discrimination.
3. Any admission, advancement, employment that is in contradiction with provisions of this law is not allowed.
4. Direct appointment to a vacant position in derogation of the principle of merit and procedures established by applicable legislation is not permitted.

**Article 27
Advancement to Higher Functional Position or Grade**

1. Advancement from lower to higher functional position or from lower to higher grade within functional position is allowed based:
 - 1.1. upon availability of vacant positions;
 - 1.2. on fulfillment of all requirements set for the position;

- 1.3. on the minimum time spent; and
- 1.4. on successful testing and evidence of merits, skills and professional competence.
2. Promotions are allowed only for career Civil Servants that are classified not lower than two (2) grades below the announced vacancy, unless otherwise specified by this law.
3. The requirement to undergo written testing is waived for the promotion to a higher grade within the same functional category.
4. Specific sub-legal act from Government shall establish the conditions and procedures for Civil Servants' career advancement.

Article 28 **Transfer of Civil Servants**

1. Transfer of Civil Servants can be performed through relocation to another job location and as a temporary transfer to other job location.
2. Relocation of Civil Servants, as a non disciplinary measure, entails temporary or permanent re-deployment to other job location, to exercise the same or different functions, at the same functional category and grade.
3. Relocation can consist of :
 - 3.1. lateral transfers with assignment to other office in the same or different organization at the same functional level and grade, within the central or municipal administrations;
 - 3.2. rotation to other offices with same functional category and grade but other duties; and
 - 3.3. secondment to other organization outside the Kosovo Civil Service.
 - 3.4. a Civil Servant, with his/her consent and in agreement with the employer, may be subject to secondment to an international organizations, public enterprises or any other public organization requiring specific skills and certain professional experience.
4. During secondment period, Civil Servant shall enjoy the status of suspension, pursuant to Article 89 of this law.
5. The relocation of Civil Servants shall be regulated in detail with sub-legal acts.
6. Employment terms should not be less favorable than those in his/her present job position.

Article 29 **Performance of tasks not belonging to functions assigned to the Civil Servant**

Civil Servants may be temporarily required to perform tasks that do not belong to their regular tasks, within their grade or higher grade and within professional preparation, if this is impelled by general interest.

Article 30 **Duty to replace an absent Civil Servant**

1. Civil Servants, after receiving an order from their superior, have the duty to replace a temporarily absent colleague or to fill a vacant position if the normal operation of the institution would be hindered due to the absence of the Civil Servant.
2. In case of absence of a General Secretary or equivalent position, he/she shall be replaced by the Civil Servant highest in rank within the institution according to the rules of the law on administrative procedure.

3. Refusal to replace an absent Civil Servant in situations of emergency is considered as obstruction of administrative action and consequently subject to disciplinary sanction.

4. If a position in the Civil Services becomes vacant, acting civil servants in that position shall not be appointed for a period exceeding three (3) months.

Article 31 Refusal to perform functions

1. Civil Servants may refuse to undertake functions and assignments other than what indicated in their job descriptions, if their performance would entail:

1.1. detriment to their legitimate interests and rights;

1.2. danger for the health;

1.3. the need for a higher qualification or different professional training than the given one.

2. Upon the refusal to undertake new or additional functions and assignments, notification is to be delivered to the issuer of the order about the occurrence of one or more of the circumstances specified in paragraph 1 of this Article in order to obtain withdrawal of the order or decision. Till official confirmation of withdrawal the Civil Servant is permitted to abstain to conform to the order or decision.

Article 32 Mobility upon Staff Redundancy

1. Civil Servants who become redundant upon the reorganization, suppression or merger with another organization of the institution which they belong are to be redeployed within the central or municipal administrations provided that equivalent positions exist.

2. In case of absence of equivalent vacant positions, redundant Civil Servants are under the care of the Government, respectively the Ministry in charge of public administration, which shall ensure the redeployment and training of such Civil Servants.

3. Refusal to undergo training will result with interruption of the mobility period and dismissal from the Civil Service.

4. The rights and entitlements of redundant Civil Servants, including their salaries and training shall be established with a sub-legal act issued by the Government, after proposal by the ministry in charge of public administration and ministry in charge of finance if he/she has no other employment relationship

5. Failure to reassign a Civil Servant to another post in the Civil Service within a period of one (1) year results in the termination of his/her status as a Civil Servant.

Article 33 The Performance Appraisal

1. Each institution of the public administration shall periodically at the end of each year, conduct a performance appraisal of Civil Servants. The performance appraisal is conducted for the purpose of enhancing work performance and insuring the gradual improvement of the professional capacity and quality of administrative services.

2. Performance appraisal is conducted by verifying the implementation of objectives set at the beginning of the appraisal period by the Civil Servant. The performance appraisal is obligatory for supervisors and failure to conduct such obligation may be subject to disciplinary measures.

3. Supervisor is obliged to do performance appraisal results. If the appraisal is not conducted by the supervisor it shall become a reason for initiating a procedure for disciplinary measures towards him/her.

Article 34
Influence and Impacts of Performance Appraisal Results

1. The results of performance appraisal shall have influence and impacts to establish:
 - 1.1. the need for training individual or groups of Civil Servants;
 - 1.2. the eligibility of Civil Servants to career advancement;
 - 1.3. the existence of conditions for conversion of probationary appointment or dismissal;
 - 1.4. the existence of conditions for secondment to international assignments;
 - 1.5. the existence of conditions for the concession of special leave entitlements;
 - 1.6. the continuation or termination of employment of with the civil service.
2. The results of the performance appraisal shall be used to provide the necessary data to Civil Servants to enable them to improve their performance (work).
3. The results of performance appraisal shall be emplaced in the register of human resources management and in personnel's register.
4. The results of performance appraisals shall also be taken into account during the disciplinary procedures.
5. Detailed procedures for the implementation of performance appraisals process shall be established with sub-legal acts by the Government.

