



Project: “Vulnerability to corruption assessment of the employment policies and procedures, with special focus on nepotism, cronyism and clientelism”,

Recommendations



Kingdom of the Netherlands

The project is financially supported with a grant of the Embassy of the Kingdom of the Netherlands

EXECUTIVE SUMMARY

The State Commission for Prevention of Corruption and Transparency International Macedonia have implemented the project: “Vulnerability to Corruption Assessment of the employment policies and procedures, with special focus on nepotism, cronyism and clientelism” with a financial support of the Embassy of the Kingdom of the Netherlands.

The research within the framework of the project has resulted with recommendations that are oriented towards improvement of the employment procedures, as well as necessary measures that need to be implemented in order for the legal and institutional regulations and practices to be improved in regards to employments, the public administration, and public officials.

There has been an analysis conducted of over 19 laws in the area of employments in the public administration, and 42 recommendations with 150 suggestions have been prepared that may serve as a foundation for the creation of new laws. The President of the State Commission for Prevention of Corruption – Ms. Biljana Ivanovska has announced that urgent measures are necessary because the legal framework is proven to be vulnerable, and that the suggestions and recommendations will be distributed to the Government and other institutions that need to address the legal amendments.

The Chair of TI Macedonia, Ms. Slagjana Taseva, in her address emphasized the essence of the conducted analysis, and has highlighted the problem of the risk of corruption that embodies itself through discretionary powers, clientelism, cronyism, nepotism, and political influence, as well as that the vulnerability to corruption in employments is not a new problem. Additionally, she has emphasized that during the research analysis, a number of irregularities and vulnerabilities have been found, as well as inadequate employments depending on political needs, institutions with five times larger number of employees and same number of people, as well as the existence of institutions with no employees.

Dr. Taseva, has especially pointed that Transparency International Macedonia in the following period on the basis of the research recommendations, will conduct monitoring and evaluation to

assess whether a change is taking place, and whether the crucial institutions such as the Government, the Parliament, and judiciary are dedicated to the implementation of the recommendations.

The Ambassador of the Kingdom of the Netherlands in the Republic of North Macedonia, H.E. Dirk Jan Kop in his address has pointed that the fight against corruption is not necessary only for Macedonia's integration in the European Union, but primarily for the citizens of Macedonia, and that by eradicating corruption from the public administration, it will affect all other aspects of life.

The Deputy Prime Minister for Fight against Corruption – Ljupcho Nikolovski who participated at the conference has highlighted that the Government will appoint a special member who will monitor the work of the appointed officials and will propose dismissal if someone has violated the norms. Mr. Nikolovski also emphasized that he will propose the establishment of a team to monitor the use and will suggest to reduce the discretionary powers of the ministers and directors.

The Minister of Information Society and Administration, Jeton Shaqiri, also addressed the event, emphasizing that a working group has already been established in the Ministry to review the proposed solutions, and that the project's recommendations come at the right time for the Ministry to be carefully considered and incorporated in the new texts of the draft-laws on administrative officials and public sector employees.

TABLES WITH RECOMMENDATIONS

Table 1. Recommendations for procedures for filling vacancies, through employment procedure, promotion procedure and mobility of public sector employees

Recommendation	Activities	Competent institutions	Deadline
<i>Group 1 Employment procedure</i>			
1.1. Redefining the term work experience in the profession	Activity 1: Experience from internship and volunteering should also be considered. Activity 2: Establish records for internships and volunteering and issue a certificate. Activity 3: Modification of Law on Administrative Officials and to redefine the term work experience in the profession. See explanatory text.	MISA	One year
1.2. In the announcement to list all the necessary documents that should be submitted by the candidate who bring him/her certain points in the selection	Activity 1: Unifying the content of public and internal announcements. In the announcements to be listed all the documents mandatory and additional that are scored in the selection procedure, which the candidate should submit. Activity 2: In Article 36 of LAO the word “can” to be replaced with the word “should”.	MISA, AA	One year
1.3. Reliability check of evidence to be carried out at first phase	Activity 1: Amendment of Article 38 of LAO. Activity 2: Amendment of Article 42 of LAO.	MISA	One year
1.4. To harmonize the Law on Administrative Officials and the Law on Employment in the Public Sector in regards to the decision to reject the candidate’s application on terms it is not complete	Activity 1: To make changes and additions to the LAO and the members of the Commission for selection of candidates not to reject the application as incomplete without first giving the candidate the opportunity to finalize the application Activity 2: Harmonization of Article 39 of the LAO with Article 20-d paragraph 4 of the Law on Employment in the Public Sector	MISA, Commission for Selection of Candidates	One year
1.5. To reduce the discretion and to establish clear criteria for announcing an internal	Activity 1: To supplement Article 48 of the LAO in paragraph 3. Activity 2: After the amendment of the LAO (Article 48) the material regulations which contain provisions for internal announcement should	Government, MISA AA, Institution that announces	Two years

