



Making Merit Recruitment Work:

**Lessons from and for
the Western Balkans**



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Introduction

The Regional School of Public Administration (ReSPA) has conducted two studies of merit-based recruitment to the civil service in the Western Balkans since 2015. The first of these studies evaluated the formal-legal frameworks regulating merit-based recruitment and, in particular, the quality of their implementation.¹ The second study focused on changes in formal rules and implementation practices between 2015 and 2018.²

The aim of the current study is to leverage the previous research undertaken by ReSPA by drawing broader lessons *from* the Western Balkans *for* the Western Balkans on how to make merit-based recruitment work more effectively.

¹ Meyer-Sahling, J.-H.; Mikkelsen K.S.; Ahmetovic, D.; Ivanova, M.; Qeriqi, H.; Radevic, R.; Shundi, A.; Vljakovic, V. (2015) *Improving the Implementation of Merit Recruitment Procedures in the Western Balkans: Analysis and Recommendations*. Danilovgrad: ReSPA Publications. <https://www.respaweb.eu/11/library#humaner-resourcesmanagement-and-development-7>

² Meyer-Sahling, J.-H.; Mikkelsen K.S.; Schuster, C.; Bartula-Musikic, R.; Ahmetovic, D.; Ivanova, M.; Qeriqi, H.; Radevic, R.; Shundi, A.; Vljakovic, V. (2019) *Merit Recruitment in the Western Balkans: An Evaluation of Change between 2015 and 2018*. Danilovgrad: ReSPA Publications. <https://www.respaweb.eu/11/library#humaner-resources-management-and-development-7>

In this context, the Western Balkans comprise the ReSPA members³: Albania, Bosnia and Herzegovina, Kosovo*⁴, Montenegro, North Macedonia and Serbia. They hence comprise the same geographical cluster, share a common legacy, and – most importantly for the purpose of this study – share the same goal of becoming members of the European Union. As demonstrated by the two previous ReSPA studies, however, Western Balkan governments have established different institutional arrangements to manage civil service recruitment. Moreover, these arrangements have been shown to have certain strengths and weaknesses in relation to different aspects of recruitment and selection. Deriving lessons from and for the Western Balkans is thus a highly relevant and valuable task, in accordance with ReSPA’s mission of promoting initiatives for learning and diffusing good practices in the region.

In taking up this task the current study develops 21 lessons to improve merit-based recruitment in the Western Balkans. These lessons are derived from good practices identified across the region as well as from the gaps and obstacles to implementation that have become evident through in-depth evaluations of merit recruitment.

The 21 lessons are clustered around five areas of recruitment that informed ReSPA’s previous evaluations of merit recruitment in the Western Balkans in 2015 and 2018: (i) the scope for the application of merit recruitment procedures; (ii) the conditions for opening job positions; (iii) the public advertisement of vacant positions; (iv) the formation and role of selection commissions; and (v) the examination and final selection of candidates.

The study concludes by integrating these lessons within a framework for the assessment of merit recruitment procedures and practices in the ReSPA members. This framework is conceived as a self-assessment tool that will enable ReSPA members to reflect on their recruitment practices, to identify gaps, to learn from the experiences of others in the region and to initiate efforts to exchange relevant knowledge among them.

The reform and institutionalisation of merit-based recruitment is a complex undertaking that requires time and favourable political and economic conditions. In particular, such reforms cannot succeed without sustained political commitment and the willingness of political elites to appreciate the benefits of merit-based recruitment for their national development.

In the global and European context, merit-based recruitment is widely regarded as the cornerstone of any modern professional civil service. Merit recruitment thus features prominently in the Principles of Administration developed by SIGMA to guide civil service reforms in EU accession countries.⁵ The European Commission refers to merit-based recruitment as a key component of the ‘fundamental reforms’ that have guided the EU’s enlargement strategy since 2015. The Commission renewed its commitment to these fundamentals most recently in February 2020.⁶

The benefits of merit-based recruitment for a nation’s development have been widely documented. Scientific research has shown that merit-based recruitment is associated with

³ The term ‘ReSPA Members’ also refers to Kosovo*, which is included in ReSPA activities as a beneficiary, although it is not yet a full Member.

⁴ *This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo declaration of independence.

⁵ OECD (2017) SIGMA, The Principles of Public Administration. Paris: OECD. Available at http://sigmaweb.org/publications/Principles-of-Public-Administration_Edition-2017_ENG.pdf

⁶ European Commission (2020) Enhancing the Accession Process - A Credible EU Perspective for the Western Balkans. Available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargementmethodology_en.pdf

economic growth and reduced levels of corruption in government.⁷ Recruiting civil servants on the basis of merit further helps to increase the speed and accuracy of transposing EU policies as well as improving the quality of their implementation.⁸

One of the main benefits of merit recruitment is that it helps curb politicisation and nepotism in the civil service. Politicisation and nepotism have both been found to have negative consequences for the civil service, including lower public service motivation, lower work motivation and job satisfaction among civil servants, as well as poorer performance and lower levels of integrity in government.⁹ Making merit recruitment work effectively thus has many advantages for public sector performance and a nation's development.

The benefits of merit-based recruitment have evidently been recognised by Western Balkan governments, which have continuously invested in efforts to increase the professionalisation of the civil service since the late 1990s and early 2000s. The most recent wave of reforms led to the amendment of civil service laws or the adoption of new laws in Albania (2013), North Macedonia (2015), Montenegro (2017), Serbia (2018) and Kosovo* (2019).

In spite of these reform efforts, however, the two ReSPA studies and the regular SIGMA monitoring reports indicate that the politicisation of civil service recruitment remains widespread across the region. For example, in autumn 2018 the authors of the ReSPA merit recruitment study conducted a survey of personnel managers throughout the national public administrations of the Western Balkans, finding that nearly 60 per cent of the respondents regarded the support of the political leadership as either important or very important in the selection of senior civil service positions. Even at the level of non-managerial civil servants, more than 50 per cent of the personnel managers attached an important or very important role to the political leadership in the recruitment and selection process.¹⁰

There is thus a pressing need to attain a better understanding of why merit recruitment procedures in the Western Balkans do not always work as intended and to identify which measures can be undertaken to improve the quality of their implementation. This study addresses this need.

The study is organised in seven sections, as follows: Section 1 outlines the analytical approach; Sections 2–6 identify lessons for each of the five areas of merit-based recruitment listed above; and Section 7 gives the conclusion and outlook.

In addition to general lessons, the sections also address the implications of the COVID-19 crisis for merit recruitment. The pandemic has been a powerful reminder of the importance of

⁷ Dahlström, C., Lapuente, V., and Teorell, J. (2012) The Merit of Meritocratization. *Political Research Quarterly* 65(3): 656–668. Rauch, J.E., and Evans, P.B. (2000) Bureaucratic Structure and Bureaucratic Performance in Less Developed Countries. *Journal of Public Economics* 75(1): 49–71.

⁸ Falkner, G., and Treib, O. (2008) Three Worlds of Compliance or Four? The EU15 Compared to the New Member States. *Journal of Common Market Studies* 46(3): 293–313. Toshkov, D. (2008) Embracing European Law: Compliance with EU Directives in Central and Eastern Europe, *European Union Politics* 9(3): 379–342.

⁹ Meyer-Sahling, J.-H., Schuster, C., and Mikkelsen, K.S. (2018) *Civil Service Management in Developing Countries: What Works? Evidence from A Survey With 23,000 Civil Servants In Africa, Asia, Eastern Europe And Latin America*. London: UK Department for International Development (DFID). <https://nottinghamrepository.worktribe.com/output/1649287/civil-service-management-in-developing-countries-what-worksevidence-from-a-survey-with-23000-civil-servants-in-africa-asia-eastn-europe-and-latin-america>

¹⁰ These figures are corroborated by other studies of civil service management in the Balkans. In a large survey of nearly 3,000 civil servants in Kosovo*, for example, nearly 50 per cent of civil servants admitted that political connections had helped them obtain their jobs in the civil service. See Meyer-Sahling, J.-H., Schuster, C., Mikkelsen, K.S., Qeriqi, H., and Toth, F. (2018) *Towards a More Professional Civil Service in Kosovo: Evidence from a Survey of Civil Servants in Central and Local Government*. London: British Academy and DFID AntiCorruption Evidence Programme. <https://nottingham-repository.worktribe.com/output/1648791/towards-a-moreprofessional-civil-service-in-kosovo-evidence-from-a-survey-of-civil-servants-in-central-and-local-government>

building public administration capacity, with merit-based recruitment as one of its most essential components. At the same time the COVID-19 crisis has created new challenges for the management of civil service recruitment. Accordingly, the sections address the initial responses of the ReSPA members to the pandemic.

The Appendix integrates the 21 lessons within a self-assessment framework. The self-assessments were completed for each ReSPA member in consultation with the members of the Working Group on Human Resource Management in the public sector. The self-assessments are complemented with a ReSPA work plan to assist initiatives for improving merit recruitment in the western Balkans.

Deriving lessons for merit recruitment for the development of a self-assessment framework

This study seeks to derive lessons from previous ReSPA evaluations of merit recruitment in the Western Balkans in order to develop a self-assessment framework from and for the Western Balkans. The focus of the 21 lessons is on identifying which conditions need to be in place in order to increase the effectiveness of merit recruitment. They complement SIGMA's Principles of Administration insofar as they incorporate and extend Principle 3 on 'Human Resources Management' together with its indicators and sub-indicators, most of which address the institutionalisation of merit-based recruitment in the civil service.