Article 35
Civil Servants' Capacity Building

1. All Civil Servants are eligible for and also required to upgrade and enhance their professional capacity through training in the Civil Service. Civil Servants may also be authorized to attend, outside the Civil Service, specialized educational programmes, for their professional development, as long as relevant for the Civil Service of Kosovo.
2. Civil Servants' participation in capacity building events planned and delivered within the Civil Service shall be treated as equivalent to performing professional duties and supervisors are responsible to facilitate and support participation of their subordinates.
3. Participation in capacity building events is mandatory for all Civil Servants.

CHAPTER V
CIVIL SERVANTS' WORKING CONDITIONS

Article 36
Working Hours

1. Civil Servants working time shall not exceed forty (40) hours per week, unless otherwise determined by this Law.
2. Every Civil Servant is entitled to one (1) hour break per eight (8) work hours daily and, in addition, a weekly rest period of at least forty-eight (48) hours.
3. Pregnant women, mothers with children up to three (3) years old and disabled Civil Servants shall not be required to work night shift and more than forty (40) hours per week.

4. Where shift work is required, shift patterns shall be established by the employing authority in accordance with administrative instructions to be issued by the Ministry in charge of public administration.

Article 37 Part-time Work

1. Civil Servants shall be considered to be employed on a part-time basis when their hours of work, calculated on a weekly basis or on average over a period of employment of up to one (1) year, are less than the normal hours of work of a similar Civil Servant working full time.

2. Civil Servants on a part-time arrangement shall be entitled to receive extra pay, or receiving any other type of compensation, for working extra hours.

3. The employing institution may request Civil Servants to work on part-time. A Civil Servant's refusal to transfer from full-time to part-time work or vice-versa shall not constitute a valid reason for dismissal.

4. The employer institution should give consideration to:

4.1. requests by Civil Servants to transfer from full-time to part-time work and vice versa;

4.2. measures to facilitate access to part-time work at all levels of the employer institution;

5. Part-time Civil Servants shall be treated similarly to full-time Civil Servants.

Article 38 Overtime work

1. In special cases and upon increased workload that temporarily require additional work hours, the employer institution requires from workers to work overtime. The total amount of overtime can not exceed four (4) hours per day and in any case twenty (20) hours per week and forty (40) hours in one month.

2. Overtime work shall not be permitted if it can be a threat to workers safety and health.

3. The Ministry in charge of public administration shall ensure adequate controls to prevent that the recourse to overtime is an expedient to inhibit the recourse to employment according to the rules and procedures established in this law and related sub-legal acts.

4. Compensation for overtime work, either through payment or time off, shall be regulated pursuant to the Law on Salaries of Civil Servants.

Article 39 Annual leave

1. Civil Servants are entitled to annual leave and leave during official holidays according to the terms established by this law and other applicable legislation.

2. During each calendar year Civil Servants shall be entitled to a paid annual leave with duration of minimum eighteen (18) working days earned at a rate of one and a half (1.5) days per calendar month of employment.

3. Duration of annual leave shall be determined from years of service, when every two (2) years of work experiences increase the annual leave by one (1) working day.

4. Civil Servants can not renounce to their annual leave entitlement. Annual leave shall normally be taken within the calendar year in which it is earned.

5. Civil Servants may transfer a maximum of twelve (12) unused working days from his/her annual leave to the following year. Unused days of annual leave shall be used within the first half of the following calendar year.

6. Cancellation or curtailing of the annual leave can not be used as a disciplinary measure.

7. Annual leave can not be converted into other monetary or non monetary forms of compensation.

Article 40 Special leave

1. Civil Servants are entitled to:

- 1.1. sick leave;
- 1.2. compassionate leave;
- 1.3. parental leave; and
- 1.4. unpaid leave.

2. The terms and conditions of Civil Servants' leave shall be established in a sub-legal act to be adopted by the Government after proposal by the Ministry responsible for public administration and Ministry responsible for finance.

Article 41 Health Conditions

1. The employing authority may specify health conditions of Civil Servants, including the request for medical evaluation, where a certain health condition is required for efficient performance of the work and there is no possibility of adjusting the required work or work conditions. This provision shall not be implemented in the manner that violates the non-discrimination principles established in the Law on Anti-Discrimination.

2. If after a long illness or physical disability, health condition of the Civil Servant allow him/her to restart work, as proved by medical commission, the employing authority shall make effort to provide a working environment or any other work post in order to enable the Civil Servant to work in that manner.

CHAPTER VI CIVIL SERVANTS' RIGHTS

Article 42 Right to Appropriate Work Conditions

1. Each employing authority shall guarantee the Civil Servants a safe and appropriate working environment. Complaints and dissatisfaction concerning the working environment shall be directed to the manager of the human resources of the employing authority.

2. Employing authority ensures conditions to protect the physical and moral integrity of Civil Servant.

Article 43 Right to Equal Treatment and Career Development Opportunities

1. Civil Servant have the right to be treated to receive fair and equitable treatment in all aspects of personnel management career development, rewards, compensation and legal protection, without regard to sex, race, religious affiliation or belief, political affiliation, physical disability, conditions, marital status, age and ethnic origin.

