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# **Recruitment and Promotion in State Authorities**

Annual Monitoring Report

*(1 Jan, 2013-1 Jan, 2014)*



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## Executive Summary

At least 476 persons were recruited for posts in the state administration in 2013, in line with the new Law on Civil Servants and State Employees (LCSSE) and the procedures which require oral and written tests. More than one half of these posts were filled by means of internal announcements. Most candidate rank lists contained only one candidate.

The Human Resources Management Agency (HRMA), as the principal authority in charge of recruitment, regularly posted the test results on its webpage, making it easier to monitor the implementation of the new rules. However, most state authorities were not ready to implement the new Law. Before 1 Jan, 2014, the Central Personnel Records contained the data for just one third of the civil servants and state employees covered by the Law.

The employment status of the civil servants hired to work in the state administration for a specific term was not properly resolved prior to the implementation of the Law, which endangered their job security to a considerable degree. The Ministry of Interior alone hired more than 500 employees for a specific term in 2013, although the Law prescribes such practice only on exception. More than one third of these civil servants will lose their jobs, given that, under the new Law, they do not meet the requirements for the positions they are currently holding.

At least two state authorities, namely the Bureau for Education Services and the Environmental Protection Agency (EPA), entered into employee takeover agreements via a mediating agency, thus circumventing the mandatory skill test and directly breaching the Law.

In total, there were five appeals to recruitment in state administration authorities in 2013, in line with the new LCSSE. Three of those appeals were upheld, namely the ones against the EPA, Ministry of Finance and Ministry of Interior. The decisions upholding the appeals stated the negligence of eligibility criteria for vacant posts and inconsistencies in securing the funds for staff hiring. The declined appeals mainly referred to the ranking procedure, but also stated ambiguities due to the reorganisation of Montenegrin state administration.

Based on the majority of reviewed decisions on the selection of civil servants and state employees it is not possible to deduce whether the candidate with the best score was selected. Performance appraisal in state authorities is not adequate either, as shown by the example of the Administration for Prevention of Money Laundering and Terrorism Financing (AML Administration), where all of the civil servants and state employees were graded "excellent".

In order to enable consistent application of the Law, a series of measures need to be implemented concerning prevention of abuse and circumvention of the new rules, enhanced capacities of the key institutions for implementation of the Law, and improved testing and selection procedures.

## INTRODUCTION

The application of the new Law on Civil Servants and State Employees<sup>1</sup> (LCSSE) started on 1 January, 2013. Pursuant to this law, candidates' capabilities need to serve as the key factor in recruitment and promotion in state authorities. The European Commission stated that the adoption of this Law laid foundations for sprofessionaliation and depoliticization of public administration in Montenegro.<sup>2</sup> It introduced the following key novelties: stricter testing procedures<sup>3</sup> and the obligation on the part of heads of authorities to choose the candidates with top scores in such tests.<sup>4</sup> In line with that, this monitoring report aims to review the first year of implementation of the new Law, assess compliance with these rules, identify the challenges related to their implementation and provide recommendations concerning the ways to overcome them.

The report focuses on 54 state administration authorities and the filling of the vacancies which require specific procedures of oral and written tests; such vacancies fall under the categories of expert, expert-managerial and executive staff and state employees.<sup>5</sup> Due to the alternative procedures envisaged for the selection and appointment of senior managers and heads of authorities,<sup>6</sup> as well as trainees,<sup>7</sup> which mainly focus on interviews, the Institute Alternative (IA) did not carry out a detailed review of these cases. Relevant information was compiled in the course of continuous monitoring of the HRMA webpage<sup>8</sup> and by means of requesting free access to information from the HRMA and state authorities.

The report covers the period between 1 January 2013 and 1 January 2014. For the sake of a comprehensive review of recruitment and promotion, the report includes information concerning the performance appraisal in specific authorities which was due by 31 January 2014, based on continu-

- 1 *Official Gazette of MNE*, 39/11 of 04 Aug, 2011, 50/11 of 21 Oct, 2011, 66/12 of 31 Dec2012.
- 2 European Commission, Montenegro 2011 Progress Report, Brussels, 12 Oct, 2011.
- 3 Capability testing, which includes written tests and interviews, is performed by the panel set up by the HRMA, consisting of the representatives of HRMA, the authority in question and experts assessing the special skills required in the announcement.
- 4 As a rule, head of the authority chooses the candidate with the best score. Only on exception, following the interview with all the candidates from the list, it is possible to choose another candidate from the list; in this case, head of the authority is required to state the reasons for such decision in the reasoning accompanying the decision on selection.
- 5 Expert-managerial staff includes the titles such as head, head of department and manager. Expert staf includes the titles such as independent advisor, advisor and senior advisor. Executive staff includes the titles such as clerk, independent clerk and senior clerk. State employees perform the administrative-technical and support duties required for timely and efficient performance of state authorities' tasks.
- 6 Articles 53 and 57, *Law on Civil Servants and State Employees*, *Official Gazette of MNE* 39/11 of 04 Aug, 2011, 50/11 of 21 Oct, 2011, 66/12 of 31Dec, 2012.
- 7 Article 118, *Law on on Civil Servants and State Employees*, *Official Gazette of MNE* 39/11 of 04 Aug, 2011, 50/11 of 21 Oct, 2011, 66/12 of 31Dec, 2012.
- 8 [http://www.uzk.co.me/index.php?option=com\\_wrapper&view=wrapper&Itemid=209&lang=sr](http://www.uzk.co.me/index.php?option=com_wrapper&view=wrapper&Itemid=209&lang=sr)

ous monitoring of the performance of civil servants and state employees for the past year.

Some methodological difficulties emerged during the review, mainly related to late response to the requests for access to information, but also to unreliable responses of state authorities. For instance, one ministry delivered the copy of the agreement to take over an employee of a different ministry; however, in follow-up to the request for information that other ministry claimed that no such agreement was entered into. In addition, the practice of responding to requests for information is not uniform across different authorities under the ministries, since the information requested was not always held by these authorities but only the respective ministries. This is not always the case either, which in turn makes data collection more difficult.

The first part of the report provides an overview of the secondary legislation relevant for the implementation of the Law and adopted before 1 January 2014, together with an overview of compliance with the institutional requirements for implementation. The second part focuses on the quantitative data concerning the filling of vacancies in state administration, the transparency of such procedures and the concrete challenges in their implementation, in particular with regard to candidate selection and testing, appraisal of civil servants and state employees and room for circumvention and breach of the new rules. The findings on the challenges in the implementation of the new provisions concerning selection and promotion in state authorities are followed by recommended improvements to the procedures.

