

EB DECISION



DECISION No:	2012/01
SUBJECT:	Decision on middle management staff at the European Union Agency for Fundamental Rights
PERSON RESPONSIBLE:	Director
STATUS:	FINAL VERSION

THE EXECUTIVE BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS,

Having regard to the Council Regulation (EC) n° 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights (hereafter “the Agency”) and in particular Article 24 thereof,

Having regard to the Staff Regulations of officials of the European Communities (hereafter SR) and the Conditions of employment of other servants of those Communities (hereafter CEOS) as laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular Articles 2, 4, 5, 7, 29 and 44 thereof,

After consultation of the Staff Committee on 27 January 2011 and 22 February 2011 and in agreement with the European Commission pursuant to Article 110 of the Staff Regulations,

Whereas:

- (1) The role and responsibilities of middle management staff should be laid down precisely.
- (2) A special trial period for newly-appointed middle managers should be introduced.

HAS ADOPTED THIS DECISION:

Article 1: Definitions

1. Middle management functions to which this decision applies are those of head of department as referred to in Article 44(2) of the Staff Regulations which involve the permanent and continuous management of an administrative structure as defined in paragraph 2;

This means that the functions of Heads of Department are covered by this decision.

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

2. Departments are administrative structures that meet the following criteria:

- they appear in the Agency's official organisation chart approved by the Agency and
- they are justified by an overall evaluation considering the size, the number of AD staff, the complexity and sensitivity of its tasks, the budgetary impact and a comparison to other 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 deputy heads of department and team leaders may carry out management tasks delegated to them by the middle manager. Even if they appear in the Agency's official organisation chart, they are not part of the middle management staff.

Article 2: Role of middle managers

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

The role and responsibility of middle manager shall include the following:

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

Article 3: Publication of a post and filling it

Where the post may be filled by the appointment of a temporary agent, the Director may decide:

- 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.

- to advertise the post simultaneously in the Agency and in the Interagency Job Market¹, 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.

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 the Agency decision concerning the criteria applicable to classification in grade and step on appointment or engagement (EB Decision 2009/4 of 18/11/2009) shall apply concerning the classification in step.

- 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 or her grade, and that he/she already occupies a middle 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.

Article 4: Eligibility

1. For temporary agents, if the post is published externally, the applicant to be appointed must
 - have been selected according to the selection procedure for temporary agents 2a on long-term employment as defined in the Executive Board's Decision on the engagement and use of temporary agents in the Agency (EB Decision 2009/3 of 18/11/2009).
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex I to this decision.
2. For temporary agents, if the post is published internally or in the Interagency Job Market or both, the Applicant to be appointed must
 - have been selected according to the selection procedure for temporary agents pursuant to Article 4 of the Executive Board's Decision 2009/3 on the engagement and the use of temporary agents in the Agency;
 - be in grade AD 9, AD 10, AD 11 or AD 12;
 - possess the qualifications specified in the vacancy notice;

¹ An Interagency Job Market is created for facilitating between Agencies the mobility of temporary agents referred to in Art. 2a of the CEOS and to ensure that highly qualified professionals can be used in the best interest of the Agencies (ref. EB Decision 2009/3).

- possess the competencies set out in Annex I to this decision.

Article 5: Training

1. Newly appointed middle manager shall be required to follow a management preparation course before or within three months of taking up his/her 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 temporary agent may demonstrate to the appointing authority that he or she 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 middle manager position without having served at least two years as a middle manager, whether in the Agency, in the European Institutions², bodies, offices or other Agencies (including new middle managers recruited following an open selection procedure), shall serve a special management trial period of nine months as a 'probationer middle managers'.

The reporting officer and the countersigning officer shall be the same as the one designated in relation to the person holding the post to which the new middle manager has been appointed for the purposes of the annual appraisal report.

A mid-term assessment after three months may be drawn up by the reporting officer and countersigned by the 'probationer middle manager'. The final assessment shall be drawn up in writing and countersigned by the 'probationer middle manager'. A 'probationer middle manager assessment form', covering final assessment, is provided in Annex II.

2. For temporary agents already in service, the final assessment as manager shall be drawn up before the end of the probationary period. This assessment shall be attached to the next annual appraisal report provided for in Article 15 of the CEOS.

In exceptional circumstances, the management trial period may be extended by up to three months by the Appointing Authority, in order to give the probationer manager time to remedy perceived deficiencies. The report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of five days.

² Or two years as head of cabinet, or as an AD 13 / AD14 legal adviser in the Legal Service.

If one month before the end of the process (i.e. 12 months maximum process) the probation is deemed to have been unsuccessful (meaning at least one 'insufficient' in the assessment sheet), the Appointing Authority shall propose reassignment to a non-management position. The Joint Evaluation Committee³ shall give its opinion on any proposal within ten working days after submission of this proposal, after which the Appointing Authority shall take his/her decision.