The lessons presented here are derived from the gaps and obstacles that became evident in the course of analysing recruitment procedures and practices in the region. The study additionally reports cases of good practices in the region that have evidently addressed threats to effective merit recruitment and should therefore serve as points of reference for further reforms in the Western Balkans.

The lessons are drawn from five areas of merit recruitment that also structured ReSPA's 2015 and 2018 merit recruitment studies and which form the basis of the assessment framework, as follows:

1. The scope for the application of merit recruitment;
2. The conditions for the opening of positions;
3. The public advertisement of vacant positions;
4. The composition and role of selection commissions;
5. The written and oral examination of candidates and the final selection.

Merit recruitment is a complex process consisting of multiple interdependent components. The effectiveness of merit recruitment can thus be undermined if any one of the components of the process is deficient, including even the sub-components. For example, the quality of testing regimes may become largely inconsequential for the outcome of a recruitment process if the advertisement for the job position has previously been tailored to a particular candidate. In drawing lessons, therefore, the assumption of this study is that each lesson needs to be considered individually in order to achieve an improvement of merit recruitment practices.

The study is based on an analysis of legislation and reports by regional experts, including a detailed questionnaire that also informed the previous ReSPA merit recruitment studies. In order to gain a better understanding of recruitment practices across different institutions, the regional experts also conducted interviews with selected senior civil servants in central civil

service management bodies, ministries of public administration and a small number of line ministries and subordinate organisations. The interviews were based on a common topic guide and a common template for recording the findings.

The research for this current study was conducted in winter 2019 and spring 2020 just before the COVID-19 pandemic dramatically changed working conditions in the public sector. To address the challenges for merit recruitment arising from the pandemic, each section briefly discusses the initial responses taken by ReSPA members.

Getting the scope of merit recruitment right

The first set of lessons focuses on the scope for the application of merit recruitment procedures by ReSPA members. While laws on the civil service have formally institutionalised merit recruitment for external entry into the civil service, these laws differ in scope throughout the region and, by implication, in the extent to which the employees of public administration are required to pass through merit recruitment procedures. Moreover, some civil service laws themselves may specify that certain groups of employees such as senior managers or temporary contract staff are subject to less rigorous recruitment and selection requirements. As a consequence, the effectiveness of merit recruitment may be diminished because the scope for the application of merit procedures is limited.

When examining merit recruitment in the Western Balkans it is essential to get the scope for the application of merit recruitment right in at least four respects.

- (1) All institutions of the public administration, and by implication all institutions that exercise public authority, must be included within the scope of merit recruitment;
- (2) All positions with managerial responsibilities over ministerial and non-ministerial departments, including civil servants, must be included within the scope of merit recruitment;
- (3) All groups of administrative staff without managerial responsibilities, except for manual and auxiliary staff, must be included within the scope of merit recruitment;
- (4) All groups of temporary and fixed-term staff must be included within the scope of merit recruitment.

The first and most basic threat to the effectiveness of merit recruitment stems from a failure to require all institutions of the public administration to apply merit recruitment procedures. In **Montenegro**, for instance, the Law on Civil Servants and State Employees includes the central public administration, the parliamentary administration, the administration of the presidency and the administration of certain agencies and insurance funds such as the national pension fund. However, the Law does not recognise regulatory authorities as institutions to be included within its scope. This is an important omission, since whether or not a given regulatory authority applies in civil service recruitment procedures depends on there being a special law or statute that establishes the authority to oversee these procedures.

In the Montenegrin case it is estimated that approximately half of the regulatory authorities, agencies and state funds do not require the application of civil service law but follow only the standards and procedures of the labour code. Notable agencies that fall outside the civil service law in Montenegro include the Energy Regulatory Agency and the Agency for Medicines and Medical Devices. There is no general rule that determines whether or not an agency is required to follow the recruitment procedures defined by the Laws on Civil Servants or the labour law.

Similar omissions from the need to apply civil service recruitment procedures can be found in other contexts, most notably in **Serbia** and **North Macedonia**.

The first lesson is therefore that the effectiveness of merit recruitment may be diminished if certain institutions are exempted from the requirement to apply standard civil service merit recruitment procedures.

A second major impediment to effective merit-based recruitment in the Western Balkans is the politicisation of the senior civil service, which has long been a concern of international observers such as the European Commission and SIGMA. In response to this threat there has been a sustained push to formalise the separation of politics and administration as an important step towards depoliticisation. These efforts have been successful in the Western Balkans insofar as political appointees are now generally kept outside the scope of civil service laws while senior management positions have been included within the scope of these laws. As a consequence, senior civil servants are now required to pass through merit recruitment and selection procedures before they can assume their posts.

One of the last remaining exceptions in the region in this regard is the continued appointment of 'acting managers' to the positions of Secretary of the Ministry, Assistant Minister and Director of non-ministerial bodies in **Serbia**. Firstly, candidates for these posts may be appointed as acting managers for three or six months subject to the discretion of the (political) head of the institution. Secondly, although acting appointments may not formally be renewable, they are often renewed in practice. Thirdly, acting appointments are very common; indeed, SIGMA estimates that 50–60 per cent of all senior civil servants were appointed as acting managers between 2015 and 2018.

Recent research conducted in collaboration with the Centre for European Policy in Belgrade on Secretaries of Ministries in Serbia indicates that 50 per cent of these Secretaries were appointed as acting managers in autumn 2019 (to provide a snapshot). Of the Secretaries appointed on a permanent basis following an assessment by the Higher Civil Service Council, *all* had previously been appointed as acting managers. In fact, one of the Secretaries had been appointed as an acting manager on nine(!) consecutive contracts before becoming permanent.

While acting appointments in themselves may not necessarily pose a threat to the principle of merit recruitment, problems arise if acting managers can be recruited from outside the civil service without ever having to pass through a public competition and merit examination. This problem can be addressed by stipulating that acting managers must be selected exclusively from the wide pool of civil servants who have passed through the merit recruitment procedure at least once on entering the civil service.¹¹

To provide an example from the region of ongoing reform in this area, in **North Macedonia** it is also possible to appoint acting managers to senior civil service positions; however, a recent amendment ensures that acting managers have to be recruited from within the civil service. This new arrangement implies that acting managers must have previously passed through merit procedures, thereby ensuring the merit principle is preserved.

The second lesson is therefore that the effectiveness of merit recruitment may be undermined if senior civil servants or other senior staff who manage civil servants do not have to pass through merit recruitment procedures or if they have to pass through less rigorous merit recruitment procedures.

¹¹ Acting appointments have also been criticised on the basis that they minimise job protection for appointees; however, this criticism does not refer to the mode of recruitment and selection but to the terms of the appointment, which is a different issue.

A third way in which merit recruitment can be undermined is if the scope of civil service law fails to adequately cover the appointment of middle-ranking and lower-ranking staff in public administration. In **Bosnia and Herzegovina**, for example, the Civil Service Laws have a relatively narrow scope. At the level of BiH Institutions these laws not only exclude lower ranks in public administration but also technical and support staff such as IT, HR and procurement officials (if they do not have a university degree). These positions are regulated instead by the law on labour in state institutions, which requires lower recruitment standards than recruitment procedures for civil service positions.

While the narrow scope of a country's law on civil service appointments may not necessarily undermine merit recruitment by itself, the door for patronage appointments is opened whenever recruitment standards are lower for staff in positions that fall outside the scope of civil service law. In the case of **Bosnia and Herzegovina**, for instance, the 2018 ReSPA survey showed that only 40 per cent of administrative staff were covered by the country's civil service laws, thus posing a considerable threat to merit recruitment.

The third lesson is therefore that the effectiveness of merit recruitment may be diminished if the vertical scope of civil service laws excludes a large proportion of lower and middle-ranking administrative staff from the need to pass through merit recruitment procedures.

A fourth major threat to the effectiveness of merit recruitment is the exemption of fixed-term appointments and temporary contract staff from the need to pass civil service recruitment procedures, which has been a long-term problem in the Western Balkans. From a merit perspective, temporary contract staff should be treated like all other staff, since if recruitment standards are lowered for these staff then temporary employment opens the door to politicisation and nepotism in the civil service.

Temporary employment in public administration, whether within or formally outside the scope of the civil service, remains a challenge for merit recruitment in the region. In **Serbia**, for example, temporary staff are classified as civil servants but not all categories of temporary staff need to pass through merit procedures. While trainees and temporary staff employed for up to six months to address an increasing volume of work must pass through the standard merit recruitment procedure or be chosen from a list of candidates who have previously passed the civil service examination procedure, temporary staff recruited to replace other civil servants (e.g. to cover a temporary absence) can be employed without the need for merit procedures. The number of staff recruited on these types of temporary contracts may be small in practice, but in principle the arrangement still reduces the scope for the application of merit recruitment.

In **Kosovo***, managers can employ staff on 'fixed-term appointments' for up to six months without these recruits being required to pass through the standard merit recruitment procedure. These appointments are called Special Service Agreements and are regulated by the Law on Obligations. To employ staff on the basis of such agreements, institutions need only apply a 'simplified' recruitment procedure, with no further guidance provided by any regulation as to what this means in practice.

