

Policy paper

**ANALYSIS OF THE LAWS  
ON PUBLIC SECTOR EMPLOYEES  
AND ADMINISTRATIVE SERVANTS**



A person wearing a white lab coat is holding a stack of papers. The papers have several orange tabs sticking out. The background is a soft, out-of-focus light color.

## **ANALYSIS OF THE LAWS ON THE PUBLIC SECTOR EMPLOYEES AND ADMINISTRATIVE SEVRANTS**

# IMPRESSUM

**Title of the publication:**

Policy paper: Analysis of the laws on the public sector employees and administrative servants

**Publisher:**

Center for Change Management (CCM)

**Authors:**

Neda Maleska Sachmaroska

Branka Mincheva Kocevaska

Aneta Ivanova Stojanoska

**Circulation:**

Electronic non-commercial edition

**Year:**

July 2025

CIP - Каталогизација во публикација Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

35.08:340.13(497.7)(047.31)

35-057.3:340.13(497.7)(047.31)

МАЛЕСКА Сачмароска, Неда

Документ за политики: [Електронски извори] : анализа на законите за вработените во јавниот сектор и административните службеници / Неда Малеска Сачмароска, Бранка Минчева Коцевска, Анета Иванова Стојаноска. - Центар за управување со промени (ЦУП), 2025

Начин на пристапување (URL):

<https://cup.org.mk/publication/policy-paper-analysis-of-laws-on-public-sector-employees-and-administrative-officials>.

ISBN 978-608-4818-98-4

а) Јавен сектор -- Вработени -- Законска регулатива -- Македонија -- Истражувања б) Административни службеници -- Законска регулатива -- Македонија -- Истражувања

COBISS.MK-ID 66950405

# CONTENTS

INTRODUCTION AND CONTEXT .....	6
COMPARATIVE ANALYSIS OF THE LAW ON PUBLIC SECTOR EMPLOYEES .....	9
COMPARATIVE ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS .....	15
RECOMMENDATION .....	25
Annex I Comparative Analysis of the Law on Public Sector Employees .....	27
Annex II Comparative Analysis of the Law on Administrative Officials .....	37

# INTRODUCTION AND CONTEXT

---

The subject of this analysis are the provisions in the new Law on Public Sector Employees and the Law on Administrative Servants. The purpose of the analysis is to make a comparative overview of the provisions in the previous and new laws that regulate the area of the public sector, and to assess the points of progress or regress. This overview is a condensed text of the long-term efforts and opinions of the Center for Change Management (CCM) towards improving the system that regulates issues in the area of public administration, which are presented in the analyses, policy documents or reports that CCM has prepared, namely:

- Policy Paper – Recommendations for Improving the Legal Framework for Public Administration<sup>1</sup>
- Expert Commentary and Recommendations on the Draft Laws Regulating Employment in the Public Sector, published on ENER on 27.12.2024<sup>2</sup>
- Analysis of Corruption Risks in Public Sector Employment Procedures<sup>3</sup>
- Analysis of Discretionary Powers in the Appointment of Managerial and Supervisory Structures in State Administration Bodies<sup>4</sup>
- Ethics and Inconsistencies in the Work of State Administration Bodies<sup>5</sup>
- Monitoring Report of the Employments and the Manner of Allocation and Implementation of Budgets by Public Sector Institutions<sup>6</sup>
- What are Citizens Interested In? – Monitoring Report of the Implementation of the law on Free Access to Public Information<sup>7</sup>
- Type of Education - The Only Criterion for Employment in the Administration?<sup>8</sup>
- Analysis of the Law on Public Sector Employees<sup>9</sup>
- Analysis of the Law on Administrative Servants<sup>10</sup>

---

<sup>1</sup> <https://cup.org.mk/publication/policy-paper-recommendations-for-improving-the-legal-framework-for-public-administration>

<sup>2</sup> <https://cup.org.mk/publication/expert-commentary-and-proposals-on-the-draft-laws-regulating-employment-in-the-public-sector-published-on-ener-on-27-12-2024>

<sup>3</sup> <https://cup.org.mk/publication/analysis-of-corruption-risks-in-public-sector-employment-procedures>

<sup>4</sup> <https://cup.org.mk/publication/analysis-of-discretionary-powers-in-procedures-for-appointing-managerial-structures-in-state-institutions>

<sup>5</sup> <https://cup.org.mk/publication/ethics-and-inconsistencies-in-the-work-of-state-administration-bodies>

<sup>6</sup> <https://cup.org.mk/publication/report-from-monitoring-of-employment-allocation-and-implementation-of-budgets-in-public-institutions>

<sup>7</sup> <https://cup.org.mk/publication/what-are-the-citizens-interested-in-report-on-the-implementation-of-the-law-on-free-access-to-public-information>

<sup>8</sup> <https://cup.org.mk/publication/type-of-education-the-only-criteria-for-employment-in-the-public-administration>

<sup>9</sup> <https://cup.org.mk/publication/analysis-of-the-law-on-public-sector-employees>

<sup>10</sup> <https://cup.org.mk/publication/analysis-of-the-law-on-administrative-servants>

- Analysis of the Modalities for Establishing an Academy for Professional Development of Administrative Servants<sup>11</sup>.

The analysis focuses on the most significant changes brought about by the new legal framework in terms of public sector organization, human resources management, merit-based recruitment and promotion procedures, accountability, results-based management, etc. The analysis does not address in detail the provisions regulating salaries and other remuneration of administrative servants.

It must be noted that in many areas of human resource management, and especially in the processes of selection, recruitment and promotion, an in-depth analysis cannot be made at this stage because there are no by-laws developed that should regulate this matter in more detail. Hence, **the opinions and recommendations given in this analysis should be taken into account when creating by-laws**, in order to support the principles of good governance and merit-based management.

The views and recommendations presented in this document were the subject of discussion with the competent institutions in the process of preparing the legal solutions, some of the proposals of CCM are part of the previous versions of the laws, and some have been accepted and incorporated into the new legal regulations. This analysis refers to the solutions in the laws after their adoption in the Parliament of the Republic of North Macedonia.

The comparative analysis of the previous and new Law on Employees in the Public Sector Employees (LPSE) focuses on the following points:

- Application of the law,
- Principles of law,
- Classification of job positions in the public sector,
- Recruitment and promotion.

The comparative analysis of the new and previous Law on Administrative Servants (LAS) focuses on the following points:

- Work experience in the profession,
- Status and competencies of the Agency for Administration,
- Category "A" Administrative Servants - Secretaries,
- Cabinet servants and external advisors,
- Selection and recruitment of administrative servants,
- Promotion and evaluation of administrative servants,
- Professional development and training,
- Disciplinary and material responsibility,
- Salaries, allowances and supplements,

---

<sup>11</sup> <https://cup.org.mk/publication/analysis-of-the-modalities-for-establishing-training-academy-for-administrative-servants>

- Code of Ethics.

The tabular presentation of the previous and new legal solutions, accompanied by the appropriate opinion from CCM, provides a clearer and systematized presentation, which makes it easier for readers to follow and understand; and it is contained in Annex 1 and Annex 2.

The analysis was prepared within the framework of the project ["Promoting good governance and public administration reforms"](#) funded by the National Endowment for Democracy (NED).

**Project information:**

The project "Promoting Good Governance and Public Administration Reforms" focuses on monitoring the implementation of the commitments of the Government of the Republic of North Macedonia to place and maintain good governance at the top of its political agenda. The project interventions are designed to analyze the state of implementation of the priorities in the public administration reform (PAR) agenda, such as: efficiency, effectiveness and functionality of institutions, improving the transparency and accountability of institutions, accountability for delivering results and improving public oversight of the implementation of reforms.

The project aims to open a broad public debate on the importance of good governance and to raise awareness among citizens to demand high professional standards, efficient institutions and successful performance in the work of the public administration. The project also seeks to open a debate with policymakers and decision-makers on better practices in the management of institutions, including taking measures to improve the accountability of institutions and implementing reforms with achievable and precise results. The project activities contribute to encouraging and incentivizing citizens to be more engaged in demanding accountability from leaders and managers of institutions, but also from the administration as a whole, for implementing the necessary reforms and applying the standards of good governance, as well as for their active participation in the creation of policies and decision-making processes in the country.



# COMPARATIVE ANALYSIS OF THE LAW ON PUBLIC SECTOR EMPLOYEES

---

## APPLICATION OF THE LAW

Just as in the previous Law<sup>12</sup>, in the new Law on Public Sector Employees<sup>13</sup> (LPSE,) the provisions for the application of the law are not precise, which has led and will lead to the uneven application of the regulation. Namely, **the Law does not provide a mechanism for harmonization of the special laws and consistent application of the legal solutions at the level of the entire public sector.** The problems that we pointed out in the past referred precisely to non-compliance of the special laws with the LPSE. This situation raises concerns about not having equal conditions, equal access to a job position, expertise and competence, performance management, service orientation, etc. for all people working within public sector institutions.

We expect that this practice will be repeated in the future, especially in recruitment procedures (more details in the recruitment section).

CCM proposed mandatory and uniform application of the Law on Public Sector Employees by all institutions in the public sector, and for all employees in these institutions.

## PRINCIPLES OF LPSE

Principles in law represent fundamental values and guidelines on which the legal order is built, and their consistent, fair and effective application is ensured. They are not just declarative provisions, but they play an essential role in the interpretation, application and evaluation of laws and decision-making processes. Especially in laws relating to the public sector, principles guide the work of institutions and the conduct of public servants.

We therefore point out that it is not enough for these principles to be incorporated into the laws; **it is necessary to work on educating employees, especially new employees and senior managers, about the importance of the principles as a value compass** for transparent, accountable and fair operations and management. This strengthens and improves the organizational/administrative culture in institutions, which is a key factor influencing the quality of law enforcement.

---

<sup>12</sup>Official Gazette of the Republic of Macedonia" No. 27/14

<sup>13</sup> Official Gazette of the Republic of North Macedonia" No. 145/25

## HUMAN RESOURCE MANAGEMENT IN PUBLIC SECTOR INSTITUTIONS

Human Resource Management Units (HRMUs) are a key element in the institutional structure of public administration, with the mission of ensuring efficient human capital management. However, their function in North Macedonia's administration remains predominantly administrative and subordinate, without a clearly defined strategic role.

In accordance with the existing legal framework, these units are established in institutions with at least 30 employees, while in smaller institutions, human resources functions are performed by one administrative servant. Their main tasks relate to administrative support of recruitment procedures, keeping personnel records, updating data in the Human Resources Management Information System (HRMIS), implementing performance appraisal procedures, recording professional development and participating in disciplinary procedures.

However, practice shows that these units face serious structural and functional limitations. Most often, they are small organizational units with insufficiently trained staff, which do not have the capacity to act strategically or to contribute to long-term planning and development of human resources. In addition, **there is limited use of HRMIS data for analytical and decision-making purposes**, weak inter-institutional coordination, lack of internal programs for staff development, as well as absence of functional mechanisms for retaining and motivating quality staff.