announcement.	<p>be harmonized and each institution of the public sector to adopt an appropriate bylaw which will regulate in detail the procedure for promotion. This will provide a unified procedure for announcing an internal announcement.</p> <p>Activity 3: To prepare a Form with measurable criteria and to provide points for each criterion separately.</p> <p>Activity 4: The promotion should be public and with prior evaluation of the employees in the sector where the promotion is performed and by taking into account previous experience, certificates, bar exam, master's thesis, etc. so that the promotion would be real and supported within the sector itself.</p> <p>Activity 5: To supplement Article 52 of LAO paragraph 3 to specify the criteria, i.e. the reasons why the director can make a decision not to make a choice.</p> <p>Activity 6: Regular control and determination by the AA, whether before announcing a public announcement for a higher position, the body tried to fill it with an employee in an institution who met the requirements. That is, to apply the basic principle of a career system.</p> <p>Activity 7: For the promotions not to require individual consent from the Ministry of Finance but to be provided in the annual plan and in the budgets of the institutions.</p> <p>Activity 8: To apply the rule of mobility and to find mechanisms when the candidate has met the conditions for promotion and the job to be promoted in the institution is filled, to be referred to a higher position in any institution in the public administration.</p>	Ministry of Finance	
1.6. To abolish the restriction of the number of employees that can acquire grade 5 in assessing the effect of administrative staff	Activity 1: to repeal or amend Article 65 paragraph 4 of the LAO that with a grade of "5" can be assessed a maximum of five of the employed administrative staff in the institution.	MISA	One year
1.7. Lift the restriction that the remuneration of administrative	Activity 1: To amend Article 94-a of the LAO which regulates the fee for operational performance ¹	MISA, public sector institutions	One year

¹ Anticipates the possibility for providing compensation to the administrative official who has been assessed with annual grade "A" for operational success in the amount of the salary received in the last month of the year for which the assessment was performed, only if the budget of the institution provides funds for that purpose.

employees can be done only if the budget of the institution provides funds for that purpose.	Activity 2: To supplement the provision by either adding another type of award or recognition or giving three days off. Activity 3: The reward should be an obligation for the institutions, and the type of reward should be either financial means, recognition or paid professional development.		
1.8. Greater transparency in the work of the Commission for revision of the procedure Strengthen the efficiency, effectiveness and advisory role of the Audit Committee	Activity 1: In the LAO in the provision that regulates the establishment and operation of the Commission for revision of the procedures for selection of candidates to provide that the Commission in addition to deciding on cases selected at random, to decide on the announcements for which complaints were submitted to the agency is also random. Activity 2: Amendment of Article 19-a of the LAO - which refers to the Commission for revision of the procedure regarding the increase to the number of members and the addition of two more members of the scientific and the professional public and one representative from the SCPC. Activity 3: Amendment of the LAO by introducing provisions for transparency and accountability of the Commission.	MISA	One year
1.9. Restriction of the amendments to the Rulebooks for job systematization only on the basis of a detailed explanation	Activity 1: Amendment of the Law on Public Employees by restricting amendments to the Rulebooks. Activity 2: To introduce a ban on consent from MISA in regards to the amendment of the Rulebook if the institution has not prepared a functional analysis Article 17 paragraph 4 in LPE Activity 3: Introduce a ban on MISA for MISA to give consent to amend a rulebook if the amendment does not include a detailed explanation of the need for amendments Activity 4: The competence to give consent to the acts for internal organization and systematization to be assigned to AA as an independent state body	MISA	One year
1.10. Standardization of rules for internal organization and systematization of jobs at the local level	Activity 1: It is necessary to analyze all bylaws and determine the reasons for discrepancy in terms of the number and type of organizational units, and the number of executors and type of education, which will reduce the discretionary powers of municipalities in relation to the determination of the number of organizational units, the determination of the number of jobs and the determination of the number of executors.	MISA	One year
1.11. – To carry out institutional reorganization and optimization of	Activity 1: To limit the application of Article 7 of the Law on organization and work of state bodies, which leaves room for the	MISA and all the institutions that	One year

the public sector	<p>establishment of an independent body with a special law.</p> <p>Activity 2: Preparation of a Report for replication of competencies and for the required number of employees in a certain institution and in certain organizational units.</p> <p>Activity 3: To determine the real need for all bodies in the public administration and the prepared analysis of all types of bodies that belong to the public administration on the basis of prepared mapping.</p> <p>Activity 4: List all second instance bodies that decide on an appeal against a decision of a public administration body and examine their competence in order to determine the overlap in competence</p> <p>Activity 5: MISA to activate the more frequent meeting of the Network of organizational units for human resources management and proposing appropriate measures after the meetings</p> <p>Activity 6: To provide a norm for employees, i.e. to evaluate the effectiveness of their work (the time required for effective performance of work tasks and responsibilities) to determine the real number of executors for a specific job. The number of employees in the municipal administration should be determined in accordance with the number of inhabitants in the municipality.</p>	encompass the public sector	
1.12. Restriction of fixed-term employment through the Temporary Employment Agency	<p>Activity 1: Amendment to the Law on Public Employees which will determine the possibility for the contract to be concluded for a maximum of one year without the possibility of extension Article 22 paragraphs 14 and 15 relating to temporary employment.</p> <p>Activity 2: The provision of the law should be supplemented and specified in such a way that for the temporary employments it will be foreseen either to announce an announcement as for the other employees or to take persons from the transfer list of MISA. Also, regarding the rights and obligations of temporary employees to apply provisions of LAO.</p> <p>Activity 3: To abolish the possibility for the persons who are temporarily employed to enter into a regular employment without a regular employment procedure, i.e. to eliminate the possibility for transformation of the employment.</p> <p>Activity 4: In the advertisements for temporary employment to request the fulfillment of the same conditions that are required for employment through a public announcement through AA.</p> <p>Activity 5: The rights and obligations of the temporary employees as</p>	MISA	One year