The practice of making fixed-term appointments in **Kosovo*** is reported to have increased significantly in recent years. In 2018, indeed, fewer staff were recruited on the basis of the standard civil service merit recruitment procedure than on fixed-term contracts, many of which are said to have been renewed in violation of the legal basis.¹²

With the introduction of the new Law on Public Officials in Kosovo* (a law that was suspended until 1 July 2020 as the current study was being finalised), fixed-term appointments will remain possible but are supposed to be regulated in accordance with public procurement law.

¹² Ministry of Public Administration (2019) Report on the situation in the civil service of Kosovo*. <https://map.rksgov.net/desk/inc/media/B38D28D3-7C94-48A0-AD17-2F55659FE14D.pdf>

Fixed-term appointments will thus become more transparent, although they will still fall short of meeting the standards of merit recruitment into the civil service.

Montenegro provides a contrasting example of good practice in regulating temporary appointments without undermining the principles of merit-based recruitment. While heads of institutions can appoint staff on a temporary basis in exceptional circumstances if standard conditions are met, appointees must be drawn from a list of candidates previously shortlisted but not selected for the position. This is intended to ensure that all temporary employees have previously passed through merit recruitment procedures. As this procedure remains novel in the context of Montenegro, it will require close monitoring by the central Human Resources Management Authority (HRMA) to ensure full compliance. Moreover, there is so far no evidence as to the number of temporary appointments that have been made on the basis of the new regulation. Nevertheless, the arrangement has the potential to reconcile the occasional need for temporary employment with the principle of merit recruitment.

The fourth lesson is therefore that the effectiveness of merit recruitment may be reduced if the appointment of temporary civil servants or temporary employees outside the scope of the civil service does not require the application of basic civil service merit recruitment procedures.

Getting the conditions right for the opening of positions

The second set of lessons focuses on the conditions that need to be met in order to open positions for recruitment, selection and appointment. In the Western Balkans, positions can typically only be filled if they are listed in acts on the systematisation of jobs or in annual staffing plans and if budgetary means are available. Moreover, any job opening must be approved by central institutions such as central civil service management bodies, public administration ministries and ministries of finance.

The ReSPA survey conducted in 2018 showed that the opening of civil service positions by ReSPA members is almost always preceded by the formal approval of central institutions. However, the systematisation of jobs and positions, as well as staff planning procedures, have regularly been identified as major weaknesses of the civil service recruitment and selection process in this region. These weaknesses may even have the potential to compromise the entire process of merit-based recruitment.

Analysing the current situation of external merit-based recruitment in the Western Balkans, it is evident that at least three areas must be addressed in order to get the opening of positions right:

- (1) External recruitment should be based on a systematisation of jobs and positions that cannot be arbitrarily changed to allow institutions to hire new staff at will;
- (2) External recruitment should be based on prior staff planning procedures in order to avoid the ad hoc recruitment of new staff;
- (3) The opening of individual positions or groups of positions for external recruitment should require prior approval, including approval by central civil service management bodies.

First, the systematisation of jobs and positions is commonly required across public administrations in the Western Balkans. This provides the basis for the opening of positions, since only positions recognised in systematisation acts or rulebooks may be filled, while the definition of each position means that only candidates with the matching attributes can be employed. Systematisation acts thus play an important role in determining the kinds of individuals that can be appointed to any position, ideally ensuring that only the best-qualified

candidates for each role will be employed. However, systematisation may also be used strategically to tailor positions to particular candidates, thereby rendering the remainder of the recruitment and selection process inconsequential as the winner of the contest is known in advance.

In the Western Balkans, improper use of systematisation has long been recognised as a gateway to politicised recruitment. In **North Macedonia**, for instance, public administration institutions exercise a great deal of discretion in the design and amendment of systematisation acts. Although the Ministry of Information Society and Administration prepares a basic template for the preparation of systematisation acts, including a methodology for the definition of jobs that further require approval by the Ministry after completion by the administrative bodies, no further approvals are required either from the Government or from the Administration Agency that is subsequently in charge of managing the recruitment process.

In North Macedonia there is no limit placed on the number of changes that can be made to systematisation acts, meaning institutions can change them in accordance with their ad hoc staffing needs. Moreover, the flexible method of defining jobs means many positions are only very broadly defined, allowing wide discretion in the appointment of candidates. Job descriptions within systematisation acts are meant to specify the type of degree (level) required and the field of study (e.g. law or economics), but in practice they often under-specify the requirements for a given role, thereby affording managers wide discretion to recruit staff from any background.

Systematisation acts ultimately determine the contents of job advertisements and the formal eligibility criteria for a given position. This means that if job definitions are so broad that anybody can apply it will be unclear to applicants what the job entails and what might be expected of them, while more specific job definitions significantly narrow down the pool of potential applicants for a given job. The inadequate method of job systematisation observed in the case of North Macedonia is by no means unique in the Western Balkans: systematisation requirements in **Serbia**, **Montenegro** and **Bosnia and Herzegovina** suffer from similar weaknesses, providing only limited accountability and imposing very few constraints on institutions.

The first lesson in this area is therefore that the effectiveness of merit recruitment requires prior attention to the method of job systematisation, since inadequate systematisation has the potential to derail the process of merit recruitment and selection.

Second, job systematisation processes are supposed to be complemented by staff planning procedures. Such staff planning procedures are not designed merely to increase the efficiency of job recruitment but also to increase the transparency of staff recruitment while at the same time preventing the ad hoc discretionary employment of staff. In the Western Balkans, staff planning is generally required but remains under-developed in practice.

In **Albania**, the country with the most highly developed system of staff planning in the region, planning and recruitment follow an annual schedule. Plans are first prepared in the autumn by the institutions for the Department of Public Administration and a national staffing plan is then completed in the winter, with recruitment into the civil service commencing after the plan is finally approved by the Prime Minister in February. Training in the preparation of staffing plans has been provided to the HR Directorates of administrative institutions by the Department of Public Administration, though in practice the HR Directorates still need greater capacity to comply fully with the planning requirements.

In the other cases, staffing plans are far more basic in scope. In **Kosovo***, institution-level plans focus on alignment with medium-term expenditure plans, while in **Bosnia and Herzegovina** staffing plans merely require the total numbers of positions that might need to be filled in order to facilitate budgetary planning. In **Serbia**, staffing plans have not been

completed for several years, though a new planning methodology is currently under development.

In **Montenegro**, staffing plans were introduced in 2011 as part of an earlier civil service reform. However, on several occasions not all institutions have adopted staffing plans and some plans have only been adopted after considerable delays. Moreover, despite a moratorium on external recruitment from mid-2018 to mid-2020, the right to approve the opening of positions on an ad hoc basis has been granted to the Inner Cabinet, which consists of the Prime Minister, Vice-Prime Ministers and the Secretary-General of the Government. As a result, the opening of positions in Montenegro is only determined by staffing plans to a very limited extent.

The second lesson is thus that the effectiveness of merit recruitment requires methods and compliance with staff planning procedures that shape rather than undermine merit recruitment.

Finally, while the systematisation of jobs and the planning of staffing needs constitute the basis for external recruitment, the opening of individual positions and groups of positions still needs to be formally approved by central institutions before these posts can be filled.

To be sure, the partial centralisation of staff planning and systematisation is not without tradeoffs, in that it curtails managerial autonomy at the level of individual institutions, which may eventually undermine organisational performance. However, there is no robust evidence yet that provides support for either a decentralised approach or a stronger role for central institutions in staff planning. The assumption in this context is that central checks and balances help shape the appropriate use of managerial discretion at the level of institutions.

In **Serbia**, systematisation acts must be approved by the Ministry of Public Administration and Local Self-Government, the Ministry of Finance and the Human Resources Management Service (HRMS) before being adopted by the Government. The opening of individual positions then needs subsequent confirmation by the central HRMS (in the case of ordinary civil servants) and by the Higher Civil Service Council (in the case of senior civil servants).

In **Albania**, systematisation acts and the general staffing plan must also be approved by the Department of Public Administration and the Ministry of Finance before being submitted to the Prime Minister for final approval. The opening of groups of positions subsequently requires further approval by the Department of Public Administration. Compared to other ReSPA members, there is less discretion for individual institutions in Albania to change systematisation acts and staffing plans and to recruit new staff at will.

By contrast, in **North Macedonia** the Ministry of Information Society and Administration and the Ministry of Finance must approve the opening of positions, while the Administration Agency is not involved in the approval process. As a result, the Administration Agency plays effectively no role at all in the systematisation, planning and approval process, even though it is subsequently responsible for the administration of the recruitment and selection process. The role of central civil service management authorities in the opening of positions is similarly limited in Montenegro and in Bosnia and Herzegovina.

Job positions in the public administration thus cannot be opened without prior approval by any of the ReSPA members and the approval of individual positions or groups of positions is largely a routine matter that follows the prior approval of systematisation acts and staff plans. However, if systematisation acts can be manipulated and if staff plans are lacking or subject to political discretion, the approval of the opening of positions is no longer a meaningful constraint on politicisation and hence no longer serves as a mechanism to safeguard merit recruitment.

The third lesson is therefore that the effectiveness of merit recruitment benefits from the central approval of systematisation acts and staffing plans before the opening of (groups of) positions in order to keep the discretion of recruiting institutions in check.

