



Renouveau & Démocratie

Trade Union of the European Institutions



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CDR 2009: A RECIPE FOR MORE CONFUSION AND FRUSTRATION

Despite the unanimous opposition from all the trade unions to the new appraisal and promotion system, the evaluation of thousands of colleagues has commenced without any prior testing, and without any assurance that all the essential elements of the procedure have been clarified. **R&D** is extremely aware of the confusion in which staff find themselves, and has decided to publish this “Renard Déchaîné” both to prepare colleagues and to be in a position to defend them. If improvements in terms of transparency and objectivity are not forthcoming from the ADMIN, **R&D** will not hesitate to call on staff to respond significantly. As the first part of the CDR is broadly similar the one carried out last year, readers will know very well how to structure their self-appraisals.

An exercise to be taken seriously

The staff appraisal system will continue to have enormous influence **not only on your career advancement, but also on your day-to-day professional life**. Unfortunately, the arbitrary behaviour of Directors-General, unequal treatment and the rough-and-ready application of non-existent appraisal criteria will not assist the task both of reporting officers, whose role has been minimised anyway, and of job-holders. The CDR will, in addition to carrying out appraisals, define your objectives and your **training map** for the year. Furthermore, the CDR will continue to provide a basis for **certification** and **attestation** procedures, and possibly trigger the **underperformance** and dismissal procedures.

What has changed?

The biggest changes to the old system deal with:

1. the disappearance of merit points, and their replacement by merit classes;
2. abolition of the average threshold, and its replacement by a quota system;
3. the disappearance of Joint Appraisal Committees, and their replacement by an Appraisal and Promotion Super-Committee divided into seven working groups, each with seats for a number of similar DGs;
the fixing of promotion thresholds at the beginning of the exercise, excluding former end-of-career grades (AD12, AST10, AST6C and AST4D);
4. merit and priority points, which will be replaced by promotion points.

To help you find your way around the new system, **R&D** has devoted the whole of this “Renard Déchaîné” to the CDR and promotion. Much of the case law remains unchanged in the new system. “Renards Déchaînés” will be available on our **website**. **R&D** has also restructured its **help desk** (61005) to help you at each stage of the procedure, and also to the very end of the **REP PERS OSP R&D** promotion procedure.

R&D is also prepared to accompany you to interviews. Think carefully about this offer. It is often very useful. **R&D** will also have a **permanence** open every day to help colleagues draw up any appeals they may wish to lodge. **R&D** will support all initiatives, particularly cases taken to statutory courts, and defend colleagues’ interests during this final stage before the change scheduled for 2009.

I – MY SELF-APPRAISAL.

D 0: Your reporting officer will invite you to draw up your self-appraisal.

You have **eight working days** to submit and sign your self-appraisal. Your reporting officer cannot ask you for a draft.

Case law: The Bauwens judgment – T 154/04 reiterates that deadlines provided for in the procedure are mandatory, although they must be suspended in the case of regular absences (e.g. illness and annual leave).

Self-appraisal is the cornerstone of the CDR procedure. It allows you to say what you think about your performance, your skills and your conduct in the service. Your self-appraisal will then be discussed in a formal dialogue with the reporting officer, and will provide a basis for discussion and action to determine such matters as future objectives, the training map, the list of necessary skills and working conditions. It may also form the basis of an appeal.

Your reporting officer will no longer be able to give you a merit band as his/her role is to produce, for the validator’s attention, a “qualitative” draft report that will not be given to you immediately.

Case law: In the Leite Mateus judgment – T 51/04, the Court held that:

- the reporting officer has broad powers of assessment, but that these must be exercised with punctilious regard for the guarantees provided by the EEC judicial order;
- self-appraisal must only seek to prepare the dialogue between the job-holder and the reporting officer, and not constitute the standard on which the appraisal should be conducted.

✓ POINTS OF REFERENCE FOR THE SELF-APPRAISAL

The self-appraisal must be based on the following matters at least:

- **your objectives and associated appraisal criteria**, and skills linked to your job (your job description as set out in SYSPER);
- the **standards for assessing performance** set at the beginning of the exercise by your DG (on the basis of the standards published by the DG ADMIN);
- the **common standards for assessing skills and conduct** in the service as defined by the DG ADMIN. Their use is henceforth obligatory. *These standards may be complemented by the DG. The DG must then specify at the beginning of*

the exercise what its own standards are when they complement common standards.

These standards may be consulted on you DG's staff website.

