MANAGEMENT BOARD DECISION NO 13/2013
of 22 May 2013

adopting implementing rules on the responsibilities and the recruitment of
staff to middle management functions

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation¹, and in particular Article 17(4) thereof,
Having regard to the Staff Regulations of officials of the European Communities² (hereinafter SR), in particular Articles 2, 4, 5, 7, 29 and 44 thereof,
Having regard to the Conditions of employment of other servants of those Communities³ (hereinafter EOS), in particular Articles 10 and 12 thereof,

Whereas:
(1) The role and responsibilities as well as the rules of recruitment of middle management staff should be laid down precisely;
(2) A special trial period for newly-appointed middle managers should be introduced;
(3) Following Article 110 of the Staff Regulations, the European Commission has given its agreement to Frontex implementing rules on middle management on 27 May 2011;
(4) Frontex Staff Committee has given its agreement on 8 January 2010.

HAS DECIDED AS FOLLOWS:

Article 1
Definitions

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

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

Recruitment to the posts of director of division is filled at grade AD13.

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

2. Divisions and units are administrative structures of Frontex that meet the following criteria:
   - they appear in the Frontex official organisation chart approved by the Management Board of Frontex;

² Regulation NO 31 (EEC), 11 (EAECE), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ L 45, 14.6.1962) as last amended
³ Ibidem
they are justified by an overall evaluation considering the size, the number of Frontex AD staff, the complexity and sensitivity of its tasks, the budgetary impact and a comparison to other units with similar tasks within Frontex.

In the event of a change in the organisation chart, an increase in management functions must 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 middle manager. Even if they appear in the Frontex's organisation chart, they are not part of the middle management staff.

**Article 2**

**Responsibility of middle managers**

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

The responsibilities of the middle manager include the following:

- management of the human and financial resources of the division/unit;
- definition of the unit work programme and its coordination with other divisions/units;
- issuing guidelines for policies and actions of the division/unit based on the mission statement and the annual work programme of Frontex;
- representation of the division/unit at meetings;
- maintaining communication between senior management and the members of the division/unit.

**Article 3**

**Publication of a middle management post and filling it**

Where a vacant middle management post may be filled by an appointment of a temporary agent, the Executive Director, upon the consultation with Director of Administration Division, has the following options:

- to re-assign a temporary agent to the post in the interest of the service pursuant to Article 7(1) of SR 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.
- to advertise the post simultaneously in Frontex and in the Interagency Job Market, before making an external publication of the vacant post. The applications of the internal candidates are considered first.
- if the post is advertised internally and in the interagency Job Market, the Executive Director publishes it at a range of grades corresponding to the functions. The post is reserved to candidates of the same function group and whose grade is within this range of grades. Successful candidates are appointed at the grade held on their previous post in the Agency. For candidates of the Interagency Job Market, Article 32 of SR and the European Commission decision on general implementing provisions concerning the criteria applicable to classification in grade and step on appointment or engagement applies concerning the classification in step.
- if the post is advertised externally, the Executive Director publishes the posts at one grade out of the grades AD 9 to AD 13.

**Article 4**

**Eligibility**

1. If the post is published internally or in the Interagency Job Market or both, the applicant to be appointed must:

- be selected according to the selection procedure for temporary agents as referred to Article 2a of CEOS 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 Frontex pursuant to Article 110 of SR;
- be in grade AD 9 to AD 13;
- possess the qualifications specified in the vacancy notice;
- possess the competencies set out in Annex I to this decision.

2. If the post is published externally, the applicant to be appointed must
- be selected according to the selection procedure for temporary agents as referred to Article 2a of CEOS 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 middle manager is required to follow a management preparation course before or within three months after taking up their duties. Management courses listed in the European Commission's/Frontex' training catalogue and followed by an applicant during the five years prior to publication of the post may be validated by the Executive Director as management preparation courses.

2. As an alternative, the temporary agent may demonstrate to the ED that he/she has already acquired the management qualifications required by successfully completing other courses or 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 Frontex, in the European Institutions, bodies, offices or other Agencies, must serve a special management trial period of nine months as a 'probationer middle managers'.

   The reporting officer and the countersigning officer are 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 annual appraisal under the Executive Director Decision on establishing a Staff Appraisal Procedure.