Getting public advertisements right

The third set of lessons for improving the effectiveness of merit-based recruitment to the civil service focuses on the role of public advertisements of job positions. Public advertisements are a basic feature of merit recruitment as they are necessary to ensure that citizens have equal access to positions in the public sector. Moreover, public advertisements serve as a tool to reach as large a pool of potential candidates as possible. It is essential, however, that advertisements provide relevant information for applicants and effectively facilitate the process of applying for vacant positions, so as to encourage the largest number of applicants with relevant profiles for the job will apply. By increasing the competitiveness of the application process it is expected that the merit principle will be strengthened.

The public advertisement of job vacancies is compulsory across the civil services in the Western Balkans and the surveys of personnel managers conducted by ReSPA in 2015 and 2018 further confirmed that jobs for external recruitment are usually advertised publicly in practice. While this indicates the legal requirement is indeed being implemented, civil services in the region differ in terms of the mechanisms they have established to ensure the effective advertisement of job openings.

Examining the practice of job advertisements in the Western Balkans, it is evident that there are at least five areas that need to be addressed to make them more effective:

- (1) External recruitment to all positions in the civil service should require the public advertisement of job vacancies;
- (2) Job announcements should reach as many potential applicants as possible through the use of a range of channels of communication, including print media and online social media;
- (3) Job announcements should contain relevant information in order to attract suitable candidates for given roles;
- (4) The application process should be as user-friendly and cost-efficient for applicants as possible.
- (5) Public advertisement practices should be complemented by general outreach activities to promote civil service employment and measures to support applicants during the application process.

The trend in the Western Balkans over the last few years has generally been towards the promotion of internal civil service recruitment. In **Montenegro**, for instance, the latest civil service reform introduced the option of re-assignment, i.e. internal and external transfers, as the main option for filling vacant mid-level positions in public administration. Whenever a vacancy arises, managers are thus required to first explore the possibility of re-assignment. The Human Resources Management Authority assists in the process of internal announcement to facilitate mobility between institutions. If re-assignment proves unfeasible, a position is advertised by the Human Resources Management Authority for candidates from within the civil service. Only when the internal recruitment procedure does not lead to an appointment is the position publicly advertised.

This sequence of transfers and internal advertisements prior to public advertisement is similar across the Western Balkans. While internal recruitment tends to require less rigorous testing of candidates (see below) and an argument could be raised that any advancement to a higher level position should require rigorous testing, internal recruitment helps promote professional careers within the civil service, retains expertise in the public administration and increases the

efficiency of the recruitment process. As long as candidates have passed through merit testing when first entering the civil service, internal recruitment is therefore considered to be compatible with the principle of merit recruitment. *The essential condition is that the candidates' initial entry into the civil service must be merit-based.*

In the case of external recruitment, public advertisements are generally compulsory in the Western Balkans, with very few exceptions, including (as mentioned above) the appointment of acting managers in **Serbia**, short-term temporary appointments in the **Republic of Srpska** and at the level of **BiH Institutions**, and fixed-term appointments in **Kosovo***. In the case of Kosovo* these appointments require merely a 'simplified' recruitment procedure with no guidance provided. According to Kosovo*s Independent Oversight Board, most fixed-term appointments are made without prior announcement.

Apart from these exceptions, external recruitment in the Western Balkans requires the advertisement of individual positions and groups of vacant positions. In **Albania**, a system of pool recruitment was introduced with the adoption of the most recent civil service law in 2013. This requires groups of vacant positions with similar profiles to be advertised jointly. Testing is subsequently conducted for the group of positions and those who perform best in the examination process can choose their preferred positions. Such pool recruitment has been credited with an increase in the number of applicants in Albania. Moreover, it has been associated with reduced levels of nepotism and politicisation at the point of entry to executive positions in the civil service.¹³

The new Law on Public Officials in **Kosovo*** also seeks to introduce pool recruitment for institutions of the central administration. However, the central capacity required to implement pool recruitment and examination should not be underestimated. In 2014, Albania was able to build on more than a decade of experience with centralised recruitment and examinations; in Kosovo*, by contrast, the processes of recruitment, assessment and selection are almost completely decentralised and there is little central capacity to build on. A direct progression from decentralised recruitment to a centralised pool recruitment procedure is therefore likely to be very challenging to implement effectively. It may be essential therefore to consider intermediate steps to manage the transition from one system to another.

The first lesson in this area is therefore that selection into all positions of the public administration should precede the public advertisement of job vacancies or the recruitment of candidates from within the civil service who have previously passed through merit recruitment procedures.

Second, civil service laws and secondary legislation define a range of channels through which job openings must be advertised. Advertising through print media outlets with mass circulation, in combination with advertising through online and social media channels, is generally agreed to be the most effective way to reach the largest possible number of potential applicants in a given jurisdiction.

The ReSPA members in the Western Balkans mostly use these channels. At the level of **BiH Institutions**, for instance, job vacancies must be advertised on the website of the Civil Service Agency and in three newspapers with countrywide circulation. In order to address the limited reach of standard job adverts, the Civil Service Agency has recently begun to make use of social media channels such as Facebook, Twitter and LinkedIn to advertise job vacancies.

¹³ Meyer-Sahling, J.-H., Schuster, C., Mikkelsen, K.S., and Shundi, A. (2018) *The Quality of Civil Service Management in Albania: Evidence from a Survey of Central Government Civil Servants and Public Employees*. London: British Academy and DfID Anti-Corruption Evidence Programme. <https://nottinghamrepositary.worktribe.com/output/1648865/the-quality-of-civil-service-management-in-albania-evidence-from-a-survey-of-central-government-civil-servants-and-public-employees>

Similar efforts are evident in **Albania**, where job vacancies are advertised on the websites of the Department of Public Administration and the National Employment Portal, as well as on the websites of the institutions seeking to fill vacancies. The Department of Public Administration also actively uses social media channels to increase the reach of its job adverts and has gained 16,000 followers on its Facebook page alone. The professionalisation of job advertisements in Albania has gone hand-in-hand with an increase in the number of applications: between 2015 and 2018, for example, the number of applicants per vacancy doubled from 11 to 22. This increase coincides the efforts undertaken by the Department of Public Administration to extend the reach of job advertisements.

The channels used for the advertisement of job vacancies are similar for other ReSPA members, although there remains scope to expand the use of online and social media channels in some ReSPA members. In **North Macedonia**, for instance, online channels are largely limited to the website of the Administration Agency, and the Agency does not yet use social media channels to disseminate job vacancies. This also applies to the central civil service management authorities in the **Republic of Srpska** and in **Kosovo***.

Although no scientific evaluations have yet been undertaken to assess the impact of social media channels on the number and profile of applicants to civil service positions, the rationale behind the use of social media by civil service managers in Bosnia and Herzegovina and in Albania is that using these channels increases the visibility of job vacancies and attracts a larger proportion of young applicants to the civil service.

The second lesson is therefore that the effectiveness of merit recruitment will be supported if job vacancies are advertised through a range of print, online and social media channels in order to reach as many potential applicants as possible for a given role.

Third, the contents of job advertisements are regulated across the Western Balkans by civil service laws, regulations and rulebooks that typically provide little room for discretion. The common concern that job advertisements may be tailored to particular candidates also applies to the Western Balkans; however, the root of this concern relates to the tailoring of systematisation acts rather than to the manipulation of the contents of job advertisements.

The contents of civil service job advertisements across the region are aligned with job descriptions derived from systematisation acts. In addition, job advertisements provide information about the documents that applicants require and details about the process of testing. In some ReSPA members, including **North Macedonia**, job advertisements also specify the ethnic affiliation required for certain appointments.

Despite these regulations, concerns are regularly raised regarding the quality of the information presented in job advertisements. This is important because the nature of the information in job advertisements plays a role in determining the type of candidates who apply. In **Albania**, for instance, job descriptions and essential and desired qualifications are often considered too broad to serve the purpose of informing potential candidates whether or not the role is suitable for them. Similarly, job advertisements in **North Macedonia** are often framed so broadly that potential applicants do not know what kind of job they are applying for. In short, there is a general need in the region to re-consider the content and style of job advertisements in order to attract talent to civil service jobs.

The third lesson is therefore that the effectiveness of merit-based recruitment may be diminished if job advertisements fail to provide relevant information for potential applicants and if the style of the advertisements is insufficiently attractive for potential applicants.

Fourth, several Western Balkans have invested in efforts to increase the efficiency and userfriendliness of the application process for positions in the civil service. **Albania** has made most progress in this area, having introduced an e-recruitment system that combines advertisements for internally and externally available jobs in the civil service with a platform

for submitting the documents needed as part of the application process. Applicants can now register their details on the portal and upload the relevant documents before choosing the positions for which they would like to apply. The e-recruitment system then feeds directly into the pre-screening process that forms the first part of the testing procedure. Applicants' details and documents remain stored on the system, making it easier for them to apply for other jobs in the future.

In **North Macedonia**, e-recruitment was formally established with the new Law on Administrative Servant, although such recruitment was introduced in practice back in the mid2000s.

