

THE CIVIL SERVICE – RECRUITMENT PROCEDURES, REFORMS AND CHALLENGES OF THE STATES IN TRANSITION – THE CASE OF KOSOVO

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***Abstract:** No functional and democratic state can function without a proper professional administration and a professional and efficient civil service, through which it will always serve the citizens of the country. The civil service is the entire body of administrative staff employed in central and local administration institutions provided by this law, which implements the policies and ensures the compliance of the relevant rules and procedures. The Kosovo Civil Service is a unique example of political, legal and constitutional transition, with legislation changes from the former Yugoslav Federation, the former UN International Civilian Mission UNMIK and now in the laws of the state of Kosovo.*

The purpose of this paper is to scientifically analyze and address the beginnings of the building of Kosovo's civil service, the transition phases, capacities, reforms, challenges as well as its recruitment and operation procedures.

The methodology used includes analytical, proof and argument methods as well as descriptive methods. The perfecting, reformation and reorganization of the public administration and civil service in general is a dynamic trend that must be adapted to the needs of the time and the socio-political developments of the state and society.

Key words: Civil service, administration, reform, recruitment.

1. INTRODUCTION

The purpose of this paper is assumed in such a manner in order to highlight the role of systematization, job descriptions and recruitment procedures in the Civil Service of the Republic of Kosovo, as well as their practical effects on the efficiency of the functioning of the public administration.

Public administration and its proper functioning is a parameter of the functioning of the rule of law and democracy. The perfecting, reformation and reorganization of the public administration and civil service in general is a dynamic trend that must be adapted to the needs of the time and the socio-political developments of the state and society. A functional and democratic state cannot function without a proper professional administration and a professional and efficient civil service, through which it will always serve the citizens of the country.

The normal and efficient functioning of the administration of a democratic state and the development of the civil service system in Kosovo, identifies the challenges needed to give life to a new system after a deep transition period. The civil service is an important and crucial element in determining the efficiency of the state institutions. When Max Weber states that “political domination, in everyday life, means public administration”, he refers to the fact that important state functions such as the rule of law and order are fulfilled by civil servants¹.

What is the civil service, how is it defined? Civil service may be understood as “an institution of governance programmed by rules which are, by definition, reasonably stable over time and take on the character of roles, rules, norms and expectations about civil service attitudes, behaviors and functions in discharging

¹ Derlien, H.,-U., and Peters, B., G., (2008) „Public Sector Employment in Ten Western Countries. The German public service: between tradition and transformation“. Cheltenham: Edward Elgar Publishing, p.170.

state business”², but these state jobs and their realization through law enforcement cannot be done without the civil servants. According to Regulation No. 2001/36 on the Civil Servants of Kosovo, civil servant is defined as: “Civil Servant” means any person employed by an employment agency whose salary is paid by the Consolidated Budget of Kosovo, except for members of the Independent Oversight Board of Kosovo, excluding here also the designated persons and members of the Kosovo Protection Corps³. We consider that the ongoing reform of the public administration and civil service of a state is a dynamic and complex process in particular for societies and countries in transition.

2. RECRUITMENT

Recruitment is the process through which the management of the institution or organization attempts to attract or select qualified candidates in order to fill vacancies. The overall purpose of recruitment is to provide the institution with a number of qualified candidates who will be prepared to achieve the goals. So, the recruitment process begins with a precise determination of human resource needs at a given moment and a preliminary job analysis.

Prior activities related to the job description, title, obligations and responsibilities associated with that job are also important for the recruitment process⁴

2.1. Initiation of the recruitment procedure, evaluation and approval of the recruitment request

The recruitment procedure at its core is the integrated use of several combined assessment techniques to identify the best candidate and who the same

² Kotchegura, A., (2008) „Civil Service Reform in Post-Communist Countries“. Hague: Leiden University Press, p. 39.

³ Article 1 (a) of Regulation No. 2001/36 on the Civil Service of Kosovo.

⁴ Izet Zeqiri “Management”, South East European University in Tetovo, p. 178.

time has the knowledge, skills and personal qualities needed to perform certain tasks related to a job.

The development of the recruitment procedure is the final step of a very long process, part of human resource management that begins with job position analysis. The purpose of the job position analysis process is to identify and accurately identify the knowledge, skills, and qualities that a person must complete in order to successfully perform the duties of a particular position. According to previous legislation, especially the Basic Labor Law, it was not foreseen if a decision should be made on the need to recruit new employees to the institution. Therefore, such a decision existed whenever there was a need for a new employee and when the volume of work increased⁵.

The public announcement of the vacancy was made by the hiring body itself, not by the institution or employer. This was a limited autonomy for the selection of the new employee, while today's legislation is more comprehensive and without restrictions of the employer on the selection of civil servants. The recruitment process is initiated and carried out by the competent institution to ensure the maintenance of a stable and professional level of civil servants.