   The final assessment is drawn up in writing and countersigned by the 'probationer middle manager'. A 'probationer middle manager assessment sheet', covering final assessment, is provided in Annex II.

2. For temporary agents already in service, the final assessment as manager must be drawn up before the end of the probationary period. This assessment must be attached to the next annual appraisal report. In exceptional circumstances, the management trial period may be extended by up to six months by the Executive Director 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 Executive Director proposes reassignment to a non-management position. The Joint Appraisal Committee as referred to in the Executive Director Decision on establishing a Staff Appraisal Procedure gives its opinion on any proposal within 10 working days after submission of this proposal, after which the Executive Director takes his decision.

3. For 'probationer middle managers' recruited as temporary agents following an external selection procedure, the final assessment as manager is 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 trial period may be extended by up to three months by the Executive Director, in order to give the probationer manager time to remedy perceived deficiencies.

4. If at the end of the period (i.e. after 12 months maximum) the probation is deemed to have been unsuccessful, the Executive Director proposes termination of the employment. The Joint Appraisal Committee, as referred to in the Executive Director Decision on establishing a Staff Appraisal Procedure, gives its opinion on any proposal within 10 working days after submission of this proposal, after which the Executive Director takes his 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 must be distinguished from reassignment resulting from the procedure provided for in Article 51 of SR.

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

1. Insufficient managerial ability as a director of division or head of unit;
   (a) 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(3) of this decision.
   (b) 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 consecutive appraisal rounds. Unmet standards means [a ‘poor’ or an ‘insufficient’ in the Frontex Annual Assessment Report sheet] related to possible deficiencies in management ability.

   Before a decision is taken, the case must be further assessed by one staff member designated by the Executive Director, who must have at least the same grade as the middle manager and must not be in any conflict of interest. The “designated staff member” draws up conclusions.

   Following the opinion of the “designated staff member”, the final decision is 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 Frontex, a middle manager 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 middle manager posts in the interest of the service pursuant to Article 7 of SR.

3. 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 of reassignment to a unit 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 goes through the standard selection procedure set out above.
Article 8
Entry into force

This decision enters into force on the day following its adoption.

Done in Warsaw, 22 May 2013

For the Management Board

[signed]
Ralf Gobel
Chairperson
ANNEX I

COMPETENCES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST

The competences referred to in Article 4 of this decision are the following:

I - The core competences are:

- General management skills, including:
  - The ability to set and revise objectives for the unit within the overall strategic framework of the Frontex.
  - 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 Frontex 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 director of division or 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 - Template of the evaluation form for the middle manager
(assessment sheet)

## ASSESSMENT SHEET
**OF MANAGEMENT CAPACITIES FOR PROBATIONER DIRECTOR OF DIVISION OR HEAD OF UNIT**

<table>
<thead>
<tr>
<th>Ms/Mr:</th>
<th>Division or unit:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start of the probation period: dd/mm/yy</td>
<td>Staff in the Division or the Unit:</td>
</tr>
</tbody>
</table>

### Main tasks of the Division or the Unit:

### Objectives:

### Performance indicators:

## MANAGEMENT COMPETENCIES

<table>
<thead>
<tr>
<th>Good</th>
<th>Average</th>
<th>Insufficient</th>
<th>Motivation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Management of people</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>(i.e. capacity to motivate and delegate)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working with others</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Fixing objectives</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Delivery of results</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>(where appropriate, management of finance)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>(and where appropriate, negotiating skills)</td>
<td></td>
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</tbody>
</table>

### Opinion of the reporting officer:

- □ Successful
- □ Unsuccessful

**Date:** .......... **Signature:** ..........

### Opinion of the countersigning officer:

- □ Successful
- □ Unsuccessful

**Date:** .......... **Signature:** ..........

### Probationer Director of Division or Head of Unit:

**Date:** .......... **Signature:** ..........

### Recommendation to the appointing authority (only for final assessment)

- □ Establishment as Director of Division or Head of Unit.
- □ Prolongation of the trial period.
- □ Re-assignment to a non-management position.
- □ Termination of contract

**Date:** .......... **Signature:** ..........

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Executive Director