In Serbia, Bosnia and Herzegovina, Montenegro and Kosovo*, there are still no central portals for the submission of job applications. In **Montenegro**, for instance, applicants must send or deliver a hard copy of their application to the Human Resources Management Authority. Email submissions have only recently become permissible in response to the COVID-19 crisis (see below). In **Bosnia and Herzegovina**, applicants must send hard copies or email files to the central civil service management body for compilation and formal pre-screening. In **Serbia**, applications must be sent by mail or email to the central Human Resources Management Service, the Higher Civil Service Council, or the administrative body that seeks to fill the vacancy, depending on the position and guidance of the selection commission. In **Kosovo***, hard copies of documentation are directly sent to the HR unit of the recruiting institution.

The user-friendliness of the application process may be further undermined by the costs involved in providing the required documentation. In **Albania** it is sufficient to submit copies of official documents and to present originals or certified copies in the event of being selected. By contrast, at the level of **BiH Institutions** all candidates must submit certified copies of documents such as university degrees and their citizenship papers, while additional certificates are required by short-listed candidates regardless of the outcome of the interview process. The need to provide certified copies adds considerable costs for applicants and thus decreases the size of the pool of applicants.

The fourth lesson is therefore that the effectiveness of merit recruitment can be enhanced if e-recruitment tools are established in order to increase the user-friendliness of the application process and to lower the costs of applications associated with the submission of certified documents.

Fifth, the public advertising of positions also benefits from general measures to promote employment in the civil service and to assist candidates with the application process. In this respect **Albania** has led the way in the region. The country's Department of Public Administration has invested in outreach work by participating in job fairs and presenting the benefits of civil service careers at public and private universities. Moreover, the Department of Public Administration has also prepared online guidance, including videos and slideshows to help candidates complete their applications.

The other ReSPA members have not yet engaged in these kinds of outreach activities, but they will need to start to thinking about undertaking such initiatives to prepare for future competition for talent in the labour market. Although it is difficult to gauge the extent to which these outreach measures improve the number and quality of applicants, common sense suggests that it is good practice to increase the effectiveness of the merit recruitment.

In terms of support for applicants, most ReSPA members provide at least some basic materials such as instructions on how to apply and how to avoid mistakes in the application process. **Montenegro** has recently launched a new initiative that is relevant in this regard, with its Human Resources Management Authority setting up a form of call-centre that applicants can use if they have questions or need support during the application process.

The fifth lesson is therefore that the effectiveness of merit recruitment can be enhanced by developing and rolling out outreach measures to increase the attractiveness of civil service employment and to support applicants during the application process.

Getting selection commissions right

The fourth set of lessons focuses on the composition and professional competence of selection commissions in the civil service recruitment process. Independent commissions play a critical role in the examination and selection stages of this process with the aim of ensuring equal treatment of candidates and effective screening of skills and competences to identify and select the best-qualified candidate for a given role. Merit-based recruitment requires that the formation and operation of such selection commissions be independent and free from political interference.

The formation of selection commissions is required across the Western Balkans with only very few exceptions. This is reflected in the findings of the ReSPA survey of personnel managers conducted in 2018, which indicated that commissions are almost always formed when a candidate is to be selected for an expert or senior-level civil servant position.

However, from examining merit recruitment in the Western Balkans it is evident that getting selection commissions right requires at least the following four conditions:

- (1) External recruitment to all positions in the civil service should require the formation of a selection commission to oversee the recruitment process;
- (2) Selection commissions should include representatives from central civil service management bodies;
- (3) Selection commissions should include external experts (e.g. from academia and civil society);
- (4) Members of selection commissions should receive training in order to acquire the professional competencies they need to perform their roles.

First, selection commissions are required for almost all positions across the central public administration in the Western Balkans. Exceptions include the appointment of acting managers at the top of the civil service in **Serbia**, fixed-term appointments made through Special Service Agreements in **Kosovo***, and short-term temporary contract staff in **BiH Institutions** and the **Republic of Srpska**. All other categories of administrative staff in the Western Balkans require the formation of selection committees; indeed even the selection of staff employed on the basis of labour laws in ReSPA members such as Bosnia and Herzegovina usually requires the formation of a selection commission

It should be noted here again, however, that the formation of selection commissions is not required in the case of appointments for certain categories of administrative staff, including internal and external transfers of staff in several contexts and the appointment of State Secretaries in North Macedonia. However, reliance on the internal recruitment of staff implies that candidates must have previously undergone standard merit recruitment procedures when first entering the civil service, including assessment by independent selection commissions.

The first lesson in this area is therefore that commissions should be formed for the selection of all categories of new staff recruited from outside the civil service.

Second, the composition of selection commissions varies across the region. To begin with, the number of members on these commissions varies as follows: **Kosovo***, **BiH Institutions**, the **Republic of Srpska** and **Albania** have five members on selection commissions; **North**

Macedonia has four; and **Serbia, the Federation of BiH and Montenegro** have three. Having a larger number of commission members can potentially increase the quality of decisionmaking, since more members from potentially diverse backgrounds contribute to a betterinformed decision. However, there is no evidence that having a larger number of committee members leads to better decisions on recruitment. What is essential here is to look at the institutional background of committee members.

In order to monitor commission decision-making and ensure its consistency and impartiality, a key parameter is the presence of one or more delegates from central civil service management bodies. Without such representation there is greater risk that commission decision-making will be inconsistent and biased, further enabling discretionary selection by the recruiting institutions.

As a case of good practice, selection commissions in **Albania** must include one representative from the central Department of Public Administration, two independent experts from outside the civil service (see also below), and two mid-level managers from within the civil service. Given the use of pool recruitment and the examination procedure in Albania, the two mid-level managers on the commission are not necessarily from the institutions seeking to fill a vacancy. In this way the influence of the recruiting institutions is diminished and the risk of bias and temptation to exercise discretion on the part of the recruiting institutions is minimised. At the same time, commission members have a built-in incentive to act impartially in the examination and selection process.

Arrangements for the composition of commissions in **Kosovo*** are at the other end of the spectrum. There is currently no central representation on selection commissions, which comprise five members from the same recruiting institution who are appointed by the General Secretaries of ministries or the General Directors of agencies. In practice this means that institutions can largely recruit and select as they wish, especially as there is no central monitoring and no mechanism in place to ensure the consistency of the examination process.

Kosovo*'s new Law on Public Officials, which is still suspended at the time of writing, envisages the establishment of permanent selection commissions with two-year mandates to operate pool recruitment and conduct examination procedures. These commissions will include one member from the Department for the Management of Public Officials, which will in the future become the central civil service management body. The implementation of this measure will thus address one of the current weaknesses of the selection commissions in Kosovo*.

Arrangements for the composition of selection commissions in **Montenegro, North Macedonia and Serbia** are relatively more robust than in Kosovo*, though less effective than arrangements in Albania. For example, commissions in Montenegro must include at least one member from the central Human Resources Management Authority, while in North Macedonia they must include one member from the Administration Agency, and in Serbia commissions must include one member from the Human Resources Management Service. These central delegates are inevitably in a voting minority, however, in addition to which the commissions tend to include the prospective superior of the candidate undergoing the examination process. Evidence from personal interviews with participants and external observers indicates that central delegates tend to be much less influential as a result, while the representatives of the recruiting institutions, i.e. primarily the future superiors of the candidates, dominate the selection process. As a result, it is frequently argued that selection commissions lack impartiality and are subject to bias.

There is no robust evidence as to whether selection commissions operate more impartially when central civil service management bodies are granted a voting majority, though the Albanian experience points in that direction. As an alternative option, ReSPA members might consider forming assessment commissions to pre-screen and filter the number of candidates

to a much greater extent before they are interviewed by selection commissions. Such assessment commissions should further ensure equal representation for central management bodies and managers from recruiting institutions.

The second lesson is therefore that the effectiveness of merit recruitment may be diminished if central civil service management bodies are not adequately represented on selection commissions.

Third, the role of independent external experts on commissions has become more prominent in recent years. Such experts can play a key role in providing subject-specific expertise and increasing the transparency and accountability of the examination and selection process. The participation of external experts also has the potential to increase the consistency and impartiality of selection commissions.

In **Albania**, again a case of good practice in this respect, two external experts sit on the selection commission for executive-level civil service positions. In the process of appointing these experts the Department of Public Administration first issues a call for applications, drawing primarily from members of academic institutions across Albania. Following successful application, the candidates are selected by the Department of Public Administration and must undergo training before they are deployed. Their allocation to selection commissions depends on the types of positions that have been advertised and in accordance with a rota drawn up before the conclusion of the staff planning process. The role of external experts on commissions in Albania has thus been regulated and professionalised over time.

Montenegro has recently followed a similar path, requiring the participation of an external expert in a selection panel of three members. The role of external experts on selection commissions is defined by a government regulation on the testing procedure. The Human Resources Management Authority issues one call per year and forms a commission that selects experts on the basis of clearly defined criteria. The selected experts are subsequently allocated to commissions based on their expertise. One of the features of the current list of experts in Montenegro is that a large proportion of them are drawn from within the public sector, including the civil service, although the list of experts has not (yet) been made public. The external accountability of expert participation on selection commissions in Montenegro is thus somewhat limited.

In **Kosovo***, external experts have for many years been involved in the selection of General Secretaries. One expert is drawn from local academia and a second expert is selected from a list of civil society organisations. The selection and allocation of external experts is not subject to separate regulation, however, raising concerns as to the transparency and effectiveness of the participation of external experts in senior civil service selection commissions.

