

DECISION OF THE ADMINISTRATIVE BOARD

of 20th November 2009

on middle management staff

The Administrative Board of the European Maritime Safety Agency,

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,

Having regard to the Council Regulation (EC) n° No 1406/2002¹ of 27 June 2002 establishing the European maritime Safety Agency, and in particular article 6 thereof.

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

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:

¹ J L 208, 5.8.2002, p.1, as amended by Regulation (EC) No 1644/2003 of the European Parliament and of the Council of 22 July 2003 (OJ L 245, 29.9.2003, p. 10) and Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004 (OJ L 129, 29.4.2004, p. 1).

Article 1: Definitions

1. Middle management functions to which this decision applies are those of head of unit as referred to in Article 44(2) SR which involves the permanent and continuous management of an administrative structure as defined in paragraph 2.

The functions of head of unit and head of department are covered by this decision.

Recruitment to the posts of head of unit shall be filled at grades AD 9 to 12.

Recruitment to the posts of head of department shall be filled at grade AD13.

2. Units are administrative structures that meet the following criteria:
 - they appear in the EMSA'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 units 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 unit and heads of sector may carry out management tasks delegated to them by the head of unit. Even if they appear in the EMSA's official organisation chart, they are not part of the middle management staff.

Article 2: Role of middle managers

Heads of unit and heads of department shall demonstrate ability in human resources management or in financial management or both, as appropriate, as well as (where required) the specific knowledge or qualifications or both relevant to the particular post.

The role and responsibility of the head of unit shall include the following:

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

The role and responsibility of the head of department shall include the following:

- Developing the strategy and policies for the department.
- Coordinating the activities of the units belonging to the department ensuring their coherence and compatibility with the policies of the Agency.
- Managing of and reporting on the human and financial resources allocated to the Department.
- Act as the main channel for the exchange of information between the heads of Unit and the Executive Director.

Article 3: Publication of a post and filling it

1. Where the post may be filled by the appointment of an official, the Director may decide (in no particular order):

- to fill the post by publication pursuant Article 29 of the Staff Regulations, except that the vacancy notice shall not be published pursuant to Article 29 (1) (a) (iii) of the Staff Regulations.

If the post is advertised internally or interinstitutionally, the Director shall publish the post at a range of grades corresponding to the functions.

If the post is advertised externally, the Director shall publish the posts at one grade out of the grades AD 9 to AD 13.

- to re-assign an official 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 [in application of Article 7 (1) or (3) below].

2. Where the post may be filled by the appointment of a temporary agent, 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 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 [in application of Article 7 (1) or (3) below].

- to advertise the post simultaneously in the Agency and 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.

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 decision of the Administrative Board of EMSA of 24 November 2006 concerning the criteria applicable to classification in grade and step on appointment or engagement shall apply concerning the classification in step.

- to publish externally and to launch a selection procedure in accordance with the decision on the engagement and the use of temporary agent for 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. For officials, the applicant to be appointed, must
 - be an established official or having succeeded a competition for officials;
 - be in grade AD 9, AD 10, AD 11 , AD 12 or AD13;
 - 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 2a on short-term employment as defined in the general implementing provisions on the procedure governing the engagement and the use of Temporary agents adopted by the Agency pursuant to Article 110 of the SR
 - be in grade AD 9, AD 10, AD 11 , AD 12 or AD 13;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex I to this decision.
3. 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 general implementing provisions referred to in paragraph (2) or, in the case of staff engaged before the entry into force of this decision, must have passed a selection procedure equivalent to that for short term employment referred to in Article 4;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex I to this decision.

Article 5: Training

1. Newly appointed heads of unit and heads of department shall be required to follow a management preparation course before or within three months of taking up their duties where available. Management courses listed in the 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 official/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 head of unit or head of department position without having served at least two years as a head of unit or head of department, whether in EMSA, in the European Institutions², bodies, offices or other Agencies (including new heads of unit and heads of department recruited following an open selection procedure), shall serve a special management trial period of nine months as a 'probationer head of unit or head of department'.