	administrative employees to be regulated in accordance with LAO and Law on Employment in the Public Sector, and not in accordance with Labor Law.		
1.13. Clarification of the provision from LAO regarding the repetition of the announcement Bigger transparency, i.e. clarifying what it means when the announcement is advertised as /A or /1 especially when the announcement is intended for employment on the basis of nationality	Activity 1: Amendment of Article 44 of the LAO. Activity 2: In the announcement, it should be stated that the announcement is being announced for the second time and that a candidate with another nationality can also apply.	MISA	One year
1.14. Changing the LAO and leaving the possibility for the body to choose between the two first-ranked candidates from the proposed one list.	Activity 1: Amendments to Articles 44 and 45 of the LAO	MISA, Commission for selection of candidates	One year
1.15. To establish standardized Questionnaires for conducting the third phase of selection, i.e. when conducting an interview with the candidates	Activity 1: Ensure that a structured interview is conducted with all candidates. Preparation of standardized criteria for formulating questions and points for answering questions. Activity 2: A module should be established in which the questions would be unified or the interview would be conducted in a written form in which the members of the Commission will have the answers to the questions in advance. Activity 3: Reduce points from 20 to 10 points. Activity 4: Amendments in the LAO and bylaws.	MISA, AA	
1.16. Standardization of the procedure for assessing the effect of the employees in the institutions	Activity 1: In LAO to specify the procedure for assessment of effect and to amend the provisions that provide discretion regarding the manner of evaluation and remuneration of the official on this basis; The amendment should provide for second instance and the possibility to appeal the amount of the assessment, and not only for the evaluation procedure; Activity 2: Changing the evaluation procedure by identifying objective criteria for the results of the work and the personal qualities that the employees have shown during the accomplishment of their tasks; Also to address the issue of anonymity of the evaluation procedure.	MISA, AA, Institutions from the public sector	One year

	Activity 3: To adopt a bylaw which will determine the criteria for success or to be stated in the LAO itself. ² The criteria for success from the Law on Inspection can be taken as an example		
1.17. Adoption of a Law on Public Sector Wages	Activity 1: Specifying the value of a salary point in each institution and precise criteria and competent institutions that can influence and give consent to change the amount of the point. Activity 2: Establishment of unique criteria for calculating salaries and allowances for public sector employees. Activity 3: Limitation of discretionary decisions on salaries and the amount of allowances in the material regulations for the establishment of independent bodies and regulatory bodies and in public enterprises.	MISA and other	One year
1.18. In LAO to specifically determine whether the period in which the officer was conducting probationary work is counted within the current job position	Activity 1: Changes in the LAO that will provide that the probationary period is considered a period that the employee has spent in the current job, i.e. at the same level.	MISA	One year
1.19. Elimination of discretionary decisions in the procedure for employee mobility and efficient functioning of the transfer list for possible takeovers	Activity 1: Each of the institutions that will abolish a certain organizational unit or when an entire body is abolished, the employees who will remain unallocated to other institutions to report them and submit the data on the employee in the transfer list for possible takeovers.	MISA, institutions that are part of the public sector	One year

² Criteria for success of the inspectors are data and information for the degree of realization of: 1) the monthly plan for inspection supervision referred to in Article 34 of this Law; 2) other work goals and tasks referred to in Article 58 paragraph (1) of this Law and 3) the individual annual plan for professional development and training of the inspector referred to in Article 50 of this Law; (2) The criterion from paragraph (1) item 1) of this article is evaluated as follows: 1) ratio between the total number of planned inspections determined in the monthly work plans of each inspector and the total number of performed inspections presented in the six-month reports for work as follows: - over 95% realization of the planned inspections - 30 points, - 75-95% realization of the planned inspections - 20 points, - 50- 75% realization of the planned inspections - 10 points, - less than 50% realization of planned inspections - 0 points; 2) Compliance with the legal deadlines for preparation of minutes and adoption of inspection acts, as follows: - Compliance with the deadlines in over 95% of the inspections - 20 points, - compliance with deadlines in 75-95% of inspections - 15 points, - compliance with deadlines in 50-75% of inspections - 10 points, - compliance with deadlines in less than 50% of inspections - 0 points; 3) Keeping minutes and decisions in paper and / or electronic format, orderliness in keeping the cases that are in the work of the inspector and quality of the written expression of the inspector, as follows: - excellent quality - 15 points, - good quality - 10 points and - poor quality - 0 points; (3) The criterion from paragraph (1) item 2) of this article is evaluated as follows: 1) over 95% realization of the other work goals and tasks - 20 points, 2) 75-95% realization of the other work goals and tasks - 15 points, 3) 50-75% realization of other work goals and tasks - 10 points, 4) less than 50% realization of other work goals and tasks - 0 points; (4) The criterion from paragraph (1) item 3) of this article is evaluated as follows: 1) over 95% realization of the individual annual plan for professional development and training of the inspector - 15 points, 2) 75-95% realization on the individual annual plan for professional development and training of the inspector - 10 points, 3) 50-75% realization of the individual annual plan for professional development and training of the inspector - 5 points, 4) less than 50% realization of the individual annual plan for professional development and training of the inspector - 0 points. (5) The success of the inspector is calculated as a sum of the realized points in paragraphs (2), (3) and (4) of this article, where the maximum value can be 100 points.

