

Pursuant to the Judgment No. KO203/19 of the Constitutional Court, respectively point 3 of its Enacting Clause, in connection with Law No. 06/L-114 on Public Officials and the provisions of Article 3, paragraph 2, sub-paragraph 2.9 and 2.11, of Law No. 04/L-44 on the Independent Media Commission, the Independent Media Commission hereby approves:

**DRAFT**

**REGULATION**

**NO. xx/2022**

**ON THE ADMISSION, EVALUATION AND DISCIPLINE OF THE CHIEF EXECUTIVE OFFICER OF IMC EXECUTIVE OFFICE**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

**Purpose**

1. The purpose of this regulation is to define the rules, criteria and procedures for the admission, appointment, performance appraisal and discipline for the position of the Chief Executive Officer of the Executive Office within the Independent Media Commission (IMC).
2. This Regulation shall also lay down the rules on the functioning and decision-making of Commissions, the criteria and procedure for selection of members of commissions and remuneration for members of commissions.

**Article 2**

**Scope**

The provisions of this regulation shall apply to candidates for the position of Chief Executive Officer of the Executive Office within the KPM and the Selection and Disciplinary Commission.

**Article 3**

**Admission Commission**

1. The Admission Commission for the position of Chief Executive Officer shall be ad hoc and consist of:
	1. one representative of the responsible unit of the institution:
	2. two civil servants of the senior management category from the institution or from another Civil Service institution with special preparation in the selection process;
	3. twoexternal experts in the selection process from specialized organizations.
2. The members of the Admission Commission under sub-paragraph 1.2 of paragraph 1 of this Article shall meet the following criteria:
	1. to have at least six (6) months of work experience in high-level management positions in public administration institutions;

2.2. not to have been a member of any political party in the last four (4) years;

2.3. to have moral and professional integrity;

2.4. to not have any current disciplinary measures and

2.5. not to have a confirmed indictment for any criminal offense.

3. Members under sub-paragraph 1.3 of paragraph 1 of this Article, shall meet the criteria as follows:

3.1. to have a university degree, while for diplomas obtained abroad, nostrification is required;

3.2. to have eight (8) years of professional experience, of which at least five (5) years in organizations that supervise the selection process for management level positions;

3.3. not to have been a member of the governing bodies of any political party for at least the last five (5) years;

3.4. to have moral and professional integrity;

3.5. not to have a confirmed indictment and not to have been convicted of a criminal offense;

3.6. not be employed in the civil service, not to have been dismissed from the civil service as a result of disciplinary measures and not to have effective disciplinary measures.

1. The head of the institution (IMC), respectively the responsible unit shall publish the public announcement within a period of seven (7) calendar days for the acceptance of proposals from specialized organizations for external experts of the AC.
2. The responsible unit of the institution shall prepare the list of candidates who meet the criteria defined in paragraph 2 of this Article and shall send it to the head of the institution.

5. The responsible unit of the institution shall, within ten (10) calendar days after the closing date of the public announcement as in paragraph 4 of this Article, prepare the list of candidates who meet the criteria defined in paragraph 2 and paragraph 3 of this Article and sends the same to the head of the institution.

6. The head of the institution shall, from the list of candidates under paragraph 5 of this Article, appoint two (2) candidates as members of the AC.

7. The lists of candidates under paragraph 5 of this Article shall be valid for a period of two (2) years with the exception of the members who participated in the recruitment procedure.

8. In case of resignation, conflict of interest, and other cases when a member cannot exercise the duties of a member of the AC, their replacement is done with the member from the list under paragraph 5 of this Article, through a same procedure as in the case of appointment. Replacement due to conflict of interest shall be done on a case-by-case basis in which the member has a conflict of interest.

**Article 4**

**Remuneration of external members of admission commissions**

The member of the Commission as an external expert at AC shall receive a fixed payment of two hundred and fifty (250.00) Euros for each competition procedure in which he/she participates.

**CHAPTER II**

**ADMISSION PROCEDURES FOR SENIOR MANAGEMENT POSITIONS**

**Article 5**

**Selection and appointment criteria**

1. A candidate applying for the position of Chief Executive Officer shall fulfil the following conditions:
	1. to be a citizen of the Republic of Kosovo;
	2. to have completed higher university education (higher education degree at least 4 years or 3+2 years of studies);
	3. to have at least eight (8) years of professional work experience, with at least five (5) of them in management positions;

l .3. to have high character, honesty and morals;

* 1. to have experience and knowledge in the field of media regulation;
	2. not to be a member of a political entity, not to have made a contribution to a political entity and not to have been directly or indirectly in any contractual relationship with a political entity five (5) years before submitting his/her application.

