



SIGMA

Creating Change Together



A joint initiative of the OECD and the EU,
principally financed by the EU

Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

SLOVENIA

7 April 2020

2 Rue André Pascal
75775 Paris Cedex 16
France

<mailto:sigmaweb@oecd.org>
Tel: +33 (0) 1 45 24 82 00

www.sigmaweb.org

This document has been produced with the financial assistance of the European Union (EU). It should not be reported as representing the official views of the EU, the OECD or its member countries, or of partners participating in the SIGMA Programme. The opinions expressed and arguments employed are those of the authors.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

© OECD 2020 – The use of this material, whether digital or print, is governed by the Terms and Conditions to be found on the OECD website page <http://www.oecd.org/termsandconditions>.

TABLE OF CONTENTS

Centre of Government, policy co-ordination and decision-making process.....	3
1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?.....	3
2. How are the crisis management and external communications co-ordinated within the Government ? What is the role of the CoG in this? Is there a central strategy/guidance?.....	3
3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?	4
Public Service and Human Resource Management	4
1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?	4
2. What other flexible working arrangement (part-time work, distribution of working hours over 7 days...)?	4
3. If civil servants cannot telework, how are they paid?	4
4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?	5
5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?	5
6. Arrangement for paying for extra workload (health care)?.....	5
7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?	5
8. Additional Information: consultation with trade unions and recruitment at top managerial positions	5
Accountability	6
1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?	6
2. How about the Ombudsman (e.g. overseeing the situation in prisons)?	6
3. Does administrative justice work? Have deadlines changed?	6
4. Any public debates in respect of principles of good administration (legality, proportionality, predictability) of protective measures?.....	7
Service delivery	7
1. Which services are being delivered (all, some, only the essential)?.....	7
2. Are there any modifications done to the obligations of:.....	7
3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:.....	8
Public Financial Management	8
1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits, etc.)?.....	8
2. Are the cost of these measures being published?.....	9
3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?	9
4. Are internal controls continuing to operate smoothly (electronic signatures)?.....	9
5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?.....	9

SLOVENIA

Centre of Government, policy co-ordination and decision-making process

1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?

The Government holds sessions both with the presence of its members and remotely. Sessions with ministers physically present are held taking into account social distancing measures and all persons present wear protective masks.

Remote sessions have been practiced for a number of years and are regulated in the Rules of Procedure of the Government. They are envisaged for matters of urgency. Remote sessions are convened by the Prime Minister and technically executed by the Secretary General of the Government. Ministers are informed about the sessions, agenda items and timing via short telephone messages. They can comment on the proposal and cast their vote through the government information system ("e-sessions"). If at least three ministers oppose dealing with an item in remote session, the agenda item is transferred to a regular session. In remote sessions, special rules apply as to quorum and the majority needed for taking a decision. Namely, the decision is considered approved if the majority of Government members does not oppose the decision. This means that there exists a strong presumption of approval of the proposal.

2. How are the crisis management and external communications co-ordinated within the Government ? What is the role of the CoG in this? Is there a central strategy/guidance?

The COVID-19 crisis coincided with the change of government. A new, centre-right Government was formed on 13 March and held its first session on the same day. In its first session, the Government approved stricter measures for limiting the spread of the virus and, inter alia, established a crisis management task force at two levels: political (Prime Minister and all ministers) and senior civil service level (key top officials), supported by working groups. After nine days, the decision was repealed and the Government continued with crisis management using the regular mechanisms of co-ordination existing under the Rules of Procedure, arguing that a parallel co-ordination structure was no longer needed as the Government was fully operational.

In the Slovenian Government, co-ordination is rather effective, both technically (the Rules of Procedure put a lot of emphasis on inter-ministerial co-ordination) and politically (all coalition party leaders are members of Government – Prime Minister and three vice-Prime Ministers – and they meet regularly to co-ordinate the issues of high political relevance). The CoG consists of several offices, the most important being the Prime Minister's Office (Cabinet) and the Secretariat General. The Prime Minister and his office have a very powerful role in co-ordinating the crisis management, whereas the Secretariat General traditionally has a rather technical role in several CoG functions (checking compliance with rules on regulatory quality, including impact assessment and inter-ministerial co-ordination).