	<p>Activity 2: Constantly updating the transfer list at MISA and affirming its use, which means introducing an obligation for the bodies in need of new employment to first check if there is a person on this list who meets the qualifications for the appropriate job and if (s)he meets them to be employed.</p> <p>Activity 3: MISA to control the entry of data in the transfer list for possible takeovers and how often the institutions use this mechanism before announcing a public announcement.</p> <p>Activity 4: To add to the AA the competence to keep records in which data on vacancies will be entered, to list officials who want to be transferred to another body, data on unallocated employees.</p> <p>Activity 5: Each body to submit the Annual Employment Plan to the Ministry of Finance, MISA, AA and the Ministry of Political System before the preparation of the budget for the next year.</p> <p>Activity 6: Obligation when determining the need for new employments, the body should first contact the MISA and check whether there is an unassigned civil servant in the transfer list who meets the conditions for the specific job.</p> <p>Activity 7: Specify provisions for protection of the rights of non-assigned administrative officials.</p> <p>Activity 8: Specify whether it is necessary to announce an announcement for redeployment, if necessary whether a public or internal announcement is announced</p> <p>Activity 9: Amendment of Article 43 of the Law on Public Sector Employees and in paragraph 2 of Article 42.</p> <p>Recommendation: To seek the consent of the employee if he / she is assigned or deployed to a job that is not at the same level as the employee was previously, and to regulate the situation if the official does not give his / her consent.</p>		
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Table 2. Expertise and competence of the staff in the public administration

Recommendation	Activities	Competent institutions	Deadline
<i>Group 1</i>			

2.1. Acts for job systematization to comply with the Frascati classification and the type of education to correspond with the work tasks to be performed by the employee	<p>Activity 1. In the rulebooks for job systematization, the type of education should be presented in accordance with the Frascati classification and the type of education should correspond to the work tasks to be performed by the employee</p> <p>Activity 2: Change in the Law on Public Employees which will specify exactly from which field would require 180, 240, or 300 credits. For instance, if 240 credits are required for legal sciences, can 180 credits be from legal sciences and 60 from others. If such a possibility is foreseen from which sciences.</p> <p>Activity 3: In the job systematization rulebooks, the type of education should not state the scientific area, but specifically the field and the field expertise. For example, Social Sciences should not be mentioned as a type of education because it is a broad category or term that covers many different profiles of graduates who are not suitable for certain jobs. The type of education should be specified whether first cycle or second cycle of studies are required or both. For instance, regarding the 240 credit requirement it should be specified which type of education field requires the credits - competent authority - each institution for its act.</p>	MISA, MO	6 months
2.2. To strengthen the efficiency and expertise of the Candidate Selection Committees	<p>Activity 1: Guidelines for the bodies in the Commissions for Selection and Promotion to nominate employees who already have experience in conducting procedures for employment. The expertise and competencies of the members in these Commissions should be taken into account.</p> <p>Activity 2: Provide training, increase the integrity of these individuals and protect them from all kinds of influences.</p> <p>Activity 3: To prepare a manual for the work of the members of the Commissions.</p> <p>Activity 4: In case of violation of the provisions for transparency in the decision-making processes, an opportunity for initiating disciplinary proceedings should be established.</p> <p>Activity 5: To specify the conditions for appointment to the Commission for selection of candidates (whether it should be changed for each announcement or should it be permanent, whether the members should be compensated, to conduct training of the members in these commissions, to prepare decisions with detailed explanations of the course of the whole procedure and the reasons why a certain candidate was given priority). This requires a change in the Law on Administrative Officials and the adoption of a bylaw by any public sector institution.</p> <p>Activity 6: If in a procedure upon complaint or appeal, or revision of selection procedures, the second instance body finds a violation in a procedure for filling a vacancy and for that the influence of a member of</p>	AA, competent institutions	One year

	the commission has been established to initiate a procedure for responsibility of the member of the Commission.		
2.3. Mandatory implementation of trainings for administrative staff	Activity 1: MISA to perform regular control of the Annual Training Plans for administrative staff, in relation to four aspects: whether the Plan has been prepared, whether all staff are covered, training fees for vocational training to be covered by the institution, but with a limit on the amount and whether the officer transferred the knowledge Activity 2: MISA to conduct control over the work of the Academy for professional development of administrative employees and to give mandatory measures for its effective functioning	MISA, Academy for professional development, competent institutions	6 months
2.4. Control over the consistent application of the article of LGAP (Law on Administrative and General Procedure) for delegated competence	Activity 1: The State Administrative Inspectorate to supervise whether this provision of the law is applied and to give them a certain period of 30 days to implement it. Activity 2: The act for systematization should provide a job for a person authorized to conduct an administrative procedure.	State Administrative Inspectorate, all institutions that are part of the public sector	One year

Tabela 3. Election and appointment of Directors and members of management and supervisory boards

Recommendation	Activities	Competent institutions	Deadline
3.1. To regulate the procedure for election and appointment of a Director in public enterprises and public institutions, as well as for election and appointment of members in the administrative and supervisory provisions	Activity 1. The Government to adopt a Decree on the implementation of the procedure for election and appointment of a Director in public enterprises and public institutions, as well as on the election and appointment of members in the administrative and supervisory provisions Activity 2. Establishment of a special Commission for acting upon the documentation for election of a Director and to state that in a regulation which envisages Election of a Director. This Commission should be composed of a representative of the body where the Director is elected / appointed who will be a representative of administrative officials responsible for human resources, a representative of the non-governmental sector, a representative of the SCPC and Secretary of the Municipality, a representative of the professional and scientific public. This Commission should meet on an ad hoc basis, i.e. as needed in cases when an announcement is made for the election of a Director. To determine the remuneration of the members of the Commission which	Government, MISA	One year