2. In addition to the conditions provided in paragraph 1 of this Article and the conditions and criteria defined by the Law of the IMC, the institution proposing the competition may also propose specific additional requirements for the position it recruits, which are reviewed and approved in advance by the Human Resources Unit.

**Article 6**

**Organization of Competition**

1. The competition procedure, in cases where after the first mandate no extension of the mandate is proposed according to paragraph 5 of Article 42 of the Law on Public Officials and after the end of the mandate according to paragraph 4 of Article 42 of the Law on Public Officials, shall start three (3) before the end of the mandate.
2. The head of the institution with the vacant position, shall propose to the responsible unit the initiation of procedures for the recruitment of employee in senior management positions.
3. The competition shall be announced three (3) months before the end of the existing mandate of the Chief Executive Officer.
4. The IMC shall announce a public competition on the official website of the IMC and in the information media, in the official languages of the Republic of Kosovo, for a period not shorter than fifteen (15) calendar days.
5. The announcement of the competition from paragraph 3 of this Article shall, among others, contain:

5.1. the title of the position for which the competition takes place;

5.2. the general job description for the position for which the competition is held, the general formal requirements;

5.3. knowledge, skills and qualities that are evaluated in the competition procedure (general necessary requirements);

5.4. the specific requirements that must be met by candidates according to paragraph 2 of Article 5 of this regulation;

5.5. the documentation that must be submitted for application, the method, procedure and deadline for submitting the application;

5.6. the deadline for submitting applications, and

5.7. instructions on the consequences that the candidate bears in case of failure to submit the application and supporting documents, within the deadline set in the competition.

1. The announcement of the competition, the form and content of the application and other documentation shall be prepared by the HRU, in coordination with the head of the institution.
2. All competition announcements shall also contain these notes:

7.1. Non-majority communities and their members shall have the right to fair and proportional representation in the civil service of Kosovo, as specified in the Law on Public Officials.

7.2. The underrepresented gender is encouraged to apply for senior management positions in accordance with the Law on Public Officials.

7.3. Applications submitted after the deadline are not accepted and incomplete applications are rejected.

7.4. The announcement of the competition shall be published in accordance with the Law on the Use of Languages.

**Article 7**

**Required documents and application method**

1. A candidate shall submit the following documents:
	1. the completed application with the required data;
	2. the certificate of citizenship of the Republic of Kosovo;

1**.**3. the copy of the university diploma valid in Kosovo, which shall be notarized, while in the case of diplomas from other countries nostrification shall be required;

1.4. certificate issued by the Court through which it is proven that there is no conviction imposed for any criminal offense and the person is not under investigation,

* 1. proof of work experience accompanied by statements or certification from the Trust;
	2. the sworn statement that proves the non-exercise of the functions defined in sub-paragraph 1.5 of Article 5 of this regulation;
	3. Curriculum vitae (CV);

1.8. Cover letter.

1. The documents from paragraphs 1.2 and 1.4 must be valid and issued after the date of the competition announcement.
2. The application together with the supporting documents can be submitted to the IMC in physical form, by mail or by electronic mail.
3. After accepting the applications, the HRU shall record their acceptance in a separate register. The documents received by the candidate must be noted in the register.
4. Only candidates registered in the IMC within the stipulated timeline for application under the competition and with completed documentation shall have the right to undergo the competition process. Incomplete applications or applications submitted after the deadline set under the competition shall not be considered.
5. The candidate in the application shall choose the official language in which he will undergo the written test and the oral assessment.

7. If the number of received applications is less than three (3), with the prior consent of the head/office holder, the announcement of the competition shall be extended for seven (7) calendar days.

8. In the event that even after the extension of the announcement of the competition, no more than three (3) candidates apply, the Admission Committee shall continue with the recruitment procedure even with 2 candidates, if the criteria of selection and choice according to the announced competition are met.

9. After the extension of the competition, if the criteria for the selection of candidates according to the announced competition are not met, the recruitment procedure shall be discontinued and a second recruitment procedure shall be organized within ten (10) days in accordance with the conditions and procedures defined by this Regulation.

