

Rules for implementing article 44 §2 of the Staff Regulations as regards Middle and Senior Managers

THE GOVERNING BOARD OF ETF,

HAVING regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 and in particular articles 2, 4, 5, 7, 29 and 44 of the Staff Regulations,

HAVING regard to Council Regulation (EC) N° 1360/90 of 7 May 1990 establishing the European Training Foundation, and notably article 14 thereof

HAVING regard to Council Regulation (EC) N° 1339/2008 of 16 December 2008 (recast) and notably article 21 thereof, submitting the staff of the ETF to the rules and regulations applicable to the Officials and Other Servants of the European Communities

HAVING regard to the ETF Director decision (ETF/007/DEC/015) of 17 July 2007 adopting for the ETF the Job Description Framework and Competence Framework version 1.1 and in particular its section 2 and 3 on management family and functions;

After consultation of the Staff Committee and in agreement with the European Commission pursuant to Article 110 of the Staff Regulations,

WHEREAS:

- (1) The functions and responsibilities of staff in the management family (as referred to in the Job description framework) should be laid down precisely.
- (2) A special trial period for newly-appointed managers should be introduced,

HAS DECIDED AS FOLLOWS:

ARTICLE 1 - DEFINITIONS

1 Middle and Senior Managers to which this decision applies are those as referred to in Article 44(2) of the Staff Regulations and in the ETF Job Description Framework which involve the permanent and continuous management of staff and of an administrative structure as defined in paragraph 2;

This means that the jobs of head of Unit and head of department of the ETF are covered by this decision.¹

These posts shall be initially filled at grades AD 9 to 12.

2. Units/departments are administrative structures that meet the following criteria:

- they appear in the ETF official organisation chart and

¹ That of the Director of the ETF is covered by the ETF Implementing provisions concerning the appraisal for the Director of the ETF.

- they are justified by an overall evaluation considering the size, the number of staff (at least one AD staff in addition to the head of unit or to the head of department), the complexity and sensitivity of its tasks, the budgetary impact and a comparison to other units/departments with similar tasks within the Agency and in other Agencies.

In the event of a change in the organisation chart, a net increase in management functions shall be justified and documented in the Staff Policy Plan.

3 In certain cases team leaders, head of teams and coordinators may carry out management tasks delegated to them by the Managers. Even if they appear in the ETF official organisation chart, they are not part of the management category.

ARTICLE 2: ROLE OF MIDDLE AND SENIOR MANAGERS

Middle and senior managers shall demonstrate ability in human resources management and in financial management, as appropriate, as well as (where required) the specific knowledge or qualifications or both relevant to the particular post.

The responsibilities of middle and senior managers shall at least include the following²:

- issue guidelines for policies and actions to his/her unit/department on the basis of the mission statement and annual work programme of the ETF. S/he shall define the unit/department work programme, coordinate work within the unit/department and with other units/departments and represent the unit/department at important meetings.
- act as the main channel for the exchange of information between management and the various members of the unit/department.
- be directly responsible for the management of the human resources of the unit/department and, where appropriate, its financial resources.

ARTICLE 3: PUBLICATION OF A POST AND FILLING IT

Where a middle or senior management post is to be filled, the Director may decide (in no particular order):

- to re-assign a temporary agent to the post in the interest of the service pursuant to Article 7 (1) of the Staff Regulations provided that the duties of the post are appropriate to his/her grade, and that s/he already occupies a management post or has occupied such a post and has not ceased to exercise management duties because of insufficient managerial ability or voluntary opt-out in application of Article 7 (1) or (3) below.
- to advertise the post internally and/or in the Interagency Job Market, before making an external publication of the vacant post. However, in the case of simultaneous publication internally and in the Interagency Job Market, applications of the internal candidates shall be considered first. Indeed, upon completion of the selection process, where both an internal and Interagency Job Market candidate are assessed as equally suitable for the post, internal candidate shall be given priority.

If the post is advertised internally and in the Interagency Job Market, the Director shall publish it at a range of grades corresponding to the functions. The post shall be reserved to candidates of the same function group and whose grade is within this range of grades. Successful candidates shall be appointed at the grade held on their previous post in the Agency.