The Human Resources Management Network is largely dysfunctional, although it was conceived as a platform for exchanging good practices and creating common standards in the public sector.

HRMIS has potential, but it is used mainly for administrative purposes, and rarely for analytical and strategic decisions and longer-term reforms in public administration.

In its work, CCM constantly points to the need to strengthen the capacities of these units, which, in addition to their basic functions, will have a broader and more strategic approach to human resources management.

**These functions, following the example of advanced public administrations, should deal with strategic personnel planning** through projections for the institution's needs in the medium term, analysis of trends and reducing the risks of loss of quality staff, development of plans for staff retention, mobility, strengthening of digital skills.

Talent management is one of the key aspects dealt with by these units that identify potential talented personnel and work on their promotion and retention.

Human resources units should be leaders in building a culture of learning and innovation. These organizational units should regularly conduct work engagement surveys, monitor employee absences that cost the public sector enormous financial resources, and seek ways and propose solutions to motivate employees and improve work performance.

The new legal solutions do not redefine the role of the HRM from an administrative to a strategic and advisory function.

## CLASSIFICATION OF PUBLIC SECTOR JOBS POSITIONS

The classification of jobs positions in the public sector and their systematization in a central catalog is still one of the key elements of modern human resources management.

This Catalogue should provide a structured overview of the types of jobs in public institutions, defining the entry criteria, responsibilities and required competencies, as well as the level of complexity of the work tasks. Such information is crucial in ensuring transparency, efficiency and fairness in the processes of recruitment, promotion and development of the capacities of the administration.

Job catalogs, when well designed and electronically available, are used as a basis for analyzing staffing needs in relation to the strategic priorities of institutions, but also for determining pay scales and managing the salary system, according to objective criteria such as complexity, qualifications, and responsibility.

In our country, these reforms began with the adoption of the Law on Public Sector Employees and Law on Administrative Servants in 2015, which introduced the classification of jobs into four basic groups and subgroups, categories and levels. The reform envisaged the establishment of a central Job Catalogue, which will be managed by the Ministry of Public Administration through the Human Resources Management Information System (HRMIS).

However, **so far this system has remained partially implemented**. The catalogue is not publicly available in electronic format and there is no possibility of searching for those data that should be publicly available. At the same time, the HRMIS is not linked to the payroll system as it was originally conceived. It is not actively used for budget planning, nor for the analysis of personnel capacities. This means that despite the established legal framework, the classification does not function as an integrated management instrument but remains a formal tool without real application in strategic human resources management. As a result, in practice there are inconsistencies between the systematization of jobs, salaries and the needs of the institutions, which reduces the potential for a modern, efficient and transparent public administration.

The provisions in the new Law on Public Sector Employees, formally bring certain improvements that can contribute to overcoming the previous weaknesses:

- the new terminology better expresses the functions and public interest (e.g. "activity holders"),
- the new law promotes clarity in definitions, competencies and classification,

- The catalog is transferred to the HRMIS, which allows for more efficient tracking and recording,
- The MPA has the role of controller only over administrative officials, not over-all public-sector employees,
- There is greater flexibility in adopting acts for internal organization and systematization (up to 50% vacant job positions).

However, these legislative innovations still do not create an obligation for the Catalog to be publicly available or analytically developed, in accordance with the Law on Personal Data Protection. Finally, if the Catalogue is not linked to the payment system, as originally planned, and if there is no investment in its advancement as a management tool, it will continue to serve only as a record, and not as an instrument for strategic management.

## RECRUITMENT AND PROMOTION

Public sector recruitment procedures are a key mechanism for ensuring transparency, meritocracy and equal access to jobs in the public administration. A comparison between the previous and the new Law on Public Sector Employees indicates significant improvements in terms of standardization, electronic records and enhanced control of the procedures.

**The findings of the research by CCM on recruitment and promotion procedures in public sector institutions have indicated a large number of shortcomings in these procedures**, especially in institutions from various sectors (health, social protection, child protection, culture, education). The procedures are non-transparent; selection decisions are made based on the discretionary authority of the decision-maker and there is no guarantee that best candidates are selected. This also stems from the inconsistency of the special laws with the old LPSE, and some of them do not prescribe either criteria or a procedure for selection, recruitment and promotion of **business owners** and auxiliary - technical personnel. For these reasons, and in the context of the recommendations arising from the analyses of the Center for Change Management, we assess as positive the proposed legal solution, according to which the selection procedure for recruitment in public sector institutions must consist of at least three phases, namely: (1) checking the regularity of the application and the fulfillment of the conditions, (2) practical checking of the necessary knowledge and competencies for the job position and (3) an interview. Practical verification of candidates' competencies will help filter the most qualified candidates who will be called for an interview.

Under the previous LPSE, permanent employment was carried out on the basis of an internal or public announcement, followed by administrative selection, testing and interview. However, in practice, there was often a lack of a single methodology for conducting testing and interviews, which opened up room for subjectivity and discretionary decisions. In addition, there was no legal obligation to publicly announce the results of the selection, nor a standardized procedure for candidates to appeal.

**The new LPSE introduces significant innovations aimed at improving the transparency and integrity of the process.** First, a single structure of the announcement is envisaged, mandatory publication of the vacancy via an electronic platform and regulated assessment criteria, which include administrative selection, testing and interview, with the possibility of automation and digital monitoring of each phase. Minimum deadlines for application (at least 7 days) have been introduced, as well as an obligation to compile a minute for each phase of the procedure, including assessments by the commission members. The new law also stipulates an obligation to inform all candidates in detail about the outcome of the procedure.

A particularly significant innovation is the provision related to temporary employment through Temporary Employment Agencies, which, according to the new law, must be subject to the same selection procedure (public announcement, at least two selection phases) and afterwards the data about employees should be recorded in the HRMIS. This prevents circumvention of regular employment procedures, as well as the creation of parallel and uncontrolled forms of engagement in the public sector.

The new law provides for stricter restrictions on fixed-term employment, such as a maximum of twice a year and a limit of 5% of the total number of employees per institution, thus encouraging sustainable personnel planning.

**CCM points out that promotion procedures are just as important as recruitment procedures.** We often point out that the promotion system, in addition to the job position, should be linked to the salary system. This means that promotion can be achieved with a higher salary even if the job position remains the same, especially in hierarchical structures of institutions such as public sector institutions. Such systems are often linked to the complexity of the job, the level of responsibility and the assessment of performance.

Additionally, promotion as a move to a higher salary category is often associated with performance appraisal, professional development, or acquisition of new competencies.

In our country, a clear methodology for linking promotion to the salary system as one of the possible ways to improve the efficiency and effectiveness of the public service has not yet been established.

Finally, despite the positive aspects of the new regulations, CCM expresses concern **regarding the implementation of the law**, especially regarding recruitment and promotion. Namely, in the transitional and final provisions, the Law prescribes an obligation to harmonize the separate laws within one year of its entry into force.

In the previous versions of LPSE that were published on ENER, in the transitional and final provisions, an obligation was foreseen for harmonization of the special laws with LPSE within one year, and if they are not harmonized within the prescribed period, the provisions of the LPSE would apply. This means that there would be no possibility of recruitment without conducting a procedure, ranking, interview. However, such a proposal was not accepted and

the provision that was adopted is no different from the previous legal provision. The only novelty in the Law is that the misdemeanor provisions foresee the imposition of a fine for the secretary, i.e. the head of the institution, if he conducts a recruitment procedure without publishing a public announcement, contrary to Article 44 of this Law. Therefore, a misdemeanor is the failure to publish a public announcement, but not the failure to conduct the entire recruitment procedure (Articles 45 and 46 of the Law).

# COMPARATIVE ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS

---

## PROFESSIONAL WORK EXPERIENCE

In the new Law on Administrative Servants<sup>14</sup> (LAS), the definition of work experience remains identical to that of the previous law<sup>15</sup>, as experience recorded in the Employment Agency of the Republic of North Macedonia (AVRSM), acquired after completing appropriate education, and related to specific work tasks that correspond to that education.

CCM believes that this definition is restrictive and does not reflect the real picture of the labor market. Work experience can also be acquired outside the country, through remote work or within international organizations operating in the Republic of North Macedonia, but this experience is not recorded in the Employment Agency's databases.

CCM points out that limiting valid experience only to that registered in the AVRSM violates equality and makes access to the public sector more difficult for persons who have international experience or have been engaged in relevant professional engagements that are not formalized through domestic institutions. It is recommended that the definition of work experience be expanded to also recognize verifiable and relevant experience acquired outside of national records, in order to foster equality, mobility and quality in public administration.

## STATUS AND COMPETENCES OF THE AGENCY FOR ADMINISTRATION

One of the most significant changes in the new law concerns the status of the Agency for Administration. In the previous law, the Agency was an independent state body with the status of a legal entity, with a director elected by Parliament with a mandate of 6 years. In the new law, the Agency is transformed into a body within the Ministry of Public Administration, without the status of a legal entity, and the director is appointed by the Government, upon the proposal of the Minister, with a mandate of 4 years, and he/she is accountable to the Minister and the Government.

The status of the Agency has long been a subject of discussion because independence and transparency of recruitment procedures were not ensured, and on the other hand, the

---

<sup>14</sup>Official Gazette of the Republic of North Macedonia, number 144/25.

<sup>15</sup>Official Gazette of the Republic of Macedonia No. 27/14, 199/14, 48/15, 154/15, 5/16, 80/16, 127/16, 142/16, 2/17, 16/17, 11/18 and 275/19 and Official Gazette of the Republic of North Macedonia No. 4/20, 215/21, 99/22 and 208/24).

current status, although it provides clearer lines of accountability, still does not guarantee independence in operations and objectivity of recruitment procedures.

CCM believes that with this amendment there is a risks violating the institutional independence of the body responsible for conducting objective and professional selection of personnel in the public administration. With this arrangement, **the entire competence for recruitment is concentrated in the hands of the minister, i.e. the executive branch, without the possibility of direct parliamentary control**, which seriously questions transparency, impartiality and control in the implementation of competition procedures. Unlike the previous solution, where the Agency was an independent institution with a stable mandate and accountable to the Parliament, the new solution reduces its capacity and role. Although CCM advocates for the creation of clear lines of responsibility in sectoral policies and departments within the executive branch, it still believes that the Agency should enjoy a certain independence. The line of responsibility to the ministry is indisputable, but such a solution, in which the Agency does not have the status of a legal entity, may put, as we believe, the entire procedure for recruitment and promotion in public sector institutions at risk in the hands of the management structures of the institutions. The agency should be an oversight and corrective body, and guarantee that recruitment and promotion in the administration is fair, transparent, and merit based.