2. It is the duty of the public administration to remove those administrative obstacles which limit the freedom and equality of Civil Servants, impede their full professional development and constrain their opportunities to effective participation in the attainment of the scopes set for the Civil Service.

3. Civil Servants shall be treated by their superiors with respect to their human dignity and will not be required to carry out tasks that may damage it.

4. Civil Servants shall have the right to be encouraged and supported in advancing career and professional development through training and other means.

Article 44
Right to Payment

The job of Civil Servants shall be compensated according to a payment system that shall be regulated with a special law.

Article 45
Right to Remain on Position and Retain Equivalent Position

1. Civil Servants shall be guaranteed protection against any unjustified or unnecessary removal from their work place or modification of tenure.

2. Civil Servants shall be entitled to the right on their post or equivalent position, including the right to take special leave, according to the terms specifically indicated by applicable legislation.

Article 46
Right to Associate

1. Civil Servants shall be entitled to form and to join, but not be obliged to, a political party, an association, a private non governmental organization, a Trade Union or a professional association pursuing objectives in line with the existing legislation on public order.

2. Civil Servants may be members of the bodies listed in paragraph 1 of this Article, provided that the position is not in conflict of interests with the tasks assigned to the Civil Servant and his/her status.

Article 47
Right to Exercise Political Rights

1. The Civil Servant, upon taking office and at all levels of the functional hierarchy, shall have the right to maintain his, or her, political rights to vote or to be voted as a candidate in municipal or central elections.

2. The Career of the Civil Servant shall not be affected by the opinions expressed during the electoral campaign or by the outcome of the elections.

3. Civil Servants who are candidates in local or national elections are entitled to be released from duties, without pay, during the electoral campaign period.

Article 48
Right to Strike

1. Civil Servants shall have the right to go on strike in accordance with the law.

2. The conditions for limiting the right to go on strike for specific services in the Civil Service shall be established in a regulation issued by the Government of Kosovo.

Article 49
Right to Participate and be Represented in Civil Service Management Bodies

Civil Servants shall have the right to participate either directly or indirectly through elected representatives in those consultative bodies, commissions or consultative panels or decision-making ones, established to ensure the management and functioning of the administration in general and for the internal functioning of the institution to which they belong.

Article 50
Right to make a Complaint

1. Civil Servants shall have the right to appeal against administrative decision or any violation or omission of the general administrative rules or procedures that affect or are related to their working relationship.

2. Civil Servants shall have the right to protect themselves in cases of any violation of their rights as a result of the action of the public administration through internal administrative or judicial procedures.

CHAPTER VII PRINCIPLES AND TERMS OF CIVIL SERVANTS' PROFESSIONAL CONDUCT

Article 51 Performance of Duties and Obligation to Implement Legislation

1. Civil Servants shall perform their duties according to the terms assigned in the job description in an accurate, timely and conscientious manner, appropriately and without self-interest, pursuant to the public interest and in compliance with the legal system of the Republic of Kosovo.

2. Civil Servants have a duty to support and facilitate the policies adopted by the public administration.

3. Civil Servants shall conform their conduct to the principles established in this law and their performance will be such to establish and reinforce mutual trust and cooperation between client citizens and the public administration.

4. Civil Servants who are negligent in the observation and implementation of the law and sub normative acts on the Civil Service shall be subject to disciplinary measures.

Article 52 Duty to Abstain from Abuse of Authority

1. Civil Servants in the exercise of their functions will be committed to the pursuit of legality and protection of public interest versus private gain for themselves or any other individuals or organizations.

2. Civil Servants shall not perform acts and take decisions beyond the limits assigned to their rank and functions, besides what is established in this law.

3. Civil Servants may exercise discretionary powers in the application of laws and regulations and their interpretation within the limits formally indicated in those laws and regulations.

4. Civil Servants shall not take advantage of their position as representative of the public authority to impose on or request from third parties or colleagues and the staff they supervises, for whatever purpose, the performance of acts that are not due, or omissions or actions that may infringe legality or cause criminal offences.

5. Civil Servants found responsible of violation of this norm will be subject to administrative disciplinary action and to penal prosecution in case their acts constitute a criminal offence or have induced third parties to commit criminal offence.

Article 53 Duty to Refuse Undue Rewards

1. Civil Servants are prohibited to request and obtain from third parties, for themselves, their spouses, family or organizations, any favors, special treatment, gifts or other forms of monetary or non-monetary rewards.

2. Civil Servants may receive merely symbolic gifts of no commercial value, in accordance with the applicable anti-corruption law.

3. Civil Servants may receive decorations or honorific titles from foreign institutions only upon receiving formal authorization from the Government as long as the award does not condition the independence and loyalty of the Civil Servant to the public administration of the Republic of Kosovo.

Article 54
Duty to Abstain from Unduly Rewarding for other Civil Servants

Civil Servants shall abstain from offering gifts or other benefits to Civil Servants of equal rank, superior in rank or subordinate and their relatives or spouses in order to obtain for themselves personal gain.

Article 55
Duty to Inform and Justify Administrative Action

1. Civil Servants shall provide to the general public, interested parties and public institutions all needed information and guidance as is required for the timely, correct, efficient and effective completion of administrative procedures.

2. Civil Servant shall provide adequate justification for all acts and decisions taken in the exercise of their functions.

Article 56
Duty to Secrecy and Respect of Privacy

1. Civil Servants are obliged to keep confidential the service secrets and not to disclose to public confidential information or meant for internal use that have become known to them during the performance of their tasks.