	<p>will be specified according to the criterion number of registered candidates after the announcement. Or, regarding the election of officials or persons in position, within 1 year to form a special Committee or Commission for selection of officials, which would be composed of 9 members (one representative from the Government, one representative from the municipality, one representative from MISA, one representative from AA, one from the NGO sector and two practitioners). The members of the Committee to have a term of 5 years, without the possibility of re-election. The monthly fee of the members should be determined according to the number of cases they decided on. It is necessary to adopt a special law that will regulate the election of these members, the place where they will hold sessions and decide, the procedure for election of officials. The Committee on Elections and Appointments Until this body is established, the Committee on Elections and Appointments at the Assembly of the RNM should elect the officials of the independent bodies and regulatory bodies, despite the fact that it would mean interfering in the legislative and executive power. However, if the election of the members of this Commission is impartial and it is a matter of professionals and experts, the problem can be overcome. Therefore, it is necessary to publicly know the composition of this Commission.</p> <p>Activity 3: Clarification of a provision from the Law on Public Procedure and the Law on Institutions regarding the mandate, that the Director is elected for a term of four years, with the right to only one more re-election.</p> <p>Activity 4: Adoption of a bylaw by the local self-government units, which will specify the procedure for election and appointment of members of the Management and Supervisory Boards of PE and PI established by the municipality, i.e. the Council and adoption of a bylaw by the Government of RSM which will specify the procedure for election and appointment of members of the Management Boards of PE and PI established by the Government.</p> <p>Activity 5: Adoption of a bylaw by the Municipality which will specify the procedure for selection and appointment of Directors of PE and PI established by the municipality, i.e. the Council Activity 6: Amendments to the current legislation.</p> <p>Amendments to the Law on Public Procedure</p>		
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	<p>Amendments to the Law on Institutions</p> <p>Material regulations for election of members of management boards, members of supervisory boards and Directors.</p> <p>1. Anticipation of the adoption of a bylaw which will regulate in a detailed manner the procedure for selection, appointment and dismissal of Directors of PE and PI.</p> <p>2. Anticipation of the adoption of a bylaw which will regulate in a detailed manner the procedure for election, appointment and dismissal of members of the Management Board and Supervisory Board.</p> <p>Establishment of a special Commission within the Government of RNM.</p> <p>Establishment of a special Commission within the Municipalities and the City of Skopje.</p> <p>Activity 7: Conducting trainings for the members of these Commissions.</p> <p>Activity 8: Preparation of a Manual for conducting the procedure for selection of a Director and a procedure for appointing members of management and supervisory boards.</p> <p>Activity 9: Adoption of a Decision for selection, appointment, dismissal with mandatory explanation and legal advice.</p> <p>Activity 10: The acting director should be elected from among the employees and his / her mandate cannot be extended.</p> <p>Activity 11: To determine precise criteria for the manner and conditions for appointment of members to management boards, their responsibility.</p> <p>Activity 10: The members of the Governing Board should be well-known experts in the field of the subject of the operation of the public enterprise.</p> <p>Activity 11: The number of members of the Governing Board cannot be more than 5 members.</p> <p>Activity 12: To request a special type of education in accordance with the activity of the governing board.</p> <p>Activity 13: The fee should be once a month, if sessions have been held and not more than one monthly average salary or to be determined according to the number of cases for which they have decided.</p>		
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3.2. To unify the procedure for election of directors and members in the independent state bodies and regulatory bodies	<p>Activity:</p> <p>The members of the Collegiate bodies and their presidents, as well as the directors of the independent state bodies and regulatory bodies to be elected through public announcement upon the Proposal of the Committee on Issues and Appointments in the Assembly of RNM</p> <p>The Committee on Issues and Appointments at the Assembly of the RNM to prepare a bylaw which will precisely regulate the procedure for election of officials, their responsibilities and legal protection for dissatisfied candidates</p> <p>To harmonize the provisions of the special material regulations which determine the conditions for election, responsibility and dismissal of these officials</p> <p>Objective: A consistent system for selecting public office holders will be introduced</p>	<p>Competent institution:</p> <p>MISA, Government, Parliament of RNM</p>	<p>One year</p>
3.3 Clarification of provisions for dismissal of Directors before the expiration of the term	<p>Activity 1: In the material regulations to make additions to the provision for dismissal of a director.</p> <p>A good example from the Law on Public Procedure for dismissal of a Director -a of the Public Enterprise The Director of the Public Enterprise and Deputy Director of the Public Enterprise established by the Government of the Republic of Macedonia is dismissed before the expiration of the mandate, in the following cases: - at his request, - if any of the reasons occur, due to which, according to the labor regulations, his employment is terminated in accordance with law, - if he does not work and acts in accordance with law, statute and acts of the public enterprise or unjustifiably implements the decisions of the board or acts contrary to them, - if with his negligent and improper work has caused damage to the public enterprise, - if it neglects or does not perform its obligations and thus there will be disturbances in the performance of the activity of public interest of the public enterprise, - if he / she does not submit a report in accordance with Article 23-a paragraph 1 of this Law, - if even after the expiration of the deadline determined in Article 23-a paragraph 3 of this Law it does not eliminate the deficiencies or within that period there are deficiencies and / or losses again in the financial operations and - if after the expiration of the deadline determined in Article 5 paragraph 3 and Article 7-a paragraph 1 of this Law does not publish the quarterly report containing indicators for the financial operations, the annual account and the report on the operation of the public enterprise on the web the site of the public enterprise.</p>	<p>MISA, Government</p>	<p>One year</p>
3.4. To reassess the procedure for appointment and accountability of	<p>Activity 1: Amendments to the LAO to specify the procedure for responsibility of administrative officials of category A, i.e. secretaries.</p>		

secretaries as administrative staff	Category A	<p>How, they answer, before whom, for what, who has the right to give a proposal for initiating the procedure and what measures can be imposed on him.</p> <p>Activity 2: Establish criteria for the appointment, responsibility and dismissal of secretaries</p> <p>Activity 3: The mandate of the secretary should last until the election of a new official, and not be the same to ensure the smooth operation of the institution and continuity in the work, and if possible to provide for the secretaries to be permanent, i.e. permanent and not to change after the replacement of the official if no liability procedure has been initiated</p>		
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Tabela 4. Control Mechanisms