## Timeline for regulation adoption

The LCSSE was adopted in July 2011, but its implementation was postponed so that the necessary preconditions could be put in place. Still, in the course of 17-month transitional period i. e. by 1 January 2013, only four pieces of the secondary legislation required for LCSSE implementation were adopted. The remaining secondary legislation was adopted after 1 January 2013, with considerable delay. (See **Appendix 1** for a detailed overview of the adopted secondary legislation and dates of adoption. )

The delay in the adoption of the regulations affected the conditions for exclusively merit-based recruitment and promotion in state administration. To be specific, the new Law prescribed the obligation on the part of state authorities to harmonise the job systematisation and internal organisation documents at the latest 60 days from the beginning of LCSSE implementation, since adequate implementation required prior categorisation of the work posts in state authorities. The basis for such categorisation, in addition to LCSSE, was contained in two regulations: the Decree on the criteria for classification of civil servants' jobs into titles with levels and categories<sup>9</sup> and the Decree on the criteria for internal organisation and systematisation of tasks in state authorities.<sup>10</sup>

9 *Official Gazette of MNE* 12/13 of 1 March, 2013.

10 *Official Gazette of MNE* 7/13 of 4 Feb, 2013.

The two decrees, as well as staff training for the purpose of their implementation, were the prerequisites for putting the internal organisation documents in line with the new Law. Since these regulations came into force in January and February 2013, the state authorities were left with a relatively short deadline for aligning their documents. The consequence was that only five independent authorities,<sup>11</sup> out of the total of 32 authorities identified in the Decree on the organisation and Operation, adopted their respective internal organisation and systematisation documents in time. The delay in the adoption of the Decree on the criteria and method of appraisal of civil servants and state employees was another obstacle to the successful implementation of the LCSSE, since appraisal is conducted annually, and the Decree came into force only in July 2013.

## Institutional preconditions

Although all state authorities share the responsibility for the consistent application of LCSSE, the HRMA, Appeals Board and Ministry of Interior i. e. Administration for Inspection within the Directorate for Public Administration and Local Self-Government (Administrative Inspectorate) are the key institutions for the filling of vacant posts and supervision of these procedures. The Administrative Inspectorate plays a major role in the supervision procedure. The Appeals Board is an independent body which became operational as of 1 March, 2013 and has the powers of the second-instance body when deciding on the appeals concerning the filling of vacancies in state authorities. HRMA has a key role in advertising and administering the vacancy announcements, in particular with regard to tests.

HRMA is also in charge of keeping the Central Personnel Records, the integral part of which is annual performance appraisal; in turn, the appraisal should serve as one of the criteria when testing the candidates for the posts in state authorities. However, the Records are not adequately up-to-date, despite HRMA's efforts to enable the database completeness; the authorities show poor compliance in delivering the required information. Early on in the implementation of LCSSE, on 1 January 2013, the database included the data for 3, 739 civil servants and state employees, even though the Law applies to more than 12, 000 of them. By 1 January 2014, data was entered for less than one thousand additional civil servants and state employees, making the total number of those included in the Records 4, 043.<sup>12</sup>

Implementation of the new LCSSE will impose additional obligations on HRMA, with testing becoming mandatory also for the in-house announcements within state authorities in order to prevent the heads of authorities' discretion in assigning the staff to higher posts without testing. However, HRMA does not have sufficient human resources to organise the necessary tests. One year into the implementation of LCSSE, this institution did not fill

11 Ministry of Labour and Social Welfare, Ministry of Human and Minority Rights, Ministry of Science, Ministry of Defence, Secretariat for Legislation, Administration for Inspection.

12 Response to the request for information, Decision 03/2194/1 of 14 March, 2014.

all the planned work posts. The new HRMA Rulebook on internal organisation and systematisation<sup>13</sup> envisages 45 staff members for its purposes, but on 1 January 2014 the institution employed 38 people.<sup>14</sup> Although the Sector for public announcements and monitoring of implementation of regulations was fully staffed, with 10 staff members in total, it is questionable whether the number is sufficient, given the scope of powers of the Sector which include: administering the vacancy filling procedures and proposing the measures for their improvement; career development monitoring; monitoring implementation of regulations and delivering explanations and instructions on implementation of the regulations concerning public administration and civil servants and state employees, and monitoring of the performance appraisal of civil servants and state employees. On the other hand, it should be considered that the testing procedure, which took on average two days under the previous LCSSE, now requires some ten days.

The Administrative Inspectorate, in charge of supervising the regularity and timeliness of data input in the Central Personnel Records and of identifying any unlawful or irregular developments in the course of vacancy filling and announcing, does not have adequate capacities either. The Rulebook on the internal organisation and systematisation envisages only nine administrative inspectors, which is not sufficient given the broad range of competences of the Inspectorate. To illustrate: ahead of and following the presidential election in April 2013, the four administrative inspectors working at this Directorate of the Ministry of Interior were in charge of acting on more than one thousand initiatives to check the legality of the voters' list, which delayed and impeded the inspections related to LCSEE implementation.

Delays in the adoption of the relevant secondary legislation for LCSSE implementation affected also the organisation of training on its implementation. Thus, only three training events directly addressing vacancy filling took place during the period covered by this report; one concerned the implementation of the Decree on the method of mandatory testing, detailed criteria and grading of candidates for a post in a state authority, while the remaining two dealt with the announcement, selection and recruitment procedures.<sup>15</sup>

## Vacancy filling

During the initial 6 months of LCSSE implementation the number of decisions on selection of civil servants and state employees was lower than in the second half of the year. The main cause was the presidential election on 7 April, namely the ban on employment by means of public announcement in state authorities from the calling of the election till the polling day.<sup>16</sup>

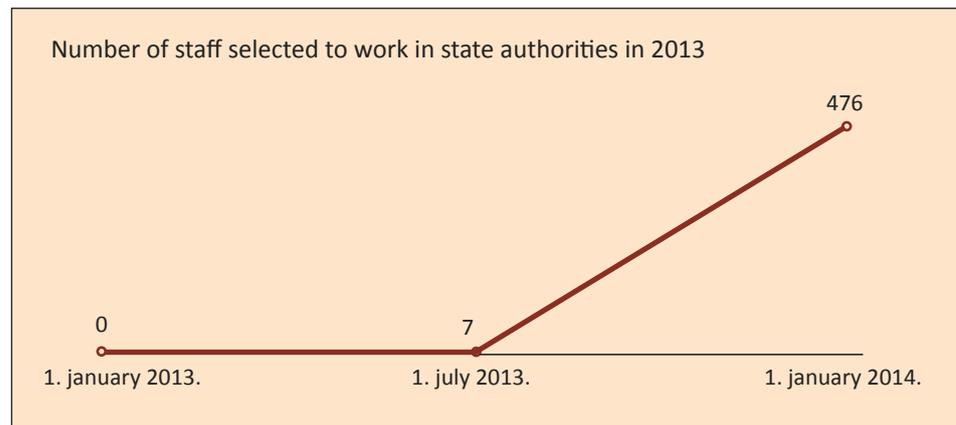
13 Adopted at the Government session, 6 March 2013.