3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?

No new arrangements were needed, as the Rules of Procedure envisage simplified and accelerated procedures in urgent matters, and shortening of deadlines is possible. For urgent matters, standards of inter-ministerial consultation, public consultation and impact assessment are significantly softened. Theoretically, for very urgent matters the decision can be prepared, put on a government session and approved on the same day, even without formal inter-ministerial consultation and without public consultation.

Public Service and Human Resource Management

1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?

Teleworking is the default modus operandi for the civil service. Only a very limited number of civil servants, whose physical presence in the office or in the field is indispensable for normal working processes, come to the office.

The Ministry of Public Administration ensures remote access to files, mail and databases to civil servants at the request of the managers of institutions. In many cases, access to files (use of document management systems) is not enabled. In such cases, managers organise work in such a way that one person or a limited number of persons are present in the office and are able to respond to requests for access to specific files via e-mail. The Ministry has ensured the use of WebEx and MSTeams throughout the public administration.

The Ministry of Public Administration has issued guidelines for teleworking that include an obligation to submit weekly reports on the work performed. Managers who consider that, due to exceptional circumstances, it is not necessary for certain civil servants to work (they are temporarily redundant), are asked to take decisions individually on “temporary unemployment” (legislation refers to it as “waiting for work”), following the rules of general labour legislation. The situation varies from ministry to ministry and from agency to agency. As of 1 April there were no such cases in the Ministry of Public Administration, whereas there were approximately 1500 such cases in the Financial Administration (national tax and customs authority) which is approximately 40% of all employees.

2. What other flexible working arrangement (part-time work, distribution of working hours over 7 days...)?

Part-time work and flexible distribution of working hours are possible according to civil service and general labour legislation. Their use in the current circumstances depends on individual managers.

3. If civil servants cannot telework, how are they paid?

In the case that civil servants cannot telework due to the nature of their work, for technical or any other reasons, the “waiting for work” instrument applies. Civil servants who are in this situation following a decision by their manager receive 80% of their average salary (full salary, including supplements and incentives) over the previous three months. This is not a new arrangement, it is a regular instrument of the general labour law.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

Civil servants whose work is not indispensable are recommended (but not obliged!) to request the remaining annual leave from 2019 and two weeks of 2020 annual leave, and informed that it might be difficult later in the year to enable them to use annual leave exactly in the desired periods. This can be (at least temporarily) an alternative to the previously explained mechanism of “waiting for work”. No special legal arrangements have been introduced nor are planned to be introduced.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

The Law on Urgent Measures to Limit the Spread of COVID-19 and Mitigation of its Impact on Citizens and Economy (hereafter: the Law on urgent measures¹) envisages raising the limitation of overtime work to 20 hours weekly (total 60 working hours per week) and 80 hours monthly in the public sector. With consent of the public servant, even these limits can be exceeded in individual cases.

6. Arrangement for paying for extra workload (health care)?

The Law on urgent measures increases the already existing supplement for performing work in “dangerous circumstances and under pressure” from 45% to 100% of the basic salary. The supplement shall be paid for the time (hours) in which the work is performed in such circumstances. For instance, doctors and nurses who deal with COVID-19 patients will be considered as working full time in such circumstances.

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

No measures so far. The Law on urgent measures envisages a 30% salary cut for the Prime Minister, ministers, state secretaries and members of parliament as a gesture of solidarity, with the aim to increase trust in the Parliament and Government, which is needed for effective crisis management.

8. Additional Information: consultation with trade unions and recruitment at top managerial positions

In line with the usual approach of drafting laws and regulations affecting the rights and obligations of employees, the Law on urgent measures has been broadly discussed with the trade unions. For the time being, it is not yet possible to say whether consensus has been reached on all points.

As of 30 March, recruitment procedures for top managerial positions in the civil service have been unfolding normally without any change of rules. Panel interviews are being carried out with due consideration to social distancing measures. Sessions of the Civil Service Council are being held remotely.