A recent international project funded by the UK Embassy in Pristina sought to promote the role of civil society organisations in the selection of senior civil servants in public administration in Kosovo*. This project organised parallel examination and selection processes conducted by external independent experts and compared the results of the examinations with the results of the standard examination processes. In addition, the results of both the standard and the parallel examination processes were made public and open to scrutiny by civil society organisations.

The Balkan Investigative Reporting Network in Kosovo* has published several articles and a study to evaluate Kosovo*'s senior civil service examination and selection processes. The findings of this civil society organisation's investigations revealed regular violations of the merit principle in the standard examination and selection processes.¹⁴ In particular, the participation

¹⁴ BIRN (2018) Unqualified but politically connected candidates are still being picked for senior positions in Kosovo's public sector. Available at:

of external experts and civil society organisations has helped increase the transparency and publicity of the examination and selection process. In **Bosnia and Herzegovina**, the role of external experts is regulated and is a part of the recruitment process, and, for senior civil servants, in **Serbia**. In **North Macedonia** there are no seats for external experts on selection commissions as yet.

The third lesson is therefore that the participation of external experts from academia and civil society has the potential to increase the effectiveness of merit recruitment procedures.

Fourth, ReSPA members have continuously invested in the professionalisation of selection commissions over the past four or five years, especially in **Albania**, where commission members are appointed for one-year terms in order to create continuity and to develop expertise in their roles. Moreover, both the external experts from academia and the mid-level managers who serve on the selection commissions receive training prior to assuming their roles. This professionalisation of selection commissions has increased both their effectiveness and the consistency of their work.

Selection commissions used by other ReSPA members are not permanent. However, the delegation of members from central civil service management bodies, where this applies, does provide for some degree of continuity in the examination and selection process. Moreover, Bosnia and Herzegovina and Serbia have both invested efforts in training members of commissions. At the level of **BiH Institutions**, nearly 600 experts from the ranks of the civil service have been trained to conduct competence-based interviews during the oral phase of the examination (see below), while in **Serbia** a recent reform has led to the provision of training by the National Academy of Administration for over 600 senior civil servants in competencebased examinations and performance evaluations. Moreover, the Human Resources Management Service in Serbia has collaborated with the German development agency GIZ to prepare manuals on how to conduct interviews in the context of the new examination procedure (see also below). The quality and consistency of the examination process in Serbia is expected to improve as a result of these efforts.

Training initiatives have also been launched in **North Macedonia** and **Montenegro**, including the development of manuals to provide guidance for members of commissions. Although these initiatives are still at an early stage of roll-out, they promise to enhance the professionalisation of selection commissions in both countries. Concerns have been raised, meanwhile, that the level of staff fluctuations in North Macedonia undermines the effectiveness of training.

Only **Kosovo*** does not yet provide any training for members of selection commissions in the region, though the new Law on Public Officials does envisage training for future commission members.

The fourth lesson in this area is therefore that the training of members of selection commissions is essential for increasing the effectiveness of merit recruitment.

Getting examinations and the final selection right

The final set of lessons focuses on the role of written and oral examinations in determining the final selection of candidates for positions or careers in the civil service. Written and oral examinations are among the hallmarks of merit-based recruitment, serving as crucial means to screen the knowledge, skills and competences of candidates. It is therefore essential that examinations generate relevant information for selectors, since if this information is insufficient

<https://balkaninsight.com/2018/10/05/political-affiliation-still-a-job-qualification-in-kosovo-10-03-2018/>

or is irrelevant for the job it will not assist in the process of selecting the right candidate for a position.

In addition to screening, examinations play a wider role in signalling to applicants that the recruitment and selection process is conducted professionally and impartially rather than on an ad hoc, discretionary and potentially politicised basis. Examinations thus play an essential role in making merit-based recruitment effective.

Both oral and written examinations are widely institutionalised in the Western Balkans. The 2018 ReSPA survey showed that personal interviews are almost always used when filling positions, while most though not all ReSPA members also conduct written tests to screen the knowledge, skills and competencies of candidates.

Research findings on merit recruitment in the Western Balkans clearly indicate that it is essential to address at least the following five areas in order to get examination systems right:

- (1) External recruitment to all positions in the civil service should require that candidates have passed a written and oral examination;
- (2) Written and oral examinations should generate relevant information for the selection of the best-qualified candidates for a given role;
- (3) Written and oral examinations should be conducted and scored in a consistent and impartial manner;
- (4) The outcomes of written and oral examinations should determine the final selection and appointment of candidates;
- (5) The examination outcome and process should be open to meaningful external scrutiny and appeal.

First, there are only a few cases in the region in which external recruitment does not require any examination at all or requires only a personal interview. Cases of external recruitment requiring no examination at all include the appointment of acting managers at senior civil service level in **Serbia**, short-term temporary appointments in **BiH Institutions** and the **Republic of Srpska**, and fixed-term appointments in **Kosovo***. These are exceptional positions which, as elaborated earlier, are largely exempt from the application of merit-based recruitment procedures.

Likewise, there are only a few cases of external recruitment processes in the region that do not require candidates to pass a written examination (or any other form of non-oral examination, since computer-based tests mostly do not require candidates to actually write anything). In the **Republic of Srpska**, for example, written examinations for entry are still not applied, with candidates only having to pass a general civil service entry examination administered by the Civil Service Agency before they can apply for a vacant position. However, a civil service law currently undergoing revision will introduce compulsory written examinations at the point of entry for all appointments to the civil service.

In addition, written examinations are not applied for the recruitment, including the external recruitment, of General Secretaries in **Kosovo*** at the very top of the civil service hierarchy. However, the new Law on Public Officials will fill this gap in the merit recruitment infrastructure.

Serbia and Montenegro have both recently expanded the scope of written entry examinations for the civil service. **Serbia**, most notably, introduced competency-based written examinations following the amendment of the civil service law in 2018. The relevant bylaw regulates in detail the list of competencies that may be tested, the meaning of each competency and the scoring criteria for each competency. The examination is managed by the Human Resources Management Service, which has expanded its capacity to perform the examination and selection function.

As part of its 2017 civil service reform, **Montenegro** also expanded the scope for the application of written examination to senior civil servants. A rulebook now defines the competencies to be tested by the examination and further work on the definition of scoring criteria is underway. The application of the competency framework to the assessment of ordinary civil servants is subject to further reform.

The first lesson in this area is therefore that the effectiveness of merit recruitment may be diminished if certain positions in the public administration can be filled by candidates from outside the civil service who do not have to pass or have never passed through merit recruitment procedures.

Second, one of the main threats to merit recruitment is related to the quality of information generated by the examinations in the region. In this regard **Serbia's** recent reform has the potential to become a case of good practice. The focus on competencies provides comprehensive information about candidates and the extent to which they match the requirements of vacant positions. General functional competencies are tested using a computer-based examination, while specific functional competencies related to the vacant position are tested using simulations, case studies and other qualitative methods. However, the link between competencies and the definition of job descriptions in systematisation acts remains a work in progress, as there are still a few institutions that have not aligned the systematisation acts with the competency framework. Moreover, the informativeness of any competency-based examination depends of course on the quality of the competency framework that underlies the examination procedure.

Albania introduced written examinations in the early 2000s after the adoption of the 1999 civil service law. Since the 2013 civil service reform and the introduction of the pool recruitment procedure, examinations have been adapted to test both general and position-specific knowledge and skills. The examination is administered by the Department of Public Administration and relies on multiple-choice questions selected from a large database of exam questions. Candidates have to score over a certain threshold in order to progress to the oral part of the examination.

As an example, from Albania's examination of position-specific skills and knowledge, the database of questions for positions with responsibilities in the area of human resources management consists of approximately 150 questions. The Department of Public Administration publishes a bibliography of books that candidates can use to prepare for the examination. As multiple-choice questions, the exam questions cannot effectively test the competencies of candidates; however, they do require a considerable degree of subject expertise. Moreover, the pass rate is around 65 per cent, which suggests that the examination establishes a basic filtering mechanism before candidates can proceed to the personal interview stage.

In the other cases, written examinations are subject to more criticism. In **Montenegro**, the **Federation of Bosnia and Herzegovina** and the **BiH Institutions**, candidates have to pass both a general and a job-specific examination. The general examination is always a multiple-choice computer-based examination, while the job-specific examination is prepared by the recruiting institutions in both Montenegro and the BiH Institutions to allow for simulations and essays. In the Federation of Bosnia and Herzegovina the job-specific examination is also multiple-choice based. In Bosnia and Herzegovina these practical examinations are set on the day when the examination takes place, with little guidance and no clear framework underpinning the design of the questions.

In **North Macedonia**, the written part of the examination consists merely of a general knowledge examination and a foreign language test. The language test was recently introduced in order to replace a personality test that was considered redundant. The components of the North Macedonian test indicate that the written examination may score

highly in terms of consistency (see below) but is ineffective in providing relevant information about the candidate's aptitude for the specific position in the civil service for which they are applying. The written examination thus serves only as a very general filter and health check before candidates proceed to the personal interview.

Quality of information is also widely seen as a challenge for the personal interview part of civil service examinations in the Western Balkans. Most recently, the **BiH Institutions** invested in the development of competency-based interviews as an innovation for the region. Competency-based interviews provide a framework for the design of interview questions as well as criteria for scoring answers.