2. Civil Servants are obliged not to infringe the personal privacy of individuals and organizations by revealing to third parties, unless for internal official use of the public administration, information on personal statuses, facts and situations pertaining to their private life and interests.

3. Civil Servants are not permitted to obtain personal gain from their knowledge of service secrets, confidential information and information meant for internal administrative use.

4. Civil Servants are obligated to maintain the confidentiality of information at their disposal, without prejudice to the obligations arising from the Law on Access to Official Documents.

Article 57
Duty to Facilitate and Expedite of Administrative Procedure

1. Civil Servants are obliged to ensure the fast, effective, efficient and economical completion of procedures for both the public administration and client citizens.

2. Civil Servants have the duty of assisting client citizens in the completion of formalities and, within the limits allowed by laws and regulations, avoid cumbersome procedures difficult to manage.

3. Civil Servants have the duty to prevent any situation which may lead to administrative action which may turn detrimental to the safeguard of legitimate interests of either the public administration or individuals or groups of client citizens.

4. Civil Servants who omit the obligations contained in paragraphs 1, 2 and 3 of this Article in the pursuit of illicit benefits or financial gain are subject to disciplinary action according to the terms set in this law.

Article 58
Duty to keep High Standards of Professional Performance

Civil Servants are obliged to ensure high quality of professional performance by improving their professional capabilities and take part in training activities relevant for their career development and increased efficiency of the State Administration.

Article 59
Duty to be Present

1. Civil Servants have the duty to be present at their work place according to the terms and conditions of their appointment, and during the time established for the functioning of the institution where they are employed. Civil Servants shall be obliged to observe the established hours and use it to accomplish the assigned duties.

2. Civil Servants are obliged to inform their supervisors of any absence from the work place and obtain authorization to leave. Omission to inform and/or absence from work for which no information is given to the supervisor, is considered as abandonment of post and sanctioned according to this Law.

Article 60
Use of Public Property

1. Civil Servants shall manage with care the public property assigned to them for the exercise of their functions and will not use it for personal reasons or gain.

2. Civil Servant shall not use public property as instrument or asset to run personal commercial or illicit activities

Article 61
Duty to Comply with Orders and Pursue Mandatory Administrative Actions

1. Civil Servants are required to implement legislation and orders pertaining to the service and, without waiting for a special order, to perform functions arising from their position.

2. When mandatory administrative action is established by laws and regulations, the Civil Servant may not exercise discretionary power whether or not to pursue it and must act according to what is prescribed by laws or regulations. The omission to undertake mandatory administrative action is subject to disciplinary sanction.

3. Omission of mandatory administrative action aimed at causing personal gain or undue gain for third parties is considered as a severe violation.

Article 62
Refusal to Perform Illegal Acts or Criminal Offences

1. Civil Servants shall be prohibited to execute orders that:

1.1. require performance of actions or omissions in conflict with law;

1.2. exceed the authority of the issuer of the order;

1.3. require performance of acts which the recipient of the order is not supposed to perform.

2. Civil Servants are obliged to refuse to comply with orders to perform illegal acts or criminal offences and are obliged to denounce the matter to Chief of the Body in charge of personnel management within the institution and in case of risk of committing illegal acts to the competent judicial authority.

3. Civil Servants who doubt the legality of orders received from supervisors may request a written order from their direct supervisor.

CHAPTER VIII
DISCIPLINARY MEASURES AND DISPUTES MANAGEMENT

Article 63
Responsibilities

1. Civil Servants may be disciplinary held liable for the violation of duties which occurred as a result of their own fault, as laid down in this Law.
2. The personal liability for committing criminal acts and offences while executing administrative acts shall not exclude the disciplinary liability of a Civil Servant, provided that the act also constitutes a breach of duty as indicated in this law.
3. In case of criminal proceedings initiated against a Civil Servant for acts concluded in the exercise of his/her administrative mandate that can generate conditions for criminal charges pressed against the Civil Servant, all disciplinary proceedings related to the case can not initiate until the final ruling of the competent Court.
4. If the Civil Servant is found guilty by final decision and is convicted of criminal offence with elements that comprise violations of civil service principles and rules from employer body should initiate the procedure for dismissal of the Civil Servant.
5. Should the Civil Servant accused for a criminal offence be acquitted:
 - 5.1. he/she shall be reinstated in his/her previous position and his, or her, file shall not contain any mention of the criminal proceedings and/or any related preventive suspension;
 - 5.2. no disciplinary action shall be applied upon the Civil Servant's acquittal or his, or her, exclusion from a criminal proceeding.

Article 64
Disciplinary Liability

1. Civil Servants shall be accountable for any breaches of the principles established in this law.
2. Civil Servants responsible of supervision of staff are accountable for good management and supervision. Negligence or omissions in exercising the supervisory function is considered a breach of duties bearing disciplinary liability.
3. Civil Servants who are negligent in observing and implementing the law and sub normative acts governing the civil service shall be subject to disciplinary sanctions.

Article 65
Liability for Damages

1. Civil Servants shall be liable for any damages provoked on the line of duty to citizens or institutions as a result of professional incompetence or severe negligence or intentionally unlawful action.
2. Upon ascertained responsibility appropriate sanctioning of the Civil Servant who has caused prejudice to either institutions or citizens shall be applied.

Article 66
Terms of Applicability of Disciplinary Measures

1. Disciplinary measures shall be administered with gradual intensity proportionate to the importance of consequences and damages provoked by the Civil Servant's misconduct. Specific aggravating circumstances that shall be defined with sub-legal act.