14 Response to the request for information, Decision 03/2194/1 of 14 March, 2014.

15 Information obtained from the HRMA representative on 24 July, 2013 and 24 March, 2014.

16 Article 21, Law on Political Party Financing, *Official Gazette of MNE* 42/11 of 15 Aug, 2011, 60/11 of 16 Dec, 2011, 01/12 of 04 Jan, 2012)

All in all, during the initial 6 months of implementation of the new Law, according to the data collected by the IA, decisions on selection were issued for only seven civil servants and state employees from the ranks of expert-managerial, expert and executive staff and employees of the Ministry of Defence, Tax Administration, Ministry of Interior, Administration for Inspection, Ministry of Justice and Ministry of Labour and Social Welfare, pursuant to internal announcements across state authorities.<sup>17</sup> During the second half, state authorities hired significantly more employees.



The responses to the requests for information provided the IA with the information that at least 469 additional staff members were selected to take up expert-managerial, expert, executive and state employee positions after 1 July. Still, it should be taken into account that this does not mean that 469 new civil servants and state employees were hired, since the new Law seeks to encourage staff mobility within and across state authorities. In line with that, public announcement is only implemented for the junior positions in the categories of expert and executive staff if the post was not filled by means of an in-house announcement. Therefore, out of the 469 staff members, 252 were selected based on in-house announcements, 33 based on internal announcements across state authorities, and 184 based on public announcements.

Thus, based on the aggregate available data for 2013, the breakdown for 2013 is as follows: 61% by means of internal announcements and 39% by means of public announcements.

<sup>17</sup> See: Recruitment and Promotion in State Authorities – Semi-Annual Monitoring Report, October 2013, at: <http://institut-alternativa.org/zaposljavanje-i-napredovanje-u-organima-drzavne-uprave-polugodisnji-monitoring-izvjestaj/>

## **Method of filling the vacant posts in state administration in 2013**

Majority of candidate rank lists included only a single candidate. This was almost a rule when vacant posts were filled by means of in-house announcements. For the total of 476 decisions on selection of civil servants and state employees and the accompanying documents, the average number of candidates per list was 1.6.

Most candidates – 48 of them – were selected to work at the Ministry of Interior and the agencies under the same Ministry. Bureau for Education Services, Forest Administration, Phyto-sanitary Administration, Administration for Anti-Corruption Initiative, Diaspora Administration, Youth and Sport Administration, Directorate for Development of SMEs and Directorate for Railroads did not recruit any civil servants or state employees under the new LCSEE in 2013. Most staff members – 109 of them – were selected for the posts within state administration in October.

Based on the available information, no candidates applied for 22 posts in state administration in 2013. During the first half of the year, no candidates applied for the 9 posts at the Ministry of Foreign Affairs and European Integration, Ministry of Justice, Ministry of Education, Secretariat for Development Projects and Customs Administration. During the second half of the year, no candidates applied for the 15 posts at the Ministry of Sustainable Development and Tourism, Secretariat for Development Projects and Administration for Inspection. In the majority of cases, except for the three posts at the Administration for Inspection, Ministry of Justice and MFAEI, vacancies were filled by means of in-house calls.

No candidates obtained satisfactory results at the tests for 12 posts in 2013, at the Ministry of Interior, Ministry of Economy, Ministry of Culture, Administration for Inspection, Ministry of Education and Secretariat for Development Projects.

### ***Appeals concerning the filling of vacant posts***

In total, there were 15 appeals to vacancy filling under the new LCSEE in 2013. Five were granted and nine declined, while in one case the procedure was suspended. The decisions on granting the appeals identified oversights in complying with the requirements from the announcements and inconsistencies in securing the funds for the filling of vacant posts. The appeals mainly referred to the ranking procedure, but they also identified some ambiguities caused by the reorganisation of Montenegrin state administration.

Five appeals concerned state administration bodies: two concerned the Environmental Protection Agency (EPA), two concerned the Ministry of Interior and one concerned the Ministry of Finance. Three appeals against the decisions issued by these authorities were granted: two of them refer to the decision on selection and the remaining one to selection of trainees.

The appeal against the EPA decision was granted; the original decision was to select the candidate who had not passed the professional examination to work in the civil service, which was one of the requirements in the announcement.<sup>18</sup> In this case, there was an important oversight on the part of HRMA, namely having included the candidate whose selection was challenged on the list of candidates who met the requirements from the announcement.<sup>19</sup>

Three appeals against decisions on vacancy filling in state authorities were granted, namely the ones against the EPA, Ministry of Finance and Ministry of Interior.

One appeal was granted against the decision of the Ministry of Finance. The unsuccessful candidate complained about not getting the job despite meeting all the requirements, also arguing that the Ministry selected only one candidate, not two. Although the Ministry responded by stating that only one

candidate was selected due to lack of available budget, the Appeals Board underlined that confirming secure funding was a prior matter in the procedure of vacancy announcement, and therefore could not be treated as a matter that caused the candidate not to be selected in the initiated and completed procedure of public announcement. The Board also highlighted that the Law did not allow for a candidate who met the requirements from the announcement and was the only candidate for the post in question not be selected.<sup>20</sup>

The appeal that was granted against the decision issued by the Ministry of Interior referred to the selection of trainees. Two appeals against decisions of state authorities - namely the EPA and the Ministry of Interior - were considered, but ultimately declined.

The Appeals Board rejected the appeal lodged by the Ministry of Interior employee against the decision on selection of another candidate for the post in the Ministry, issued on 6 Aug, 2013. The case was really caused by the reorganisation of the Ministry and establishment of the Police Department as a body under the Ministry in 2012. The employee stated in her appeal that she had been covering the challenged post, categorised as “senior management”, for six years, until July 2013, when she was assigned to a lower-ranked post of Independent Advisor I. In the meantime, on 24 June, 2013, the Ministry announced that the post held by her until July 2013 was vacant. The employee claimed that there had been no need to fill the post and argued that the candidate selected was a relative of the testing panel member i. e. that the panel had been appointed contrary to Article 30 of the Law on Administrative Procedure.<sup>21</sup>

18 Decision of the Appeals Board No. 312/13, of 22. 11. 2013.

19 Response to the request for information, Decision No. 03/2194/1 of 14. 3. 2014.

20 Decision of the Appeals Board No. 470/13 of 30. 12. 2013.

21 The same Article also prescribes that an official deciding in administrative matters or performing some actions in the procedure should be recused if his/her relationship to the party, his/her agent or attorney is that of direct blood kinship or side-line kinship up to the fourth degree inclusive, or if he/she is spouse or partner, or in in-law relationship up to the second degree inclusive, even after dissolution of marriage or common-law marriage.

The decision declining this appeal stated that the testing procedure for the challenged post was implemented in line with the Law and the allegations concerning the family ties between the candidate and the panel member were not grounded. The Appeals Board also stated that the employee never covered the challenged post, as job systematisation placed it within the Ministry, rather than the Police, where she had been working for six years.