Although no scientific evaluations have yet been conducted of competency-based interviews, the qualitative evidence collected from Bosnia and Herzegovina suggests that interviews have become more effective than in the past and that they now make a valuable contribution to the selection of candidates. However, one of the main limitations of competency-based interviews remains a lack of alignment with job descriptions and systematisation acts.

In the other ReSPA members of the region the value of interviews tends to be more questionable. In **Kosovo***, for instance, there is still no guidance on the conduct of interviews, with the exception of interviews for senior management positions. Committees prepare questions on an ad hoc basis. Interviews are often argued to repeat questions that have already been covered by the written tests. As a consequence, the interviews do not provide new information that could be useful for the assessment of candidates.

In **North Macedonia**, similarly, there is little guidance for committee members on how to conduct interviews. The broadness of the job descriptions contained in systematisation acts and job advertisements means there is little direct guidance for the design of interview questions. Moreover, the training of committee members is still at a very early stage (see above). Recruiting institutions have just recently started to provide lists of correct answers for the questions they prepare, but this is not yet a general practice.

The second lesson is therefore that the effectiveness of merit recruitment depends crucially on the quality of information provided by written and oral examinations.

Third, in addition to the quality of information generated by exams, the effectiveness of examinations is vulnerable due to lack of consistency, objectivity and impartiality. In response to international concern about the perils of politicisation, recent reforms in the Western Balkans have paid more attention to problems of consistency in civil service exams than to the problems of information discussed above. Most ReSPA members have taken measures to enhance consistency, especially in regard to written examinations. In **Albania, Serbia, Montenegro, Bosnia and Herzegovina** and **North Macedonia**, written examinations are now primarily computer-based, and consistency is achieved by randomly selecting questions from large databases of exam questions.

For the job-specific part of the written examination in **Montenegro**, for example, committees are required to prepare ten job-specific tasks, two of which are randomly selected by the selection commission shortly before the examination takes place. As a result, the risk of exam questions being leaked to candidates is reduced.

However, the problem of consistency has not yet been addressed everywhere. In the system that is currently still operated in **Kosovo***, exam questions are prepared on an ad hoc basis by the HR units of the recruiting institutions with little guidance from the former Ministry of Internal Affairs and Public Administration on how to design them. Nor is there much guidance or central involvement in the design of examinations. As a result, it has been claimed that examinations are often inconsistent and prone to the risk of being tailored to particular candidates.

Consistency in the oral part of the examinations is a greater challenge. Prior to the introduction of competency-based interviews in **Bosnia and Herzegovina** (see above), there were major concerns regarding the impartiality of interviews due to the lack of clear frameworks for the conduct and scoring of oral examinations. In **Serbia**, the new competency-based assessments provide a more systematic framework for the conduct and evaluation of interviews, though it remains to be seen whether the perceived consistency and impartiality of interviews will increase compared to the period before the recent reform came into effect.

In Montenegro and Albania, guidance is provided for selection commissions when preparing and scoring interviews. However, the interviews are still seen as the weakest link of the merit recruitment and selection process. In **Albania**, for instance, committee members may lack sufficient expertise to conduct effective interviews. In **Montenegro**, proper guidance is only provided for recruitment into senior civil service positions. In **North Macedonia** and **Kosovo*** there is very little guidance for committee members, as a result of which interviews are often argued to lack consistency and objectivity.

The third lesson is therefore that effective merit recruitment requires the presence of a systematic guidance (e.g. manuals) to formulate questions for written and oral tests and a systematic method for the scoring test answers in order to ensure consistency.

Fourth, ReSPA members differ in the extent to which the written and oral examinations determine the final selection of candidates. **Albania** stands out in terms of its reliance on pool recruitment and examination, with candidates first completing the written and oral examination for a pool or group of positions before being ranked by score. The highest-ranking candidate is then given the first choice of the vacant positions, while the second highest-ranking ranked candidate is given the second choice, and so on until all the vacant positions have been filled.

There are two key advantages of this pool recruitment and examination procedure: first, it rewards winning candidates with a choice of positions; and, second, it eliminates institutions from the selection process and thus reduces any temptation to use or abuse their discretion in choosing candidates.

Examination procedures at the level of **BiH Institutions**, in **Kosovo*** and in **North Macedonia** are more traditional in that the winner of the examination process must be selected for the vacant position. On paper this means there is no discretion for decision-makers after the examinations have been completed. In **Serbia**, the most recent reform also introduced a requirement for the head of the institution to appoint the winner of the examination process.

By contrast, examinations in **Montenegro** do not necessarily determine who precisely will be appointed to the advertised position. Instead, senior managers such as the Secretary of the Ministry are given a shortlist of three candidates from which to choose. In the past, if the top-ranked candidate was not picked then the head of the institution was required to give a written explanation. However, this requirement no longer applies under the current regulation and thus senior managers are given discretion at the end of the recruitment and selection process.¹⁵

As final decision-makers, moreover, senior managers in **Montenegro** are required to have a 'conversation' with the three short-listed candidates. This conversation is de facto an additional interview after the completion of the standard examination procedure. Given the discretion of senior managers to pick from a list of three, the conversation is potentially very important for the final selection of candidates. However, the conversation is not formally part of the examination procedure and there are no guidelines either for the conduct of such conversations or the scoring of candidates in this stage.

¹⁵ The same approach is taken for the selection of senior civil servants in Bosnia and Herzegovina and in Serbia.

Finally, in the **Federation of Bosnia and Herzegovina** the connection between the outcome of the examination and the final selection of candidates is even more blurred. At the end of the examination process the selection commission lists the candidates who have passed the examination in alphabetical order. The head of the institution who is tasked with the final selection is not given further information regarding the performance during the examination, though they have the option of conducting an additional interview with those candidates who passed the examination. This list can contain up to 20 candidates. As a consequence, the outcome of the examination has very little influence on the final selection of candidates.

In short, the effective merit recruitment of civil servants requires that the winner of an examination process should be selected for a given role. This requirement is most plausible for the recruitment of non-managerial civil servants and has traditionally also been advocated for **civil servants in managerial ranks**. However, the selection of senior civil servants requires greater attention to the tension between the principles of neutral competence and political responsiveness towards the political leadership of executive institutions. Accordingly, there may be scope for granting ministers at the top of executive branch ministries the discretion to choose from a list of two or three candidates who have previously gone through rigorous merit-based testing procedures. However, the risk of politicisation creeping down the hierarchy is undeniable and an inevitable trade-off when seeking to accommodate the principle of political responsiveness during the recruitment of senior civil servants.

The fourth lesson is therefore that the effectiveness of merit recruitment may be diminished if the examination process does not determine the final selection of candidates for a given job or career.

Finally, the effectiveness of written and oral examinations also depends on whether the procedures allow for scrutiny and effective appeal. Transparency and the possibility for scrutiny of examinations remain important challenges for the Western Balkans. Insofar as written examinations are computer-based and rely on multiple-choice questions, they provide information for the process and outcome to be monitored by the candidates, the media and civil society organisations concerned with monitoring the public administration.

The transparency of interviews is considerably more problematic. In particular, interview processes in **North Macedonia** and **Kosovo*** not only lack clear guidance but also do not provide information that could be made available for the purposes of monitoring and appeal. The Law on Public Officials in Kosovo*, which remains suspended at the time of writing, will partially rectify this lack of transparency by allowing civil society and trade union representatives to sit as observers on selection panels.

In **Montenegro**, efforts have been made by civil society organisations to file freedom of information requests in order to better understand what kind of questions have been asked during the conversations (see above) following the completion of the examination process. In some cases, however, no minutes of these interviews were kept, while in other cases the minutes were very general and did not provide sufficient information for effective external monitoring and hence accountability.

Some ReSPA members have started to experiment with the audio-recording of interviews as an alternative means of monitoring to the scrutiny of interview minutes and exam results. In **Albania**, candidates at senior and specialist level can ask their job interviews to be audiorecorded. Because all interviews have been moved online since the COVID-19 crisis struck, all interviews are now audio recorded unless the candidates opt out of the recording option. The opportunity for improving transparency and external accountability has therefore significantly increased. **Serbia** has also introduced the option of conducting interviews online in the context of the COVID-19 crisis, though interviews are not recorded at present.

At the level of **BiH Institutions**, the Ministry of Defence requires the video-recording of recruitment procedures for soldiers. While soldiers are not covered by this study of public administration, such video-recording does provide a possible approach for increasing the transparency of interview processes and give greater potential for more effective appeals against the outcome of interviews. Some of the adaptations made in response to the COVID19 crisis have arguably raised the prospect of recording interviews in the future, as it is a small step from conducting interviews online to recording them.

Although appeals against the outcomes of examinations are possible across the region. if the information available from the examination process is weak then the appeal processes cannot be effective. Moreover, if information cannot be made available to unsuccessful candidates, the public cannot hold the civil service accountable. Providing comprehensive minutes, audio recording, and including the participation of third parties such as civil society organisations, academics or independent oversight boards (e.g. Kosovo*) are therefore essential in order to increase the transparency and external accountability of the examination and selection processes.

The fifth lesson is therefore that the effectiveness of merit recruitment can be enhanced if written and oral examination processes and outcomes are transparent and subject to meaningful external scrutiny and hence appeal.