No recruitment procedure can be initiated for the positions which are not foreseen in the general staffing plan and which are not confirmed in the state budget.

Recruitment in the civil service is done in accordance with the staffing requirements required in human resource plans and after confirmation of the availability of the budgetary funds for the created or vacant positions. The recruitment of civil servants is done in accordance with the requirements set out in the general plan of personnel in the civil service, which are based on individual plans of the relevant institutions. Human resource recruitment is a process of

⁵ Basic Labor Law.

finding the people needed for the institution with whom that institution or organization can fill jobs.

The recruitment process as a whole must go through several procedural steps:

1. request for authorizing the initiation of the recruitment procedure and the preparation of the recruitment file;
2. evaluation of the reasonableness, approval of the request and recruitment authorization;
3. publication of the recruitment announcement;
4. preparation of the selection process or review and determination of the selection method;
5. evaluation of the applications, identification and selection of the candidates.

As for the first step, from my experience in the institution where I exercise my duty, always based on the legislation in force, the recruitment procedure begins by submitting a request for the need to fill a vacant job from a relevant sector which is addressed to the personnel unit. This request should:

- state the reason for the recruitment;
- keep the budget records about the job;
- specify whether or not the new post is included in the institution's staffing plan.

A job description is attached to this request for recruitment authorization.

Several questions can be asked regarding the request for recruitment authorization:

- Does the volume of work justify a full-time employee or would a part-time employee be sufficient?

- Is the category provided in accordance with the responsibilities of the workplace?
- Is the job classification adequate?
- Do the educational skills, abilities, and qualifications match the nature of the job?
- Is the job description complete and adequate?

The Personnel Manager usually considers these questions, and sometimes other questions such as “Is this post still needed?” and each time consults with the highest head of the institution.

The Personnel Manager may approve, reject or request additional clarifications within 5 working days from the day of the submission of the request, and may at the same time recommend the appointment of a civil servant who fulfills the conditions for that position and exercises that duty.

The Personnel Manager requests from the initiator to provide additional clarifications and amendments or supplements to the request for the initiation of the recruitment procedure if the information provided in the request is not based on the foreseen legal rules.

The relevant clarifications, amendments and supplements shall then be submitted to the Personnel Manager within 5 working days from the date of the request for additional clarification. If the initiator of the request does not respond to the request for clarification, the request shall be rejected and the procedure shall be terminated.

If the request for recruitment authorization is approved, the Personnel Manager submits the job application along with the budgetary approval for approval to the highest administrative manager of the institution (in our case the Mayor). The possible disapproval the highest administrative manager means the termination of the recruitment procedure by reasoning in writing.

The request approved by the highest administrative manager is submitted to the relevant ministry (in our case the Ministry of Public Administration) for final approval. Approval from the relevant ministry is an authorization to publish the recruitment announcement as a second step in the recruitment process.

Recruitment procedures conducted without the publication of a notice or without an official authorization from the relevant ministry are invalid⁶.

3.DEADLINE OF THE RECRUITMENT PROCEDURE AND THE CANDIDATE EVALUATION PROCEDURE

Upon the expiration of the public announcement deadline, the highest administrative manager shall establish a 5-member civil service selection committee, one of whom shall be a civil servant from the Personnel Unit of the recruiting institution, a civil servant from the institution, a civil servant with specialized skills and knowledge in the area of the vacant position and two civil servants of the relevant institution's unit. In this committee a chairperson shall be appointed, whose role is to ensure that the selection process is fair, objective and rigorous. The committee should also include ethnic and gender balance.

The Civil Service Selection Committee (CSSC) is not a permanent body but is appointed without the commencement of the recruitment procedure and dissolves immediately after the recruitment procedure is completed.

The Committee may be nominated for a single competition or for a series of selection competitions. However, Committees may be nominated for more than one recruitment competition, but they should not be permanent, in order to avoid the phenomenon of favoritism as much as possible and on the other hand to enable the participation of a greater number of managers in the recruitment process.

⁶ Regulation No. 02/2010 on the recruitment procedures in the civil service.

The preparation of the relevant selection materials for each of the selection committee members. Each file of the relevant materials should contain copies of:

- the public advertisement,
- the job description,
- application forms,
- selection criteria,
- the list where the assessment scores are kept.

This folder is secret and should only be submitted to the shortlist selection panel ⁷.

The recruitment process is carried out with the work of the selection committee. This committee is responsible for managing the evaluation, preparing the short list, setting the selection schedule, conducting the selection tests, evaluating the results and proposing the final selection list for the successful candidate.

The application review procedure is the first stage of selection in the recruitment process. The purpose of the review is to prepare a short list of qualified candidates for further proceeding after evaluating their profile, merits and compliance with the requirements set for the announced position.