**CCM also recommends that the Director of the Agency be selected through a public announcement and a transparent procedure, with prescribed criteria**, in order to reduce the discretionary influence of the Minister and to enable the selection of a professional and competent person. In addition, with the new legal provisions, the Agency gains a role only in the first phase of the recruitment procedure "administrative selection", while the testing and interview phases are entirely transferred to the employing institutions. The AA representative who participates in the work of the Recruitment Selection Commission does not have the right to vote. CCM points out that this significantly reduces the capacity to ensure control, objectivity and quality of the procedure. We believe that the AA should have an active and equal role in all phases of the selection, with the right to make decisions, in order to ensure a fair procedure and protect the public interest.

## **CATEGORY A – SECRETARIES**

**The requirement for at least two years of work experience within the civil service is insufficient to ensure the selection of quality and professional personnel.** In the previous practice, a type of "abuse" was observed in the appointment of secretaries. Namely, it was often the case that an administrative servant was taken over from another institution through a mobility procedure and the very next day was appointed as the secretary of the institution. In this sense, CCM believes that the proposed solution in which the condition for the appointment of a secretary of the institution is a minimum of two years of work experience in the same institution is good, and ensures consistency in the work of the institution due to knowledge and



involvement in the processes in the institution. However, CCM recommends introducing additional criteria based on merit and competencies in order to ensure depoliticization and selection of the best candidates. The appointment of the secretary of the institution in this way does not guarantee the application of the principle of merit in the appointment of state and general secretaries or the secretary of a municipality or the city of Skopje. We believe that **this can only be overcome by adopting the Law on Top Management (LTM), which will guarantee the selection of the highest management positions** (including secretaries) **through a merit system**, while for the defined positions in the public sector, realistic selection and appointment criteria will have to be prescribed, based on experience and knowledge of the field and work. We also believe that the mandate of the secretary should not be tied to the mandate of the minister or the head of the institution, because as an administrative servant, the secretary should ensure institutional memory and continuity in the work of the institution, even when the minister is replaced. Depoliticization and professionalization of the position of state/general secretary is necessary.

## CABINET SERVANTS AND EXTERNAL ADVISORS

The new law regulates in more detail the status and establishes the internal division of cabinet servants into internal and external. Internal cabinet servants are employees of the institution with at least one year of work experience in it. In addition to their duties in the cabinet, they continue to perform regular work tasks. External cabinet servants can be hired following a public announcement and procedure in accordance with the regulations on General Labor Law or can be temporarily taken over from another institution within public sector. External advisors, on the other hand, do not establish an employment relationship in the institution and their status is regulated by contract. During the period of their engagement, they do not have the right to apply for a public announcement for recruitment in the same institution.

CCM warns that the proposed number of cabinet servants in the institutions is too high<sup>16</sup> and **there is a risk of a situation in which responsibilities are carried out in parallel by both**

---

<sup>16</sup>ZAS, Article 26 paragraph 8 - **The number of internal cabinet officers** [...] cannot be greater than: seven in the Cabinet of the President of the Republic, seven in the Cabinet of the President of the Assembly, one in the Cabinet of the Vice President of the Republic, ten in the Cabinet of the Prime Minister, five in the Cabinets of the Deputy Prime Ministers, five in the Cabinet of the Secretary General of the Assembly, five in the Cabinet of the Secretary General of the Government, seven in the cabinets of ministers who head ministries with over 200 employees, five in the cabinets of ministers who head ministries with 100 to 200 employees, three in the cabinets of ministers who head ministries with less than 100 employees, one in the cabinets of ministers without portfolio.

ZAS, Article 26 paragraph 9 – **The number of external cabinet officers** [...] cannot exceed: five in the Cabinet of the President of the Republic, five in the Cabinet of the President of the Assembly, one in the Cabinet of the Vice President of the Assembly, one external cabinet officer for each portfolio of the Government in the Cabinet of the President of the Government, three in the cabinets of the Deputy Presidents of the Government, three in the cabinet of the Secretary General of the Assembly, three in the cabinet of the Secretary General of the Government, five in the cabinets of ministers who head ministries with over 200 employees, three in the cabinets of ministers who head ministries with 100 to 200 employees,

**employees and cabinets**, and some of the employees are not sufficiently involved in the work of the institution. In this way, "parallel administrations" are created, the number of engaged people increases, and employees regularly remain isolated from the core work of the institutions, which also negatively affects institutional memory.

The provision that envisages the parallel performance of cabinet tasks and regular duties of civil servants who are part of the cabinets also raises dilemmas. Such a solution, according to CCM, is not realistically feasible in practice and seriously jeopardizes the efficiency of civil servants. At the same time, it is not clear to whom the civil servant will be accountable, whether to the head of the institution or to the immediate superior in the organizational unit/department where he/she is assigned. Also, external civil servants who will be temporarily taken over by the institution are not able to perform the work in the previous institution, which creates inequality in the workload, potentially receiving the same or even higher compensation from the internal ones.

Regarding the provision that prohibits a person who is engaged as an external cabinet servant and external advisor in the same institution from applying for a public vacancy in the institution – we positively assess such legal solution. The engagement of a person in the cabinet is exclusively for the needs of the cabinet and the official who heads the institution. In such a position, we believe that, in accordance with ethical principles, it would be inappropriate for any person engaged in the cabinet during their engagement to change their employment/contract status due to closeness to the institution's manager.

## **SELECTION AND RECRUITMENT OF ADMINISTRATIVE SERVANTS**

According to the new LAS, the selection procedure is carried out in 3 stages: administrative selection, written examination, practical examination and/or interview. Passing the administrative servants' examination, conducted by the AA, is a prerequisite for applying for the vacancy. The examination includes three components: knowledge of the political system and the organization of the work of the administration, a foreign language (one of the three most widely used in the EU: English, French, German for the job position related to international relation or EU affairs) and computer programs for office work.

The administrative selection phase is conducted exclusively by the AA, while phases 2 and 3: testing (written test of the necessary knowledge for the job) and interview (practical test of knowledge, skills and competencies) are conducted by a Recruitment Commission from the employing institution. Upon request, the testing phase can also be conducted by the AA. Although the Commission includes a representative of the AA, he/she has no decision-making

---

two in the cabinets of ministers who head ministries with less than 100 employees and one in the cabinets of ministers without a portfolio.

rights. Interviews are conducted with all candidates simultaneously, and the entire procedure is documented with detailed minutes.

**CCM has previously pointed out the disproportionality in the distribution of scoring points:** Formal education can bring up to 30 points, while competencies only 6, which leaves the possibility of a serious imbalance. Namely, the success achieved by the candidate during his/her studies was a decisive factor in which the candidate's ability to be employed in the administration depended. Also, the type of education as defined in the act on the systematization of job positions of the employing institution was an eliminatory factor in the procedure, so if the candidate does not possess the required type of education, he/she cannot continue in the next stages of the recruitment process and show/prove what competencies he/she possesses.

The formal education points of candidates for administrative servants were calculated as the sum of the products of the points for the candidate's average success and the points from the rank of the higher education institution of the corresponding cycle of studies, for all cycles of studies that the candidate has completed. This solution remains the same in the new LAS. However, given the fact that the minimum education required for categories B and C is higher education, very rarely, almost never, in the systematization acts of the institutions do there exist job positions that require a degree of education acquired from the second or third cycle of studies. Also, CCM has repeatedly indicated that what constitutes a problem in the procedure for selecting candidates is when the type of education from the second or third level is different from that from the first level of studies. In such a case, there is no possibility of cumulatively calculating the points from the formal education acquired in the first, second and third cycles of studies, i.e. only the minimum requirement for the type of education defined in the systematization act of the institution's, i.e. in the description of the specific job position, is taken into account. This approach does not consider interdisciplinarity in education as an advantage, but rather as a disadvantage in the procedure for hiring administrative servants.

CCM recommends considering the possibility, when preparing the by-law regulating recruitment and selection, of creating a non-unified approach to the evaluation of candidates depending on the level of the job position. This means that if it is a question of one of the lower-level job positions, the average of formal education may have a greater weighting factor, but if it is a question of a higher-level job position, the key criteria should be experience and specific job competencies.

Also, the distribution of points between the three stages of the procedure in the old law led to situations in which the interview could completely change the ranking of candidates, especially if there was no objective verification of specific competencies. In practice, the application so far has shown that the interviews were often non-transparent and no detailed minutes were kept of the questions asked, practical tasks, etc. to verify the candidate's competencies, nor were there details of the answers given by the candidates, which called into question the objectivity of the procedure.

**CCM proposes establishing a system of defined professional competencies per job positions, like that of the Core Competencies Framework.** CCM also recommends considering in the future the possibility of creating open systematizations (without a specific type of education) but supported by defined professional competencies for carrying out the goals and tasks defined in the job description. Such an approach will open the possibility for all educational profiles to have access to employment in the administration, but at the same time will contribute to a different, more comprehensive and qualitatively more sophisticated process of creating public policies, taking into account the diversity of human potential in public sector institutions. Eliminating the strict framework for defining the educational qualifications of candidates will allow for the development of interest in other professions but will also allow a wider range of different professions to have access to employment in the administration.

The interview and practical knowledge test should be a mandatory part of the third phase, and not a choice of the institution which of these two methods to apply. CCM welcomes the decision to conduct the interviews publicly and to keep detailed minutes. However, it expresses concern about whether the members of the committee possess adequate knowledge in preparing questions, assessing competencies and conducting structured interviews. CCM suggests that these gaps be overcome through continuous training at the Academy for Professional Development and Training, as well as the establishment of a professional, independent, expert selection committee with rotating external members.

Additionally, the CCM believes that **the provision by which the institution can stop the procedure no later than one day before the administrative selection is held leaves room for abuse.**

We believe that a more detailed regulation of the responsibilities of the AA and the employing institution in the procedure is necessary, because in the event of a labor dispute between the institution and the candidate, it is important to precisely regulate what the AA's responsibility would be in the administrative selection process; the institutions do not participate at all, nor can they have any influence.

## **PROMOTION OF ADMINISTRATIVE SERVANT**

**The new law** sets out the conditions for promotion but **does not provide clear criteria when a job position is opened for recruitment or promotion.** CCM believes that this is insufficient and calls for the establishment of a meritocracy system. Promotion must not be based solely on formal fulfillment of the conditions, but must be based on clearly defined, transparent and verifiable criteria that will enable an objective selection. Clearly defined criteria would prevent abuse of discretionary powers by managers who often determine “their” candidates in advance. CCM also believes that **it is necessary to enable inter-institutional competition**, which would allow civil servants to be promoted in other public sector

institutions. Such an approach would create a functional internal “labor market” and increase the motivation of civil servants to improve their performance.

## EVALUATION OF PERFORMANCE OF ADMINISTRATIVE SERVANTS

**The new LAW does not provide option for a self-assessment procedure by the administrative servant.** Self-assessment is an important element in performance management systems in many advanced public administrations. It fosters a sense of responsibility and self-awareness among administrative servants to reflect on their work and to identify successes and areas for improvement, and to take responsibility for their own professional development. In many European countries, this approach is used to ensure dialogue and build trust between supervisor and employee. In fact, it is a moment when different views on work can be compared and open a dialogue for improving performance and the possibility of further promotion.