3. For 'probationer middle managers' newly recruited as temporary agents following an external selection procedure, the final assessment as manager shall be drawn up at the same time as the report provided for in Article 14 of the Conditions of Employment of Other Servants. 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 Appointing Authority, in order to give the probationer manager time to remedy perceived deficiencies. The report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of five working days.

If two months before the end of the process, the probation is deemed to have been unsuccessful (meaning at least one 'insufficient' in the assessment sheet), the Appointing Authority shall within a period of 10 working days, consult the Joint Evaluation Committee of the action to be taken after which the Appointing Authority shall take his/her decision.

Article 7: Reassignment to a non-management position

Middle 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 as a head of department
 - 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 middle manager provided for in Article 6.

- 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 middle manager is deemed not to have met the required management standards in two successive Annual Appraisal Reports. Unmet standards means a 'poor' or an 'insufficient' in the Annual Appraisal Report, related to possible deficiencies in management ability.

³ The Joint Evaluation Committee is composed by a Chair, with the rank of Head of Department and appointed by the Director, and two members: the Head of Human Resources & Planning appointed by the Director and one staff representative appointed by the staff Committee. Opinions shall be adopted by a simple majority

Before a decision is taken, the case shall be further assessed by the Joint Evaluation Committee provided for in Article 6. The members of the committee must have at least the same grade as the middle manager and shall not be in any conflict of interest⁴.

Following the opinion of the Joint Evaluation Committee the final decision shall be taken by the Director.

2. In cases where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of the Agency, a middle manager may be reassigned to a non-management position.

Staff members, who were reassigned to a non-management position under the conditions as described in this paragraph, may be reassigned by the Director to middle manager posts in the interest of the service pursuant to Article 7 of the Staff Regulations.

3. Voluntary opt-out

A middle 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 by the Director of reassignment to a department under the supervision of a middle manager. Where a staff member who has opted out under this paragraph subsequently reapplies for a management post he shall go through the standard selection procedure set out above.

Article 8: Entry into force

This decision shall enter into force on the day following that of its adoption.

Done in Vienna, on 24 February 2012



Ilze Brands Kehris
Chairperson of the Executive Board

⁴ See Article 11 of Conditions of Employment of other servants of the European Communities, and Article 11(a) of Staff Regulations

ANNEX I
COMPETENCIES REQUIRED FOR A MIDDLE MANAGEMENT POST

The competencies referred to in Articles 4 are the following:

I – The core competencies are:

- *General management skills*, including:
 - The ability to set and revise objectives for the unit within the overall strategic framework of the Agency.
 - 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 team.
 - The ability to choose co-workers suited to the efficient pursuit of the department's objectives.
 - 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 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 skills*
 - Ability to communicate clearly and present complex subjects simply, both orally and in writing, including to the members of the team.
- *Interpersonal skills*
 - Ability to deal with people effectively and courteously and to build productive and cooperative working relationships with other departments and colleagues.
- *Negotiation skills*
 - Ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved.

II - **Technical qualifications** include points of the following type:

- *Familiarity with administrative, financial and oversight issues.*
 - Staff members must have a good knowledge of the administrative and financial circuits within EU Institutions and, ideally, experience of them. A good knowledge of the relevant procedures within the FRA would clearly be an additional asset. A high degree

of competence in handling budgetary resources could be of key importance depending of the post in question.

III - **Specialist knowledge** comprises points such as:

- *Knowledge of Community policies, languages, legislation and programmes*, where relevant to the post in question

Occupying a head of department 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.

ANNEX II

PROBATIONER [HEAD OF DEPARTMENT] ASSESSMENT SHEET FINAL ASSESSMENT OF MANAGEMENT CAPACITIES FOR PROBATIONER [HEAD OF DEPARTMENT]				
Ms/Mr : Start of the probation period: dd/mm/yy	Department: No. of Staff in the Department:			
Main tasks of the Department: Objectives: Performance indicators:				
MANAGEMENT COMPETENCIES				
	Good	Average	Insufficient	Motivation
Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management of people (i.e. capacity to motivate and delegate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fixing objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delivery of results (where appropriate, management of finance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication (and where appropriate, negotiating skills)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Opinion of the [reporting officer]: <input type="checkbox"/> Successful <input type="checkbox"/> Unsuccessful				
Date:		Signature:		
Decision of the appointing authority (only for final assessment) <input type="checkbox"/> Establishment as [Head of Department] <input type="checkbox"/> Extension of the trial period (max. 4 months) <input type="checkbox"/> Re-assignment to a non-management position <input type="checkbox"/> Termination of contract				
Date:		Signature:..... Director		