

DECISION
ADB(D) 26-2009

General implementing provisions on the procedure governing the middle management staff at the SESAR Joint Undertaking

The Administrative Board of the SESAR Joint Undertaking:

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 259/68¹, and in particular Articles 2, 4, 5, 7, and 44 thereof,

Having regard to the Council Regulation (EC) n° 219/2007 of 27 February 2007 on establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR) as modified by the Council Regulation n° 1361/2008 of 16 December 2008² and in particular Article 2a thereof.

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

Whereas:

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

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 involve the permanent and continuous management of an administrative structure.

This means that the functions of head of unit are covered by this decision.

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

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

- they appear in the SESAR Joint Undertaking official organisation chart approved by the SESAR Joint Undertaking 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

¹ OJ L 56, 04/03/1968, p.1.

² Council Regulation (EC) n° 219/2007 of 27 February 2007, OJ L 64, 02/09/2007, p.1 – 11, modified by Council Regulation (EC) n° 1361/2008 of 16 December 2008, OJ L 352, 31/12/2008, p.12.

other units with similar tasks within the Joint undertaking and in other Joint undertaking.

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 SESAR Joint Undertaking official organisation chart, they are not part of the middle management staff.

ARTICLE 2

Role of Heads of unit

Heads of unit 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 a 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 the SESAR Joint Undertaking. 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 senior management 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.

ARTICLE 3

Publication of a post and filling it

1. The post of head of unit shall be filled by the appointment of a temporary agent. The Executive 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 not has 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 in the Joint Undertaking, before making an external publication of the vacant post.

If the post is advertised internally, the Executive 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 Joint Undertaking.

- 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 Executive Director shall publish the posts at one grade out of the grades AD 9 to AD 12.

ARTICLE 4

Eligibility

2. If the post is published internally, 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 Joint Undertaking pursuant to Article 110 of the SR
 - be in grade AD 9, AD 10, AD 11 or AD 12;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex I to this decision.

If the post is published externally, the applicant to be appointed, must

- have been selected according to a selection procedure pursuant to Article 3 of the model Decision on the engagement and use of temporary agents in the SESAR Joint Undertaking.
- 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 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 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

3. All those newly appointed to a head of unit position without having served at least two years as a head of unit, whether in the SESAR Joint Undertaking, in the European Institutions³, bodies, offices or Agencies (including new heads of unit recruited following an open selection procedure), shall serve a special management trial period of nine months as a 'probationer heads of unit'.

The reporting officer shall be the Executive Director of the Joint Undertaking.

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

For temporary agents already in service, the final assessment as manager shall be drawn up before the end of the management trial period.

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

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

If at the end of the process (i.e. after 12 months maximum) the trial 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.

For probationer heads of unit 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 of six months as temporary agent, as mentioned in article 14 of the CEOS. If the probationary period is extended for at least three months and no longer than six months, the appraisal of the probationer for his middle management functions will take place at the same time and cover the same period as the appraisal for the extended probationary period.

If at the end of the process (i.e. between 3 and 6 months maximum in addition to the first six months of the initial probationary period) the probation is deemed to have been unsuccessful, the appointing authority shall propose termination of the employment.

ARTICLE 7

Reassignment to a non-management position

Heads of unit 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:

1.1 Reassignment following the trial period after the probationary 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 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 is deemed not to have met the required management standards in two successive career appraisals. Unmet standards means a 'poor' or an 'insufficient' in the career appraisal system 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 Executive Director, who must have at least the same grade as the head of unit 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 Executive Director.

2. In cases where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of SESAR Joint Undertaking, a head of unit may be reassigned to a non-management position.

A person 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 posts in the interest of the service pursuant to Article 7 of the Staff Regulations.

3. Voluntary opt-out

A head of unit 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. 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

These rules shall take effect on the day following that of its adoption.

Done in Brussels, 9 October 2009.

For the Administrative Board



Daniel Calleja Crespo
The Chairperson

ANNEX I
ABILITIES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST

The abilities referred to in Article 4 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 SESAR Joint Undertaking.
 - 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 the SESAR Joint Undertaking 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 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**

Ms/Mr : **Unit:**
Start of the probation period: dd/mm/yy **Staff in the Unit:**

Main tasks of the Unit:

Objectives:

Performance indicators:

	MANAGEMENT COMPETENCIES			Motivation
	Good	Average	Insufficient	
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:
Date: **Signature:**

Recommendation to the appointing authority (only for final assessment)

<input type="checkbox"/> Establishment as Head of Unit	<input type="checkbox"/> Prolongation of the trial period.
<input type="checkbox"/> Re-assignment to a non-management position	
<input type="checkbox"/> Termination of contract	
Date:.....	Signature:..... <i>Executive Director</i>