

Supervisory Order Appointing Members of an Interim Commission for Conducting the Procedures for Employment of Civil Servants

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 the conclusions of the joint Brcko Final Award Office and Brcko District Government working meeting held on April 7-8, 2006, at which serious problems in functioning of a number of government departments and agencies, as well as possible corrective measures, were discussed;

Further recalling that at that meeting, there was general recognition of the sustained inadequate and politicized performance of the Employment Board, *inter alia* for reasons detailed in my Supervisory Order dated March 23, 2006, including repeated succumbing to improper political influence, and complaints from hundreds of citizens, and that I therefore requested the Mayor, at that meeting and subsequently in a letter to him dated April 11, 2006, to immediately dismiss all members of the Employment Board from their positions on that board;

Regretting that since that meeting I have received no formal information or confirmation that those dismissals have taken place, and accordingly, following consultation with the Mayor, that I must act to effectuate those dismissals in lieu of timely action on his part;

Aware that a new law on employment of civil servants is in the process of being drafted, and is due to be presented by the District Government to the District Assembly not later than May 31, 2006, as mandated by my Supervisory Order of March 22, 2006;

Further aware that a number of vacancies for civil service positions remain open, some of which are urgent, and pending adoption of the new law on civil servants, an interim regime is necessary to deal with these vacancies, and it seems desirable that a commission with duties akin to an interim employment board be created for this purpose;

I hereby order that:

1. The Mayor shall immediately dismiss all of the members of the Employment Board of Brcko District Government from their positions on that Board.
2. The Mayor shall immediately establish an Interim Employment Commission (hereinafter: the Commission). The Commission shall be composed of the Deputy Mayor, the Head of the Human Resources Subdivision, the Acting Head of the Government Legal Service, and a fourth floating member, the identity of whom shall change depending upon the vacancy with which the Commission is dealing, as provided for in paragraph 3 below.
3. The fourth member of the Commission shall in each case be an expert within the subdivision of the District Government in which the vacancy to be filled exists. The Mayor shall choose who that expert shall be in each case.
4. The Commission shall conduct all the duties incumbent upon the Employment Board under Articles 31 to 38 of the Law on Civil Servants of Brcko District. Members of the Commission shall not be entitled to any salary or other emoluments of office on account of their membership of the Commission, beyond their current Government salaries and

emoluments.

5. The Deputy Mayor shall keep all suitable records of the work undertaken by the Commission, and in particular minutes of all interviews undertaken. After the Interim Commission has completed its work for each vacancy, these records shall be immediately provided to the Human Recourses Subdivision for its files.

6. In the course of the work of the Commission, and in particular (but not limited to) interviews the Commission undertakes, the Supervisor may decide to appoint representatives of trade unions, the Brcko District Chamber of Commerce, and/or the Brcko Final Award Office, to participate, monitor and/or review the Commission's work. The members of the Commission, and all members of the Government, shall provide every assistance to any person so appointed.

7. The Head of Human Recourses Subdivision shall immediately contact the State Civil Service Agency, and both Entities' equivalent agencies, to request that their representatives assist the work of the Commission, on the basis described in my letter to the Mayor of January 26, 2006.

8. Nothing in this Supervisory Order abrogates from the requirement for Supervisory approval for opening vacancy notices or employing civil servants contained in paragraph 4 of the Supervisory Order Relating to Irregularities in Civil Service Employment Procedures dated March 23, 2006.

9. This Supervisory Order shall immediately cease to be of legal effect upon enactment (whether by the Brcko District Assembly or otherwise) of the new law on civil servants referred to in paragraph 4 of the Supervisory Order Prohibiting Certain Non-Salary Payments to Civil Servants dated March 22, 2006, unless I subsequently issue an order to the contrary.

10. This Supervisory Order 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