**Article 8**

**Preliminary verification of candidates**

1. Preliminary verification is the process of verifying whether the candidate meets the requirements from Article 5, and other authorizations arising from this Regulation.
2. Preliminary verification shall be carried out by the HRU based on the documents submitted as part of the application.
3. At the completion of the preliminary verification, the Responsible Unit shall determine the candidates who meet the conditions for application. Only candidates who meet the conditions for application shall have the right to continue competing in the professional evaluation phase.
4. Candidates who meet the conditions for application are listed in a short list in alphabetical order. The list shall be published on the official website of the IMC no later than ten (10) calendar days from the final date of acceptance of applications.
5. Candidates who do not meet the conditions for application shall not have the right to continue competing. The notice of failure to fulfil the conditions for the application shall be reasoned including all the unfulfilled criteria and/or evidence and is sent individually to the applicants, no later than three (3) calendar days from the date of publication of the results.

6. Within five (5) calendar days from the date of the individual notification, in accordance with paragraph 5 of this Article, notified candidates who do not meet the application conditions, shall have the right to submit a written request for additional clarifications or to present themselves at the HRU to be notified with the detailed reasons for non-qualification for further competition.

7. HRU within the period of five (5) calendar days shall respond in writing to the candidate's request under paragraph 6 of this Article, giving the detailed reasons for non-qualification for further competition.

8. The candidate who is not satisfied with the written answer under paragraph 7 of this Article, shall have the right to appeal to the Independent Oversight Board for the Civil Service of Kosovo, within eight (8) calendar days after receiving the answer.

9. The HRU shall, within (10) days after the closing of the competition period, prepare and proceed to the Commission the list and applications of candidates who meet the competition criteria and the list of candidates who do not meet the formal competition criteria.

**Article 9**

**Verification of the conditions for the selection of the candidate by the Commission**

1. The Commission shall, within five (5) days after the notification by the HRU according to paragraph 3 of Article 8 of this regulation, begin the process of examining each application if all the formal conditions foreseen in the competition, respectively in Article 5 of this regulation, have been met.
2. The candidate, who fails to fulfill the conditions according to paragraph 1 of this Article, shall be dismissed from further competition process.
3. The Commission shall, within 7 days after the notification by HRU according to paragraph 3 of Article 8 of this regulation, prepare the list of candidates who meet the conditions for further continuation of the competition process.
4. HRU shall, in accordance with paragraph 3 of this Article, within three days notify candidates who have failed to fulfill the conditions and criteria to continue further in the competition process.

**Article 10**

**Method of evaluation of the candidate**

1. The professional evaluation of the candidates from the list of candidates shall be done by the commission established in accordance with Article 3 of this regulation.
2. Professional evaluation of candidates shall include:
	1. Professional evaluation of candidates, in addition to the assessment of knowledge, skills and professional qualities of candidates based on the criteria and other requirements defined in Article 7 of this Regulation, including the written test and the oral interview.
	2. In the written test, candidates are presented with multiple choice questions and one or more essay questions.
	3. The number of multiple choice questions in the written test cannot be less than ten (10) questions and not more than twenty (20) questions.
	4. The maximum score for the written test is fifty (50) points, including a maximum score of up to twenty (20) points for essay questions and a maximum score of up to thirty (30) points for multiple-choice questions.
	5. In the structured oral interview, candidates are asked not less than five (5) questions and not more than ten (10) questions, as well as one (1) presentation question.
	6. The maximum score for the oral interview is fifty (50) points, including a maximum score of up to fifteen (15) points for the presentation question and a maximum score of up to thirty-five (35) points for the other oral interview questions.
	7. All candidates are given the same duration for the written test and interview. The duration of the written test cannot be shorter than sixty (60) minutes. The duration of the oral interview cannot be shorter than thirty (30) minutes.
	8. The commission in full composition is obliged to select the questions of the written test and the questions of the oral interview two (2) hours before the written test and the oral interview, taking into account the areas of knowledge and skills defined in the competition announcement.

**Article 11**

**Written test**

1. The written test is the first step of the candidate evaluation process.
2. In the written test, the candidate is assessed for the knowledge, skills and main qualities required by the Commission.
3. The commission determines the date, time and place of holding the written test and the interview.
4. For the time of the written test from paragraph 1 of this Article, the candidate shall be notified at least three (3) days before the written test.

**Article 12**

**Identification of candidates**

1. The candidate undergoing the written test must carry a valid identification document.
2. The candidate undergoing the written test will receive an identification code, which will be used during the written test.