For candidates of the Interagency Job Market, Article 32 of the Staff Regulations and ETF decision concerning the criteria applicable to classification in grade and step on appointment or engagement shall apply concerning the classification in step.

² more details on responsibilities and targeted competences can be found on managers job descriptions;

- to publish externally and to launch a selection procedure in accordance with the decision on the engagement and the use of temporary agents who are recruited through an external selection procedure.

If the post is advertised externally, the Director shall publish the posts at one grade out of the grades AD 9 to AD 12.

ARTICLE 4: ELIGIBILITY

1. If the post is published internally and/or in the Interagency Job Market, the applicant to be appointed must
 - have been selected in accordance with article 3 of the Interagency Job Market agreement.
 - be in grade AD 9, AD 10, AD 11 or AD 12;
 - possess the qualifications and competences specified in the vacancy notice;
2. If the post is published externally, the applicant to be appointed must
 - have been selected in accordance with the selection procedure pursuant to Article 3 (1) or (2) of the Decision on the engagement and use of temporary agents in the ETF;
 - possess the qualifications specified in the vacancy notice;
 - possess the qualifications and competences specified in the vacancy notice.

ARTICLE 5: TRAINING

1. Newly appointed middle and senior managers shall be required to follow a management preparation course before or within three months of taking up their duties. Management courses listed in the Commission's/Agency's training catalogue and followed by an applicant during the five years prior to publication of the post may be validated by the appointing authority as management preparation courses.
2. As an alternative, the concerned newly appointed middle and senior manager may demonstrate to the appointing authority that s/he has already acquired the management qualifications required by successfully completing other courses of training for management functions.

ARTICLE 6: TRIAL PERIOD

1. All those newly appointed to a management position without having served at least two years as a middle or senior manager in the ETF, in the European Institutions³, bodies, offices or other Agencies (including new managers recruited following an open selection procedure), shall serve a special management trial period of nine months as a 'probationer managers'.

The reporting officer and, when applicable, the countersigning officer shall be the same as those designated in relation to the person holding the post to which the new manager has been appointed for the purposes of the Annual Dialogue process under the ETF Decision on general provisions for implementing Article 43 of the Staff Regulations.

³ Or two years as head of cabinet, or as an AD 13 / AD14 legal adviser in the Legal Service.

The final assessment shall be drawn up in writing and countersigned by the 'probationer's line manager'. A 'probationer manager assessment sheet', covering final assessment, is provided in Annex II.

2. For temporary agents already in service within the ETF and newly appointed to a middle or senior management position, the final assessment as middle or senior manager shall be drawn up before the end of the probationary period, when applicable. This assessment shall be attached to the next Performance Feedback provided for in Article 43 of the Staff Regulations/Article 15 of the CEOS.

In exceptional circumstances, the management trial period may be extended by up to six months by the AIPN/AHCC, in order to give the probationer manager time to remedy perceived deficiencies.

If at the end of the process (i.e. after 15 months maximum) the probation is deemed to have been unsuccessful, the appointing authority shall propose in line with article 7 reassignment to a non-management position.

The concerned agent may appeal as per article 90 of the Staff Regulations

3. For 'probationer managers' newly recruited as temporary agents following an external selection procedure, the final assessment as manager shall be drawn up before the end of the probationary period. This assessment of management ability does not replace the normal probation report provided for in that Article.

In exceptional circumstances, the management trial period may be extended by another three months by the AIPN/AHCC, in order to give the probationer manager time to remedy perceived deficiencies.

If at the end of the process (i.e. after 12 months maximum) the probation is deemed to have been unsuccessful, the appointing authority shall decide on the termination of the employment.

The concerned agent may appeal as per article 90 of the Staff Regulations

ARTICLE 7: REASSIGNMENT TO A NON-MANAGEMENT POSITION

Middle and senior managers may be reassigned to a non-management position whilst keeping their grade.

Reassignment to a non-management position shall be possible in the following cases:

- 1. Insufficient managerial ability**

- 1.1. Reassignment following the trial period.**

A procedure for reassignment to a non-management position may occur following the end of the trial period for a newly appointed manager provided for in Article 6 (2).

