



**Republika e Kosovës • Republika Kosovo • Republic of Kosovo
Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution**

The Ombudsperson,

Pursuant to Article 132 and Article 133 of the Constitution of Republic of Kosovo, Article 37 of Law No. 05 / L-019 on Ombudsperson (Official Gazette of Republic of Kosovo No. 16/26, June 2015, Prishtinë), as well as Judgment No. KO73/16 of the Constitutional Court and Judgment No. KO203/19 of the Constitutional Court,

issues:

**REGULATION NO.04/2022 ON WORKING HOURS AND LEAVES OF THE
OMBUDSPERSON INSTITUTION EMPLOYEES**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

This Regulation defines the rules of hours of work, leaves, absence from work as well as compensation related to the employment relationship at the Ombudsperson Institution (hereinafter: OI)

**Article 2
Scope**

1. Provisions of this Regulation shall apply to the OI employees.
2. In case any matter is not regulated by the provisions of this Regulation, provisions of the legislation at force shall apply, insofar as the independence of the OI is not violated.

**Article 3
Definitions**

For the purposes of this Regulation, the term "employee" shall mean the staff according to the Law on the Ombudsperson and according to the sublegal acts of the OI.

CHAPTER II EMPLOYEES' WORKING HOURS

Article 4 Hours of work

1. The working hours of employees, as a rule, starts at 8:00 a.m. and ends at 4:00 p.m. and lasts five days a week, starting from Monday to Friday.
2. The working hours of employees is determined by the Ombudsperson in coordination with the OI Secretary General.
3. Within working hours, according to paragraph 1 of this Article, the employee has the right to one hour break every day in the middle of the working hours.
4. In certain cases, when this is possible and necessary for the protection of the employee's health, the Secretary General, with the prior Ombudsperson's approval, may decide that the employee works remotely or with a different schedule.
5. In any case, the working hours cannot exceed forty (40) hours of work per week.

Article 5 Part time working hours

1. Part-time working hours' means shorter working hours than the full-time working hours.
2. The employment relationship can be established with part-time, definite and indefinite working hours, according to the law.
3. An employee working part-time is entitled to all the rights deriving from the employment relationship on the same basis as a full-time employee and in proportion to the number of hours worked.
4. Part-time working hours can be reduced to a maximum of twenty (20) hours per week.

Article 6 Overtime and compensation

1. In extraordinary cases, due to the increase in the work volume or emergency requests, the employee can work extended working hours.
2. Extended working hours may last as long as it is deemed necessary by the Institution, but not more than four (4) hours per day, twenty (20) hours per week and forty (40) hours per month.
3. Overtime work is compensated at the rate of fifty percent (50%) with the time break or at the rate of fifty percent (50%) with extra allowances calculated in the following percentage of basic salary:
 - 3.1. Thirty percent (30%) extra for extended working hours;
 - 3.2. Twenty percent (20%) extra per hour for extra shift;
 - 3.3. Thirty percent (30%) extra per hour for night shift;
 - 3.4. Fifty percent (50 %) extra per hour for work during national holidays; and
 - 3.5. Fifty percent (50 %) extra per hour for the work in weekends.

4. The employee can request from the direct supervisor that instead of the extra allowance for overtime work, according to paragraph 3 of this Article, the compensation to be made with days off.
5. The employee's request for accomplishment of the right according to paragraphs 3 and 4 of this Article is sent to the direct supervisor.
6. The employee sends the approved request according to paragraph 3 of this Article to the OI Secretary General, while the request according to paragraph 4 of this Article is sent to the Human Resources Division (hereinafter: HRD).

Article 7

Compliance with working hours

1. During working hours, all employees are obliged to be at the workplace. Each employee is recorded in the work attendance book or in the electronic register.
2. The employees in the regional offices, at the beginning of each month, deliver to the HRD the monthly follow-up report for the previous month.
3. Non-compliance with working hours is a disciplinary violation.
4. The direct supervisor is responsible for the continuity of employee's work.
5. For any delay or going out from the workplace during the schedule, the employee must obtain permission from the direct supervisor.