**Article 13**

**Organization of the written test**

1. The written test is done anonymously, with an identification code assigned by the IMC.
2. All candidates selected by the Commission shall undergo a written test, lasting sixty (60) minutes.
3. The candidate is given the written questions and is informed about the rules to be followed during the written test.
4. For failure to comply with the test criteria, candidates are eliminated from the competition.
5. At least two members of the Commission and the HRU shall be present in the written test.
6. During the duration of the written test, the candidate is not allowed to contact other people (not even use the mobile phone) or leave the environment in which the written test is held, except in reasonable cases.

7. At the time of the written test, the candidate cannot be served with any document (convention, law, report, etc.) except the materials that the Commission delivers.

8. The candidate who submits the written test must leave the test hall, except in cases where there is only one candidate left in the hall.

9. If the candidate fails to appear until the beginning of the written test, it shall be considered that he/she has withdrawn from the further competition process.

**Article14**

**Announcement of the results of the written test**

1. The commission, in its full composition, shall prepare and announce the list of candidates who have passed the written test at least five (5) days before the date of the oral interview.
2. The results of the written test from paragraph 1 of this Article are published on the IMC website.

**Article15**

**Evaluation through interview**

1. After written test evaluation of the candidate, the oral interview shall proceed.
2. In the interview, the knowledge, skills or qualities required by the Commission, which cannot be evaluated through the written test, are evaluated.
3. The interview that takes place is a structured interview by the Commission, which prepares or selects a set of the same questions for all candidates for the interview, which are prepared on the day of the interview for a duration of thirty (30) minutes.
4. The interview is public and is held before the Commission in its full composition.
5. If the candidate does not appear until the start of the interview, it is considered that he has withdrawn from the further competition process.
6. To maintain order during the interview process, the Commission may limit the number of persons who wish to be present.

**Article 16**

**Final evaluation by the Admission Commission**

1. The commission decides on the final evaluation of the candidates according to the number of points. Each of the members gives his independent and individual evaluation for each candidate. The final assessment for each candidate is the arithmetic average of the assessments of all commission members.
2. The decision under paragraph 1 of this Article shall be taken no later than three (3) calendar days from the end of the professional evaluation procedure and contains: the individual assessment of each candidate, the number of points earned by each candidate and the individual justification for the assessment of each candidate.
3. The Commission, on the basis of the decision under paragraph 2 of this Article, prepares the list of candidates with more than 70 percent of the points and ranks them starting from the candidate with the most points.
4. No more than three (3) candidates and no less than two (2) candidates evaluated by the admission commission, with the highest points and above the minimum threshold of 70 percent or more of the overall evaluation points, are considered winning candidates and together with their scores, are proposed for final selection to the direct supervisor.
5. The direct supervisor shall select one of the candidates proposed under paragraph 3 of this Article and proposes him/her for appointment to the members of the IMC commission. The selection must be justified in writing.
6. The list of candidates under paragraph 15 of this Article shall be published on the website and the web page of the institution.

**Article 17**

**Final selection and appointment of the Chief Executive Officer**

1. The IMC shall, in accordance with Article 3, paragraph 2, sub-paragraph 2.9 and Article 18, paragraphs 1 and 2, of the Law on the Independent Media Commission and Article 42 of Law No. 06/L-114 on Public Officials, within 10 days after receiving the final list together with the supporting documentation, appoint the Chief Executive Officer of the Executive Office of the IMC. The selection must be justified in writing.
2. The name of the candidate who has been appointed to the position of Chief Executive Officer is made public on the IMC website.
3. The selected candidate is appointed to the position by the Human Resources Unit.
4. The responsible unit, after appointing the candidate to the relevant position under paragraph 3 of Article 42 of Law No. 06/L-114 on Public Officials, invites the winning candidate and informs them that within 30 days they shall commence work.
5. In case of failure of the appointed candidate to make an appearance within the deadline defined in paragraph 4 of this Article, the Responsible Unit within seven (7) working days from the end of the deadline shall cancel the act of appointment.
6. Any appointment contrary to this Regulation, and Article 19 of the Law on the IMC, and Article 42 of Law No. 06/L-114 on Public Officials, shall be invalid.
7. The candidate who is dissatisfied with the decision regarding the selection may submit a complaint to the Independent Oversight Board for the Civil Service (IOBCS) within eight (8) days from the date when the party is notified of the decision.