The new law does not provide provision for self-evaluation. The servants receives an evaluation from his/hers immediate superior, but has the opportunity to submit a comment. The draft evaluation together with the comment is submitted in hierarchical order to the highest superior. In the case of evaluation of managerial administrative servants, the evaluation ends with the minister. In both the old and the new law, category A servants are not evaluated. Self-evaluation is again not part of the performance evaluation system.

CCM does not agree with this provision, as **it is necessary to have an evaluation system for category "A" servants as well.** The evaluation, according to CCM, should be based on a specific contribution to the implementation of the strategic goals of the institution, delivery of results in accordance with the mandate letters<sup>17</sup> and with clear qualitative and quantitative performance indicators. This includes specific examples of results and effects of the work of the servant, but also of the organization of the work of the service for which the secretary is responsible.

**The right to appeal is assessed as a particularly positive development** compared to the previous law, but CCM raises concerns about the possible risk to the Agency for Administration, which could face a large number of complaints that could block its work. CCM suggests that mechanisms for efficient processing of complaints be envisaged.

In the interest of transparency, it is requested that **the annual assessment report submitted by the Ministry to the Government be made publicly available**, in an open format,

---

<sup>17</sup>Rules of Procedure of the Government (Official Gazette of the Republic of North Macedonia, No. 276 of 31.12.2024), Article 16 paragraph 2 "The Prime Minister shall hand over to all members of the Government a mandate letter with a defined mission and tasks during their term of office. Each member of the Government shall submit a report once a year on the degree of realization of the expected results of the mandate letter, which shall be considered at a thematic session of the Government"

so that trends can be monitored and strategic policies in human resource management can be developed.

## PROFESSIONAL DEVELOPMENT AND TRAINING

A new Law on Professional Development and Training for Administrative Servants was adopted in July 2025<sup>18</sup>. This law provides for the establishment of an Academy for Professional Development and Training as a body within the Ministry of Public Administration. Since 2018, CCM has been pointing out the importance of professional development of administrative servants, as well as the fact that the current status of the Academy as an organizational unit within the ministry did not meet the needs at all, in terms of its competencies. The Academy is responsible for developing programs, organizing and implementing trainings, keeping records and selecting trainers. A 120-hour mandatory initial training has been introduced for all newly employed civil servants, which ends with an electronic test and solving a case study. 60-hour training on management competencies is provided for middle management servants. Training can also be conducted online through the Learning Management System (LMS).

CCM points out that **the appointment of the director of the Academy by the Government, upon the proposal of the minister, without a public announcement and without clear criteria, is contrary to the principles of the merit system and the professionalization of public administration.** It demands the establishment of a transparent procedure for the selection of the director, with clear criteria for expertise and relevance.

CCM also indicates that training programs should include topics such as the basics of the Law on General Administrative Procedure, discretionary powers, and employee responsibilities (material, disciplinary, criminal).

Training in management competencies should be a prerequisite for applying for a management position, not an obligation that follows recruitment. After acquiring the role of management civil servant, continuous training for the development of management competencies is welcome.

It is advisable to introduce other forms of learning and development, such as work-based learning, job shadowing, study visits, participation in projects, and online learning.

Regarding the entire concept for the establishment and functioning of the Academy for Training and Professional Development of Administrative Servants, CCM is of the opinion that, in order to optimize the training system in the public sector and make it function more comprehensively, **a specific period should be foreseen in the transitional and final provisions of the Law in which the activities of all bodies in public sector institutions that deliver training for administrative servants or centralized coordination of trainings will be integrated.**

---

<sup>18</sup>Law on Professional Development and Training, Official Gazette of the Republic of North Macedonia, No. 144/25.

## DISCIPLINARY AND MATERIAL RESPONSIBILITY

In terms of disciplinary and material liability, the new law provides that an initiative to initiate disciplinary proceedings can be submitted by any employee of the institution, which represents an expansion of the right to initiate liability, unlike the previous solution where only the immediate superior or the manager had that right. **The commission that conducts the procedure is regulated by a sub-legal act of the minister, but neither its number and composition, nor its working procedure, are specified, which leaves room for ambiguities and potential abuses.**

A new provision has been introduced regarding compensation for damages to the administrative servant at work or in connection with work, which is a positive step, but this issue also needs to be regulated in more detail. CCM expresses concern that the law does not provide for the preparation of a summary annual report on disciplinary and material liability by the MPA. The absence of such a report prevents the state from having effective supervision and analytical insight into the application of disciplinary measures and material liability, which in turn significantly complicates the creation of policies for improvement in this area.

CCM believes that the report should contain a minimum of data: number of procedures initiated, number of measures imposed, type of liability (disciplinary or material), basis for the violation, category and level of servants, as well as gender. In addition, it is recommended that the report be publicly and transparently published in an open format, in order to enable insight and analysis by the public and the civil sector. It is also recommended that institutions publish information on disciplinary measures imposed for unethical behavior, which would allow for greater public oversight.

## SALARIES, REMUNERATION AND ALLOWANCES

Without going into details about the regulation of salaries and allowances for administrative servants in the new law, CCM only refers to the part of the new law that provides for several types of cash allowances for administrative servants. Namely, a salary supplement of 10% to 30% of the basic gross salary is provided for the purpose of evaluating performance and retention, as well as a supplement of 15% to 30% for servants who work on harmonization with European Union law, participate in the accession negotiations process or manage the Instrument for Pre-Accession Assistance (IPA). A one-time cash payment of up to 25% of the average monthly net salary is also provided. The CCM believes that **a salary supplement should also be provided for servants who have completed master's or doctoral studies**, if the educational program is relevant to the job.

Also, regarding salary supplements for cabinet servants, we believe that the provision according to which the amount of the supplement ranges from 10% to 30% of the salary, leaves

room for discretionary decisions and unequal treatment of servants. This provision is different from the previous one according to which this salary supplement was fixed at 30% and there was no room for calculations.

## CODE OF ETHICS

The Code of Ethics for Administrative Servants, in accordance with the new law, is adopted by the Minister of Public Administration upon the proposal of the Director of the AA. CCM constantly points out that it is necessary to pay greater attention to ethical standards and establish a unified, mandatory code that will apply to all public sector institutions. Currently, there are different codes for different institutions, which creates inconsistency and legal uncertainty.

The proposed code should contain clear norms of conduct, rules and mechanisms for monitoring and assessing ethical behavior. **CCM advocates for the establishment of an independent body that will have a mandate to monitor, assess and sanction violations of ethical rules.** This body should regularly prepare reports and propose measures for improvement. In addition, CCM proposes **establishment of internal ethics committees in each institution and regular mandatory training for all administrative servants on Ethic Code provisions**, especially for newly hired employees and management structures. The topics of these training courses should include corruption prevention, ethical management, dealing with conflicts of interest, etc.



## RECOMMENDATION

---

### **Amendments to laws**

To enable consistent implementation and overcome structural obstacles, it will be necessary to adopt amendments to both the Law on Administrative Servants and the Law on Public Sector Employees, as well as related separate laws. Of particular importance are the clarifications regarding the status of institutions, selection and recruitment criteria, scoring and promotion.

### **Harmonization through by-laws**

Many of the proposed improvements, especially those related to standardization of procedures, training, scoring and assessment criteria, can and should be regulated through the adoption of quality by-laws. These acts will play a key role in overcoming the potential ambiguity of some of the legal provisions.

### **Institutional strengthening and coordination**

For the effective implementation of the reforms, coordinated intersectoral action between the Ministry of Administration and other institutions is needed. This requires clear mechanisms of coordination, data exchange and joint monitoring of implementation.

### **Need for impact analysis and implementation monitoring**

We propose that a mechanism is established for monitoring and evaluating the implementation of the law and by-laws, focused on how they influence the quality of administration, transparency and fairness in recruitment and promotion. This could be done through annual reports and performance indicators.

This analysis and the recommendations provided aim to contribute to the establishment of a more consistent, transparent and functional human resources management system in the public sector. With consistent application of the legal provisions, supplemented by appropriate by-laws and strategic institutional interventions, conditions will be created for the development of professional and efficient public administration, which will be focused on results and in the service of citizens. The recommendations of CCM are based on research, long-standing practice and adherence to the principles of good governance.



## Annex I - Comparative Analysis of the Law on Public Sector Employees

ANALYSIS OF THE LAW ON PUBLIC SECTOR EMPLOYEES		
Old LPSE	New LPSE	Comment/opinion of CCM
<b>Application of the law</b>		
<ul style="list-style-type: none"> <li>- The purpose of the law that was in effect was to set standards, and it applied to employees in the public sector.</li> <li>- For issues not regulated by LPSE, the General Labor Law applies.</li> <li>- In addition to LPSE, the provisions of special laws and collective agreements also apply.</li> <li>- The rights and obligations of the support and the technical personnel were regulated by the General Labor Law when they were not regulated by special laws.</li> </ul>	<ul style="list-style-type: none"> <li>- The new law is the same. LPSE applies to public sector employees.</li> <li>- For issues not regulated by LPSE, the General Labor Law and the provisions of special laws and collective agreements apply.</li> <li>- According to the law, with the special laws and collective agreements, only the provisions on the classification of jobs in the public sector and the records of employees in the public sector (Chapter V and Chapter VI) cannot be excluded from application.</li> <li>- The auxiliary and technical staff is again regulated by the General Labor Law, unless otherwise regulated by special laws.</li> </ul>	<ul style="list-style-type: none"> <li>- In both the previous and the new LPSE, insufficiently precise definitions for its application lead to an uneven application of the law.</li> <li>- The new law, just like the previous one, provides the opportunity for certain issues to be regulated by special laws. However, experience with the previous law has shown that many special laws were not harmonized with the Law on Public Sector Employees, which resulted in an uneven application of the law for public sector employees, i.e. institutions applied special laws that regulated issues that were already regulated by LPSE in different ways. It is expected that this non-compliance will continue in the future.</li> </ul>

ANALYSIS OF THE LAW ON PUBLIC SECTOR EMPLOYEES		
Old LPSE	New LPSE	Comment/opinion of CCM
		<ul style="list-style-type: none"> <li>- CCM proposed mandatory and uniform application of LPSE by all institutions in the public sector for all employees in these institutions.</li> </ul>
<b>Principles in LPSE</b>		
<ul style="list-style-type: none"> <li>- Principle of legality</li> <li>- Principle of equal conditions, equal access to recruitment, adequate and fair representation</li> <li>- Principle of expertise and competence</li> <li>- Principle of employee performance management</li> <li>- Service-oriented principle</li> <li>- Principle of professional ethics, impartiality and objectivity</li> <li>- Principle of transparency and confidentiality</li> <li>- Principle of responsibility</li> <li>- Principle of preventing conflict of interest</li> <li>- Principle of economical use of funds</li> </ul>	<ul style="list-style-type: none"> <li>- Principle of legality and principle of public interest</li> <li>- Principle of non-discrimination, equal conditions and equal access</li> <li>- Principle of expertise and competence and principles of appropriate and equitable representation, gender equality and inclusiveness</li> <li>- Principle of performance management and employee retention</li> <li>- Service-oriented principle</li> <li>- Principle of personal integrity, professional ethics, impartiality and objectivity</li> <li>- Principle of transparency and principle of confidentiality</li> <li>- Principle of responsibility</li> <li>- Principle of economical use of funds</li> </ul>	<ul style="list-style-type: none"> <li>- CCM emphasizes that the principles in the laws are the foundation of the legal order. They ensure the consistent, fair and effective application of the laws.</li> <li>- CCM constantly points out that principles are not declarative provisions, but fundamental values that should be applied in everyday work. They play an essential role in the interpretation, application and evaluation of laws.</li> <li>- Continuous education is necessary, especially for newly hired and managerial employees, for their application as a value compass for fair and effective management.</li> </ul>