The unsuccessful appeal against the EPA decision referred to the procedure of candidate grading. The candidate was ranked fifth in the recruitment procedure for the Agency and complained that HRMA put together the rank list “in a random manner”, without checking the work of the test panel, the assessment and grading of the candidate and the file. The Appeals Board responded that it was not competent to review the grading procedure.

The overview of granted and declined appeals gives rise to the conclusion that, except making an assessment of formal compliance with the procedures, it is difficult to check the procedures and criteria used in candidate grading following the tests. The granted appeals indicate important oversights on the part of state authorities. The relatively low number of appeals does not necessarily indicate that candidates for posts within state administration are satisfied with the implementation of new regulations; it is therefore necessary to raise citizens’ awareness of their rights and obligations under the LCSSE.

### *Capability testing*

Under the LCSSE, candidates for the posts within state administration are tested by the panel established by the HRMA. The three-member panel is composed of an HRMA representative, representative of the given state authority and an expert assessing the special skills required in the announcement.<sup>22</sup> The Decree on the method of mandatory testing, detailed criteria and method of grading the candidates for the posts in state authorities<sup>23</sup> lays down that testing is conducted based on interview, written test and testing of special skills required for the post, such as English or computer skills.

Written test includes the theoretical and the practical part, the latter’s purpose being to check the candidate’s ability to perform a specific task from the job description for the given post. The interview may also include simulation of problems relevant for the given post or a specific task. In the course of candidate selection, professional qualities,<sup>24</sup> university grade point average, but also psychological assessment, are all taken into account. The Decree prescribes that the testing panel should design the test plan to define the method of testing, the tasks of the panel members related to preparation of written test and interview questions and the questions and tasks for the assessment of special skills.

<sup>22</sup> Article 42, *Law on Civil Servants and State Employees*, *Official Gazette of MNE* 39/11 of 4 Aug, 2011, 50/11 of 21 Oct, 2011, 66/12 of 31 Dec 2012.

<sup>23</sup> *Official Gazette of MNE* 04/13 of 18. 1. 2013.

<sup>24</sup> Professional qualities are assessed by means of consulting the Central Personnel Records, which should include all such data for those who are already civil servants or employees, or by obtaining references from the employers of those candidates not working in state authorities.

Once the implementation of LCSSE started, HRMA announced two public calls to renowned experts to take part in the testing panels. The call was also posted on the HRMA webpage. However, as stated in the report on the implementation of the LCSSE drafted by the Ministry of Interior and adopted at the Government session in December 2013,<sup>25</sup> the response of experts was relatively low and depended on the specific area. This frequently results in situations when the panel is composed of the experts in a single area, mainly economists or legal professionals, which in turn raises the issue of their competence to take part in the testing procedures for a large range of posts.

Review of the reports on the conducted tests, reports on candidate grading and four test plans, which the IA requested from the HRMA for **four** randomly selected announcements, confirms the concerns related to the testing adequacy. The reviewed plans were not elaborate enough and contained only the composition of the testing panel, the general method of testing for the announced vacancies and the distribution of tasks between the panel members, but only stating which member was responsible for the specific part of the test – theoretical or practical test or assessment of special skills. The plans did not include any specific tasks which serve to test special skills or any written test or interview questions, even though the Decree which regulates testing<sup>26</sup> stipulates otherwise.

A single test plan often covers a number of vacant posts, which also has a negative effect on the capacity of a single testing panel to properly define the questions and tasks. For example, the test plan for the in-house announcement posted on 10 July 2013 by the Ministry of Information Society and Telecommunications covered as many as 27 posts. The reviewed plans also indicate that there is a rule whereby the panel member from the state authority with the vacant post should prepare and distribute the tasks for the practical part of the test. This may have a negative impact on the objectivity of candidate grading, especially bearing in mind the relatively high share of points assigned for the special skills test and the fact that the candidates who do not pass the 50% threshold in the practical part fail the overall test and no longer stand eligible for further ranking. In the report on the implementation of the LCSSE, the Ministry of Interior recommended, for the sake of greater objectivity in candidate selection, that state authorities deliver to HRMA five or ten sets of practical tests for each post, which HRMA would then randomly choose from and distribute.

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25 Ministry of Interior, *Report on the implementation of the Law on Civil Servants and State Employees*, (Official Gazette of MNE 39/11 and 66/12), Podgorica, December 2013.

26 *Decree on the method of mandatory capability testing, detailed criteria and grading of candidates for the jobs in state authorities*, Official Gazette of MNE 04/13 of 18 Jan, 2013.

## *Decisions on selection of civil servants and state employees*

Civil servants and state employees are selected by the head of the authority; as a rule, this is the best ranked candidate upon completion of the testing procedure. Only on exception, heads of authorities may, after interviewing all the candidates from the list, select another candidate; in such cases, they are required to state the reasons for that decision in the accompanying reasoning.

However, the reasonings accompanying in total 476 reviewed decisions on selection rarely state clearly whether the top ranked candidate was indeed selected. The reasonings usually refer to the rank lists and reports on psychological assessment, without specifying the ranking of the selected candidate. For instance, the key argument stated in the majority of decisions on selection at the EPA and Ministry of Information Society and Telecommunications was that the selected candidates obtained satisfactory results in the testing procedure; in some cases, the Ministry of Interior stated that the selected candidates met the requirements from the announcement. None of the reasonings are in line with the LCSSE or give grounds for selection of specific candidates.

**Ministry of Defence** did not select the top-ranked candidate for the post with the Mission to NATO in Brussels because the volume and complexity of the duties for the candidate's current post will increase in the coming period.

On the other hand, there are also some positive examples of stating the ranking of the selected candidate, in total for 115 candidates. The following stated that candidates with top grades in the tests i. e. top ranked were selected in 2013: EPA for 5 employees; Secretariat for Legislation for 3; Ministry of Education for 7; Ministry of Interior for 26, MFAEI for 4; HRMA for 9; Tax Administration for 5; Ministry of Finance for 24, and Ministry of Transport and Maritime for 3. It was noted that 41 selected candidates were the only ones on the rank lists.

The most complete decisions on selection were issued by the Ministry of Transport and Maritime, as they included the rank lists from which candidates were selected and references to Article 45 par 2 of the LCSSE, stipulating that heads of authorities normally select the candidate with the best score, and the explanation that the selected candidate indeed had such scores.

The most unusual reasoning accompanying a decision on selection was written by the Ministry of Defence, which did not select the top ranked candidate for the post with the Mission to NATO in Brussels, with her consent and arguing that she needed to keep her current job "due to the importance and complexity of the duties she performs, which will be growing in the coming period". There were other cases when second- or third-ranked candidates were selected, but only because the first-ranked ones got assigned to another vacant post. However, the previously presented case of the Ministry of Defence is contrary to the spirit of LCSSE and the intent to introduce merit as the key criterion in recruitment and promotion in state authorities.