✓ WHAT SHOULD I WRITE?

Given that the criteria for awarding promotion points have changed, and are now based on a **qualitative appraisal** of your output, conduct and skills (the CDR), **language** skills, level of **responsibility**, and tasks carried out **in the interest of the Institution**, you **must** refer to all these matters in your self-appraisal.

Your self-appraisal must reflect both the work you have done, and the way you have, or have not, met objectives set at the beginning of the year. You must therefore highlight your **achievements** under **each objective**, and show how these achievements meet the appraisal criteria adopted at the beginning of the appraisal period.

Base your self-appraisal on concrete, factual and verifiable issues (with documents to support what you say) to show that the objectives have been met, and even exceeded. Indicate how you have progressed during the year, and describe your working environment (e.g. normal or overloaded).

Mention the **skills** you have demonstrated and/or acquired (e.g. training, other courses and experience), your **conduct** in the service, your personal development (in relation to your work), your **level of responsibility**, the **languages** you use in your service, and **activities carried out in the interest of the Institution**.

If you have taken over any responsibilities as a staff representative (e.g. as a member of a joint committee or a selection board) and want the *ad hoc* committee to be consulted, mention that as well.

Case law: In the light of the judgment of the Buendia Sierra case of 31 January 2008, it is important to mention your level of responsibility (when it is at a higher level than your grade), how you use your languages, and any task other than those set out in the objectives, and particularly tasks carried out in the interest of the Institution such as membership of selection boards, selection panels and joint committees (Annex II, Article I, final paragraph of the Staff Regulations).

Warning: Attestation and certification candidates must not forget to say if the tasks they have carried out refer to a higher level. This will enable you to show your potential, and possibly change your job description.

Renard advice: How to write my self-appraisal

Be positive, structured, honest, concrete, precise and factual. Don't under-appraise yourself, and don't over-appraise yourself either.

Be brief and concise. **No more than two pages of A4.**

Use your DG's appraisal standards.

Structure your self-appraisal using the lists of objectives set out at the beginning of the year.

Write simply, clearly and logically.



Give explanations, not excuses.
Set out your field of work for the whole year.
Hang onto evidence of any useful, relevant detail.
Write your self-appraisal long before it is needed.
Got any queries? R&D is here to help you!

D + 8: Sign your self-appraisal and place it in SYSPER II.

Warning: Even if you refuse to complete your self-appraisal, the reporting officer will still invite you to take part in the dialogue. **The absence of a self-appraisal or a skimped self-appraisal will count against you.**

II – THE DIALOGUE

D + 18: The reporting officer therefore has ten working days to invite you to a **formal dialogue**.

The dialogue is **the other key element** of the CDR. It is in three parts: (i) an **appraisal** of your output; (ii) **fixing** the objectives for the forthcoming year; (iii) a **definition** of your training needs (the training map).

Your reporting officer **must** take your self-appraisal into account in the conduct of the dialogue.

✓ ANALYSIS OF PREVIOUS PERIODS

The reporting officer will, together with the post-holder, examine the latter's **achievements** (i.e. has he/she achieved his/her objectives and how?), the **skills** that he/she has demonstrated and his/her **conduct** in the service during the reference period. The reporting officer must base his/her role on your self-appraisal during the interview. The job-holder must highlight such factors as his/her achievements during the appraisal period, and possibly emphasise difficulties that have been overcome, additional tasks that have been allocated, and expected or unexpected outcomes. Again, be honest, clear, concise and factual. The reporting officer must base his/her criticisms on facts.

Warning: If you are on the same grade, or a higher grade, as your reporting officer, ask to have a “**trilogue**” with the reporting officer and the validator.

Case law: In the Aldershoff judgment – T 236/05, the Court held that merits must be assessed against a background of the working conditions, particularly if they are difficult (e.g. vacancies and high workload).

Warning: If you have been off work during the reference period, remember that the new GIRs in Article 43 clearly state that your reporting officer **CANNOT penalise you** by marking you down for any absences from work if these are **justified**. This principle was reiterated in the Sundholm judgment – T86/04.

Renard advice:

Prepare for your dialogue carefully: think about possible objectives and your training needs, and re-read your self-appraisal. Stay calm and courteous, but determined.

Any queries? R&D is here to help you!