2. Violations of work tasks fall into: minor and severe-serious violations, which shall be regulated with sub-legal act.

3. The following disciplinary measures shall be applied for minor violations:

3.1. verbal warning;

3.2. written remark that is placed in personal file of Civil Servant.

4. The following disciplinary measures shall be applied for serious violations:

4.1. suspension of duties and withholding of 1/3 of salary for a period from up to two (2) months issued by the disciplinary commission upon request from the immediate supervisor;

4.2. removal from office and transfer to other location with similar duties and interdiction to promotion up to five (5) years issued by the disciplinary commission;

4.3. termination of the working relationship in Civil Service by the disciplinary commission.

Article 67 Disciplinary Measures

1. Only the following disciplinary measures may be applied for the violation of duties indicated in this law:

1.1. the following disciplinary measures shall be applied for minor violations:

1.1.1. warning issued by the immediate supervisor;

1.1.2. written notification issued by the immediate supervisor;

1.1.3 written notification with inscription in the personal records of the civil servant issued by the body in charge of personnel management within the institution;

1.2. the following disciplinary measures shall be applied for serious violations:

1.2.1. preventive suspension with pay of up to three (3) months while pending an enquiry to be proposed by the immediate supervisor and approved by the body in charge of personnel management of the institution;

1.2.2. punitive suspension of duties and withholding of 1/3 of salary during a period; from up to two (2) months issued by the disciplinary commission upon request from the immediate supervisor;

1.2.3. removal from office and disciplinary transfer to other location with similar duties and with interdiction to promotion for a maximum of five (5) years issued by the disciplinary commission;

1.2.4. termination of the working relationship by the disciplinary commission, without prejudice to, or reduction of, pension rights;

1.2.5. early retirement for those Civil Servants that have two (2) years left prior to the date of retirement.

Article 68 Disciplinary Measures and Criminal Proceedings

No disciplinary measure can be undertaken for an act punishable by criminal law before a decision has been made in first degree.

Article 69
Preventive Suspension

1. Civil Servants shall be immediately suspended, with pay of 50% of his/her salary, from duties by the body in charge of personnel management within the institution when:

1.1. criminal proceedings are initiated against the Civil Servant for an alleged criminal violation committed in connection with the exercise of his/her functions;

1.2. the Civil Servant is held in preventive detention pending criminal trial;

1.3. when the Civil Servant's presence in office could damage investigations.

2. In case of a preventive suspension the alleged offender shall receive 50% of his/her salary during the entire duration of the suspension till the final court decision.

3. If such a Civil Servant is subsequently reinstated in service, either on the ground that the charge has not been proved or by giving benefit of doubt or on any other technical grounds, he/she must be considered as having been suspended to discharge the assigned duties. The period of suspension shall be treated as duty for all purposes and the Civil Servant shall receive the full pay and allowances, which could have been paid if not suspended from service.

Article 70
Disciplinary Commissions

1. Every institution of the public administration that employs Civil Servants shall establish a disciplinary commission in order to undertake disciplinary action in case of serious violations of this law and related sub-legal acts.

2. The chairman and the members of the disciplinary commission shall be appointed by the General Secretary or equivalent position of the concerned institution and the members of disciplinary commissions shall not be members of the appeal commissions of the respective institution.

3. The chairman and members of the disciplinary commission shall be appointed from the ranks of Civil Servants with superior education, are appointed for a period of two (2) years with possibility of extension and must reflect the diversity of the Kosovar society, including in particular gender diversity.

4. Procedure for functioning of the commissions and their composition shall be regulated by sub-legal act.

Article 71
Competencies of the Disciplinary Commissions

1. The disciplinary commissions shall be competent to:

1.1. hear the evidence on the supposed violation,

1.2. decide, if based on the evidence, whether a violation was committed; and

1.3. decide on the applicable punishment.

Article 72
Disciplinary Commission for Senior Management Positions

1. Disciplinary action concerning official in senior management positions shall be administered by a special disciplinary commission appointed by the Government on a case-by-case basis.

2. Any official in a senior management position shall be subject to disciplinary action or discharge by the Commission appointed pursuant to paragraph 1 of this Article, on the grounds of professional incompetence or misconduct or after being convicted of a criminal offence and sentenced to serve a prison term of six (6) months or more. The definition of misconduct shall include, but shall not be limited to, any breach of the principles defined in Article 5 of this Law, and any other violations defined in this law.

3. Officials in senior management positions shall enjoy the same rights and guarantees specified in this law, as any other Civil Servant.

4. Officials in senior management positions may only be suspended or discharged in accordance with this law and sub normative acts issued for the implementation of this law.

Article 73

Establishment and Composition of the Disciplinary Commission for Senior Management Positions

1. Disciplinary Commissions for senior management positions shall be established by Government's decision.

2. Disciplinary Commissions for senior management positions shall be composed of five (5) members, as follows: at least one (1) of the deputy prime ministers, the minister responsible for public administration, one (1) minister from the communities and two (2) other members among the ranks of general secretaries or equivalent positions.

Article 74

Functions of the Disciplinary Commission for Senior Management Positions

1. The Disciplinary Commission for senior management positions shall exercise the following functions:

1.1. hear the evidence concerning the alleged violation;

1.2. determine, on the basis of the evidence, whether a violation has been committed;

1.3. decide on the relevant disciplinary measure to be taken.

2. The person that is the subject of the disciplinary procedure shall be entitled to be accompanied by a legal adviser and/or trade union representative at all meetings of the Commission.