## Appraisal and promotion of civil servants and state employees

Pursuant to LCSSE, promotion into a superior category of posts does not depend on appraisal. Only transition to a higher-pay category is possible based on appraisal, for those civil servants and state employees whose performance is graded «excellent» for two consecutive years. However, there is a tendency to qualify the performance of majority of civil servants and state employees as “excellent”; if such practice continues, most of them will transition to the top-pay category, but without the grounds for further advancement.

Namely, delays in the issuance of the Decree on criteria and appraisal of civil servants and state employees had a negative effect on the quality of the appraisal procedure. The Decree came into force only in July 2013, although it envisages continuous monitoring of the annual performance of civil servants and state employees and issuance of decisions on appraisal at the latest by 31 January the following year.

For the sake of completeness of the report, IA asked five authorities, namely the EPA, Secretariat for Legislation, AML Administration, Ministry of Interior and Ministry of Culture, to deliver their decisions on appraisal. Access to that information was requested on 11 February 2014, and by 22 April the responses arrived, with the exception of the one from the Ministry of Culture. Based on the responses received, most civil servants and state employees of the Ministry of Interior were graded “excellent”. At the Secretariat for Legislation, out of the total of 15 decisions on appraisal, 11 included the grade “excellent”, and only one “good”. Senior managers were graded only “satisfactory/unsatisfactory”. At the Secretariat, there were three managers, assistant secretaries, all graded “satisfactory”. At the EPA, out of the total of 69 decisions on appraisal, 58 included the grade “excellent”, and five “good”. Six managers (two heads of departments and four assistant directors) were graded “satisfactory”. At the AML Administration, all the appraised civil servants and state employees, 22 in total, were graded “excellent”, even those whose titles fall into the category of management and whose performance should be qualified only as “satisfactory” or “not satisfactory”.

The Ministry of Interior, however, was an exception, since most personnel – 226 of them - were graded “good”, rather than “excellent”. Two employees were even graded “unsatisfactory”, which opens the door for their dismissal if they do not get the “pass” this year. At this Ministry, 17 managers were also graded “excellent”.

**At the AML Administration all civil servants and state employees were graded “excellent” in 2013.**

At the AML Administration and the Secretariat for Legislation, decisions on appraisal were issued in January 2014, within the legal deadline. EPA breached the deadline by not issuing the decisions on appraisal by 31 January 2014, but on 12, 17 and 18 February. The Ministry

of Interior issued around 100 decisions on appraisal after the expiration of the statutory deadline.

All the reviewed decisions have in common lack of detailed reasoning of the grade awarded which would include detailed assessment of each individual appraisal criterion identified in the LCSSE and Decree on criteria and method of appraisal of civil servants and state employees. The two documents stipulate appraisal of the following criteria: work results; independence and creativity in the performance of duties; quality of cooperation with the clients and co-workers; quality of work organisation in the performance of duties; other abilities, skills and quality in the performance of duties. The Decree on the criteria and method of appraisal further defines the benchmarks for each criterion, and the final grade as the sum of those. The decisions delivered to IA, however, do not enable identification of the grounds for awarding the aggregate i. e. final grade.

## Transparency in the filling of vacant posts

Despite the state authorities' statutory obligation to proactively publish certain information and provide timely responses to requests for information, during the initial year of the implementation of the Law IA identified a number of difficulties in collection of required information. Most authorities do not respond to requests for information within the statutory deadline of 15 days. The requirements related to payment of fee to cover the cost of access to information additionally protract collection; the grounds for such fees were problematic as well, since most of the requested information could be delivered electronically.

A positive example of proactive Internet publication of information is provided by the Secretariat for Legislation, posting the decisions on selection of civil servants and state employees and decisions to launch recruitment procedure on its webpage. HRMA also posts a lot of information necessary to monitor the implementation of the Law. In addition to the announcements, the HRMA webpage contains also testing results, which include scoring report, test report and rank list of the candidates who met the requirements of the announcement and took the tests for the job.

However, due to occasional technical deficiencies, it is not always possible to access all this information.

By September 2013, less than two-thirds of state authorities<sup>27</sup> met the statutory obligation of publishing personnel lists with individual titles on the Internet. Proactive publication of such lists would facilitate

**MFAEI claims that it entered into agreement on personnel takeover with the Ministry of Agriculture; in another request for information, that Ministry claimed it entered no such agreements.**

<sup>27</sup> Ministry of Agriculture and Rural Development, Ministry of Human and Minority Rights, Ministry of Foreign Affairs and European Integration, Ministry of Defence, Ministry of Information Society and Telecommunications, Ministry of Interior, Environmental Protection Agency, State Archives, Intellectual Property Office, Bureau for Education Services, Secretariat for Legislation, Tobacco Agency, Tax Administration, HRMA nad Anti-Corruption Administration.

insight into the changes in number and breakdown of state authorities' personnel.

However, not only do most authorities not publish their personnel lists, but in one case IA was asked by the Real-Estate Administration to pay a fee of €20 in order to access the information on the number of employees. It was explained that the amount of the fee was due to the fact that requested information was available only from the payroll records. Still, some exceptions need to be mentioned in this regard as well. For instance, the Ministry of Information Society and Telecommunications published and updated their personnel lists on a monthly basis in 2013.

Most state authorities that filled vacant posts in 2013 by means of in-house announcements failed to post those announcements on their web pages, contrary to the statutory obligation on their part.<sup>28</sup> This was complied with only by the Ministry of Economy,<sup>29</sup> Institute for Hydrometeorology and Seismology,<sup>30</sup> Ministry of Defence<sup>31</sup>, Ministry of Information Society and Telecommunications<sup>32</sup> and Administration for Inspection.<sup>33</sup>

Most decisions on selection were delivered as complete documents. Only in one case the Ministry of Defence erased the name and surname of the selected candidate,<sup>34</sup> arguing, in an oral conversation, that the reason was protection of personal data, although that is contrary to the previously mentioned obligation of state authorities to publish their personnel lists. However, complete decisions on selection were delivered for the other 15 employees selected for their posts within the Ministry in 2013.

**Example of good practice:** the Secretariat for Legislation posts the decisions on selection of civil servants and state employees and decisions on launching the recruitment procedure on its webpage.

Generally, not all state authorities deliver the information requested from them in a uniform or reliable manner. "The least honest" response to a request for information was the one received from the Ministry of Agriculture and Rural Development, which claimed no agreements on personnel takeover had been entered into with other state

authorities, while the other state authority claimed having assigned one of its employees to this Ministry. In a separate response to a similar request, MFAEI delivered a copy of the agreement assigning one of its employees to the Ministry of Agriculture for a specific period of three months.<sup>35</sup>

28 Article 39 par. 3, Law on Civil Servants and State Employees, Official Gazette of MNE. 39/11 of 4. 8. 2011, 50/11 of 21. 10. 2011, 66/12 of 31. 12. 2012.

