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Civil servant Performance Assessment procedure in Ukraine

The comprehensive reform of public administration based on European principles of good governance is implemented in Ukraine with the aim to get rid of an obsolete post-Soviet system of administration and strengthen capabilities of public institutions. The reform is focused on civil service and human reform management in particular.

The active phase of the reform implementation began in 2016 after the adoption of the new Law on Civil Service and comprehensive Strategy of Reforming Public Administration in line with the OECD/SIGMA public administration principles

Until 2018, during the active phase of the reform, reorganization of Ministries, new Directorates responsible for making public policies and strategic planning were started; professionals were recruited to the civil service through transparent competition on career.gov.ua; effective personnel management services were set up and modern personnel management tools were introduced into the operations of public authorities.

One of the key tasks has been to create a modern and effective system of civil servant performance assessment. The new Law stipulated two forms of civil servant performance assessment:

- by way of probation (if it is required);
- by way of assessment of annual performance of civil servants.

PROBATION

Before the adoption of the new law the only thing was definite: in case of enrolment into civil service the probation could be established for a period of up to 6 months. The decision on establishing the probation period and how to implement and check it was at full discretion of relevant supervisors within public bodies.

Experts noted that probation and assessment of civil servants with the aim of establishing her/his adequacy to the service position often were token and inefficient.

Therefore, a new legislation proposed clearer description of the probation process. Imperative approach was introduced to implementation of this tool for personnel management and service position adequacy evaluation.

Currently, it is required that in the Act on Appointment to a Position the public authority may establish a probation with the aim of verification of adequacy of a civil servant to her/his service position with clearly defined timing.

The probation is obligatory if a person is appointed to a civil service position for the first time.

Moreover, the probation is obligatory for positions of Reform Experts (RE). These positions have been introduced into public authorities with the aim of upgrading and strengthening personnel capabilities of executive bodies. The job descriptions of those positions in the civil service require preparation and implementation of key national reforms (problem detection, making proposals and action plans to solve problems, drafting relevant legislative acts, organization and participation in the implementation of above mentioned action plans, assessment of their implementation results) as well as accomplishment of key tasks related to strategic planning of a relevant public body, ensuring making and/or implementation of public policy in relevant spheres which are covered by special conditions of labor remuneration in the framework of the general system of civil servants labor remuneration.

The chief of civil service at a relevant public body should issue an order in which tasks and terms of their accomplishment by the Reform Expert are listed, as well as criteria for assessment of the RE adequacy to the service position.

Methodology guidelines were developed in order to avoid formalistic approach to probation and to assign tasks and key indicators of effectiveness during probation period for supervisory positions of Reform Experts, especially in view of a high level of responsibility of such positions.

These Guidelines are focused on individual approach to the tasks and key indicators for every civil servant. Unlike a permanent function of a civil servant, the task accomplishment should lead to a concrete result and reach the determined objective.

Every task for a civil servant should be directly linked to the area of the Directorate or Department General competency, bearing in mind duties, rights, powers, responsibilities of a civil servant as described in her/his job description as well as in the terms of reference of the Directorate, Department General, and public body.

The following order of actions is proposed for identifying tasks and key indicators:

The head of the public body should identify priority tasks for a Directorate, Department General and explain those tasks to relevant civil servants;

the chief of civil service should identify priority tasks for each civil servant on the basis of her/his job description;

the chief of civil service should issue an order on approval of tasks and key indicators for the probation period;

a civil servant should be familiarized with the Order on approval of tasks and key indicators and receive a signed copy of the Order.

It is recommended to assign 3-4 tasks for the probation period.

The content of the tasks should be coordinated with:

the content and number of tasks for the Directorate, Department General;

duties, rights, powers, responsibilities of the civil servant;

established duration of probation period;

content of work done by the civil servant.

The Guidelines also contain SMART criteria for correct formulation of key indicators and terms of reference concerning monitoring and assessment of key tasks and key indicators accomplishment.

It is recommended to do assessment of tasks accomplishment and reaching the efficiency indicators identified for the probation period of a civil servant not later than 14 days prior the last day of the probation period.

It is recommended to take the following approach when determining adequacy of a civil servant to her/his position:

A civil servant has to accomplish at least 80% of her/his tasks;

a task is considered accomplished if a public servant reached enough key indicators but not less than 80%.

It is also recommended to investigate in the process of assessment external conditions which are beyond the civil servant's control and contributed to non-accomplishment of tasks or not reaching key indicators.

The criteria of adequacy of a civil servant to her/his position should be the accomplishment of 80% or more tasks designated to her/him for the probation period.

It is also recommended that a direct supervisor of a civil servant establishes systematic monitoring of tasks accomplishment and reaching key indicators.

These Guidelines make a simple, objective and effective tool aimed at ensuring proper probation with clear-cut tasks, verification and assessment procedure, therefore they are often used not only for supervisory RE positions but for other civil service positions as well.

Duration of a probation period in civil service should not be longer than 6 months.

If a person does not agree with a decision to establish a probation period, she/he is deemed to be the one who refused to take the civil service position. If a civil servant during the probation period was absent from work for a valid reason (sick leave, additional leave related to studies etc.), the probation period shall be accordingly extended for a number of missed work days.