Human resource management in public sector institutions		
<ul style="list-style-type: none"> <li>- In LAS and LPSE that were in force, the role and competencies of the organizational unit for human resources management (OUHRM) were subject to regulation by the Law on Administrative Servants (LAS), and not LPSE.</li> <li>- The rights and responsibilities of the OUHRM are related to participation in recruitment, promotion, mobility, professional development, and performance management.</li> <li>- Existence of a human resources management information system (HRMIS), a software system for personnel records of procedures established by law</li> <li>- The old law envisaged the establishment of a human resources management network within the framework of LAS.</li> </ul>	<ul style="list-style-type: none"> <li>- In the new law, the obligation to establish an organizational unit for human resources management (OUHRM) has been transferred to the Law on Public Sector Employees, but it is certainly an already existing responsibility.</li> <li>- Established rights and responsibilities of the OUHRM in planning procedures, participation in recruitment or filling of jobs, professional development, performance monitoring, disciplinary procedures and records.</li> <li>- The current law also lists more precisely and broadly activities for collecting data for strategic planning, disciplinary and material responsibility, personnel records, and updating the HRMIS.</li> <li>- The Human Resources Management Network, is composed of the organizational units for human resources management in the institutions, coordinated by the Ministry of Public Administration.</li> </ul>	<ul style="list-style-type: none"> <li>- CCM constantly points out that these departments are active drivers of change, organization, and reorganization of institutions.</li> <li>- HRMIS can be a useful tool for planning, analyzing and predicting the need for personnel with certain competencies and skills.</li> <li>- Although human resource management units (HRMUs) in the public sector may have a significant role, they still largely perform an administrative-operational function, and not a strategic or substantive one.</li> <li>- In many institutions, these individuals have neither education, nor training, nor experience in good human resource management practices. Their role is limited and seen as a technical service by top management, rather than a strategic partner.</li> <li>- The Human Resources Management Network is largely dysfunctional, although it was conceived as a platform for exchanging good practices and creating common standards in the public sector.</li> <li>- Although the HRMIS has potential, it is used mainly for administrative purposes, and rarely for analytical and strategic decisions and longer-term reforms in public administration.</li> <li>- The new law do not redefine the role of the HRMUs from an administrative to a strategic and advisory function.</li> </ul>
Classification of jobs in the public sector, Jobs Catalogue and Acts on internal organization and systematization of job positions		

<ul style="list-style-type: none"> <li>- The classification of jobs is done into job groups and subgroups. 4 groups of jobs: administrative servants, officials with special authorizations, public service providers, auxiliary and technical personnel</li> <li>- Subgroups of jobs <ul style="list-style-type: none"> <li>o Group I (administrative servants)</li> <li>o Group II (officials with special authorizations)</li> <li>o Group III (public services/activities divided by sector – health, education, culture, social affairs, child protection etc.;</li> <li>o Group IV (technical support) with 5 subgroups</li> </ul> </li> <li>- Maintaining a Job Catalogue is a novelty introduced in 2015.</li> <li>- The acts for internal organization and systematization are adopted after a functional analysis has been conducted.</li> <li>- The act on systematization of jobs may systematize a maximum of 10% vacant job positions than the positions for which financial resources for salaries and allowances have been provided in the institution's budget, except for institutions with fewer than 30 employees, in which up to 50 vacant job positions may be systematized.</li> <li>- Focus on group alignment and commitment to functional analysis</li> </ul>	<ul style="list-style-type: none"> <li>- The same 4 groups, but with new terminology: administrative servants, officials with special authorizations, <b>business operators</b>, auxiliary-technical personnel</li> <li>- Subgroups of job positions <ul style="list-style-type: none"> <li>o Group I (administrative servants who are divided into civil servants in state government bodies, local self-government units, funds, agencies and other state bodies established in accordance with the Constitution and public servants - in public institutions and public enterprises established by the RNM or local self-government units)</li> <li>o Group II (officials with special authorizations) expanded from 11 subgroups to 13 subgroups (OTA, protection and rescue units, fire protection...)</li> <li>o Group III (services, e.g. health, education, culture etc. expanded to new areas)</li> <li>o Group IV (technical support) with 6 subgroups. New subgroup network and information support</li> </ul> </li> </ul> <p>The catalog is linked to the HRMIS for better records and is kept digitally.</p> <ul style="list-style-type: none"> <li>- Same. Acts on internal organization and systematization are adopted after a functional analysis has been conducted.</li> <li>- They must be submitted to the MPA for approval.</li> </ul>	<ul style="list-style-type: none"> <li>- CCM points out that the central Catalogue containing job classifications is the basis for human resources management. It defines jobs, criteria, responsibilities and competencies.</li> <li>- The reforms began with the Law on Public Sector Employees in 2015, but to this day have not been fully implemented.</li> <li>- The catalog is not electronically available or functional nor publicly published.</li> <li>- Not used for staff planning or analysis because the data is incomplete</li> <li>- Not connected to the payroll system</li> <li>- The obligation to submit the acts of opinion or consent to the line ministry/founder is not explicitly established by the LPSE, i.e. the institutions have an obligation to submit the acts to the line ministry, if this is prescribed by law. This provision can potentially lead to the line ministries not having insight into the systematization of the job positions of the <b>business operators</b>, i.e. their number not corresponding to the real needs of human resources. This is also because the MPA has the authority to grant consent only in relation to administrative servants, but not <b>for business operators</b>.</li> </ul>
---	--	---

	<ul style="list-style-type: none"> <li>- They are also submitted to the competent ministry or other body issuing an opinion or consent when this is prescribed by law.</li> <li>- At most 50% more vacant positions can be systemized than the number of employees in the institution</li> <li>- The Ministry of Public Administration only gives consent to administrative servants, others are monitored only for records.</li> </ul>	
<b>Public Sector Employee Records / Public Sector Employee Register</b>		
<ul style="list-style-type: none"> <li>- The register is maintained by the Ministry of Public Administration.</li> <li>- The statistical data that should be contained in the report are prescribed.</li> <li>- The detailed form and content shall be prescribed by the Minister.</li> <li>- The report is published on the website of the Ministry of Public Administration no later than the end of the first quarter of the current year, for the previous calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>- The register is maintained by the Ministry of Public Administration.</li> <li>- The statistical data that should be contained in the report are prescribed.</li> <li>- The detailed form and content shall be prescribed by the Minister.</li> <li>- The report is submitted to the Government of the Republic of North Macedonia for information no later than March 31 of the current year for the previous year, after which it is published on the website of the Ministry.</li> </ul>	<ul style="list-style-type: none"> <li>- CCM assesses the registry as a key instrument for a modern and accountable administration, not only as a database but as a tool for substantive reforms in public administration.</li> <li>- However, the HRMIS-related Registry does not yet have the necessary functionalities to be an analytical and strategic instrument.</li> <li>- We constantly point out the need for integration with the payroll system, salaries and professional training of administrative officials. These reforms have not yet been fully achieved.</li> </ul>
<b>Public sector employment, employee performance monitoring and termination of employment</b>		
<ul style="list-style-type: none"> <li>- LPSE provided general rules for employment, but left significant room for exceptions through special laws and bylaws.</li> <li>- It did not fully standardize the advertising, selection, and interviewing procedures.</li> </ul>	<ul style="list-style-type: none"> <li>- There is a strong tendency towards harmonization and standardization of employment procedures.</li> <li>- It introduces a clear and detailed recruitment procedure.</li> </ul>	<ul style="list-style-type: none"> <li>- CCM expresses concern regarding the implementation of the law, especially with regard to employment.</li> <li>- The Law prescribes a time frame for the harmonization of the special laws, without</li> </ul>

<ul style="list-style-type: none"> <li>- Public announcement was mandatory, but institutions could publish on their own websites or bulletin, which significantly affected transparency.</li> <li>- There are limits on the number of advisors and their employment.</li> <li>- The Selection Commission was settled in the Agency for Administration. The Agency for Administration was accountable to the Parliament.</li> <li>- For issues not regulated by LPSE, the legislator has provided that the provisions of the General Labor Law and special laws apply.</li> </ul>	<ul style="list-style-type: none"> <li>- Advertising through the central portal of the Agency for Administration (between 10 to 20 days)</li> <li>- Three-stage recruitment procedure <ul style="list-style-type: none"> <li>o administrative selection (verification of the application for recruitment in the public sector and the fulfillment of the basic requirements)</li> <li>o verification of the necessary knowledge, skills and competencies for the job (through testing, case studies, essay writing, audition, etc., depending on the activity performed by the institution and the job position)</li> <li>o interview.</li> </ul> </li> <li>- The Recruitment Committee is in the public sector institution itself with a member from the Agency of Administration present.</li> <li>- A ranking list is being prepared.</li> <li>- The secretary or manager is obliged to make a decision to select the best ranked candidate.</li> <li>- As an exception, it may decide to select another candidate ranked in the top three candidates on the ranking list, with an explanation.</li> <li>- There are no restrictions on the number of external advisors and their recruitment.</li> <li>- For issues not regulated by the LAS, the legislator has provided that the provisions of the General Labor Law and special laws apply.</li> </ul>	<p>prescribing a mechanism in case the special laws are not harmonized. The previous LPSE also had the same provisions regarding the harmonization of the special laws, but the experiences are negative, i.e. the special laws were not harmonized, which led to non-uniformity in the recruitment procedures in the public sector. For these reasons, there is a high risk that the same thing will happen again, with the Law for the first time stipulating that failure to publish a public announcement constitutes a misdemeanor for which an appropriate fine is imposed, but this does not apply to failure to conduct a complete recruitment procedure (three phases).</p> <ul style="list-style-type: none"> <li>- This would mean that if a separate law regulates the recruitment procedure, the provisions of the separate law will apply in relation to the LPSE.</li> <li>- The majority of complaints submitted to the State Commission for the Prevention of Corruption (SCPC), the Ombudsman and the Constitutional Court relate to the area of labor relations, with particular emphasis on recruitment procedures in the public sector.</li> <li>- In practice, it is particularly problematic that the existing regulation referring to broader public sector institutions allows discretion to the manager (the director or secretary of the institution) when selecting a candidate, which results in situations in which, despite an administrative selection and interview procedure, a candidate ranked seventh or eighth is hired.</li> </ul>
--	---	---