29 <http://www.mek.gov.me/ministarstvo/konkursi>

30 <http://www.meteo.co.me/pretraga.php?s=interni+oglas>

31 file:///C:/Users/Pripravnik%201/Downloads/Interni%20oglas%20novo%20(l).pdf, file:///C:/Users/Pripravnik%201/Downloads/InterniOglasMO%20(l).pdf, file:///C:/Users/Pripravnik%201/Downloads/InterniOglasMO23sep.pdf

32 file:///C:/Users/Pripravnik%201/Downloads/Interni%20oglas%20(l).pdf

33 <http://www.uip.gov.me/biblioteka?query=interni%20oglas&sortDirection=desc>

34 Ministry of Defence Decision No. 814 - 3217/13 - 2, of 25. 4. 2013, sent in response to the request for information delivered to the Ministry on 23. 4. 2013.

35 Responses to requests for information – Ministry of Agriculture and Rural development Decision No. 060-11/13-0401-568/3 of 1. 11. 2013 and Decision of the MFAEI

## Circumventing the Law

The main threat for establishing a merit based system in the state administration authorities, apart from the lack of institutional capacities, and incompliance with or inconsistent application of the LCSSE, is the circumvention of this Law. In spite of the above described methodological difficulties, Institute Alternative managed to discern possible forms of circumventing the new rules of recruitment and promotion, out of which the most concerning ones are the cases of mediation in employment and possible misuse in provisional reallocation of civil servants to another state authority.

### *Mediation in employment*

Following the trace of media reports on the violation of obligations prescribed by the LCSSE through the agreements made between the State Commission for the Control of Public Procurement Procedures and the Dekra Employment Mediation Agency, when three persons were temporarily employed by the Commission without going through the defined procedures, vacancy announcement and mandatory capacity testing,<sup>36</sup> Institute Alternative requested that all state administration bodies present them with the agreements and contracts on employee takeover made during 2013 with employment mediation agencies, other state authorities or local government bodies.

We received replies from 25 out of 54 state administration bodies. According to these replies, at least two more state administration bodies entered into employment mediation agreements during 2013. The Environmental Protection Agency (EPA) entered into an Agreement on Employee Takeover with the “Dekra” Employment Mediation Agency on 31 January 2013. Ten employees were taken over, for the following positions: state employee IV, senior advisor II, independent advisor II, advisor for analytical and statistical operations and senior advisor I, for the period of four months and longer, upon the order of the Environmental Protection Agency. The Bureau for Education Services signed the takeover agreement for one employee with the same agency on 10 January 2013 for the position of courier and documentation reproduction duties.

These cases represent a direct violation of the LCSSE and the Labour Law.

**Environmental Protection Agency and Bureau for Education Services** entered into agreements with an employment mediation agency, thus violating the Law.

No. 05/3 -12/2 of 20. 12. 2013.

<sup>36</sup> The *Vijesti* daily published in July 2013 that the State Commission for the Control of Public Procurement Procedures employed on a temporary basis three persons through the Dekra Employment Mediation Agency for the period from 1 January to 31 March 2013 and then extended their engagement on the same principle. (*ND Vijesti*, 17 July 2013, Politics, p. 2)

In fact, such employment does not only make the role of Human Resource Management Agency (HRMA) in advertising vacancies and conducting the competition procedures pointless, but also circumvents the obligation to provide financial resources for filling a particular position. On the other hand, the Labour Law allows the transfer of employees from employment mediation agencies, but only for occasional and temporary jobs, i. e. for the jobs that do not require special knowledge and skills and by their nature are such that do not require a person to work for more than 120 working days in a calendar year.

It is clear from the description of the employee takeover agreement between the EPA and “Dekra” Agency that the jobs involved mostly require special skills. All the employees taken over were allocated to the jobs laid down in the LCSSE, making the Law meaningless. The second case of “mediation in employment”, in the Bureau for Education Services, is also illegal. The very fact that the employee was transferred for the period of five months, i. e. for more than 120 days that are foreseen by the law, among others, points to the conclusion that such agreement had no legislative basis.

Ultimately, such employment prevents insight into the precise number of employees engaged in the public administration in Montenegro. In other words, the employees taken over are not counted as employees of the state agency for whose benefit they are engaged. This creates a layer of invisible servants, whose number is difficult to determine reliably, considering the previously described insincerity of the state administration bodies in responding to the requests for access to information.

### *The law as a formality*

During the monitoring, IA encountered a case of an employee of the Ministry of Foreign Affairs and European Integration taken over by the Ministry of Agriculture and Rural Development. The two ministries made an agreement in May 2013 on the temporary reassignment of the employee of the Foreign Ministry to a position of independent advisor I in one of the departments of the Ministry of Agriculture.

LCSSE leaves the possibility of a temporary reassignment of a civil servant or state employee for maximum three months, after which such person has a right to return to the state authority and the job he or she worked on before the transfer.<sup>37</sup> However, what is problematic in this case is that the same officer, in July 2013, was appointed to a position in the Ministry of Agriculture according to an internal announcement between the government authorities. To make things even more complicated, based on an agreement between the two ministries, the same officer was assigned to the Montenegrin Mission to the EU for a specific period of time. The copy of this agreement, which was presented to IA, does not indicate the signing date.

This case arouses suspicion that the legal option to make temporary reassignment into another body was used as a cover to „buy“ time before

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<sup>37</sup> Article 105, Law on Civil Servants and State Employees, OGM 39/11 of 4 Aug. 2011, 50/11 of 21 Oct. 2011, 66/12 of 31 Dec. 2012.

making her officially employed based on an internal announcement between the government bodies, and all of that with a view to assigning the same officer to a four-year work in the Montenegrin diplomatic mission. Vagueness of the Law, which does not specify the employment status of civil servants and state employees after a period of temporary assignment, allows the application of legislation in the manner that threatens the merit based promotion.

### *Problem of finance*

In order to reduce employment in the state administration, the Law stipulates that the decision to fill a job can be taken only if the state authority has provided the necessary funding for such job.<sup>38</sup> The Ministry of Finance is responsible for the issuance of confirmation that financial resources for starting the process of filling a job by public announcement have been ensured.

However, the example of an upheld appeal against this Ministry exactly, as it announced a need for two employees for one job, and then subsequently received only one of them due to lack of financial resources, indicates the challenges in meeting this stipulation of the Law.

Directorate of Railways also informed IA, in a clarification given in their reply to a request for information, that the Ministry of Finance, following the dynamics of employment in state administration, failed to give consent for employment according to the dynamics that would suit that body, and therefore a janitor and a supervisor were employed under a service contract, with the consent of the Ministry of Transport. These persons were not employed on the basis of the applicable job systematisation scheme in the Directorate, because of the lack of consent from the Ministry of Finance, whereby this employment procedure has also been illegal.

As already mentioned, mediation in employment also avoids the obligation to ensure funding to fill certain job, because the state authorities do not allocate money for the employees assigned by the mediation agency under the budget item of gross salaries of employees.