Recommendation	Activities	Competent institutions	Deadline
<i>Group 4 Control mechanisms</i>			
4.1. Strengthening the control role of MISA	<p>Activity 1: MISA to strengthen its control mechanisms and to impose measures or to initiate initiatives for misdemeanor proceedings for non-execution or untimely submission of data to MISA which according to the laws the bodies are obliged to prepare and submit to MISA.</p> <p>Activity 2: To strengthen the responsibility of the employees in the Unit of MISA who control bylaws for internal organization and systematization, Annual employment plans, preparation of functional analysis, implementation of trainings, especially when giving consent for their adoption.</p> <p>Activity 3: Establish precise criteria for determining the need to amend these rulebooks.</p> <p>Activity 4: Consider the possibility of delegating the authority to approve acts for internal organization and systematization to AA as an independent state body, which will be authorized to approve these acts in all public sector institutions. In this way, not only the state administration bodies and local bodies will be covered, but also the regulatory bodies and other independent state bodies.</p> <p>Activity 5: When using the appropriate control mechanism provided in the laws or bylaws, for example when giving consent, approval, opinion,</p>	MISA	One year

	<p>handling of complaints and appeals, the bodies should form a special unit whose task will be full review of the act and the explanation submitted to them. And if the act bypasses a certain procedure that leaves the possibility of influences that would affect the quality, expertise, professionalism of employees and the work of the body, not to give consent or approval.</p> <p>Here we primarily mean the competence of MISA for giving consent to the Rulebooks for job systematization and the competence of the Municipal Council for giving consent to the Annual Plans of the public enterprises.</p> <p>Activity 6: Publicity of the data from noted illegalities in procedures for filling vacancies by AA, SAI, Ombudsman, State Commission for deciding in the second instance in the field of inspection and misdemeanor procedure</p> <p>Activity 7: During the procedure for selection of candidates, the body that makes the announcement obligatorily with the Annual Employment Plan, to submit the realized employments during the year, with the exception if it is a matter of publishing the first announcement in the year. This provision to be placed in the LAO.</p>		
<p>4.2 To strengthen inter-sectoral cooperation between institutions involved in job filling procedures - in order to overcome certain dilemmas, ambiguities and make recommendations about their competencies and harmonization on certain joint competencies and achieving efficiency and effectiveness in their work</p>	<p>Activity 1: More frequent meeting of the Public Administration Reform Council in order to overcome certain systemic weaknesses in the public sector and strengthen control mechanisms</p> <p>Activity 2: In a period of six months, the Council for Public Administration Reform should meet, which will include representatives of the SCPC, the non-governmental sector, prominent experts in the field of administrative law, the functioning of public enterprises, public institutions, independent bodies, regulatory bodies, inspection services, employees of the organizational unit for human resources, representatives of the Ministry of Finance, the Ministry of Political System and Community Relations, the Ministry of Labor and Social Policy, the Ministry of Justice and the Ombudsman, although some of these representatives are already members provided in the Strategy for Public Administration Reform for 2028-2022. Namely, in accordance with the Strategy, the Council also includes the Deputy Prime Minister in charge of European Affairs; Deputy Prime Minister in charge of implementing the Framework Agreement; the Minister of Information Society and Administration; the Minister of Foreign Affairs; the Minister of Justice; the Minister of Finance; the Minister of Labor and Social Policy; the Minister of Local Self-Government; the Secretary General of</p>	MISA, AA	6 months

	<p>the Government; Secretary of the Secretariat for Legislation; the director of the Agency for Administration and a representative from the Association of Local Self-Government Units (ALSGU). If necessary, the Chairman of the Council may invite representatives of civil society or other relevant and concerned stakeholders to attend the sessions.³</p> <p>This Council should consider not only these recommendations within six months, but also listen to the opinion of all representatives and give them specific tasks and responsibilities to prepare certain recommendations in their area.</p> <p>After six months, each of the competent bodies should submit a proposal for amendments to legal solutions and put them in a procedure for adoption of amendments to the previous legal solutions. Council sessions should be productive which means indicating specific activities and measures to be taken, forecasting the deadline within which they should be implemented and giving concrete proposals and measures. For the needs for implementation of certain activities, if necessary, expert teams should be foreseen.</p> <p>Activity 3: To intensify the work of the Network of organizational units for human resources management</p>		
4.3. Harmonization of the procedure for approval of the annual employment plans	<p>Activity 1: Each of the institutions to prepare an analysis of the scope of work tasks, type of tasks, size of the territory, number of population, workload of employees, efficiency of tasks and the number of employees needed for each job</p> <p>Activity: 2: Amendment to Article 37-i of the Law on Public Procedure - Director of the Public Enterprise, upon prior opinion of the Ministry of Information Society and with prior consent of the Ministry of Finance for public enterprises established by the Republic of Macedonia, i.e. with prior consent of the municipal council for public enterprises established from the local self-government units, prepares an annual plan for employment in the public enterprise for the next year, in accordance with the Law on Public Employees.</p> <p>The plan from paragraph 1 of this article during the year to which it refers can be changed only after previously obtained consent from the</p>	Institutions that are part of the public sector	One year