- 1.2. Reassignment at any stage during a managerial career.**

A procedure for reassignment to a non-management position may occur at any stage when a manager is deemed not to have met the required management standards in two successive Performance Feedback reports which highlight clear deficiencies in management ability.

Before a decision is taken, the case shall be further assessed by one staff member designated by the Director, who must have at least the same function group and grade as the manager and shall not be in any conflict of interest. The "designated staff member" shall draw up conclusions.

Following the opinion of the "designated staff member", the final decision shall be taken by the Director.

2. Voluntary opt-out

A middle or senior manager may ask to be allowed to opt out of a management position at any stage during his or her career. The request shall include a detailed explanation of the reasons for wishing to opt out, and implies a formal acceptance of reassignment to a unit/department under the supervision of a manager. Where a staff member who has opted out under this paragraph subsequently reapplies for a management post s/he shall go through the standard selection procedure set out above.

3. Interest of the service

A middle or senior manager may be reassigned by the Director to a non managerial position, in the interest of the service pursuant to article 7 of the Staff Regulations.

This shall apply in particular, but not exclusively, where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of the ETF or as a consequence of risk mitigation measures connected with sensitive functions.

Temporary Agents, who were reassigned to a non-management position under the conditions as described in the above mentioned paragraph, may be reassigned at a later stage by the Director to management posts in the interest of the service pursuant to Article 7 of the Staff Regulations.

ARTICLE 9 - ENTRY INTO FORCE

These rules shall take effect on the day of signature.

Date

12 MAI 2010



Jan Truszczyński

Chair of the Governing Board

ANNEX I

EXAMPLE OF COMPETENCES REQUIRED TO APPLY FOR A MANAGEMENT POST⁴

I – The main requirements are:

- *Human resources management*, including:
 - The ability to set and revise objectives for the unit/department within the overall strategic framework of the ETF.
 - The ability to determine and focus on priorities and to monitor and evaluate the progress made towards achieving the objectives set, in cooperation with the members of the unit/department.
 - The ability to empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the unit/department's objectives.
 - The ability to motivate members of the team to achieve the desired results and also to enable them to achieve their objectives and greatest potential.
- *Communication* including:
 - Ability to communicate clearly and present complex subjects simply, both orally and in writing, including to the members of the unit/department.
- *Interpersonal* including:
 - Ability to deal with people effectively and courteously and to build productive and cooperative working relationships with other units/departments and colleagues.
- *Negotiation* including:
 - Ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved.

II – Additional requirements:

Depending on the post, some additional requirements or assets may be necessary such as:

- *Familiarity with administrative and financial issues.*
 - Staff members must have a good knowledge of the administrative and financial circuits within the ETF and, ideally, experience of them. Knowledge of the relevant procedures would clearly be an additional asset. A high degree of competence in handling budgetary resources could be of key importance, depending on the post in question.
- *Knowledge of Community policies, languages, legislation and programmes, where relevant to the post in question*

NB: Occupying a management post efficiently and effectively requires possession of these competencies to a high degree. The relative weighting of the various elements will depend largely on the particular features of each post.

⁴ For details, refer to job descriptions of managers

ANNEX II

ASSESSMENT SHEET⁵ FOR NEWLY APPOINTED MANAGERS

Jobholder's details:

Surname and first name(s):	
Personnel number:	
Current position:	Head of
Date of taking up current position:	
Date of taking up service at ETF:	
Department/ Unit:	
Category and grade:	AD

Reporting Officer's details:

Surname and first name(s):	
Department/ Unit:	

Report covering the period:

From:	to:
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In accordance with article 14 of the Conditions of Employment of Other Servants, not less than one month before the expiry of the probationary period⁶, a report on the ability of the jobholder to perform the duties pertaining to his/her post as well as on his/her conduct and efficiency in the service shall be made and communicated to the person concerned, who shall have the right to submit his/her comments in writing.

According to article 44 §2 of the Staff Regulations, the staff member, who is appointed Head of Unit/Department, shall benefit from an increase in salary, providing that he/she has performed his/her duties satisfactorily during the first nine months. This increase in salary corresponds to the advancement by one step and is paid retroactively from the time the appointment came into force.