✓ FIXING FUTURE OBJECTIVES AND APPRAISAL CRITERIA

Case law:

- In the Sundholm judgment – T86/04, the Court held that the aim of the CDR, particularly during the dialogue, is to give the job-holder a chance to **understand** what the hierarchy expect of him/her, and what needs to be done to achieve the objectives that have been set.
- In the Aldershoff judgment – T 236/05, the Court held that “*objectives must be reflect working conditions (e.g. part-time working and secondment), and be consistent with the objectives of the work programme of the Directorate-General and the Unit.*” Furthermore, the objectives “*constitute the basic reference for the assessment of output*”.

During the dialogue, your reporting officer will tell you:

- the **objectives** to be achieved in the coming year;
- the **conditions in which you will be expected to achieve your outcomes**;
- a **list of the skills** necessary for you to achieve these objectives;
- the appraisal criteria that will show how the outcomes will be evaluated.

An objective is the outcome that you undertake to achieve in a given area of work. It will be linked to your **individual** achievement. You need to distinguish between two types of objective: objectives linked to your job and to the **tasks** to be carried out, and objectives linked to your **personal development** (i.e. to the development of your aptitudes, skills or a field of knowledge).

A “tasks” objective refers to what you must achieve under the terms of your **job description**. It is based therefore both on your job description and on the objectives of the Unit or the team. These objectives must be **SMART**: **S**pecific, **M**easurable, **A**greed, **R**ealistic and **T**ime-specific (i.e. relating to specific deadlines for achieving expected outcomes). If you disagree with your reporting officer on the content or number of objectives, the reporting officer will make a final decision after hearing you out.

Every year, the reporting officer must establish between three and five objectives, one of which must be linked to your personal development and associated appraisal criteria. An objective will have little value if there is no way of determining whether, and how, it has been achieved, or not. You must agree with these objectives; if you don't, you may contest the decision.

Warning: Objectives fixed during your dialogue form the **reference base** for the appraisal of your output in 2009. They are extremely important. Before signing up to any agreement, make sure that the **objectives** are consistent and appropriate. Also check that achieving the objectives does not call for **skills** that are inconsistent with your job description, or are unreasonable. If you fix your objectives for 2009 in carefully thought out and reasonable way, you will avoid some unpleasant surprises at the next CDR.

If the reporting officer and the post-holder disagree about the content of the objectives, the reporting officer will take the final decision after hearing the job-holder out.



Renard advice: Refuse to accept disproportionate or unrealistic objectives. Objectives must be **in keeping with your working conditions** (e.g. part-time working and secondment) and **consistent with the objectives of the work programme** of the Unit, the Directorate or the Directorate-General. The aim is to enable people to give a good account of themselves as part of a joint effort designed to improve the organisation's performance. But it also aims to ensure that your hierarchy shoulders its responsibilities: **any failures of yours are also their failures, and they will be equally responsible.**

Any queries? **R&D** is here to help you!

✓ **TRAINING NEEDS AND THE TRAINING MAP**

The **training map** incorporates objectives linked to the post-holder's work programme, his/her personal development objectives, and his/her career progression.

It therefore aims to identify and agree **training needs** and solutions offered by training to enable you to perform your duties to the best of your ability, **and** to develop you personally in your professional life.

THE STAGES:

1. Identify your **needs**, your **aspirations** to be promoted or to go on medium-term mobility, and the skills that you need to improve or acquire, for example.
2. Discuss these matters with your manager and/or your **Training Coordinator**; they will be able to help you and guide you.
3. **Choose** between courses put on by ADMIN, your DG, or even by external bodies.
4. Complete your **training map** on SYSLOG.
5. Have your training map **signed** by your manager.



Renard advice: Do not be afraid to mention that the Commission objective for training days for every member of staff is an average of **ten days**. **Do not forget that training will help you in your personal development.**

Any queries? **R&D** is here to help you!

III – FINALISING AND AGREEING TO THE CDR

As soon as the dialogue is over, the reporting officer will produce a draft career development report (the CDR). In particular, this report will contain assessments of your output, your skills and your conduct in the service.

However, the procedure has changed. Now, the reporting officer can no longer give **any indication** about your level of performance as it will be for the validator to decide both the level of performance and the number of promotion points you will receive at this level. This is one of the great weaknesses of this new system; the reporting officer will not be able to give job holders any honest feedback.

The validator will check that appraisal standards have been applied consistently, compare merits, and confirm (or complement or modify) the job-holder's individual qualitative appraisal.

This individual qualitative appraisal will be forwarded to the job-holder. The job-holder will then have five working days to send his/her comments to the validator, who will in turn confirm (or complement or modify) the individual qualitative appraisal.