The reporting officer and the countersigning officer shall be the same as those designated in relation to the person holding the post to which the new middle manager has been appointed for the purposes of the Career Development Review under the Decision of the Administrative Board of EMSA on general provisions for implementing Article 43 of the Staff Regulations of 26 of November 2006.

The final assessment shall be drawn up in writing and countersigned by the 'probationer head of unit/head of department'. A 'probationer head of unit/head of department assessment sheet', covering final assessment, is provided in Annex II.

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

- 2 For 'probationer middle managers' recruited as officials following an external competition, the final assessment shall be drawn up at the same time as the report provided for in Article 34(3) of the Staff Regulations. 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 up to six months by the appointing authority (AIPN), 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 termination of the employment. The Joint Evaluation Committee as referred to in the Decision of the Administrative Board of EMSA on general provisions for implementing Article 43 of the Staff Regulations of 26 of November 2006 shall give its opinion on any proposal within 10 working days after submission of this proposal, after which the AIPN shall take his/her decision.

3. For officials/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 Career Development Review 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 (meaning at least one 'insufficient' in the assessment sheet), the appointing authority shall propose reassignment to a non-management position. The Joint Evaluation Committee as referred to in the Decision of the Administrative Board of EMSA on general provisions for implementing Article 43 of the Staff Regulations of 26 of November 2006 shall give its opinion on any proposal within 10 working days after submission of this proposal, after which the AIPN/AHCC shall take his/her decision.

4. For 'probationer middle 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 propose termination of the employment. The Joint Evaluation Committee as referred to in the Decision of the Administrative Board of EMSA on general provisions for implementing Article 43 of the Staff Regulations of 26 of November 2006 shall give its opinion on any proposal within 10 working days after submission of this proposal, after which the AIPN/AHCC 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 distinguished from reassignment resulting from the procedure provided for in Article 51 of the Staff Regulations.

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

1. Insufficient managerial ability as a head of unit/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 head of unit/head of department provided for in Article 6 (3).

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 head of unit/head of department is deemed not to have met the required management standards in two successive Career Development Reviews. Unmet standards means a 'poor' or an 'insufficient' in the CDR sheet, related to possible 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 grade as the middle 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. In cases where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of EMSA a head of unit or head of department may be reassigned to a non-management position.

Persons, who were reassigned to a non-management position under the conditions as described in this paragraph, may be reassigned by the Executive Director to head of unit or head of department posts in the interest of the service pursuant to Article 7 of the Staff Regulations.

3. Voluntary opt-out

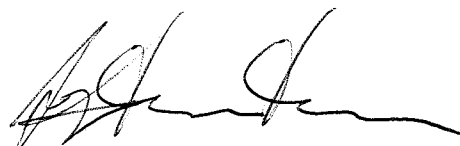
A head of unit or head of department may ask to be allowed to opt out of a management position at any stage during his or her career. The request shall include a detailed explanation of the reasons for wishing to opt out, and implies a formal acceptance of reassignment to a unit under the supervision of a head of unit or head of department. 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 9: Entry into force

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

Done at Lisbon, 20.11.2009

For the Agency:



Jørgen Hämmer Hansen

Chairman of the Administrative Board

ANNEX I
ABILITIES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST

The abilities referred to in Articles 6 are the following:

I – The core abilities 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 unit'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 unit'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 units 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 EMSA 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.

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 unit/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 UNIT ASSESSMENT SHEET
FINAL ASSESSMENT
OF MANAGEMENT CAPACITIES FOR PROBATIONER HEAD OF UNIT / DEPARTMENT**

Ms/Mr: **Unit:**
Start of the probation period: DD/MM/YYYY **Staff in the Unit/Department:**

Main tasks of the Unit/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]:
 Successful Unsuccessful

 Date: Signature:

Opinion of the [countersigning officer]:
 Successful Unsuccessful

 Date: Signature:
Probationer [head of unit/department]:
 Date: Signature:

Recommendation to the appointing authority (only for final assessment)
 Establishment as [Head of Unit/Department] Prolongation of the trial period.
 Re-assignment to a non-management position Termination of contract

Date: Signature:
 Executive Director