4. FINAL STAGE OF THE RECRUITMENT PROCESS

The selection process is a process of application of specified criteria in the selection of the best candidates offered by the labor market and as an outcome of a selection process is to exactly precisely foresee the concept of a candidate to complete a given task.

Compiling of a report on selection of candidates is prepared by the Chairman of the Committee in writing, for the Personnel Manager, which must

⁷ Regulation No. 02/2010 on the recruitment procedures in the civil service, Articles 15,16 and 17.

contain the names of the selected candidates and issues which are considered to be of relevance to the Personnel Manager during the selection process.

This report must remain confidential and a copy must be included in the file.

If all the candidates have been notified that they shall be informed of the application result, then the candidates who have not been selected must also be informed of the result in writing. Program preparation and the venue for the final selection interview must be made by the selection committee itself.

Final selection and the interviews must be carried out as quickly as possible after the conclusion of the previous stage, preferably within 14 calendar days.

In general, the time frame is not strictly specified, but care must be taken that each candidate is given the same attention and time to answer the questions in a satisfying manner.

If necessary, additional time must be foreseen for the translation of answers.

The program must also include a defined time period after each interview, during which the committee conducts a preliminary evaluation.

Drafting of criteria for final selection, the compilation of the evaluation list and the preparation of questions for the interview, the selection committee must evaluate and decide on which final selection criteria are to be utilized and which questions will the candidates be asked, and their evaluation for each of the criteria.

The criteria themselves should be closely related to the post itself.

Particular care must be shown to the selection of the evaluation criteria of the personal characteristics and abilities which may present difficulties for an objective evaluation.

The evaluation list must present all the criteria together with the value given to each criteria. The list must present the highest marks which may be given to each candidate.

The list must also contain a specific place to write the potential comments for each criteria:

- the preparation of final materials for Committee members;
- the conduction of interviews for the final selection;
- the general aspects that determine the questions asked should be identical for all candidates.

In no way is it permissible to ask questions that are not related to the job or which may be perceived as discriminatory.

- The Chairperson of the Committee should lead the interview, but should not dominate it, and should provide the candidate with the opportunity to give remarks and make questions at the end of the interview.

- Questions should be rigorous in nature, but should not be asked aggressively.

- They should enable candidates to demonstrate their skills.

- Candidates should be asked about when they can start work.

The Chairperson of the Commission is responsible for adhering to the timetable and strives to keep the candidates from waiting. If this nevertheless happens, the Chairperson of the Committee should apologize to the candidates

As a rule, in order to maintain consistency and the same standard of assessment as we mentioned earlier, candidates should be asked the same questions. As a rule, it is advisable to administer the responses to each candidate separately and individually, to avoid the possibility of influencing each other.

When the candidate arrives at the interview, he is welcomed and explained the purpose of the interview, the qualities and abilities evaluated, as well as the role and composition of the interviewing panel.

Then, as a rule, it is to explain to the candidate how the interview will be administered, how many questions there will be, and how much time the candidate will have to answer each question.

The candidate should also be advised that the questions and the manner of administering the interview will be the same for all candidates, all Committee members will ask questions in turn and that he/she may request clarification if any uncertainty about the questions.

During the interview the Committee members or the interviewing panel should be careful not to make gestures as this may confuse the candidate or to not give him/her signals to reformulate the response which may put him/her at a disadvantage or comparative advantage with the other candidates.

It is necessary to manage the conduct of the interview well and set time limits for questions and sub-questions, as some candidates may spend too much time answering or providing irrelevant information, and in this case members of the Committee or interviewing panel should intervene so that the candidate provides shorter and more effective answers and in this case he/she is advised to use such ancillary questions like:

What is the result? What is your contribution? Also saying that we appreciate your information but now let's move on to other questions etc.

At the end of the interview the candidate should be thanked and informed about how the evaluation of the interview will be made known. The list of the most successful candidates is processed for the name by the highest administrative manager of the recruiting institution⁸.

⁸ "Strengthening DCSA Capacity for Implementation of Kosovo Civil Service Legislation" project

5. CONCLUSIONS

- We assess that the legal and recruitment procedures in Kosovo by the UN protectorate in the post-independence phase have advanced over the last decade. Creating a professional and sustainable civil service after a long period of inexperience in public administration has not been an easy task for Kosovo. In addition, the presence of the international community, which acted as an interim government before independence, made the process even slower. Despite the progress there are many challenges and transformation and reforms will take time.

- The perfecting, reformation and reorganization of the public administration and civil service in general is a dynamic trend that must be adapted to the needs of the time and the socio-political developments of the state and society.

- Current performance management practices in public administration need to be improved, by changing the philosophy of human resources planning and management, simplifying the procedures, increasing recruitment transparency, and reforming secondary legislation in particular.

- Public administration reform, including its core principles, is a dynamic process that changes according to socio-political, economic developments and trends in society.

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