Outlook: Reform plans, ReSPA support, and the role of COVID19

This study has drawn **21 lessons** from and for the Western Balkans on how to make merit recruitment work better in the civil service. The lessons were derived from previous ReSPA studies of merit recruitment in 2015 and 2018 and are grouped in the following five areas: the scope for the application of merit recruitment procedures; the conditions for the opening of positions; the conditions for effective public advertisement of job vacancies; the conditions for the formation of impartial and professionally competent selection commissions; and the conditions for effective written and oral examinations prior to selection for a given role or career in the civil service.

The lessons have been integrated into a **self-assessment framework** for merit-based recruitment in the Western Balkans. They can be conceptualised as conditions that need to be in place to improve merit recruitment practices and threats that may undermine the effectiveness of merit recruitment procedures. Policy-makers can thus reflect upon merit recruitment practices in their country, consider reform measures for the future, and engage in knowledge-exchange with their counterparts in other ReSPA members.

The lessons are not meant to prescribe a particular model for the design and implementation of merit recruitment procedures. Rather, the focus on conditions and threats allows for different institutional arrangements. This takes into account the fact that ReSPA members may want to choose and develop their own institutional approaches to reach the desired goal of establishing effective merit-based recruitment in law *and* practice.

This raises the question of how the self-assessment framework should be taken forward.

Civil service management authorities across the region are currently engaging in a range of evaluations, updates and **strategic reviews**, as well as the preparation of new reform strategies and the drafting of new laws. In Montenegro, for instance, the Human Resources Management Authority is currently preparing a strategic review of the Law on Civil Servants and State Employees that came into force in 2018, which will provide an opportunity to upgrade and improve recruitment procedures.

By comparison, in North Macedonia the Ministry of Information Society and Administration is preparing an amendment of the Law on Administrative Servants, in the context of which

current recruitment practices are being evaluated. In Bosnia and Herzegovina, the BiH institutions and the Federation of BiH are preparing a new reform strategy, while the Republic of Srpska is drafting an amendment of its Civil Service Law. In Kosovo*, finally, the constitutional court ruled on 2 July 2020 that the new Law on Public Officials would come into force with immediate effect. However, many bylaws have not yet been drafted or adopted, implying the need for a considerable amount of in-depth work on how to ensure the new recruitment procedures are effective.

Each of these examples provide opportunities for reflection and improvement of merit recruitment procedures. Several aspects of the self-assessment framework depend on the initiative of central civil service management authorities and might require only minor, if any, formal-legal changes. For instance, the training of commission members and the development of support material for applicants to facilitate the application process can usually be done without the need for any formal-legal change. By contrast, changes regarding the scope of the civil service laws or the requirement for acting managers to pass through merit recruitment procedures are likely to be more difficult to change, requiring higher level political support and potentially also parliamentary approval.

Given its mission to promote and facilitate regional cooperation in the area of public administration reform, **ReSPA** can play an important role in following up the results of the selfassessments, especially insofar as they generate opportunities for learning among ReSPA members. First, ReSPA provides in-country support, mobility support and peer-to-peer learning. The experience with e-recruitment in Albania and North Macedonia provides an example of good practice for other ReSPA members that have not yet established e-recruitment systems. Similarly, the experience with competency-based examinations and interviews in Serbia and the BiH Institutions have the potential to become cases of good practice from which other ReSPA members can learn.

Second, ReSPA provides support for regional activities and the dissemination of best practices. The evaluation of recruitment practices indicated that certain areas of recruitment such as staff planning tend to pose a challenge in almost all ReSPA members. ReSPA is in a position to initiate regional activities for analysis and support of its members. It is also evident that Western Balkans can draw many useful lessons from new and older EU member states. Lesson-drawing activities should therefore in future include good practices from new EU member states to inform the next generation of reform measures, especially for ReSPA members such as Albania that have already established high quality merit recruitment systems.

Finally, the question arises as to what effects the **COVID-19** pandemic has already had and is likely to have on merit recruitment procedures and practices in the Western Balkans. COVID-19 provides a powerful reminder of the importance of public administration capacity for the delivery of public goods and services, but also presents a major challenge for public administration itself. The codes and tasks of many institutions have been changed and refocused almost overnight and the working practices in public administration have changed dramatically. For example, working from home and teleworking are among the most obvious changes that have occurred during the last few months.

COVID-19 rapidly affected recruitment practices in the Western Balkans. At the beginning of the outbreak all ReSPA members stopped the advertisement of job vacancies and the examination and selection of candidates. However, within a short period of time responses started to diverge. Albania was the first to restart recruitment in April, advertising new job vacancies on the central online portal of the Department of Public Administration.

Examinations, which are usually computer-based but conducted on the Department's premises, are now conducted online, with candidates able to take the examination at home and get the results instantly. Interviews were also moved online using video technology and

the Department prepared new guidelines for the adopted examination and interviewing procedures. Legal changes were not required because the civil service law provides sufficient flexibility. Interviews are now recorded by default (unless the candidate opts out), and this digitalisation of the recruitment procedure has thus also served to increase transparency and accountability.

The other ReSPA members resumed recruitment activities in May and June. However, changes to standard recruitment procedures in these cases have been more limited. In Serbia, for instance, the Human Resources Management Service continues to conduct examinations on its premises, with larger rooms provided together with social distancing guidelines and a requirement to use facemasks. Interviews are now conducted online but are not yet being recorded. By comparison, Montenegro now allows for the electronic submission of applications, which was previously not possible. Examinations and interviews are still conducted on the premises of the Human Resources Management Authority but are subject to new public health guidelines. The same approach has been taken in Bosnia and Herzegovina and Kosovo*.

In North Macedonia a general election was underway at the time of writing, meaning recruitment was suspended for several months until after the election.

This brief overview of changes in response to the COVID-19 pandemic suggests that the crisis presents major challenges for the implementation of merit-based recruitment but has also opened up new opportunities. ReSPA has already responded to these challenges by launching the **COVID-19 Western Balkans Digital Collaborative** to share information and provide channels for communication among leaders in data, IT technology, digital transformation, crisis management and innovation in government during the COVID-19 pandemic. In this context, an online meeting to map potential ReSPA support activities was held in May 2020 with a focus on human resources management, including the management of merit recruitment during the COVID-19 pandemic.

Albania provides a case of good practice on how the response to the crisis can serve to advance improvements to the existing system. Evidently, however, the way in which different ReSPA members adapt to COVID-19 is partially dependent on existing recruitment arrangements. In particular, having a well-functioning e-recruitment system in place facilitates the adaptation process, as does having a well-developed system of computer-based examinations and sufficient (legal) flexibility to move interviews online.

For several ReSPA members it should thus be a priority to establish functioning human resources management information systems, including central portals for the online management of civil service recruitment. In many respects this is the starting point for the management of the recruitment process; and when set up properly it allows for and facilitates the subsequent examination and selection of candidates.

The **appendix** of this study presents the template for the self-assessment of merit recruitment, followed by completed assessments for each ReSPA member. For each ReSPA member, the authors of this study and the members of the ReSPA Working Group on HRM in the public sector met (online) to discuss the application of the 21 lessons to their context, the gaps that were evident, and the actions that should be taken in order to improve the effectiveness of merit recruitment. The self-assessment tables are conceived as 'living' documents that are meant to be consulted and regularly updated, for example on an annual basis.

Appendix: HRM Self-Assessment Framework for Merit Recruitment

< Template >

Assessing the Scope of Merit Recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
2. All positions in the public administration with responsibilities to manage civil servants are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
3. Apart from lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
4. All temporary staff are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
Assessing the conditions for the opening of positions		
5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third (centrally placed) institutions, and limits the frequency of amendment		
Yes	Partially	No

6. Staff planning determines recruitment activities and <i>ad hoc</i> mechanisms to approve the opening of positions have been eliminated		
Yes	Partially	No
7. The opening of positions for external recruitment requires meaningful approval by central civil service management institutions		
Yes	Partially	No
Assessing public advertisements		
8. All positions to be filled from outside the civil service have to be publicly advertised		
Yes	Partially	No
9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants		
Yes	Partially	No
10. Job advertisements contain relevant information to attract suitable candidates		
Yes	Partially	No
11. The application process is user-friendly and the costs of application are low		
Yes	Partially	No
12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application		
Yes	Partially	No

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Assessing Selection Commissions
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13. All positions or groups of positions require the formation of and assessment by a selection commission

Yes	Partially	No

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14. Representatives from central civil service management bodies are included in selection commissions

Yes	Partially	No

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15. External experts are included in selection commissions (e.g. from academia or civil society organisations)

Yes	Partially	No

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16. Members of selection commissions have professional competencies and receive regular training and guidance
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Yes	Partially	No

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Assessing examinations and the final selection decision
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17. All groups of staff are required to pass a written and oral examination prior to their civil service appointment

Yes	Partially	No

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18. Examinations generate relevant information for the selection of the best qualified candidates for a given role

Yes	Partially	No

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19. The examination process and scoring methods are consistent and objective		
Yes	Partially	No
20. The results of the examination determine the final selection of candidates		
Yes	Partially	No
21. Examinations are transparent and can be subjected to external scrutiny and appeal		
Yes	Partially	No

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