		<ul style="list-style-type: none"> <li>- Although this is legally permissible (especially when the criteria are not precisely defined), it undermines trust in the system and opens up space for subjectivity, favoritism, and potential abuse of official position.</li> </ul>
<b>Temporary and fixed-term employment</b>		
<ul style="list-style-type: none"> <li>- Fixed-term employment is permitted only for objective and pre-determined reasons (e.g. replacement, projects, temporary workload, urgent need, increased workload)</li> <li>- There is no detailed regulation for engagements through temporary employment agencies.</li> <li>- There is no explicit obligation to publicly advertise agency engagements.</li> <li>- Records of persons hired through agencies are not included in HRMIS.</li> <li>- Control and transparency are limited – no mechanisms for verification or oversight are foreseen</li> </ul>	<ul style="list-style-type: none"> <li>- Fixed-term employment permitted only for objective and pre-determined reasons (e.g. replacement, projects, temporary workload, urgent need, increased workload)</li> <li>- The procedure for hiring for a fixed term through a Temporary Employment Agency is precisely regulated. The procedure is the same as for regular employment.</li> <li>- LPSE also obliges Temporary Employment Agencies to publish a public announcement and conduct a selection procedure with at least two phases (out of the three administrative selection, testing and interview).</li> <li>- Obligation to record these persons in the HRMIS, as well as to submit complete documentation by the agencies to the institution</li> <li>- The application deadline is no shorter than 3 days.</li> <li>- Limitation on fixed-term employment to twice a year and up to 5% of the total number of employees in the institution</li> <li>- Increased control through the involvement of the institution, HRMIS and the obligation for a transparent procedure</li> </ul>	<ul style="list-style-type: none"> <li>- CCM has already stated the position that fixed-term employment and the hiring of people through temporary employment agencies are insufficiently specified in the old legal solutions, the conditions for the engagement of these people are not defined, nor are their work tasks, duties, or responsibilities defined.</li> <li>- CCM proposed and welcomed the concept of fixed-term employment in public sector institutions with a procedure identical to the procedure for permanent employment, believing that it represents an improved solution and will contribute to preventing abuses and hiring of persons without procedure and criteria.</li> <li>- CCM expresses concern about the application of LPSE. If the special laws prescribe the procedure for hiring for a fixed term and/or through a Temporary Employment Agency differently from LPSE, the special laws may derogate from LEPS and hire directly without an advertisement and without approval from the MPA.</li> </ul>

<b>Promotion in the public sector</b>		
<ul style="list-style-type: none"> <li>- Promotion represents a move to a higher-level job within the same group, if the employee meets the requirements and has a positive evaluation.</li> <li>- Through an internal announcement (among the employees of the institution) or through a public announcement if no candidate is selected from the internal announcement</li> <li>- The procedure is defined - publication of an internal announcement , application, selection, choice If there is no suitable candidate, the process will proceed to a public announcement. The selection phases have not been regulated.</li> <li>- There are no special prohibitions other than the need for conditions and assessment.</li> </ul>	<ul style="list-style-type: none"> <li>- The promotion of employees in the public sector is carried out based on performance and competencies, in a transparent and fair procedure with clear criteria.</li> <li>- The promotion procedure also takes into account the appropriate and fair representation of communities, gender equality and inclusiveness, in accordance with the principle of expertise and competence.</li> <li>- The criteria for promotion are implemented based on transparent criteria prescribed by special laws.</li> <li>- Envisaged selection through at least two phases (administrative selection, testing, interview)</li> <li>- Promotions are recorded in the HRMIS and are part of the registry's reporting.</li> <li>- Added restriction: no promotion in the first two years after employment or prior promotion</li> </ul>	<ul style="list-style-type: none"> <li>- The new law introduces higher standards of transparency, an obligation for a public announcement if the internal procedure fails, and standardized selection stages for promotion.</li> <li>- However, these provisions of the laws may be derogated from, if legal harmonization with the special laws and LPSE is not made.</li> <li>- CCM points out that promotion procedures are just as important as recruitment procedures.</li> <li>- We point out that the promotion system, in addition to the job position, should be linked to the salary system. This means that promotion can mean a move to a higher salary even if the job position remains the same. Such systems are often linked to the complexity of the job, the level of responsibility and the assessment of performance.</li> </ul>
<b>Mobility in the public sector</b>		
<ul style="list-style-type: none"> <li>- Mobility is defined as horizontal movement within the same job group.</li> <li>- It is carried out through deployment or taking over at the same level, by fulfilling the requirements of the systematization.</li> <li>- For takeover or temporary assignment, written consent from both institutions and the employee is required.</li> </ul>	<ul style="list-style-type: none"> <li>- Mobility is defined more broadly, including placement within the same institution, as well as temporary or permanent transfer to another institution, with a transfer to a lower level also permitted under certain conditions (for example, health reasons).</li> </ul>	<ul style="list-style-type: none"> <li>- The new law is more flexible and clearer in defining types of mobility, but also sets stricter conditions for mobility in the first two years of employment or promotion.</li> <li>- This allows for greater flexibility in human resource management, but can potentially cause employee dissatisfaction when reassignments are made without their consent.</li> </ul>

<ul style="list-style-type: none"> <li>- The workplace must not be more than 50 km away, except at the employee's request.</li> </ul>	<ul style="list-style-type: none"> <li>- A rule has been introduced that a person cannot be taken over within 2 years of employment or promotion, which did not exist in the old law.</li> <li>- When reassigning to the same institution, the employee's consent is not required, if the legal requirements are met.</li> <li>- LPSE has the same limitation, but provides the possibility of assignment to a more distant location if travel expenses are reimbursed or the employee requests it.</li> <li>- An employee with the status of a public servant cannot acquire the status of a civil servant through mobility.</li> <li>- Mobility cannot be applied during the first two years of his employment.</li> </ul>	
<b>Transfer list</b>		
<ul style="list-style-type: none"> <li>- The Ministry of Public Administration maintains transfer list of employees whose jobs have been redundant or who are seeking mobility.</li> </ul>	<ul style="list-style-type: none"> <li>- It does not formally mention transfer list, but includes the Ministry's responsibility to approve or decide takeovers by requests within 20 days.</li> <li>- In the event of status changes, i.e. abolition, transformation or reduction of the competence of an institution, the takeover of public sector employees will be regulated by the law that carries out the abolition, transformation or reduction of the competence of the institution. When the job position of an employee in the institution is abolished, the secretary or the head of the institution is obliged to offer the public sector employee to be assigned to a job position at the same level, and if he does not accept within</li> </ul>	<ul style="list-style-type: none"> <li>- New cases of redundancy or abolition of institutions are not covered by the new regulation.</li> <li>- Instead of a transfer list maintained by the Ministry of Public Administration, the Law stipulates that these status issues will be regulated by law. This can be interpreted as meaning that the concept of transfer lists has been abolished, and transfers due to organizational and structural changes can only occur by force of law.</li> </ul>

	<p>five days of receiving a written offer, his employment relationship shall be terminated.</p> <ul style="list-style-type: none"> <li>- The law does envisage existence of transfer list, but with the transitional provision of Article 59 of the new law, employees who are on the transfer list on the day the new law begins to apply continue to work, at least at the same level, in the institution in which they were employed before being placed on the transfer list, and if it is an institution that no longer exists, then in the institution that is its legal successor.</li> </ul>	
--	--	--

## Annex II - Comparative Analysis of the Law on Administrative Servants

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
<b>Professional Work Experience</b>		
<ul style="list-style-type: none"> <li>- Work experience in the profession is defined as a period recorded in the Employment Service Agency of the Republic of North Macedonia (AVRSM) as work experience, which the employee spent in employment after acquiring a certain level and type of education and during which he/she performed work and work tasks that require such level and type of education.</li> </ul>	<ul style="list-style-type: none"> <li>- Work experience is defined in the same way as in the old LAS.</li> </ul>	<ul style="list-style-type: none"> <li>- This solution is restrictive because the candidate can acquire work competencies and appropriate skills through work abroad or work in international organizations in the country, and which experience is not formally recorded in the AVRSM. This solution puts at a disadvantage all candidates who possess the required general and specific competencies, but do not have formally registered experience in the AVRSM.</li> </ul>
<b>Status and Competences of the Agency for Administration</b>		
<ul style="list-style-type: none"> <li>- The Agency for Administration (AA) is an independent state body, with the status of a legal entity.</li> <li>- The Director is appointed by the Assembly, with a mandate of 6 years. The Director is accountable to the Assembly for his/her work.</li> </ul>	<ul style="list-style-type: none"> <li>- The Agency is a body within the Ministry of Public Administration (MPA) without the status of a legal entity.</li> <li>- The Director is appointed by the Government upon the proposal of the Minister, with a mandate of 4 years. The Director of the Agency is accountable to the Government and the Minister of Public Administration.</li> </ul>	<ul style="list-style-type: none"> <li>- The AA loses its independence in conducting recruitment procedures.</li> <li>- The Director, instead of being selected through a public announcement in a transparent manner and with clear criteria, will be appointed by the Government upon the proposal of the Minister, which increases the risk of political influence. CCM insists on establishing a clear and transparent procedure for selecting the Director and strengthening the institutional autonomy of the Agency.</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
		<ul style="list-style-type: none"> <li>Additionally, the new law limits the role of the AA only to the administrative selection (phase 1), without active participation in the tests and interviews. Given that these phases are crucial for the assessment of competencies, such a provision increases the risk of subjectivity. CCM believes that the AA should have a full role in all phases of the selection and the right to decide.</li> </ul>
<b>Systematization of job positions</b>		
<ul style="list-style-type: none"> <li>There are no restrictions on systematizing multiple executives at B3 level – assistant head of department.</li> </ul>	<ul style="list-style-type: none"> <li>The act on systematization of job positions of an institution cannot systematize more than two executives in the position of assistant head of department within one department.</li> <li>Any vacant position with the title of assistant head of department that has more than two executives shall be abolished.</li> </ul>	<ul style="list-style-type: none"> <li>Although the new law limits the number of executives per B3-level position, there is no limit to systematizing multiple B3-level positions in one sector with different titles and responsibilities. This legal gap leaves room for abuses and the creation of artificial positions for privileged candidates. CCM points out that further regulation is needed to prevent such practices and guarantee the rationalization of public administration.</li> </ul>
<b>Category A – Secretaries</b>		
<ul style="list-style-type: none"> <li>The State Secretary, the Secretary General and the Secretary of a Municipality are appointed by the Minister, i.e. the head of the institution from</li> </ul>	<ul style="list-style-type: none"> <li>The State Secretary, the Secretary General, or the Secretary of a municipality shall appoint the person who manages the institution from among the administrative servants of</li> </ul>	<ul style="list-style-type: none"> <li>The requirement of at least two years of work experience within the institution is insufficient to ensure the selection of competent top managers. CCM recommends introducing additional criteria based on</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
among the administrative servants of category B who are employed in the institution.	category B who have been employed in the institution for at least two years by the date of appointment.	merit and competences in order to ensure depoliticization and selection of the best candidates. Appointment in this manner does not guarantee the application of the merit principle in the appointment of state and general secretaries and we believe that this can only be overcome by adopting the Law on Top Management. The law will guarantee the selection of the highest management positions (including secretaries) through a merit system and for the defined positions in the public sector, realistic selection and appointment criteria, based on experience and knowledge of the field and work, will have to be prescribed. Depoliticization and professionalization of the position of state/general secretary is necessary.
<b>Job levels</b>		
<p>There are 4 levels in category C:</p> <ul style="list-style-type: none"> <li>- C1 - advisor</li> <li>- C2 - Senior Associate</li> <li>- C3 – associate</li> <li>- C4 – junior associate</li> </ul> <p>There are 4 levels in category D:</p> <ul style="list-style-type: none"> <li>- D1 – independent clerk</li> <li>- D2 – senior clerk</li> </ul>	<p>In category C, 3 levels are determined:</p> <ul style="list-style-type: none"> <li>- C1 - advisor</li> <li>- C2 – professional associate</li> <li>- C3 – associate</li> </ul> <p>In category D, 2 levels are determined:</p> <ul style="list-style-type: none"> <li>- D1 – independent clerk</li> <li>- D2 – clerk</li> </ul>	<ul style="list-style-type: none"> <li>- Reducing the number of levels is a positive step towards simplifying the system, but CCM considers that it is necessary to create more sub-levels for each level in categories C and D. This would allow civil servants to progress within the professional level without being forced to seek a management position to increase their salary and status. Such a solution would motivate the administration to develop expert capacities instead of a vertical hierarchy. Through such a solution, a large part of professional level administrative servants (who may not</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
<ul style="list-style-type: none"> <li>- D3 – clerk</li> <li>- D4 – junior clerk</li> </ul>		<p>have management competencies or do not want to have a management task) would have the opportunity to advance in their careers and receive financial compensation for their work, expertise and competencies without having a management role in the institution.</p>
<b>Cabinets</b>		
<ul style="list-style-type: none"> <li>- LPSE prescribes special jobs in the offices of some elected and appointed officials in public sector institutions, namely: cabinet servants and special advisors.</li> </ul>	<ul style="list-style-type: none"> <li>- The new law regulates the positions of cabinet servants (in limited numbers) and external advisors.             <ul style="list-style-type: none"> <li>o Cabinet servants can be internal or external. Internal servants must have been employed by the institution for at least 1 year prior to their appointment and, despite their duties in the cabinet, continue to carry out the work objectives and tasks of the position to which they are assigned. External cabinet servants can be employed for a fixed term or be temporarily taken over by the cabinet from another institution.</li> <li>o External advisors do not establish an employment relationship with the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- We believe that the proposed number of cabinet servants in all categories of institutions is too large and should be reduced to only the staff most necessary for the head of the institution.</li> <li>- The provision for the parallel performance of cabinet work and work from the workplace to which the administrative servant is assigned by internal cabinet servants is controversial.</li> <li>- The lack of a limit on the number of external advisors, which may pose a risk of inefficient spending of budget funds</li> </ul>



ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
	<p>institution, but the mutual rights and obligations of the external advisors and the institution are regulated by agreement and for the duration of their engagement in the institution, they cannot apply for a public job advertisement in the same institution.</p> <ul style="list-style-type: none"> <li>- Cabinet servants and external advisors may not issue orders, directions, or in any way influence the work of employees of the institution.</li> </ul>	
<b>Selection and recruitment of administrative servants</b>		
<ul style="list-style-type: none"> <li>- The selection of candidates for employment consists of 3 phases: <ul style="list-style-type: none"> <li>o Administrative selection</li> <li>o Administrative Servant Exam</li> <li>o Verification of the reliability of evidence and interview</li> </ul> </li> <li>- The administrative servant exam is part of the second phase of the selection and recruitment procedure and is taken after candidates apply for a specific vacancy.</li> </ul>	<ul style="list-style-type: none"> <li>- Passing the administrative servant exam conducted by the AA is one of the special requirements that a candidate must meet in order to apply for a job vacancy. The administrative servant exam consists of three parts: 1. Knowledge of the political system in the NMK. 2. Foreign language for the job positions related to international cooperation, international relations and European</li> </ul>	<ul style="list-style-type: none"> <li>- Enhanced IT security procedures are needed within the AA to prevent the possibility of misuse of the computer system when taking the administrative servant exam.</li> <li>- From the provisions proposed in the new LAS, it is not clear how all elements will be evaluated in the phases of the recruitment procedure for jobs related to international cooperation, international relations and European integration processes</li> <li>- CCM points out that the scoring system creates an imbalance – academic success and type of education are</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
<ul style="list-style-type: none"> <li>- The selection procedure is conducted by an Recruitment Selection Commission formed by the Director of the AA, chaired by a member of the AA, and also including representatives from the employing institution, and when the procedure is conducted for state administration bodies, a representative from the Ministry of Political System and Inter-Community Relations is also a member.</li> <li>- There is no option not to select a candidate for employment.</li> <li>- The provisions do not provide for the possibility of stopping the recruitment procedure.</li> </ul>	<p>integration 3. Computer programs for office work.</p> <ul style="list-style-type: none"> <li>- Phase 1 is conducted by AA without the presence of representatives from the institution.</li> <li>- Phases 2 and 3: testing (written test of the necessary knowledge for the job) and interview (practical test of knowledge, skills and competencies) are conducted by a Commission from the employing institution, and at the request of the institution, phase 2 can be conducted by the AA.</li> <li>- The committee includes a representative from AA without decision-making rights.</li> <li>- In phase 3, the opportunity is given to choose between an interview and/or a practical test of the required knowledge and competencies.</li> <li>- The interview is conducted at a common time when all candidates who have passed the test are invited to attend. For phases 2 and 3, detailed minutes are kept of the questions asked and the answers given, the solutions to the tasks and case studies, and the points earned by the candidates.</li> </ul>	<p>the main factors, while competencies carry a small number of points. A new assessment based on a balance between education, experience and verifiable work competencies is recommended, with greater weight given to competencies in higher positions.</p> <ul style="list-style-type: none"> <li>- CCM recommends equalizing the value of professional qualifications acquired in the process of formal and non-formal education and the possession of appropriate work competencies (general and specific) for performing work and work tasks.</li> <li>- CCM constantly points to the need to develop a precise system for defining specific (professional) competencies, modeled on the of General Work Competencies Framework.</li> <li>- In the future, it is recommended to create open systematizations (without a specific type of education), but supported by defined professional competencies for carrying out the goals and tasks defined in the job description.</li> <li>- Article 33, paragraph 10 establishes that the scoring of candidates for civil servants will be regulated by a Decree issued by the Government of the Republic of North Macedonia, while Article 37 regulates the adoption of a rulebook that will also regulate the scoring of candidates for administrative servants. It is unclear to which</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
	<ul style="list-style-type: none"> <li>- If no candidate on the final ranking list has achieved at least 2/3 of the total number of points in phases 2 and 3, a decision is made not to select a candidate, and the procedure can be repeated within 3 months.</li> <li>- If a candidate is ranked first in more than one job position, he/she is obliged to declare which job position he/she is resigning from, and the second-ranked candidate is selected.</li> <li>- The dissatisfied candidate has the right to file an appeal against the decision for selection for recruitment, or the decision for failure to conduct a selection for employment, to a second-instance authority within eight days from the day the decision is published on the websites of the institution and the AA.</li> <li>- The institution may suspend the procedure no later than 1 day before the administrative selection is held and the announcement may not be continued before the expiration of 6 months.</li> </ul>	<p>subgroups of administrative servants this article refers, considering that the scoring of civil servants is regulated in Article 33.</p> <ul style="list-style-type: none"> <li>- CCM proposes that the interview and practical testing of candidates' competencies be mandatory elements of the procedure in step 3 of the employment selection procedure. We welcome the decision to conduct the interview publicly, with the presence of all candidates, which will contribute to greater transparency of the procedure, insight into the expertise of the candidates and reducing the possibility of calculating points and rankings.</li> <li>- CCM expresses concern about the readiness of the members of the Selection Committees to prepare questions, assess competencies and conduct a structured interview. This gap can be overcome with continuous training at the Academy for professional development and training.</li> <li>- The formation of internal committees in institutions for each announcement leaves room for influence and pressure on the members of the Committee by the top management that appoints them, to favor a certain candidate. CCM has indicated the need to form an expert independent professional selection and recruitment</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
		<p>committee at the central level with external members who would rotate every six months.</p> <ul style="list-style-type: none"> <li>- The possibility of stopping the recruitment procedure leaves room for abuse.</li> </ul>
<b>Promotion of administrative servants</b>		
<ul style="list-style-type: none"> <li>- Promotion procedure without clear criteria and without emphasis on specific competencies</li> <li>- Servant may be promoted immediately after taking over from another institution.</li> </ul>	<ul style="list-style-type: none"> <li>- There are additional conditions on the basis of which the candidate's success will be evaluated: conducted trainings as a trainer, preparation of training programs, participation in domestic or international projects or participation in domestic and international conferences, seminars, public debates, etc.</li> <li>- The condition is that the candidate has spent at least two years at the same level, of which at least one year is in the institution in which the internal advertisement is published,</li> <li>- LAO\S provides for an interview and/or a practical test of the required knowledge and competencies. The interview and/or the practical test of the required knowledge is conducted at a common time when all candidates from the previous phase are invited to attend.</li> </ul>	<ul style="list-style-type: none"> <li>- The law prescribes the conditions (general and specific) for filling a job position through a promotion procedure. We believe that such a solution is incomplete, because for the promotion of an official it is not enough to simply fulfill the general and specific conditions, but it is also very important to prescribe appropriate criteria for promotion. In this way, the elimination of the discretionary powers of the head of the institution to choose in advance which servants will be promoted, and thus cause discrimination against those who will not get the same chance for promotion, will be ensured.</li> <li>- We also believe that the possibility of an open system of competition between employees in the administration should be considered, i.e. the possibility of candidates for promotion from other institutions within the system, which would open an internal "labor market" where obtaining a higher position in another institution could be</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
	<ul style="list-style-type: none"> <li>- If no candidate has achieved at least 2/3 of the total number of points in both phases of the promotion procedure, a decision is made not to make a selection for promotion.</li> </ul>	an additional incentive and motivation for servants to achieve better performance.
<b>Evaluation (performance management)</b>		
<ul style="list-style-type: none"> <li>- The appraisal system is complex and irrational in terms of time and commitment of the appraisers and the HRM units. The procedure involves participation of internal and external appraisers, in addition to the appraisal by the superior.</li> <li>- There is no assessment solution and no right of appeal regarding the assessment by the employee, but only the possibility of filing an objection to the assessment procedure.</li> <li>- The Ministry submits a summary annual assessment report to the Government.</li> </ul>	<ul style="list-style-type: none"> <li>- The system is simplified and provides for an assessment by the superior, but a control mechanism has been introduced through the possibility of commenting on the draft assessment by the appraiser, who, together with the proposal, submits it for opinion in hierarchical order to all superiors, including the highest-ranking manager in the organizational unit in which the appraiser works.</li> <li>- For the evaluation of the managerial administrative servants who are directly subordinate to the State Secretary, the evaluation proposal, together with the opinion of the State Secretary, shall be submitted to the minister, i.e. the managing person of the institution.</li> </ul>	<ul style="list-style-type: none"> <li>- CCM advocates for the introduction of an assessment system for all categories, including category A. It proposes that the assessment be based on achieved results according to the mandate letters, with clear indicators.</li> <li>- CCM welcomes the simplification of the evaluation procedure, but considers it crucial to clearly and precisely define the results that the administrative servant is expected to achieve.</li> <li>- We believe that the assessment should be influenced by the servant's contribution to the realization of the strategic goals of the institution and organizational unit, and with qualitative and quantitative arguments/reasoning, specific processes and activities for which the assessment is given should be indicated.</li> <li>- CCM believes that the provision in which the minister, or the head of an institution, is involved in the evaluation procedure is inappropriate. Namely, the State Secretary</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
	<ul style="list-style-type: none"> <li>- The Ministry submits a summary annual assessment report to the Government.</li> </ul>	<p>manages the service, so the minister, as a politically appointed person, should not have a role in managing the service.</p> <ul style="list-style-type: none"> <li>- CCM believes that the decision to provide for the right to appeal against the assessment decision is correct, but that there is a risk in submitting a large number of appeals to the AA, i.e. the second instance may block their work.</li> <li>- We believe that the summary annual evaluation report should be published publicly, in an open format, for the purpose of analyzing and monitoring trends, i.e. enabling a strategic approach to human resources management.</li> </ul>
<b>Professional development and training</b>		
<ul style="list-style-type: none"> <li>- The Academy for Professional Development and Administrative Servants is an organizational unit within the Ministry.</li> <li>- The Academy prepares the annual program and organizes trainings for the development of general competencies and training for administrative management.</li> <li>- Each institution prepares an annual training plan based on the individual development plans of the officials that are part of the evaluation form and submits it to the ministry for opinion.</li> </ul>	<ul style="list-style-type: none"> <li>- New law on professional development and training of administrative servants</li> <li>- Establishment of an Academy for Professional Development and Training as a body within the Ministry of Public Administration</li> <li>- The Academy has the Program Council as an advisory body to the Academy's director, consisting of three members, who are elected and dismissed by the director for a period of 4 years, with the right to one more election.</li> </ul>	<ul style="list-style-type: none"> <li>- The Director of the Academy is appointed and dismissed by the Government, which is completely based on discretionary right, that is, no procedure is foreseen, nor is there a public announcement, i.e. it is not clear how the fulfillment of the criteria for appointment will be assessed. This solution is contrary to the merit system, depoliticization and professionalization of the administration and the concept of good governance. For these reasons, it is necessary to prescribe a procedure and criteria for selection.</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
<ul style="list-style-type: none"> <li>- Trainings are organized in a classroom or through the electronic learning management system LMS.</li> </ul>	<ul style="list-style-type: none"> <li>- The Academy forms examination committees to conduct an examination for persons who have established an employment relationship as civil servants for the first time, after completing the mandatory training.</li> <li>- The Academy is responsible for coordinating all training (generic, specialized, mandatory), developing programs and keeping records of completed training and trainers.</li> <li>- A mandatory 120-hour training course is being introduced for every newly hired civil servant, which ends with an electronic test and a case study. Only by passing the exam will they receive a certificate and the right to continue in the service.</li> <li>- An obligation has been introduced for all those who acquire the status of a managerial administrative servant role to attend 60 hours of training in management competencies, including time management, teams, resistance, performance, finances, and strategic planning.</li> <li>- Flexible forms of teaching are being introduced: Trainings can also be conducted</li> </ul>	<ul style="list-style-type: none"> <li>- From the proposed legal provisions in the Law on Professional Development and Training for the Conduct of an Examination for Civil Servants Entering into Employment for the First Time, it can be concluded that the institute of "Probationary Work" is being introduced. In that case, this issue should be appropriately regulated in the Law on Administrative Servants, i.e. the provisions of both laws need to be harmonized.</li> <li>- We believe that the content of the training for new employees should also include the following areas: Basics of general administrative procedure/GAP, Discretionary powers, Liability of employees in the public sector (material, disciplinary and criminal).</li> <li>- Regarding the provision regarding training for managerial civil servants, we believe that this solution should be reversed, i.e. for a person to be selected in category B, they must already have acquired managerial competencies and therefore this training should be a condition for applying for a managerial civil servant position.</li> <li>- In addition to the planned generic and specialized training, we believe that the law should also provide for the possibility of other forms of professional development, such as learning through work, referrals,</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
	<p>online through an electronic learning management system.</p> <ul style="list-style-type: none"> <li>- Trainers are selected through a public call, will be evaluated after each training, and will be excluded from the program if they do not meet standards.</li> <li>- The Academy issues training certificates, and institutions are required to keep records of servants' participation in training.</li> </ul>	<p>job shadowing, online learning, participation in study visits, participation in projects, etc.</p>
<b>Mentoring</b>		
<ul style="list-style-type: none"> <li>- 2 types of mentoring: <ul style="list-style-type: none"> <li>o Advisory mentoring (transfer of knowledge and skills is carried out for the purpose of developing the employee's general competencies)</li> <li>o Practical mentoring (observation of the mentee's work, consultations and practical work, carried out for the purpose of developing specific competencies)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Mentoring is carried out for the purpose of developing specific work competencies. There is only practical mentoring (observation of the work of the mentored administrative servant, constant consultations, through practical work and checking the acquired knowledge of the mentored civil servant), the mentoring period lasts a maximum of six months.</li> <li>- The mentor should have completed mentor training.</li> <li>- For performing the mentoring, the mentor is entitled to a financial allowance of 10% of the</li> </ul>	<ul style="list-style-type: none"> <li>- We propose that mentoring be mandatory for every new employee and for every job change.</li> <li>- The role of the mentor must be formally defined, with mandatory training to develop mentoring skills.</li> <li>- CCM has indicated that mentoring should be appropriately valued and rewarded.</li> </ul>



ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
	amount of the net salary paid in the mentor's last month.	
<b>Disciplinary and material liability</b>		
<ul style="list-style-type: none"> <li>- The superior, i.e. the secretary, i.e. the head of the institution where a secretary is not appointed, is the only one who can submit an initiative to initiate disciplinary proceedings.</li> <li>- The procedure is led by a 7-member committee whose members have their own deputies.</li> <li>- The Ministry prepares an annual report on disciplinary measures imposed, which it submits to the Government.</li> </ul>	<ul style="list-style-type: none"> <li>- Every employee of the institution has the right to submit an initiative to initiate disciplinary proceedings against an administrative servant.</li> <li>- The Commission is regulated by a by-law prescribed by the Minister.</li> <li>- A new provision has been introduced which stipulates that compensation for damage to the administrative servant at work or in connection with work, by the institution.</li> </ul>	<ul style="list-style-type: none"> <li>- The composition of the commission is unclear, either in terms of numbers or in terms of role, in the absence of a bylaw prescribing the procedure.</li> <li>- The law does not provide for the preparation of a summary report on disciplinary and material liability by the MPA. Such a solution prevents efficient human resources management, nor the undertaking of any policies aimed at improvement. We believe that the preparation, but also the public and transparent publication of such a report, in an open format will enable a strategic approach to human resources management.</li> <li>- CCM believes that in addition to the summary report, it is necessary for institutions to publish information on disciplinary measures taken for unethical behavior. This will enable better oversight by the public and the civil society sector.</li> </ul>
<b>Salaries and allowances and salary supplements</b>		

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
<ul style="list-style-type: none"> <li>- There is a right to a salary supplement for adaptation to the labor market based on an analysis that will show that:               <ul style="list-style-type: none"> <li>○ wages in the labor market for such jobs are significantly higher,</li> <li>○ employment is difficult or the rate of job abandonment is unacceptably high,</li> <li>○ the labor market offers a limited number of qualified individuals for such work</li> <li>○ The officers had undergone years of professional development and their departure would have major fiscal implications for the institution.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- The value of the point in municipalities and institutions and enterprises cannot be higher than the value of the point for civil servants.</li> <li>- The servant adopts a decision with which he/she appoints the internal cabinet servant and determines their cabinet responsibilities, while the cabinet servant is entitled to a salary supplement for working in a cabinet, in the amount of 10% to 30% of the basic gross salary.</li> <li>- Administrative servants are entitled to a salary supplement of 10% to 30% of the basic gross salary, for the purpose of performance evaluation and retention.</li> <li>- The administrative servant is entitled to a salary supplement of 15% to 30% for performing work and tasks related to the verification and assessment of compliance with European Union law, in the accession negotiation structure and the instrument for Pre-accession assistance (IPA)</li> <li>- One-time cash payment of up to 25% of the average monthly net salary paid.</li> </ul>	<ul style="list-style-type: none"> <li>- We believe that the possibility should be envisaged for civil servants to receive a salary supplement for completed master's or doctoral studies, if the educational program corresponds to the specific job position.</li> <li>- The solution according to which the high official adopts a decision appointing cabinet servants, determining only their cabinet responsibilities, is not appropriate. Considering that there is a range in the amount of compensation for a cabinet servants ranging from 10 to 30% of the net salary, it means that it is left to the discretion of the high official to decide on the amount of the income of cabinet servants, without restrictions, which is certainly not an expedient solution. This will lead to an unequal position of cabinet servants in the institutions.</li> <li>- CCM suggested that it is necessary to introduce conditions, i.e. classification of the work and results of the work of servants when providing financial rewards. The introduction of conditions for determining the salary supplement of administrative servants in Article 78, paragraph 2 of the law is welcomed.</li> </ul>

ANALYSIS OF THE LAW ON ADMINISTRATIVE SERVANTS		
Old LAS	New LAS	Comment/opinion of CCM
<b>Code of Ethics for Administrative Officials</b>		
<ul style="list-style-type: none"> <li>- The code of ethics for administrative servants is adopted by the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>- The Code of Ethics is adopted by the Minister upon the proposal of the Director of the Agency for Administration.</li> </ul>	<ul style="list-style-type: none"> <li>- We believe that there should be a unified and mandatory Code of Ethics that would apply to all public sector institutions.</li> <li>- It is necessary to establish an independent oversight body that will have a mandate to monitor, evaluate and sanction violations of ethical rules.</li> <li>- CCM believes that internal ethics committees should be established in each institution that will be responsible for monitoring internal policies and procedures.</li> <li>- Regular training on ethics is necessary to raise awareness among servants about the importance of ethical behavior and regular training for officials, especially on topics such as preventing conflicts of interest, corruption and integrity.</li> </ul>