According to article 6.2 and 6.3 of the rules for implementing article 44 §2 of the Staff Regulations as regards Managers, for 'probationer managers' newly appointed as managers, the final assessment as manager shall be drawn up before the end of the probationary period⁵.

On the basis of the above mentioned, the probation report shall target on the assessment of the ability of the jobholder to perform the duties pertaining to his/her post as Head of HR Unit and include assessment on his/her conduct and efficiency in the service.

⁵ This template may vary overtime and be adapted without going through art. 110 process

⁶ which is of a 6-month duration

Assessment on the ability of the jobholder to perform the duties linked to his/her current managerial function on the basis of annex 1

The Jobholder did demonstrate its ability to ⁷ :	at the following level:					
	A ⁸	B ⁹	C ¹⁰	D ¹¹	E ¹²	F ¹³
1. set timely and proactively business & development objectives for staff under her/his responsibility, challenging them and coaching them outside their comfort zone.						
2. organise the allocation of work within the unit						
3. assess timely performance & initiate corrective actions for staff under his responsibility						
4. provide regular feedback to staff under his responsibility						
5. organise correct team functioning/continuity of service						
6. establish/maintain good team/staff working relations						
7. develop/maintain contact with key stakeholders						
8. supervise implementation of processes under his responsibility within time and budget.						
9. Monitor the use of financial resources in the respect of FR 3 Es principles						
10. Monitor the respect of ETF policies, flag up and correct deviation by his/her staff.						
11. Ensure the definition and share with his/her staff and concerned colleague of a strategy contributing to the unit/dept mission and agency vision.						
12. Coordinate the monitoring and reporting dep./unit activities impact and take corrective actions.						
13. Ensure reactive flexible allocation of expertise and resources efficiently and effectively, according to dep./unit strategy and priorities						

Where appropriate

⁷ In order to have more details on what is meant in points 1 to 10, please refer to annex 1.

⁸ A - Significantly exceeding expectations

⁹ B - Exceeding expectations

¹⁰ C - Meeting fully expectations

¹¹ D - Meeting expectations with development needs

¹² E - Not meeting expectations

¹³ F - Not assessable or not applicable for the position

Overall comments/assessment

Overall comments/assessment	Comments on the jobholder's performance
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On the basis of the above mentioned, my opinion is that the jobholder:

- has performed his/her duties satisfactorily;
- has not performed his/her duties satisfactorily.

Date & Signature of the
Reporting Officer:

Date & Signature of the Reporting Officer:
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Jobholder's comments:

Comments from the jobholder	Comments from the jobholder
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Date & Signature of the
Jobholder:

Date & Signature of the Jobholder:

Director's comments:

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Director's decision:

- The contract of the job holder is confirmed and s/he shall retroactively benefit from the increase in salary as mentioned in article 44 of the SR (once completed 9 months of service);

- The job holder shall **not** benefit from the increase in salary as mentioned in article 44 of the SR and therefore s/he:
 - shall have the management probationary period extended
 - shall be reallocated to non managerial position
 - shall be dismissed

- The contract of the job holder is not confirmed

Date & Signature of the
Director:

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ANNEX A

COMMON ASSESSMENT STANDARDS FOR MANAGERS

I – As per the job description, managers shall act as people manager by:

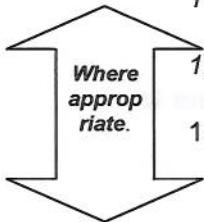
1. setting business and developmental objectives at individual level
2. organising the allocation of work
3. assessing performance throughout the year identifying and initiating corrective actions for inappropriate behaviour and performance
4. providing regular guidance, feedback, and direction in order to support their successful development, performance, and achievement of objectives

Reporting Officers are therefore highly encouraged to base their assessment on the above mentioned and can find below some criteria that can guide their assessment.