3. The Disciplinary Commission for senior management positions shall, as far as possible, complete the hearings of a case and give its decision within sixty (60) days of its receipt, and shall report its decision to the Government.

Article 75

Disciplinary Procedures for Senior Management Positions

1. Where an official in a senior management position is suspected or accused of having committed a violation, he/she shall be suspended from his/her direct superior and Civil Servant with pay of 50% of his/her salary during the suspension time. The case shall immediately be reported to the Prime Minister.

2. The Prime Minister shall propose to the Government the appointment of the disciplinary commission regarding the case.

3. The officer in a senior management position that is remanded to police or judicial custody for a period of longer than forty-eight (48) hours in a case of an alleged criminal offence shall be automatically suspended with pay by his direct superior.

4. The suspension of the senior management officer shall be without prejudice to the outcome of the investigation.

5. The disciplinary procedures for officers in senior management positions shall be regulated by sub-legal act issued by the Government.

Article 76
Poor Performance Procedures for Senior Management Positions

1. Where procedures for poor performance are initiated against a senior management officer, the Prime Minister shall:

1.1. order that an assessment of the senior manager's performance be carried out within seven (7) days, in accordance with the normal assessment procedures prescribed by the Government, unless within the previous four (4) weeks an assessment has been carried out; and

1.2. appoint a Performance Investigation Commission to investigate the matter.

2. The performance assessment procedures for senior management officials shall be regulated by sub-legal act issued by the Government.

Article 77
Disciplinary Measures for Senior Management Positions

1. The disciplinary measures that may be undertaken against officers in senior management positions are:

1.1. written remark;

1.2. removal to other position within the Civil Service with lesser managerial responsibilities without loss of grade and functional category;

1.3. demotion;

1.4. termination of working relationship.

Article 78
Right of Appeal

Civil Servant of Senior Managing Level who is not satisfied with the decision of the disciplinary commission has the right to appeal before the Independent Oversight Board within thirty (30) days from the day of notification for the decision.

Article 79
Basic rights of Civil Servants under investigation

1. The basic rights of Civil Servants under investigation are:

1.1. the rights to be informed on the charges and their basis;

1.2. the right to be heard and to respond;

1.3. the right to present evidence;

1.4. the right to legal assistance and access;

1.5. the right of appeal.

2. The basic rights of Civil Servants under investigation shall be regulated in detail with sub-legal act.

Article 80
Procedures for settlement of disputes and grievances

1. Extra judicial settlement of disputes shall be ensured in order to expedite the resolution of conflicts for cases that can be resolved through internal administrative review.
2. Recourse to justice is not excluded and is served as a last instance remedy for appeals when all extra judicial procedures are exhausted or have failed to provide settlement of contentious issues and satisfactory results for all concerned parties.
3. All effects of administrative actions appealed and brought for review to the competent disputes and grievances management bodies are suspended till final decision.

Article 81
Bodies for Grievances and Appeals Settlement

1. Specific bodies for the settlement of grievances and employment related disputes arising within the Civil Service are established in each institution of the central and municipal administrations that employ Civil Servants.
2. The procedures for the settlement of grievances and appeals shall be ensured by the following bodies:
 - 2.1. Disputes and Grievances Appeal Committees, and
 - 2.2. Independent Oversight Board.

Article 82
The Disputes and Grievances Appeal Committees

1. Disputes and Grievances Appeal Committees shall be established in each institution of the central and municipal administrations that employ Civil Servants, as appellate bodies for disputes and grievances management.
2. Decisions of the Disputes and Grievances Appeal Committees are binding for the institutions of the public administration and all concerned parties. Their decisions may be appealed in the Independent Oversight Board.
3. The chairman and members of the Disputes and Grievances Appeal Committees shall be appointed from the ranks of Civil Servants with superior education, are appointed by the General Secretary or equivalent position of the relevant institution for a period of two (2) years with possibility of extension and must reflect the diversity of the Kosovar society, including in particular gender diversity.
4. The chairman and members of the Disputes and Grievances Appeals Committees shall not serve as members of a disciplinary commission in the relevant institution.
5. The criteria of membership appointment, competencies and procedures of the committee for disputes and grievances settlement from work relationship, shall be defined with sub-legal act.

CHAPTER IX
SUSPENSION, TERMINATION AND THE END OF EMPLOYMENT RELATIONSHIP WITH THE CIVIL SERVICE

Article 83
Termination of employment relationship

Employment relationship of Civil Servants may be suspended, terminated and may end according to the conditions foreseen by this law.

Article 84
Termination of employment relationship due to incapacity to perform

1. The employment relationship of Civil Servants shall be terminated due to his/her inability to perform any task within the Civil Service, which is proven and certified by the medical authority. Employment relationship is terminated due to incapacity only when the level of incapacity does not enable his/her transfers to any other position within the Civil Service.
2. The public administration shall not be permitted to rescind employment relationships with Civil Servants on the occurrence of minor or non critical health conditions when prejudice to the performance of duties is not occurring.
3. Civil Servants whose employment comes to an end because of physical disability or poor health conditions that do not impede performance of alternative tasks with redeployment to other functions and job can appeal against the decision.
4. Civil Servants whose employment comes to an end because of physical disability or poor health conditions in the exercise of their official duties shall be under the care of the Government and shall be regulated with sub-legal act.

Article 85
Termination of employment relationship with unilateral decision

1. Termination of employment relationship within the Civil Service, with unilateral decision occurs when either the institution or the Civil Servant undertake the initiative to permanently terminate the employment relationship.
2. Employment relationship in Civil Service is terminated with unilateral decision in cases of:
 - 2.1. resignation and discharge from the Civil Service for the reasons foreseen in this law.