³ https://www.mioa.gov.mk/sites/default/files/pbl_files/documents/strategies/srja_2018-2022_20022018_mk.pdf

	<p>Ministry of Finance for the public enterprises established by the Republic of Macedonia, i.e. after prior consent from the council of the local self-government unit for public enterprises established by local self-government units.</p> <p>Activity 3: Amend the provision by adding that a detailed explanation is required for the amendment.</p>		
4.4. Changes in the jurisdiction of the court procedure on labor disputes for protection of the rights, interests and responsibility of administrative officials	<p>Activity 1: To analyze which is a better solution whether judicial protection should be exercised by the regular judiciary or by the administrative judiciary.</p> <p>Activity 2: Amendment of substantive regulations regarding the jurisdiction of the court regarding the exercise of judicial protection. Amendment of the Law on the subject of their jurisdiction</p> <p>Activity 3: Compliance with comparative experiences.</p>		
4.5. Supplementing the Law on Public Procedure with the possibility of control over the application of misdemeanor provisions and sanctions	<p>Activity 1: To add a provision for control and supervision over the provisions of this Law and misdemeanor provisions for the amounts of fines that will be imposed in case of non-compliance with the provisions or to put a reference provision for the application of another law which regulates these issues.</p>		
4.6: Strengthening the effects of the application of control mechanisms	<p>Activity 1: To add a legal provision in the Law on Administrative Employees, Law on Administrative Inspection and the Law on Establishment of a State Commission for deciding in administrative procedure and employment procedure in the second instance, which will provide a duty for the institutions to submit the decision on which they acted upon the decision of AA and after the decision of State Administrative Inspection within 15 days from the receipt of the decision</p> <p>Activity 2: – Make the effects of the control mechanisms publicly visible and take measures to ensure effectiveness in the execution of secondary decisions. The bodies should have the legal possibility to monitor the execution of their decisions</p> <p>Activity 3: AA, State Administrative Inspection and State Commission for administrative procedure and employment procedure in the second degree in the Annual reports of their operations to state data on the enforcement of their decisions, i.e. whether, how and within what period their decisions were acted upon</p> <p>Activity 4: State Administrative Inspection to provide statistical data on the number of initiated and performed supervisions in the employment procedures, on whose initiative they were initiated, what decision was</p>		

	<p>made, what are the most common identified illegalities, what measures were imposed by the inspectorate and for which body and how it was acted after their decision</p> <p>Activity 5: The lawsuits for initiating labor disputes against the decisions of the Commission should be submitted to the Commission in order to be able to conclude whether the body acted in accordance with the decision, i.e. whether it removed the inconsistencies or illegalities in its decision.</p> <p>Activity 6: The regular judiciary should submit data to the State Commission for deciding in administrative procedure and employment procedure and to the State Administrative Inspectorate regarding the initiated labor disputes against their decision, as well as the outcome of the procedure.</p>		
<p>4.7. SCPC to provide greater transparency regarding the position it has on certain issues that are not normatively precise and clear and strengthening the role of the SCPC in terms of building integrity in institutions that are part of the public sector</p>	<p>Activity 1: To incorporate a provision in the Law on Prevention of Corruption and Conflict of Interest or to supplement the competence that the SCPC will provide guidance to the institutions that are part of the public sector for the preparation of an Integrity Plan in each institution</p> <p>The Ministry of Justice and the SCPC will supervise whether a plan for integrity, objectivity and quality of the plan has been adopted and the degree of implementation of measures and activities for improving integrity.</p> <p>This recommendation arises from the comparative solutions, for example in the Law on the Anti-Corruption Agency,⁴ but also from the LPCCI Article 17 item 18 which states that the SCPC has the authority to take action to strengthen personal and institutional integrity.</p> <p>Activity 2: SCPC to prepare a manual for preparation of an integrity plan.</p> <p>Activity 3: SCPC to prepare a list for all holders of public office. To list all persons who are considered officials, with an emphasis on the persons appointed by the Government and to specify the procedure for</p>		

⁴ <http://www.acas.rs/zakoni-i-drugi-propisi/zakoni/o-agenciji-za-borbu-protiv-korupcije/>

	<p>their appointment.</p> <p>Activity 4: SCPC to prepare a brochure which will contain the legal terms, acts in relation to which it is decided and examples from practice</p> <p>Activity 5: State the criteria according to which a conflict of interest is determined in the performance of a function and other work</p> <p>Activity 6: In the Law on Prevention of Corruption or the Law on Public Employees to make a precise definition of these terms and to whom they refer, to specify the conflict of interests, especially in the part that refers to performing two or more public functions, of which body the person receives a salary, from which a functional fee, a tax indication of the persons who need to submit a questionnaire to the Commission for Prevention of Corruption</p> <p>Activity 7: Introducing certain persons with their rights and obligations for the possibility to report to the SCPC after taking office in a certain position and for the occurrence of a conflict of interest in performing incompatible functions.</p>		
4.8. The SCPC to strengthen its capacities and to establish a special organizational unit responsible for monitoring and evaluating the recommendations of the corruption risk analysis. This unit should regularly prepare a report on risk elimination in public sector employment procedures	<p>Activity 1: Amendment to the Rulebook on internal organization in the SCPC to which a new organizational unit will be added.</p> <p>Activity 2: Amendment of the Rulebook for job systematization in the SCPC which will provide for new jobs and number of executors in the new organizational unit.</p>	SCPC	1 year
4.9. Strengthened control over the transparency of the institutions, i.e. the public disclosure of documents from the employment procedures that are of public interest	<p>Activity 1: The Agency for Free Access to Public Information to conduct monitoring of the institutions in relation to the application of Article 10 of the Law on Free Access to Public Information, which states in detail the documents that the authorities should publish publicly and make available on the websites of their institutions.</p> <p>Activity 2: Establish criteria for a harm test and check with all authorities whether any classified information should not be published whether it should be classified</p> <p>Activity 3: Within six months, the Agency for Free Access to Public Information should check all the websites of the institutions, to check whether all the documents listed in Article 10 of the Law on Free Access to Public Information are publicly available. Article 30 The</p>	Agency for Free Access to Public Information, public sector institutions	6 months