The Ministry of Finance did not submit to IA confirmations of secured funding issued during 2013, despite a request sent to this body on 16 January 2014, which also contained an item seeking access to this information.

### *“Relics”, and what about them?*

The first year of the application of the LCSSE has shown that the implementation of the Law started with a legacy of inconsistent application of legislation that had previously regulated the recruitment and promotion of civil servants and state employees.

The most problematic body of state administration in terms of accumulated negative practices in the Ministry of Interior. The situation in this Ministry

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<sup>38</sup> Article 35 and Article 36, Law on Civil Servants and State Employees, OGM 39/11 of 4 Aug. 2011, 50/11 of 21 oct. 2011, 66/12 of 31 Dec. 2012.

vividly illustrates the failure of state authorities to use the new LCSSE to anticipate the legal vacuum caused by the long-standing practice of temporary employment in this body. According to the Government Report dated 1 August 2013,<sup>39</sup> there are 564 persons in the Ministry of Interior with unresolved employment status, of which 302 police officers in the Police Administration. These persons have been employed under temporary contracts, contrary to the LCSSE which stipulates that civil servants or state employees are, as a rule, employed for an indefinite period of time, unless they replace temporarily absent servant or employee, perform particular project duties, perform jobs of temporarily increased volume or train interns.<sup>40</sup>

According to the Government's own admission in the said document, the state in the Ministry of Interior was primarily the result of the reorganisation of the Ministry in 2005. The Police then became an independent administrative body, but new assignment decisions in line with the new system were not issued for the Ministry employees. Problems related to temporary employment continued since then, as the employment of civil servants and state employees was extended, without going through with the new employment in the legally prescribed manner.

In order to solve this problem, the Government allowed the employees with fixed-term contracts in the Ministry of Interior to regulate their status by applying to internal announcements within the state body for the jobs to be filled under the LCSSE and by applying to public announcements for the jobs to be filled under the Law on Internal Affairs. Still, according to the Government, it is likely that a certain number of jobs will remain vacant even after the launching of the public announcement because there is not enough staff meeting the job requirements. Consequently, the officers, 180 of them, who now fill these positions, will remain without job.

### **Instead of conclusion: The main challenges in the implementation of new rules on recruitment and promotion**

New rules on recruitment and promotion marked progress in terms of mandatory and more strictly regulated capability testing, as well as the availability of results of that testing. On the other hand, the first year of the implementation of the LCSSE revealed the first of its deficiencies, which result in difficulties in solving the employment status of employees with fixed time contracts, but also in sporadic search for excuses and shortcuts to fill a particular job.

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<sup>39</sup> Government of Montenegro, *Report on fixed-term contracts at the Ministry of Interior and proposal of measures to resolve the employment status of those hired based on such contracts*, August 2013.

<sup>40</sup> Article 48, Law on Civil Servants and State Employees, OGM 39/11 of 4 Aug. 2011, 50/11 of 21 Oct. 2011, 66/12 of 31 Dec. 2012.

The key challenges in the implementation of new rules on recruitment and promotion are as follows:

- mediation in employment, which is a direct violation of the Law, and in 2013 at least two state authorities signed employment mediation contracts with employment mediation agencies;
- inadequately formed committees for checking candidates' ability to work with state agencies, which often consist of independent experts with competencies that do not meet the needs of the announced job;
- the role of state authorities in the distribution of the practical part of the test, which carries the highest number of points when testing a candidate's ability to work in state bodies;
- incomplete Central Personnel Records, the information system of HRMA, which by 1 January 2014 contained data for only one third of the total number of civil servants and state employees to which the Law applies, i. e. the lack of information needed for adequate HR planning and insight into the work and qualifications of civil servants and state employees;
- weak competitiveness in the recruitment process, resulting in that the majority of ranking lists for the selection of candidates for a position consists of one candidate only;
- brief reasonings of selection decisions which leave it unclear on what criteria a certain candidate was elected for a given position and whether the top-ranking candidate was selected;
- lack of transparency in the implementation of new rules;
- arbitrary evaluation of the work of civil servants and state employees, in a way that does not make a sufficient difference between the performance of various civil servants and state employees;
- delays in the adoption of secondary legislation necessary for the implementation of the new Law on Civil Servants and State Employees;
- lack of administrative capacity of the HRMA and Administrative Inspectorate, as the key bodies for the implementation and supervision of the implementation of the Law on Civil Servants and State Employees.

### **Recommendations for prevention of abuse:**

- Administrative Inspectorate, State Audit Institution and judicial authorities need to take action in order to establish the actual extent of violation of LCSSE, particularly by contracting with employment mediation agencies.
- All public authorities should publish on their websites and regularly update lists of employees with their titles and internal announcements within state authority, and consistently comply with the obligations prescribed by the Law on Free Access to Information.

- In order to prevent abuse of the legal possibility of temporary placement of employees in another state agency or to another position within the same agency, amendments to the LCSSE need to clearly define the rights and obligations of civil servants and state employees after the expiry of the assignment period.
- The state authorities should make decisions on the performance evaluation of civil servants and state employees in the time prescribed by law, with detailed reasonings that follow the grading criteria, as defined in the LCSSE and the Regulation on the criteria and method of evaluation of civil servants and state employees.
- All state bodies should make decisions on filling jobs only if they previously provided the necessary funding.
- Reports on inspections related to recruitment and promotion in state bodies should be made publicly available on the website of the Ministry of Interior.
- HRMA and state authorities should ensure equal treatment of candidates who apply to notices for work in state administration by not allowing ineligible candidates to go through the selection process.
- HRMA and Ministry of Interior should conduct campaigns to raise public awareness of the rights and obligations of civil servants and state employees and candidates for jobs in state administration.

### **Recommendations regarding the selection of candidates:**

- In the reasoning of the decision on the selection of civil servants and state employees, heads of state authorities should clearly state the reasons for such decision, indicating the ranking of the selected candidate. If the best candidate has not been selected, reasons why it was not done should be clearly stated.
- To further limit the discretion of the heads of state authorities in the selection of civil servants and state employees, Government should issue specific guidelines that will clearly define the reasons for which the best rated candidate need not be selected (e. g. because he withdrew or was appointed to another position or because other candidate achieved outstanding results in the testing of specific skills necessary to perform a given job).

### **Recommendations on capability testing:**

- To increase the objectivity of the overall process of testing, the state authorities and HRMA should adopt the recommendation of the Ministry of Interior, which would send a certain number of combinations of practical tests for each advertised position to HRMA, which would

distribute them by random choice further to candidates for a job in state authorities.

- Given the low response of experts to participation in the committees for capability testing, HRMA should make an additional effort and directly invite relevant professional associations, academic community and other representatives of civil, private and public sector to identify experts that would participate in these committees.
- It is necessary to apply an unbiased, professional and planned approach to testing procedures, which will include the preparation of specific questions and tasks and their incorporation in the capability testing plan.