CHAPTER III

EMPLOYEES LEAVES AND ABSENCE FROM WORK

Article 8

Annual leave

1. The employee, for each calendar year, is entitled to a paid annual leave for a duration of twenty (20) days.
2. Regardless of paragraph 1 of this Article, the extension of the annual leave is determined depending on the work experience, whereby one day shall be added for every five (5) years of service.
3. Calculation of annual leave according to work experience is done by taking into account the experience gained with Law no. 03/-149 on the Civil Service until the entry into the force of Law no. 06/L-114 on Public Officials.
4. Mothers or guardian parent of a child up to three years old, as well as persons with disabilities, are entitled to additional two (2) paid working days off.
5. In the days of paid annual leave, neither the time of certified sick leave nor the official holidays if they fall during the annual leave are counted.
6. In case of termination of the employment relationship with the OI, the employee is compensated with payment calculated for the unused days of the annual leave. In the contrary, if the days of annual leave were used before the time of earning the right to leave, then the deductions calculated for the days not earned are made from the last salary.

7. In the case of changing the employment relationship from another institution to the OI, the employee acquires the right to carry over the unused annual leave.

Article 9

Use of annual leave

1. Annual leave can be used in two or more parts throughout the year until June 30 of the following year.
2. The use of annual leave is done in coordination and with the approval of the direct supervisor.
3. The request for the use of annual leave is submitted by the employee to the direct supervisor at least two working days earlier from the day the leave begins, except in cases with less than five days of leave, where the request is submitted and approved within the day.
4. Exceptionally from paragraph 3 of this Article, in indispensable and reasonable family and personal circumstances, the employee may get approval from the direct supervisor, by informing the HRD as well, provided that the employee fills the request for annual leave when he/she returns to work.
5. The employee submits the approved request to HRD one day before going on annual leave.
6. The request for the use of annual leave is Appendix 1 of this Regulation.

Article 10

Sick leave

1. In case of illness or temporary incapability for work, the employee must inform the direct supervisor within the day and present the justification for the absence with the testimony of the competent medical body.
2. The employee has the right to sick leave of up to twenty (20) working days within a year with 100% salary compensation.
3. Days designated for sick leave, according to paragraph 2 of this Article, can be used by the employee with the testimony of the competent medical body, even in case of illness of his/her child.
4. The employee has the right to compensation for sick leave up to ninety (90) days, with compensation of 70% of his salary, due to an injury at work or illness arising as a result of the employment relationship related to the performance of works and services for the institution.
5. The certificate of the competent medical body according to paragraphs 1 and 3 of this Article denotes the certificate that clearly defines the days of absence from work due to his/her health condition. The record must protect the personal data of the official according to the legislation in force.
6. Exceptionally from paragraph 5 of this Article, the employee does not need to present the certificate of the competent medical body for sick leave of up to two days. The employee can do this action once a year.

7. After the period with compensation, according to paragraph 4 of this Article, the employee, with the recommendation of the competent medical body, has the right to continue the leave without pay.

Article 11

Maternity Leave

1. The employee enjoys the right to maternity leave in accordance with the provisions of the Law on Labor on maternity leave.
2. The right to maternity leave, according to paragraph 1 of this Article, begins with the presentation of the medical certificate of the competent medical body.

Article 12

Paid absence from work

The employee enjoys the right to paid absence from work, in accordance with the provisions of the Law on Labor.

Article 13

Unpaid leave

1. The employee enjoys the right to unpaid leave, in conformity with the legislation in force.
2. In special cases, the employee can take unpaid leave for the following needs:
 - 2.1 higher professional education or training;
 - 2.2 his/her health, or that of his close family members;
 - 2.3 running in municipal or central elections;
 - 2.4 and other cases.
3. To order to realize the right to unpaid leave, according to paragraph 1 of this Article, the employee must submit a reasoned request for unpaid leave. The request must be submitted no less than fifteen (15) days earlier to the direct supervisor, who, accompanied with his recommendation, delivers it to the senior civil servant of the Institution for decision-making. The decision is submitted to HRMD without delay.
4. For the time of absence from work without remuneration, from paragraph 1 of this Article, rights and duties from the employment relationship of the employee cease, except for the right to return to his/her workplace.

Article 14

Entrance into force

This Regulation shall enter into force on the day of its publication in the Official Gazette.

Prishtinë, 18 July 2022

Naim Qelaj
Ombudsperson