The public authority has a right to dismiss a civil servant from her/his position before the probation period termination if it is established that the civil servant is not adequate to her/his position.

If the probation period has come to an end and the civil servant was not notified about her/his dismissal from the civil service position, the civil servant is deemed to pass the probation successfully.

A public servant, during the probation period, has a chance to demonstrate the best of her/his abilities and a supervisor has enough time to decide whether the decision to appoint that particular person to the specific position was good.

ANNUAL ASSESSMENT OF CIVIL SERVANTS PERFORMANCE

Civil servants in the past had to pass appraisal once every three years. The appraisal was based on assessment of service tasks and duties fulfilled by the public servant. The new Law has shifted focus to assessment of civil servant performance on the basis of key indicators determined in view of a civil servant's job description, her/his ethical behavior and adherence to corruption prevention legislation.

The new Law led to total rethinking and revision of civil servants' performance assessment.

The Cabinet of Ministers of Ukraine approved a Uniform Procedure of Civil Servant Performance Assessment on 23 August 2017.

NACS put emphasis on strengthening an assessment methodology – 5 methodological guidelines were developed, video explanations for every category of participants were made, dozens of trainings were organized for various groups of civil servants, on-line resource Key

Indicators of Efficiency was created which allows every civil servant to get answers to questions and do self-evaluation, hundreds explanations were provided both in written and oral forms of consultation.

The first full cycle of performance assessment of civil servants took place in 2018: annual indicators were established and assessed, and proposals were made for individual programs of professional development.

The Cabinet of Ministers established indicators for civil servants, who belong to category A. The same indicators concerning efficient work of a Ministry were established for State Secretaries of all Ministries. The Cabinet itself established two indicators for heads of central executive bodies, all the rest are at the relevant Minister's discretion.

The Government approved the results of performance assessment of civil servants on the category A positions in Civil Service, who are appointed to office and dismissed from office by the Cabinet of Ministers of Ukraine.

The procedure is based on principles of legitimacy, objectivity and transparency of evaluation of a quality of tasks and service duties fulfilment by civil servants in compliance with the Law on Civil Service.

The Uniform Procedure describes separately the procedure for assessment of category B and C civil servants and the assessment procedure for civil servants on the category A positions.

Performance of civil servants are subject to annual assessment in order to identify quality of tasks accomplishment and to take an educated decision on awarding bonuses, career planning, and professional development.

Assessment should be done on the basis of effectiveness, efficiency and quality indicators established in view of job description of a civil servant, her/his ethical behavior and adherence to anti-corruption legislation.

The participants of an assessment are:

a civil servant;

a person who assigns tasks and key indicators of performance effectiveness, efficiency and quality (hereinafter – key indicators) and makes proposals on category A civil servant's performance assessment;

direct supervisor of a civil servant who takes position of category B or C;

A chief of an independent structural unit (in case of existence) at which a civil servant serves on a position of category B or C;

Relevant public authority;

HR Service.

Thus, a civil servant now:

takes part in determining her/his tasks and key indicators and their revision from time to time;

acquaints herself/himself with assigned tasks and key indicators;

analyses accomplishment of assigned tasks and key indicators;

acquaints herself/himself with proposals on performance assessment or tasks accomplishment and conclusion on civil servant performance assessment (hereinafter conclusion).

A special role in civil servant performance assessment belongs to HR Management services. They are responsible for advisory support of an assessment participants and they participate in organization of assessment, including drafting orders (resolutions) on:

processing results of tasks accomplishment by civil servants on positions of categories B and C;

approval of conclusion on assessment performance results of civil servants on positions of categories B and C.

NACS works with HR Management services advising them on the procedure of assessment and recommended certain measures to be implemented at the public body: to run an on-the job training workshop for public servants with regards tasks and key indicators assignment; set up proper conditions for advisory assistance to participants of an assessment process, in particular, to develop a schedule and ways of rendering such assistance, appoint responsible persons; to explain procedure of tasks and key indicators assignment (to draft and distribute a brief explanatory note on terms and stages of assessment at the public body; to provide regular information about the process of assessment at the staff meetings, to display visual materials on assessment in the premises of the public body, to e-mail information to civil servants working in the public body etc.).

Assessment shall be done in stages:

assignment of tasks and key indicators;

processing the results of tasks accomplishment;

approval of a conclusion (with the exception of cases when none of assigned tasks is subject to assessment).

Tasks and key indicators must reflect the final result of a civil servant's service activities and be measurable in quantitative and/or qualitative terms.

It is recommended to express key indicators in a form of quantitative and/ or qualitative indicators which the result of an accomplished tasks should meet, and which shall be used for evaluation of the civil servant's performance (time, number, percentage, number of allowed deviations, conditions which demonstrate quality etc.). It is recommended to formulate these indicators precisely and concisely, to avoid ambiguity in the process of assessment of the level (completeness) of task accomplishment.

A public servant shall be assigned from 2 to 5 tasks.