### **Recommendations regarding the improvement of institutional capacity:**

- The Government should provide sufficient budgetary resources for new employment in the HRMA, in order to ensure complete fulfilment of jobs in this institution.
- The Law on Administrative Inspection, which is under preparation, and amendments to the Rulebook on Internal Organisation and systematisation of the Ministry of Interior should provide for a larger number of jobs in the scope of the Administrative Inspectorate and prescribe obligation for the Administrative Inspectorate to conduct regular inspections of recruitment and promotion in state authorities.

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- Institute Alternative, *State Administration Reform in Montenegro: Between ambitious plans and real possibilities, 2012*, at: <http://institut-alternativa.org/reforma-drzavne-uprave-u-crnoj-gorizmedu-ambicioznih-planova-i-realnih-mogucnosti>;
- Ministry of Interior – Government of Montenegro, *Rulebook on Internal Organisation and Job Systematisation of the Ministry of Interior*, May 2013;
- Ministry of Interior, *Report on the Implementation of the Law on Civil Servants and State Employees, Official Gazette of Montenegro No. 39/11, 66/12*, Podgorica, December 2013;
- *Daily Paper Vijesti, 17 July 2013, Section on Politics*;

- *Decree on Internal Organisation and Job Systematisation Criteria in State Administration Bodies, Official Gazette of Montenegro, No. 07/13, 04 Feb, 2013;*
- *Decree on Criteria for Classification of Civil Servant Jobs into Titles with Levels and Categories, Official Gazette of Montenegro No. 12/13, 01 March, 2013;*
- *Decree on Testing Capabilities, Detailed Criteria and Method of Assessment of Candidates for Jobs in State Authorities, Official Gazette of Montenegro No. 04/13, 18 Jan, 2013;*
- *Decree on the Organisation and Operation of State Administration, Official Gazette of Montenegro No. 5/12, 23 Jan, 2012, No. 25/12, 11 May, 2012, No. 61/12, 07 Dec, 2012, No. 20/13, 26 April, 2013;*
- *Government of Montenegro, Report on fixed-term contracts at the Ministry of Interior and proposal of measures to resolve the employment status of those hired based on such contracts, August 2013;*
- *Law on Civil Servants and State Employees, Official Gazette of Montenegro No. 39/11, 04 Aug, 2011, No. 50/11, 21 oct, 2011, No. 66/12, 31 Dec, 2012;*
- *Law on the Financing of Political Parties, Official Gazette of Montenegro No. 42/11, 15 Aug, 2011, No. 60/11, 16 Dec, 2011, No. 01/12, 04 Jan, 2012;*
- *Recruitment and Promotion in State Authorities – Semi-annual Monitoring Report, October 2013, at: <http://institut-alternativa.org/zaposljavanje-i-napredovanje-u-organima-drzavne-uprave-polugodisnji-monitoring-izvjestaj/>*

## APPENDIX 1: Secondary legislation for the LCSSE

1. Code of Ethics for Civil Servants and State Employees, adopted on 15 March 2012 (Official Gazette of Montenegro No. 20/12);
2. Rulebook on Monitoring and Assessment of Civil Servants and State Employees on Trial Work, adopted on 28 September 2012 (Official Gazette of Montenegro No. 51/12);
3. Rulebook on Criteria and Method of Compilation of the List of Disciplinary Board Members, adopted on 12 December 2012 (Official Gazette of Montenegro No. 62/12);
4. Decree on Testing Capabilities, Detailed Criteria and Method of Assessment of Candidates for Jobs in State Authorities, adopted on 27 December 2012 (Official Gazette of Montenegro No. 04/13);
5. Decree on Internal Organisation and Job Systematisation Criteria in State Administration Bodies, adopted on 17 January 2013 (Official Gazette of Montenegro No. 07/13);
6. Rulebook on the Contents of Announcement, Method of Correction, Electronic Application and Examination of Documents, adopted on 31 January 2013 (Official Gazette of Montenegro No. 8/13);
7. Decision to Set up the Ethics Committee, adopted on 31 January 2013 (Official Gazette of Montenegro No. 11/13);
8. Decision to Appoint the Chair and the Members of the Appeals Committee, adopted on 31 January 2013 (Official Gazette of Montenegro No. 11/13);
9. Guidelines for Development of Integrity Plan, adopted by the Ministry of Justice on 31 January 2013;
10. Decree on Criteria for Classification of Civil Servant Jobs into Titles with Levels and Categories, adopted on 14 February 2013 (Official Gazette of Montenegro No. 12/13);
11. Rulebook on the Contents and Maintenance of the Central Personnel Records and Internal Labour Market Records, adopted on 31 May 2013 (Official Gazette of Montenegro No. 27/13);
12. Decree on Criteria and Assessment of Civil Servants and State Employees, adopted on 6 June 2013 (Official Gazette of Montenegro No. 33/13);
13. Rulebook on Content and Manner of Keeping the Records on Received Gifts, adopted on 31 July 2013 (Official Gazette of Montenegro No. 39/13);
14. Decree on the Type and Procedure for Granting Awards to Civil Servants and State Employees, adopted on 01 August 2013 (Official Gazette of Montenegro No. 40/13);
15. Decree on the Form, Detailed Content, Manner of Preparation,

Adoption and Drafting Methodology for the Programme of Professional Training and Development of Civil Servants and State Employees, adopted on 31. October 2013 (Official Gazette of Montenegro, no. 58/13);

16. Decree on the Programme and Manner of Taking of Professional Examination for Working in Administrative Bodies, adopted on 26 December 2013 (Official Gazette of Montenegro No. 7/2014).

## About the Institute

**Institute Alternative** is a non-governmental organisation, established in September 2007 by a group of citizens with experience in the civil society, public administration and business sector.

Our mission is to strengthen the democratic processes and good governance in Montenegro by means of research and analyses of public policy options, together with monitoring public administration performance.

Our strategic objectives are as follows: to enhance the quality of work, accountability, openness and efficiency of public administration; to foster open, public, constructive and argued debate on public policies and to strengthen the capacities of the state and the society for their development.

The values that the Institute upholds are: dedication to our mission, independence, constant learning, networking, cooperation and teamwork.

The Institute acts as a **think tank** i. e. research centre, focusing on the areas of good governance, transparency and accountability. IA is concerned with and generates impact in the following five areas: i) public administration; ii) accountable public finance; iii) parliamentary programme; iv) security and defence, and v) social policy.

Within the framework of the five programmes, the Institute is involved in monitoring the EU accession negotiation process, along with active participation in the working groups on specific chapters. The Institute has also run the School of Public Policies since 2012.

By the Ministry of Science Decision of 17 Oct, 2013, the Institute was granted the licence to conduct research in the field of humanities, pursuant to the Law on Research Activity.

The organisation is managed by the Assembly and the Managing Board. **Stevo Muk** is Board Chairman. **Jovana Marović, PhD** is research coordinator.

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