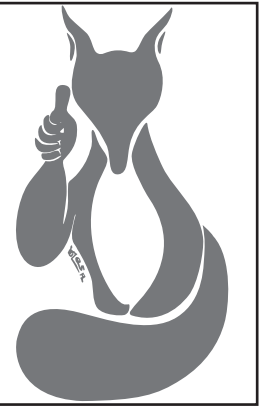




Renouveau & Démocratie

Syndicat des Institutions européennes

Le Renard Déchaîné



Brussels, the
13 March 2006

Le Renard Déchaîné

R&D AND THE 2006 CDR THE JOINT EVALUATION COMMITTEES (JEC)

Introduction

Given the inherent weaknesses of the CDR system, **Joint Evaluation Committees (JECs)** play a key role in defending your interests. **R&D** has accordingly been working flat out to strengthen its team and set up a help-desk for all colleagues in trouble. You can ask all questions, and send in all requests for assistance, to **REP PERS OSP R&D REC-CDR**.

The aim of this “Renard Déchaîné” is to help you acquire a better understanding of the JEC: how it works, and how and why to lodge an appeal.

There are many reasons for appealing to the JEC: they include merit marks that have been determined before the dialogue takes place, comments that are inconsistent with the merit mark, fanciful and/or vague comments, assessments that are unjustified or which do not take account of the self-assessment, an automatic and unjustified reduction of the merit mark following promotion, and a refusal to support the request for certification and attestation and so on.

1. THE JEC: WHAT IS IT AND HOW DOES IT WORK?

The JEC is a joint appeal authority and its composition allows it to express independent opinion from the GD that you depend on:

The composition of the JEC: the JEC is composed of four statutory members:

- 1 President who does **not** come from your GD;
- 1 member from your GD (generally the human resources Director or the chef of human resources from you GD);
- 2 staff representatives.

Each member has a replacement member.

The JEC’s **mission** is to ensure that reports have been drawn up:

- 1) equitably, 2) objectively (i.e. as objectively as possible on the basis of factual elements), and 3) in line with the General Implementing Provisions (GIPs) and the Evaluation Guide.

Moreover, it checks that interventions by Validators following the first appeal are pertinent and justified. The JEC’s mandate allows it to carry out any necessary consultation exercises such as, for example, summon the job-holder and the Evaluator. The JEC has at its disposal any working documents that it needs for its work.

The Fox's advice



Get in touch with the staff representatives on your JEC!

The Fox's advice



The real question is this: "Must I accept an unfair CDR in exchange for a promise that commits no one, or must I appeal?" And don't forget that your merit points determine your priority points!

Be careful! The JEC is not empowered to resolve problems in the relationship between job-holder, Evaluator and Validator; to hand down decisions on your skills and output, nor to amend your

Evaluator's assessments. The JEC's job is to check that procedures are complied with rigor and that the mark matches the report.

2. LODGING AN APPEAL WITH THE JEC



Where have we got to with the procedure?

You have received your draft CDR report. The report, whether it has been amended or not, has been sent to you following the dialogue/trilogue. You have three options:

1. **accept** the report and make no comments;
2. accept the report, and add **comments** in the section set aside for that purpose;
3. **reject** the report and give reasons for your rejection in the section set aside for that purpose and, in so doing, asking for the matter to be brought to the attention of the JEC. **You have TEN WORKING DAYS in which to lodge your appeal!**

Be careful! If you do not respond within ten working days of the report being sent to you by the Validator, your report will be **deemed to have been accepted**.

Do I have to lodge an appeal?

Lodging an appeal isn't easy.

Some Directors/Validators are quick to "warn" colleagues that any appeal to the JEC could result in no priority points. This is an unacceptable practice, but it is sadly very common. **R&D** has reacted to this phenomenon by training all of its CDR experts to detect such practices and, where necessary, to re-establish a degree of justice in JECs.

Is it worth lodging an appeal?

R&D notes a degree of despondency and of growing distrust in response to the procedure's complexity, with some people not even wanting to defend themselves against the absurdities of the system and the unreasonable practices of some DGs. It is important to make clear that an appeal to the JEC can have a **positive effect** on the rest of the procedure and on a colleague's career. One additional point can have a major impact on the distribution of priority points, and can therefore make all the difference between a **slow career** and a normal career, and between a normal career and a **fast-track career**.