Article 86
Resignation

1. Civil Servants may resign at any time from the Civil Service by submitting an official resignation notice to their supervisor with copy to the head of the body in charge of personnel management within the institution where they are employed.
2. The term of notice for resignation is at least one (1) month.
3. The term of notice for Civil Servants hired on a fixed term appointment may not exceed the duration of the appointment.
4. Civil Servants who have resigned, therefore have lost the status of Civil Servants, may seek, at a later date, new employment in the Civil Service by participating in Extraordinary hiring procedures according to the terms set in this law.
5. Returning Civil Servants shall be entitled to cumulate previously accrued retirement benefits and new ones.

Article 87
Dismissal of Civil Servants

1. Civil Servants shall be dismissed from civil service on the grounds of poor performance and poor results, violation of code of conduct and violation of the law that has resulted on criminal charges, as foreseen with this law.
2. After the completion of the disciplinary procedure, the body in charge of personnel management within the institution where they are employed shall serve the concerned Civil Servant a notice announcing the termination of the employment relationship, the reasons thereof and instructions on further steps.

3. The working relationship of career Civil Servants may be terminated on grounds of poor performance. Two (2) consecutive poor performance evaluations, shall result in the immediate termination of the working relationship by the human resources management body of the employing institution where the civil servant works, after recommendation by the supervisor.

4. Procedures for dismissal from the Civil Service shall be defined with sub-legal acts by Ministry in charge for public administration.

Article 88 **Dismissal of Officials in Senior Management Positions**

1. General Secretaries and equivalent positions, due to being Civil Servants shall be subject to the same norms governing the conditions for the termination of the employment relationship of Civil Servants through dismissal.

2. The competent authority for initiating the action for the dismissal of General Secretaries and equivalent positions shall be the Minister or the direct superior heading the Institution where the concerned person is employed. A request for dismissal from the competent Minister shall be filed to the Government while the decision to proceed to or reject the request of dismissal shall be taken by a special disciplinary commission established pursuant to this law.

3. With special sub-legal act shall be defined terms and procedures for the dismissal of officials in senior management positions.

Article 89 **Agreed Suspension of the Civil Service Employment Relationship**

1. For the purpose of this law the following cases are considered agreed suspension from service:

1.1. leave without payment;

1.2. secondment inside or outside of Kosovo;

1.3. becoming a public official;

1.4. performance of military obligations.

2. After the conditions that gave cause to the agreed suspension case to exist, the Civil Servant maintains his/her right to return to his/her previous position or equivalent position.

Article 90 **End of Employment Relationship**

1. Employment relationship of Civil Servant ends on the occurrence of conditions and facts independent on the will of the Civil Servant or institution.

2. Employment relationship in Civil Service ends up when:

2.1. reaching the retirement age;

2.2. permanent incapacity to perform official duties due to health conditions;

2.3. expiry of terms for fixed term employments according to this law;

2.4. condemnation from a penal court with a final decision for effective imprisonment for six (6) months or more;

2.5. death of the Civil Servant

Article 91 Retirement

1. Both male and female Civil Servants shall retire at the age of sixty five (65).
2. Civil Servants shall be informed about the end of their employment relationship, six (6) months before the date of retirement by the body in charge of personnel management within the institution where they are employed.

Article 92 Early Retirement

1. Civil Servants may request an early retirement not more than two (2) years before the deadline date for their retirement. The request is subject to approval of the Body in charge of personnel management within the institution where they are employed upon agreement of the immediate supervisor of the requesting Civil Servant.
2. The public administration may anticipate the date of retirement in case of reduction of personnel due to reorganization, or merger of institutions or abolition of institution or abolition of post for those Civil Servants that have two (2) years left prior to the date of retirement. This type of early retirement is subject to the requirement of six (6) month notice to be served by the Body in charge of personnel management within the institution where the Civil Servant is employed.
3. Specific sub-legal act shall define terms and conditions for the management of cases of early retirement.

Article 93 Death of the Civil Servant

1. The legitimate heirs of the deceased Civil Servant are entitled to receive the accrued social benefits to which the deceased Civil Servant would have been entitled if retiring or resigning from office.
2. The legitimate heirs of the deceased Civil Servant are entitled to receive compensation, in addition to the entitlements set in paragraph 1 of this Article, when death is caused by hazardous or unhealthy working conditions. Compensation through placement in the Civil Service of surviving family members is not permitted.

CHAPTER X FINAL AND TRANSITIONAL PROVISIONS

Article 94 Entry into Force of the Law on Civil Service

1. This law, upon its entry into force shall repeal:
 - 1.1. Administrative direction no. 2003/02- implementing UNMIK Regulation no. 2001/36 on Kosovo Civil Service;
 - 1.2. Administrative Instruction no. MPS 2006/12- measures on increasing the employment of Civil Servants in public administration bodies.
 - 1.3. Administrative Instruction no. 09/2006 on implementing procedures for the operation of the senior public appointments committee.

1.4. Administrative Instruction no. 11/2008 on implementing procedures for the operation of the senior public appointments committee.

2. The provisions of UNMIK Regulation No. 2001/36 “on the Civil Service of Kosovo” as amended, and Administrative Direction No. 2003/02 – on the implementation of UNMIK regulation no. 2001/36 on the Civil Service of Kosovo, shall continue to be applied for all categories of Civil Servants that are not specifically regulated under this law.