- 1. Setting business and developmental objectives at individual level means to be able to:**
 - give a strategic vision of the objectives and priorities of the Unit/Department and translate it into measurable and attainable objectives for the team members
 - empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the unit/department's objectives
 - stimulate teamwork, in particular, by clearly defining roles and tasks, rewarding joint efforts and creating team spirit
 - challenge staff in order to they do not merely stick to their "comfort zone" and to improve their employability externally and internally
- 2. Organising the allocation of work means to be able to:**
 - determine and focus on priorities and monitor and evaluate the progress made towards achieving the objectives set, in cooperation with the members of the unit/department
 - distribute tasks in a balanced and transparent manner and give clear instructions on the way they are to be handled
 - delegate tasks where appropriate and/or requested. In such cases, she/he ensures that the nature, scope and timeframe of delegated tasks are clear to all concerned
 - delegate tasks by adapting the style and scope of delegation to the team member's specific background (e.g. education, experience, personality). She/he assesses skills correctly and makes effective use of staff.
- 3. Assessing performance throughout the year identifying and initiating corrective actions for inappropriate behaviour and performance means to be able to:**
 - supervise performance regularly (not only at the time of the appraisal at the end of the year)
 - identify and willingly address problems of low or underperformance in her/his team by taking the necessary action
 - handle conflicts effectively and in an even-handed way.
- 4. Providing regular guidance, feedback, and direction in order to support their staff successful development, performance, and achievement of objectives means to be able to:**
 - give and encourages regular feedback to/from her/his team and reacts positively to constructive criticism
 - motivate and inspire team members and fosters their professional and personal development
 - set up and run a supervision system to support her/his team in fulfilling its tasks effectively and achieving objectives

II – As per the job description, managers shall:

5. Organise the correct functioning of their Unit/department, and actively facilitate continuity of operations in other parts of the organisation
6. Establish and maintain working relations at a team and individual level in a multicultural context
7. Develop and maintain contact with key technical stakeholders for relevant processes
8. Supervise the implementation and monitoring of relevant processes
9. Monitor the use of financial resources to the related processes
10. Monitor the respect of ETF policies
11. *Co-ordinate the definition and achievement of a coherent department/unit strategy, priorities and objectives.*
12. *Co-ordinate and supervise the implementation, monitoring, reporting and impact assessment of activities under the department/unit mandate.*
13. *Develop, maintain and supervise the application of appropriate mechanisms to ensure the flexible allocation of expertise and resources efficiently and effectively, according to Department/unit strategy and priorities.*



Reporting Officers are therefore highly encouraged to base their assessment on the above mentioned and can find below some criteria that can guide their assessment.

- 5. Organising the correct functioning of their Unit/department means to be able to:**
 - ensure the continuity of its operations
 - organise team in order to maximize performance and productivity
 - defining priorities for the team
 - facilitating knowledge/information sharing
- 6. Establish and maintain working relations at a team and individual level in a multicultural context**
 - ensure constructive communication within and outside the team
 - respect diversity and equal treatment
- 7. Develop and maintain contact with key technical stakeholders for relevant processes**
 - ensure constructive and effective communication with key stakeholders
 - seek and optimise the use of knowledge/expertise from key stakeholders
- 8. Supervise the implementation and monitoring of relevant processes**
 - align them with ETF operational needs
 - ensure they are effective and efficiently planned and regularly adapted
- 9. Monitor the use of financial resources allocated to the related processes**
 - ensure respect of the EC Financial Regulations,
 - apply risk management principles
- 10. Monitor the respect of ETF policies**
 - ensure ETF policies is disseminated within the team
 - ensure understanding and adherence to
 - identify and willingly address problems of disrespect by taking appropriate action

Where appropriate

11. Coordinating the definition and achievement of a coherent department/unit strategy, priorities and objectives means to be able to:

- ensure adequate analysis of ETF needs to ensure strategic translation into dept/unit objectives understand ETF context, priorities and mid-term perspective
- ensure prompt and proactive reaction to change

12. Coordinating and supervising the implementation, monitoring, reporting and impact assessment of activities under the department/unit mandate rising the correct functioning of the Unit/department means to be able to:

- ensure dept/unit objectives are reached to the utmost standard
- culture of permanent improvement is developed throughout the unit
- Increase efficiency and reduction of cost, as well as a proportionality principle are the driving factors in developing and monitoring activities

13. Developing, maintaining and supervising the application of appropriate mechanisms to ensure the flexible allocation of expertise and resources efficiently and effectively, according to Department/unit strategy and priorities means to be able to:

- anticipate any issue and proactively ensure continuity of its operations
- adapt easily and quickly to new situations ensuring adequate reshuffle of human resources managed