

Supervisory Order Relating to Irregularities in Civil Service Employment Procedures

In accordance with the powers vested in me in Paragraphs 8, 11, 13 and 37 of the Brcko Final Award of March 5, 1999, by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in the Brcko District;

Recalling that Chapter VI of the Law on Civil Servants of the Brcko District of Bosnia and Herzegovina regulates the procedure by which the Employment Board advertises for, interviews and selects candidates for civil service positions, by way of binding recommendations made to the Mayor;

Further recalling that during the week beginning February 20, 2006, the Employment Board interviewed candidates for six positions as heads of subdivisions within the District government, those subdivisions being the Human Resources Subdivision within the Department for Administrative Support, the Office for Citizens' Complaints within the Department for Administrative Support, the Cadastre and Archive Subdivision within the Department of Public Records, the Subdivision for Joint Works within the Education Department, the Subdivision for Primary Healthcare within the Department for Health and Other Services, and the Veterinary Subdivision within the Agriculture Department;

Aware that, after the interviews for the position of head of the veterinary subdivision, the Employment Board, chaired by Mr. Esef Jusufovic, decided to make a binding recommendation to the Mayor to appoint Mr. Nikola Ristic to that position, and the minutes of the interviews recorded that decision;

Further aware that, shortly after the interview process for the

veterinary subdivision position concluded, certain members of the Employment Board improperly decided to change the decision already reached, from naming Mr. Ristic as winning candidate to naming Mr. Perica Burgic, without formally reconvening all seven members of the Board (and in particular without consulting the independent panel members from the Entities and from the State), and that one of those members then improperly instructed the secretary to amend the interview minutes, to show that Mr. Burgic had been selected;

Without casting aspersions upon the character, professionalism or abilities of Mr. Burgic, who was by all accounts considered to be a strong candidate in the selection procedure;

Concerned that the reason for the subsequent irregular amendment to the Employment Board's decision was improper influence from senior members of the Government and the Assembly, to which members of the Employment Board regrettably succumbed;

Further concerned that this incident is one in a series of irregularities relating to employment of civil servants, others of which include:

(a) many provisions of the Law on Civil Servants are not being implemented, including the obligation under Chapter XI of that law to establish a Complaints Board;

(b) previous irregularities in the appointment procedure for the six positions of subdivision head referred to above, which led to the Mayor annulling a previous vacancy procedure at my request, by way of a Mayor's decision dated November 30, 2005; and

(c) failure to adopt by-laws required by the Law on Civil Servants;

Determined to take measures against corrupt political interference in the selection of professional civil servants;

Reprimanding the District government for fostering approach to work in which improper political influence is routinely exerted in the selection of professional civil servants, and reprimanding the Chairman of the Employment Board for permitting the Board to succumb to political influence in this case, and also reprimanding the Mayor of Brcko District for failing to take measures to prevent the procedures for appointment of civil servants from becoming so susceptible to political influences;

Warning all Government employees involved in civil servant recruitment procedures that in the future, political interference in selection decisions, or succumbing to such interference, may result in immediate and permanent dismissal from Government, imposed by the Supervisor;

Reminding the Mayor of Brcko District of his responsibility to ensure that all civil service recruitment procedures are transparent, fair and in all respects in conformity with the law;

Believing that an independent, professionally qualified public administration is vital for the future of the District, and for its economic development, prosperity and quality of life, and that therefore firm measures are necessary to prevent further abuses in the employment of civil servants;

I hereby order that:

1. Mr. Nikola Ristic is hereby appointed as Head of the Veterinary Subdivision in the District Government, as he was the candidate selected by the interview panel when it was properly constituted and first made its decision.

2. The following persons are also hereby appointed as Heads of the following Subdivisions within the District Government, as selected by the Employment Board.

i. Ilija Stojanovic – Human Resources

Subdivision within the Department for Administrative Support

ii. Enes Pasalic – Office for Citizens' Complaints within the Department for Administrative Support

iii. Radenko Nikolic – Subdivision for Cadastre and Archive within the Department for Public Records

iv. Kasim Delalic – Subdivision for Joint Works within the Education Department

v. Senahid Ibrisimovic – Subdivision for Primary Healthcare within the Department for Health and Other Services

3. All District Government officials, and in particular members of the Employment Board, shall comply meticulously with all the provisions of the Law on Civil Servants of Brcko District of Bosnia and Herzegovina and all successor legislation thereto, in particular all provisions relating to selection and employment of civil servants. Any failure to do so may result in the Supervisor of Brcko District issuing an order immediately and permanently dismissing the relevant persons from all government positions.

4. Until the adoption of a new law regulating the employment of civil servants, any decision, whether passed by the District Government or by any individual therein, to either:

i. open a vacancy notice for any kind of civil service position whatsoever (whether the position is to be covered by an employment contract, temporary contract, work contract or otherwise); or

ii. employ a civil servant in any capacity whatsoever (whether by way of regular employment contract, temporary contract, work contract or otherwise);

must have the prior consent in writing of the Supervisor or it

will be null and void. Requests for approval of such decisions should be made to the Supervisor's office with a copy of the decision in draft, and the decision may not be signed until a letter has been received from the Supervisor's office approving it.

5. This Supervisory Order overrides any contrary Mayoral decisions on these appointments, has immediate effect and shall be published without delay in the Official Gazette of the Brcko District. The Mayor, the Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its immediate implementation.

Susan R. Johnson
Supervisor of Brcko
Deputy High Representative