Be careful! Colleagues who do not appeal to the JEC within ten working days will **never** be able to appeal against the 2005 CDR ever again because neither the Promotion Committee nor the 2006 JEC is competent to do so. A colleague who has been promised priority points that have not materialised will not be able to lodge a retrospective appeal.

Do you need **advice** before deciding whether to reject your CDR, in drawing up your appeal, or if you think you have been the victim of unfairness? Contact your staff representative immediately to establish the facts and have them noted down. We will help you to put together a defence strategy if necessary.

2.1. Give reasons for rejecting your CDR



Comply with the procedures and the CDR deadline, and use the options laid down in the CDR procedure or the Staff Regulations to lodge one or more appeals and defend your rights.

Your appeal must be sufficiently **clear** to enable the JEC to understand the basis of your application: **set out** your reasons and your arguments, but be **concise** if you want to highlight the key features.

Reasons for rejecting your CDR might, for example, include:

- failure to comply with procedures;
- the use of non-factual matters or of a “parallel file” (i.e. matters that have not been officially notified to you);
- taking account of personal factors (e.g. justified absences, the CSC and your personal situation);
- the existence of blatant inconsistency between the comments and the mark.

***Be careful!** Some appeals have been declared to be unfounded because they were poorly prepared or inadequately documented or argued. The JEC will only be able to deal with your file effectively if it is **clear and well argued**.*

3. THE JEC PROCEDURE

(1) The JEC will analyse your appeal. To do this, it will have at its disposal all the documentation it needs for its work, and may carry out consultation exercises if necessary.

(2) During the **ten working days** following your appeal, the JEC will issue its opinion, and will forward it to you, and to the Evaluator, the Validator and the Appeal assessor (normally your Director-General). When the opinion has been adopted following a vote, an announcement is made concerning the majority and minority positions that have been expressed.

In some cases, when the JEC meeting has not been in quorum three times in succession, no opinion is issued. In these circumstances, the job-holder, the Evaluator, the Validator and

the Appeal Assessor are duly informed.

- (3) **During the next five working days**, the Appeal Assessor may:
- confirm the CDR, or
 - amend it on the basis of the JEC’s opinion.

If the Appeal Assessor is at odds with the recommendations set out in the CPE opinion, he/she must **give reasons** for his/her decision.

The CDR has now been finalised. A note informing you that the CDR has been finalised will be sent to you by e-mail or by some other means.

STILL DON'T AGREE? All is not lost. In the three months after the Appeal Assessor’s decision has been sent to you, you may lodge an appeal under Article 90(2) of the Staff Regulations, and if that is turned down, you may go to the Court of First Instance (CFI).

The Fox's advice



You have ten working days after receiving your CDR report to lodge your appeal in SYSPER 2. Put this time to good use by **finding reasons for your rejection and putting your arguments together.**

The Fox's advice



Make the **purpose** of your appeal **clear**.

Refer as much as possible to **objective facts**, and clearly indicate the **changes you want to achieve** by lodging this appeal.

And above all, allow the JEC members to help you. Be **clear and concise**; otherwise you run the risk of not being understood. **No more than ONE page!**

The Fox's advice



if you have any doubts about the distribution of priority points, contact the staff representatives on your JEC immediately.

4. THE JEC AND THE PROCEDURE FOR DISTRIBUTION PRIORITY POINTS

The JEC is also involved in the procedure for distribution priority points: as soon as a decision has been taken at General Directorate level on proposals for distribution priority points, the Director-General has to meet the JEC to present and justify its proposals.

At that meeting, the JEC may in particular check that its proposals comply with the mandatory principles and criteria that the Director-General himself/herself has laid down. He/she may ask for any explanation/amendment relating to individual cases, and draw attention to any anomaly that he/she identifies. At this stage, the JEC's opinion is consultative, but the report of the meeting between the JEC and the Director-General is sent to Promotion Committees that will deal with appeals concerning priority points.

JECs ensure that their opinions have indeed been forwarded, and have been taken into account by the Promotion Committees.

The **Promotion Committee** deals with appeals relating to the distribution of **priority points**, but it does not have competence to hear appeals concerning the CDR and/or the distribution of merit points.



Be careful!

The **JEC** hears all appeals relating to the CDR and to compliance with procedure. It also has competence to deal with appeals that concern the distribution of **merit points**, but NOT those to do with the distribution of priority points.

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