Many reporting officers have already been instructed not to use excessively complimentary adverbs or adjectives; this is to ensure that future comments and levels of performance are consistent and allow validators and DGs to tiptoe around as they please.

Job-holders will obviously receive good comments from their reporting officers, and it will be up to the Director to decide who will stay on “good” (70% of the staff), and who will move up to “very good” (22% of staff) and even “exceptional (8%). Everything will be so consistent and “ready-made” that there will be no inconsistency between the comments and the qualitative assessment.

If there is no robust, well-argued self-appraisal, it will be very difficult to contest an assessment handed down by such a well “coordinated” hierarchy.

✓ **THE FINAL QUALITATIVE ASSESSMENT**

As soon as the reports have been completed by the DG, the Director-General together with the validators will identify, grade by grade, those officials whose performance during the reference period matches levels IA and IB. The Director-General will then send the figures to the DG ADMIN and the promotion committee to ensure that quotas are complied with. Staff will be informed of the analysis by the Joint Appraisal and Promotion Committee.

The validator will then finalise each report, and specifically decide on the job-holder’s level of performance. The report will then be sent to the job-holder concerned.

All job-holders in a Directorate-General or in a given Function Group will be invited to consult their reports electronically.

Case law: In the Leite Mateus judgment – T 51/04, the Court held that:

- the reporting officer has broad powers of assessment, but when these must be exercised with punctilious regard for the guarantees conferred by the EEC judicial order;
- the reporting officer may assess the implementation of a judicial order (e.g. managerial or supervisory tasks) even if this does not form part of a precisely defined function.

CDR 0: Your Director will send you the final version of the CDR, your merit class, and a formal proposal for awarding promotion points.

✓ **I ACCEPT/I DO NOT ACCEPT MY CDR**

CDR + 8: During the eight working days after you receive your draft CDR, you have two choices:

1. **accept** your CDR and add any comments in the section identified for this purpose (**Warning: Such comments do not count as an appeal.**) **The procedure will then be terminated, and your CDR will be finalised;**
2. **reject** your CDR and ask for a review in the section identified for that purpose. Your challenge may focus on:
 - a. the comments made in the appraisal;
 - b. any comments made by the validator, and the relevant level of performance;
 - c. the proposed allocation of promotion points.

The promotion committee will be informed directly.

Case law: In the Gordon judgment of 22 December 2008, the Court held that:

- the CDR constituted written, formal evidence of the quality of the work carried out by the official. *This kind of appraisal... also includes an assessment of the human qualities that the person being appraised has shown in performing his/her professional duties.*
- *when the Joint Appraisal Committee is notified of a complaint, examination of the content of the CDR constitutes a substantial formality: firstly, the Committee is the only body that can intervene in the marking procedure, and it includes staff representatives, and secondly, the opinions that it issues must be taken into consideration by the appeal reporting officer.* The fact that the Joint Appraisal Committee has not commented on the content of the CDR in question in line with Article 8 of the General Implementing Rules appears to constitute a violation of the procedure for producing a CDR, and this therefore breaches the applicant's rights.



Renard advice: Your reasons for rejecting your CDR must be clear and concise, and based on evidence that is **factual**; it must also be **verifiable** by yourself and your validator, and refer to your self-appraisal. Otherwise, it will not be possible to help you.

Any queries? R&D is here to help you!

The post-holder's reasoned rejection of the report will be automatically forwarded to the Joint Appraisal and Promotion Committee.

CDR + 16: When a CDR is rejected, the validator (usually your Director) must arrange a dialogue with you within **eight working days** and produce an opinion that will be sent to the job-holder. If it is your wish, or if your reporting officer or validator so requests, your reporting officer may also take part in the dialogue. You may also be assisted at the dialogue/trilogue by another official, and specifically by a staff representative. **R&D is ready to help you.** The validator will produce an opinion within ten working days of receiving the post-holder's reasoned refusal to accept the report.

REC + 21: This opinion will be sent to the post-holder, who may comment on it within five working days. It will then be forwarded to the Joint Appraisal and Promotion Committee.

The Joint Appraisal and Promotion Committee will analyse the appeal and sends its opinion to the post-holder, the reporting officer and the validator, and to the appeal reporting officer, **who will have five working days** to accept it or to alter the report – and even alter the level of performance – and justify his/her decision.

The submission of the Joint Appraisal and Promotion Committee will be set out in detail in a forthcoming “Renard Déchaîné” as soon as the award criteria are defined clearly and transparently.