Article 95

Applicable Norms during the Transition to a New Regulatory Framework

1. Providing that will not be in contradiction with this law, until are reviewed and issued by the Ministry in charge of public administration or Kosovo Government, the following Administrative Instructions shall be implemented:

- 1.1. Administrative Instruction no. MPS/DCSA 2003/01 – Recruitment Procedures;
- 1.2. Administrative Instruction no. MPS/DCSA 2003/02 – Contract Procedures;
- 1.3. Administrative Instruction no. MPS/DCSA 2003/03 – Probation Period Procedures;
- 1.4. Administrative Instruction no. MPS/DCSA 2003/04 – Disciplinary Procedures;
- 1.5. Administrative Instruction no. MPS/DCSA 2003/05 – Appeal Procedures;
- 1.6. Administrative Instruction no. MPS/DCSA 2003/06 – Procedures of termination of employment with the Civil Service;
- 1.7. Administrative Instruction no. MPS/DCSA 2003/07 – Job Description Procedures;
- 1.8. Administrative Instruction no. MPS/DCSA 2003/08 – Assessment of performance Procedures;
- 1.9. Administrative Instruction no. MPS/DCSA 2003/09 – Working hours and attendance at work;
- 1.10. Administrative Instruction no. MPS/DCSA 2003/10 – Leave Procedures;
- 1.11. Administrative Instruction no. MPS/DCSA 2003/11 – Procedures of personnel files;
- 1.12. Administrative Instruction no. MPS/DCSA 2003/12 – Procedures of equal opportunities;
- 1.13. Administrative Instruction no. MPS 2004/11 – Determining the level of grades in civil service;
- 1.14. Administrative Instruction no. 2005/01- MPS – Work rules of the Independent Oversight Board of Kosovo;
- 1.15. Administrative Instruction no. 2005/02- MPS – Appeal rules and procedures of the Independent Oversight Board of Kosovo;
- 1.16. Administrative Instruction no. 02/2005 – rights and duties of political appointees and their code of conduct, and
- 1.17. Civil Servants Code of Conduct no. 01/2006.

Article 96

Replacement of Civil Service Contracts with Letters of Appointment

Within one (1) year from the date of entry into force of this law all contracts of employment in the Civil Service of Kosovo, for positions which by their nature, function and duties are permanent shall be replaced with letters of appointment as regulated by this law and new secondary legislation.

Article 97 **Conversion of fixed-term Appointments**

1. All Civil Servants, that at the moment of the adoption of this law have a working relationship with the Civil Service, shall undergo a review of their last annual performance appraisals for conversion into open-ended appointment.
2. Those Civil Servants whose performance has been consistently satisfactory for the last two (2) years shall be confirmed in their position with an open-ended appointment, for positions which by their nature, function and duties are permanent.
3. Civil Servants whose performance has been less than two (2) years period, from the day of entry into force of this law, who are in functional positions and evaluated in satisfactory manner, shall be retained at work with fixed-term till the end of their contract and may be transferred to Civil Servants with fixed-term defined in conformity with paragraph 2 of this Article.
4. Those Civil Servants whose performance has been rated as unsatisfactory for the last two (2) consecutive years shall be dismissed from the Civil Service.
5. The applicable regulation for the performance appraisal till the approval of a new regulation shall be the Administrative Instruction no. MPS/DCSA 2003/08 Performance Appraisal Procedures.

Article 98 **Periods of Probation**

1. The periods of probation that have been started prior to the adoption of this law shall be continued so to complete the amount of months foreseen according to Administrative Instruction no. MPS/DCSA 2003/03 on Probation Procedures.
2. Except for the duration of the probation period all other procedural steps foreseen in Administrative Instruction no. MPS/DCSA 2003/03 shall be applicable till adoption of a new regulation on probation that will repeal Administrative Instruction no. MPS/DCSA 2003/03 on Probation Procedures.

Article 99 **Disciplinary Procedures**

All disciplinary procedures initiated prior to the entry into force of this law shall be regulated according to Administrative Instruction no. MPS/DCSA 2003/04 on Disciplinary Procedures.

Article 100 **Appeals and Resolution of Disputes**

1. Appeals and procedures for the resolution of disputes that have been initiated prior to the entry into force of this law and related to contentious situations pertaining to the past Civil Service legislation shall be managed according to the terms of Administrative Instruction no. MPS/DCSA 2003/05 on Appeals Procedures.
2. Upon entry into force of this law all appeals and procedures for the resolution of disputes shall be receivable exclusively if based on complaints and contentious situations pertaining to the rules and procedures established in this law and related regulations.

Article 101 **Procedures for Civil Servants of Senior Directing Level**

1. Within one (1) year from the entry into force of this Law, the Government of the Republic of Kosovo shall determine new specific rules and procedures for senior Civil Servants according to the conditions of this law.

2. Civil Servants of senior level shall continue to exercise their functions and shall be subject to all rules governing the Civil Service.

Article 102
Recruitment of Civil Servants

Procedures for the recruitment of Civil Servants to fill newly created or existing vacant positions that have been launched prior to and that are still pending at the time of the entry into force of this law, shall be conducted in accordance with this Law.

Article 103
Promotions

Promotion procedures of Civil Servants shall be performed based on the terms set in this law and with sub-legal acts on promotions.

Article 104
Deadline for the Issuing Sub-Legal Acts

The sub-legal acts for the implementation of this law shall be issued within one (1) year from the entry into force of this law.

Article 105
Entry into force

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-149
13 May 2010

Promulgated by the Decree No. DL-022-2010, dated 14.06.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.