¹ The Law was enacted in the National Assembly on 2 April 2020. Most of the measures envisaged in the draft law are supposed to apply in April and May 2020, some of them shall apply retroactively (as of 13 March). If the state of epidemic is not recalled by 15 May, the measures will apply until 30 June. Of course, the Parliament can later further extend the time of application by amending the Law.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

The national Parliament (National Assembly) is operational. Members meet in extraordinary sessions only (as opposed to regular sessions, which are held regularly every month except in July and August). There is agreement of parliamentary parties to devote their work to measures to limit the spread of the virus and mitigate negative impact on citizens and economy. Protective measures have been introduced in the Parliament (social distancing, masks, disinfection).

No formal simplifications of parliamentary procedures have been introduced. There is a general tendency (a convention, but not an obligation) in the Parliament to shorten the discussions and focus on essential questions to accelerate adoption of urgent legislation.

The Constitution and Rules of Procedures of the National Assembly contain several provisions that allow for accelerating procedures:

- *Exclusion of the right to request a referendum (Article 90 of the Constitution),*
- *In urgent cases, deadlines for submissions established by the Rules of Procedure of the National Assembly do not apply and the law can be discussed and approved in one reading only (as opposed to two or three readings in regular procedures).*

The State Council, which is the upper house of the Parliament in an asymmetrical, bicameral system, has established a practice (not mandatory by any rule) of giving up the right to consider putting a veto on the laws introducing urgent matters, which shortens the procedure of promulgation of the law by the President of the Republic by eight days.

The President of the Republic signs the laws immediately after enactment and the Official Gazette publishes them immediately after.

On 7 April 2020, the Committee for the Rules of Procedure approved, with 2/3 majority, amendments to the Rules of Procedure allowing remote sessions of the National Assembly (using a secure ICT system). Remote sessions include both discussing and voting remotely. Remote sessions shall be possible only in exceptional circumstances, when physical presence of MPs would constitute a danger for their safety or health, and only upon decision of leaders of fractions which together represent at least 2/3 of all MPs. The amendment is to be enacted in a plenary session on 8 April.

2. How about the Ombudsman (e.g. overseeing the situation in prisons)?

On 26 March, the Ombudsman institution published information on the changed modus operandi on its website. Until otherwise decided, the Ombudsman institution will perform its function without physical contacts. All communication from citizens to the Ombudsman can be carried out only via telephone or electronic mail. Although there is no explicit indication, we assume that the Ombudsman institution does not perform physical oversight in prisons and similar.

3. Does administrative justice work? Have deadlines changed?

A special Law on temporary measures in judicial, administrative and public law matters for limiting the spread of COVID-19 was enacted and came into force on 29 March. Deadlines for both the courts and parties in administrative disputes (judicial review of administrative decisions) are frozen, except in urgent matters defined by the Law on Courts (administrative disputes are not considered urgent cases). The Administrative Court and the administrative division of the Supreme Court do not hold hearings and sessions. Judges telework and focus on deskwork related to open cases.

Appeals to administrative decisions can be submitted via regular mail or via the portal e-Justice. However, as indicated above, deadlines do not apply neither for the court nor for the parties.

Judges are teleworking and focus on deskwork related to open cases and to informal remote meetings.

4. Any public debates in respect of principles of good administration (legality, proportionality, predictability) of protective measures?

Yes, there have been public debates, mainly on the following issues:

- *Activation of an article of the Law on Slovenian Army envisaging the possibility of conferring police powers to the military. The proposal of the Government is to activate the army as reinforcement for protection of the state border, so that part of the police force could be moved to the interior of the country to control compliance with the measures concerning limitation of freedom of movement. The proposal did not obtain the needed two-thirds majority in the parliament.*
- *A proposal by the Government (in the said Law on urgent measures) to grant authority to the police for controlling the location of the telephone of a person in quarantine, with the prior consent of the person but without judicial order. The provision was removed from the draft.*
- *Proportionality of limitations to free movement (movement of people is limited to territory of the municipality of residence, with exceptions related to work, health and purchasing products of necessity). However, according to an opinion poll published on 2 April, a vast majority of the population supports the measures and the approach the Government took to cope with the crisis and only 10% of the respondents consider them too strict.*

Service delivery

1. Which services are being delivered (all, some, only the essential)?

All the vital services for citizens are available. Service delivery centres are accessible via phone and e-mail. Before going there, citizens have to call and consult whether the service (issuance of ID card, application for a social benefit etc.) is really vital / urgent. A few civil servants are present all the time to answer calls and carry out or organise the procedures for urgent (vital) services.