When assigning tasks, the following factors are recommended to be taken into account:

essence and number of priority tasks assigned to the structural unit/public body at which the civil servant serves;

duties, rights, powers, responsibility of the civil servant;

how long has the civil servant been in her/his office;

the work which the civil servant does, some powers (functions) may be either identical for different civil servants, or overlap.

The timing for a task accomplishment must be realistic and determined with respect to the date when an order (instruction) was issued on processing results of tasks accomplishment as stipulated in the Uniform Procedure.

It is also advisable to avoid accumulation of too many key indicators because they can overload the process of monitoring, processing results of task accomplishment and assessment process. It is also recommended to use SMART criteria for formulation of key indicators (their content).

Tasks and key indicators for the next year shall be assigned to a civil servant in December previous year.

Tasks and key indicators for the current year shall be assigned to a civil servant in January-September this year:

in case of appointment (transfer) to a civil service position or coming back to office after being absent for the reason stipulated in the Uniform Procedure – within 10 workdays after the appointment (transfer) or coming back to work;

in case of repeated assessment – within 5 workdays after completion of the assessment (with the exception of negative result of the repeated assessment).

If it is impossible to assign tasks and key indicators to a civil servant (except for a State Secretary of a Ministry) within time limits stipulated in this paragraph for the reason of her/his temporary disability, leave or participation in professional development, they shall be assigned within 5 days after coming back to work, and in case of being barred from fulfilment of official duties (powers) – within 5 workdays after returning to fulfilment of official duties. Tasks and key indicators for the current year shall not be assigned to these civil servants if their coming back to work or return to fulfilment of their official duties takes place in October-December this year.

Tasks and key indicators shall be assigned to civil servants who are in business trips according to the established procedure.

Assignment of tasks and key indicators to deputy chiefs shall be done after tasks and key indicators have been assigned to their supervisors.

Information on the assigned tasks and key indicators shall be kept in the civil servant's personal case folder and the civil servant and her/his direct supervisor shall receive their copies.

In the Uniform Procedure attention is focused on the responsibility of the direct supervisor of a civil servant for monitoring of tasks accomplishment and reaching key indicators. A monitoring should include collection, analysis and use of data/information on a status of reaching key indicators by each civil servant. Unlike an assessment, which targets the level of already reached results and accomplished tasks compared to the planned ones, this monitoring allows to follow the progress of tasks accomplishment (to what extent the civil servant has already reached the key indicators).

It is recommended to revise tasks and key indicators every time changes are made into strategic documents of national and/or regional importance, annual work plan of the public body, tasks, functions and duties of relevant public body, structural unit, or job description, but it should be done not more often than once in a quarter.

Processing of the results of tasks accomplishment shall be done in October-December for the period starting from 1 January of the current year or from the date when tasks and key indicators were assigned up to the date when an order or resolution was issued on processing the results. The Uniform Procedure contains a list of exceptional cases in which results of tasks accomplishment and approval of a conclusion is not done. For example, if by the day when an order (instruction) was issued on processing the results of tasks accomplishment a civil servant has been working on her/his position with assigned tasks less than three months in a reporting year.

In case of dismissal of a civil servant or change of her/his position in civil service before the assessment conclusion has been approved, the assessment procedure for the previously taken position shall be terminated.

The public body shall issue an order (instruction) in order to process the results of tasks accomplishment which shall include:

a list of civil servants;

timing of processing the results of tasks accomplishment;

tasks in order to properly organize this stage of assessment (if need be).

The procedure has some peculiar features concerning such stages as processing the results of tasks accomplishment and approval of a conclusion (with the exception of cases when none assigned task is subject to assessment) for positions of different categories. But the same feature for all categories is an assessment interview with a civil servant in order to discuss the assigned tasks and key indicators, rules of ethical behavior and corruption prevention requirements, results of tasks accomplishment. It is also important that issues related to needs of a civil servant in professional development are raised at the stage of results processing.

A conclusion shall be approved by an order (instruction) of a public body in December of a reporting year. The HR management service of a relevant public body has to inform a civil servant on the conclusion.

A Chief of civil service in a relevant public authority shall issue an order (instruction) on the grounds of an approved conclusion on awarding bonuses to civil servants on positions of categories A, B, and C who scored excellent marks as a result of an assessment.

In case of negative assessment result, a repeated assessment shall be done according to the Uniform Procedure. A conclusion after the repeated assessment shall be approved following the established form and not earlier than in 3 months and not later than in 5 months after approval of the negative conclusion.

Besides that, reformed assessment procedure allows a civil servant to appeal negative results of an assessment to a Chief of civil service in the relevant public body, to the NACS or to a Court accordingly.

The proposed assessment is a well-grounded necessity, which a modern civil service needs in the process of reform and raising prestige of a state as an employer at the labor market.

It is a personnel management tool aimed at interaction between a supervisor and subordinated civil servants, which consists of planning, monitoring and critical analysis of civil servants' work objectives and their overall contribution into efficient operations of a public body.

Public bodies get an opportunity to analyze quality of their personnel (promotion prospects of every civil servant or professional competencies which need to be improved) and upgrade management efficiency of their structural units.