	<p>Agency performs the following activities: - conducts administrative procedure and decides on appeals against the decision by which the information holder rejected or rejected the request for access to information to the applicants, - takes care of the implementation of the provisions of this Law, - prepares and publishes a list of information holders, - gives opinions on draft laws regulating free access to information.⁵</p> <p>Activity 4: If it is concluded that the institutions have not published these data, they should be given a period of 1 month to publish them, during the re-inspection if the documents are not published the official of the institution to be fined, if even after the fine the data are not published, responsibility follows for both the official and the administrative employee.</p> <p>Activity 5: to establish criteria according to which some information can be classified.</p> <p>Activity 6: Transparency of the procedure for promotion and evaluation of administrative employees - Each of the institutions that are part of the public sector within 6 months to publish on their website the bylaw regulating the procedure for promotion and the bylaw specifying the procedure for assessment of the effect of administrative officials. Establish clear criteria for employee performance in the bylaws.</p> <p>Activity 7: Transparency in the advertisements. The advertisements for filling the vacancies and for selection of officials should be published not only in newspapers but also on the website of the institution itself, but also in one place, for example on the website of the Agency for Administration, to have only two tabs one for administrative staff and one for officials.</p> <p>Activity 8: Transparency of data on officials What is the total number of officials elected, appointed persons.</p>		
4.10. Consistent application of Article 7 of the LAO	Activity 1: MISA to strengthen its technical and personnel capacities for consistent application of Article 7 of LAO.	MISA	6 months

⁵ Law on Free Access to Public Information, Official Gazette of RNM No. 101/2019

4.11. Restoring citizens' trust in institutions	<p>Activity 1: Institutions should strengthen the citizens' trust in the institutions by strengthening their transparency, responsiveness and responsibility in their work.</p> <p>Activity 2: Institutions to be affirmed in terms of the quality of their work, efficiency, transparency and accountability, as well as that the bodies employed are professionals based on merit criteria</p> <p>Activity 3: To strengthen the integrity of the administrative servant</p> <p>Activity 4: Strengthen the application of the Code of Ethics for Administrative Servants.</p> <p>Activity 5: To affirm the mechanisms that will encourage employees and citizens to report illegalities in their work and in the procedure for recruitment of staff provided in the Law on Action on Complaints and Proposals and the Law on Whistleblowers.</p> <p>Activity to be taken: Submitting complaints to the Ombudsman, informing the civil society organizations, all participants in the procedure for filling a vacancy at the end of the procedure to give their remarks on the selection procedure for employment, mobility, takeover, evaluation. Candidates who are not selected must obtain a decision for a detailed explanation of the entire procedure.</p> <p>Employees themselves to give suggestions to their supervisor to overcome certain inconsistencies.</p> <p>Activity 6: After the completion of the procedure for selection of a candidate, all candidates who participated in the procedure to fill in a form for evaluation of the procedure in which the questions related to the stages of the procedure will be answered and the candidates will be allowed to express their opinion. Another form should be filled in by the members of the Commission for selection of candidates.</p> <p>The Forms should be submitted to the AA, which will carry out continuous monitoring and take appropriate measures based on the indications given in the Forms.</p> <p>Strengthen civic activism to report inconsistencies in job vacancies and the selection of officials.</p>		
4.12. Evaluation of the effect of the new solutions	<p>The bodies within 1 year should be obliged to evaluate how the new solutions are applied in practice and what are the positive and negative experiences from the application. They should do so every six months and submit a report to the Council every six months in order to take action.</p> <p>For example, Pursuant to the Law on Public Health Article 45 (1)</p>	State Administrative Inspectorate, MISA	Every year

	Supervision over the implementation of this Law shall be performed by the administrative body responsible for the affairs of the state administration. (2) Inspection supervision over the implementation of the provisions of this Law, as well as of the regulations adopted on the basis of this Law, for the employees in the public sector referred to in Article 2 paragraph (1) line 1 of this Law shall be performed by the State Administrative Inspectorate. (3) Inspection supervision over the implementation of the provisions of this Law, as well as of the regulations adopted on the basis of this Law, for the employees in the public sector referred to in Article 2 paragraph (1) line 2 of this Law shall be performed by the State Labor Inspectorate. Therefore, these two inspectorates should in a period of one year strengthen the regular inspections in terms of implementation of these regulations and transparently publish the data, but also to inform the public and certain findings, inconsistencies and problems they face as institution or the candidates for employment or employees to say at a meeting of the Public Administration Reform Council.		
4.13. Harmonization of legislation	To amend the material regulations with the new Law on Employment in the Public Sector, Law on Administrative Officials or for example with Law on Public Procedure. As an example we point out the Law on Publication of Laws and Other Regulations and Acts in the "Official Gazette of the Republic of Macedonia" ("Official Gazette of the Republic of Macedonia" No. 56/99 and 43/02.	All institutions, MISA, Government	1 year