Oversight and control functions of public administration (inspection) are being performed to limited scope, with a focus on the oversight of compliance with regulations on safety measures.

2. Are there any modifications done to the obligations of:

- i. *the administrations towards citizens/businesses (e.g. freezing of deadlines)?*

The above-quoted Law on temporary measures in judicial, administrative and public law matters for limiting the spread of COVID-19 stipulates that procedural deadlines in administrative procedures (for both sides: public administration bodies and parties) are temporarily suspended until otherwise decided by the Government (the latest possible date being 1st July 2020). There are certain exceptions: cases of vital importance for public safety, protection of life, livelihood of citizens etc.

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

All the deadlines that are normally applicable and binding for citizens and legal persons are also suspended, in line with the above-quoted Law on temporary measures. This applies to both procedural deadlines (e.g. deadline for submission of an appeal) and for substantive (material) deadlines (e.g. deadline for requesting a right).

The same applies to deadlines for payment of taxes and contributions.

As part of the economic measures to mitigate the effects of the epidemic for the economy, employers are exempt from payment of contributions for social insurances (health care insurance, pension insurance, unemployment insurance) for April and May 2020. The same applies to self-employed persons.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:

- i. *in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*

Electronic signature is broadly used in the public administration, which simplifies the current situation.

- ii. *in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

Electronic communication between citizens and the public administration is simplified, so that for applications and other types of communication electronic signature is not required (for example a simple e-mail would be sufficient or, if the responsible civil servants had doubts about the identity of the party, a scanned copy of a document with handwritten signature).

An example: registration of residence is possible by submission of an application via the e-government portal or by simple e-mail without electronic signature. If the person is not the owner of the house or apartment, they have to submit a scanned copy of the lease contract or similar proof of title.

Public Financial Management

1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits, etc.)?

So far, no specific reference has been made to fiscal rules as regards budget deficit and public debt ratio. A Law on urgent measures in public finance was passed stipulating that:

- The Government may, at the proposal of the Ministry of Finance, temporarily (there is no limitation as to the period) withhold budgetary expenditure for certain purposes, which will enable spending for urgent needs and financing of measures for mitigating the effects of the epidemic on citizens and economy.*
- The Government has full prerogative to create new budget lines and reallocate resources from one line to another (an action that is normally very limited). This means that significant transfer of power in the PFM area from the Parliament to the Government has taken place.*
- The Law also stipulates that the Government shall submit a proposal for the re-balanced state budget within 90 days of the termination of the state of epidemic, but no later than 1 September 2020.*

As regards the fiscal rules, the Law on Fiscal Rule (2015), partially transposing the Council Directive 2011/85/EU (8 November 2011) on requirements for budgetary frameworks of the Member States, envisages exceptions from the principle of mid-term public finance balance in the case of unexpected events. The existence of such events shall be declared by the Government upon receiving an opinion by the Fiscal Council. The Parliament then, at the proposal of the Government, amends the mid-term budget framework accordingly.

This mechanism has not yet been applied, but we can assume that it might be applied when the Government proposes the re-balanced budget within 90 days of the termination of the state of epidemic, in line with the Law on urgent measures.

2. Are the cost of these measures being published?

Every draft law, including the ones introducing urgent measures, is accompanied by a calculation of financial impacts. Limited transparency might be an issue with amendments to the draft laws proposed by the members of parliament.

The package of measures envisaged by the Law on urgent measures is estimated to cost EUR 3 billion (cca. 7% of GDP).

3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?

The Ministry of Finance is co-ordinating reallocation of funds. No systemic approach to cost-saving for the future re-establishing of public finances has been established.

4. Are internal controls continuing to operate smoothly (electronic signatures)?

Yes, electronic signature is broadly used throughout the public administration and it seems that no major problems have been encountered.

5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?

In 2016, the Government adopted the State Plan of Protection and Rescue in the case of epidemic or pandemic of infectious diseases. The document envisages measures of protection and rescue, sets up crisis management and co-ordination mechanisms and defines responsibilities of all state institutions, including many ministries and agencies.