**Article 18**

**Appointment after the end of the mandate**

1. After the end of the mandate of the civil service senior level manager employee, HRU is obliged, within the shortest possible time, to appoint the employee to a position of the middle management, if such a position is available, and if not available then shall appoint them to a professional level position.

2. Refusal to be appointed to a mid-level management or professional position is grounds for dismissal from the Civil Service and termination of the employee's employment.

3. During the waiting period for appointment, the first three (3) months of this period after the end of the mandate, the employee shall receive the salary of the position they held until the end of the mandate and can compete for any position in the category of senior management, except for the one for which the mandate has ended.

**CHAPTER III**

**PERFORMANCE APPRAISAL OF THE CHIEF EXECUTIVE OFFICER**

**Article 19**

**Performance appraisal**

1. The performance appraisal is a permanent process, which includes the evaluation of the achievement of the predetermined objectives and the evaluation of the professional behavior of the civil servant in the achievement of the objectives. The appraisal period shall last 1 year and starts from January 1 and ends on December 31. The appraisal is done until January 31 of the following year, for the previous year.
2. The performance appraisal is based on the objectives defined individually for the employee who is evaluated, in accordance with the relevant job description and the objectives of the unit or institution

3. Objectives are determined in writing, at the beginning of the year, in the month of January, together with the action plan for achieving the objectives.

4. Objectives are determined by the direct supervisor, in cooperation with the employee.

1. The civil servant is evaluated by his direct supervisor. In the case of a change of supervisor before the end of the annual evaluation, he/she evaluates the employee only for the relevant period.
2. During the appraisal period, the direct supervisor conducts meetings with the employee being evaluated, to review the progress made in achieving the planned objectives, to express opinions and give suggestions, as well as to make the necessary improvements in the plan drawn up in writing.
3. At the end of the evaluation period, the direct supervisor draws up an evaluation report.
4. The report is given to the employee and it is discussed in an interview with him/her.
5. After the interview, the direct supervisor approves the final evaluation report.
6. The possible performance appraisal levels/scores are:

10.1. excellent;

10.2. very good;

10.3. good;

10.4. satisfactory or sufficient;

10.5. unsatisfactory or insufficient.

11. In the case of evaluation at the levels according to paragraphs 10.4 and 10.5 of this Article, for the improvement of weaknesses in professional behavior, the direct supervisor, in cooperation with the HRU of the institution, also approves a list of mandatory training modules, which the employee must attend the following yea.

12. In the case of evaluation at the levels according to sub-paragraphs 10.4 and 10.5 of this Article, the civil servant cannot apply for movement within the category and for a closed competition for a senior management position.

**Article 20**

**Performance appraisal for the Chief Executive Officer**

1. The performance appraisal for the Chief Executive Officer is done according to the conditions and procedures defined in Article 43 and 44 of the Law on Public Officials No. 06/L – 114.

2. The performance appraisal for the senior management employees is done by their direct supervisor, based on a process that includes the self-evaluation of the employee and the opinion of his colleagues and subordinates, as well as the general performance of the institution.

**CHAPTER IV**

**DISCIPLINARY PROCEDURES FOR THE CHIEF EXECUTIVE OFFICER**

**Article 21**

**Disciplinary Commission**

1. Disciplinary procedures for the senior management category in the other state institution shall be conducted by the Disciplinary Commission for the senior management level established by the head of the institution established ad-hoc with the following composition:
	1. the head of the Human Resources Unit;
	2. two (2) employees of the senior management category, and
	3. two (2) independent personalities with professional experience and established integrity, representatives of civil society.
2. In case of resignation, conflict of interest or removal of any member of the DC, their replacement is done through the same procedure as in the case of appointment.
3. Two (2) members of the DC (independent personalities) shall receive a fixed payment for each disciplinary procedure as defined in Article 11 of this Regulation.

4. The Human Resources Unit of the institution shall serve as the secretary of the Disciplinary Commission.

**Article 22**

**Right to appeal**

1. A candidate who is dissatisfied with the decision may submit a complaint to the Independent Oversight Board for the Civil Service (IOBCS) within thirty (30) days from the date when the party is notified of the decision.

**Article 23**

**Publication**

The regulation shall be published on the IMC website.

**Article 24**

**Entry into Force**

This Regulation shall enter into force on the day of its approval by the Independent Media Commission.

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Chairperson Date

Independent Media Commission