

Methodology For attestation of judicial officer

/Adopted with decision of the Commission “Judicial Administration” of the Supreme Judicial Council according Protocol №41 from 18 November 2009/

The Methodology for attestation of judicial officers through an evaluation of the execution is worked out in conformity with Article 349, Par.3 of the Judicial System Act. The aim of the attestation is to improve the work of the judicial administration. It must be taken into account that it is not about the working place as a difficulty, a responsibility and an importance, nor about the evaluation of the employee as a personality, but about the contribution through work of the particular judicial officer.

The attestation is not a formal procedure which is organized in certain period of time. It is a process which will lead to a clearer understanding and recognition of the employee's position and its aims, to define the current level of professional contribution of the employee, to his/her motivation, to determine the need of training and development.

First Chapter General Regulations

Art.1 This methodology regulates the conditions and the order for attestation of judicial officer, commissions and documents which need to be prepared.

Art. 2 The attestation of officer has the following aims:

1. Establishment of the level of professional qualification of the officers and its conformity with the requirements of the individual job description.
2. Fair remuneration of the judicial officers according to their abilities and contribution to the functioning of the judicial administration.
3. Improvement of the mutual working relations and the team work.
4. Conducting of a transparent and fair procedure for professional development.

Art. 3, Par 1 The attestation of judicial officers is a continuous annual process.

Par 2 The participants in this process are:

1. Attested person – all judicial officers in the administration of the respective body of the judiciary
2. Testimonial Committee/s, nominated by the respective administrative head. In the composition of the Committee/s are included the heads of agencies and units where such are appointed and to whom the evaluated employee is directly subordinated.
3. The Body of Appeals – the administrative head.

Par 3. The attestation of the Secretary General, judicial administrator and the employee, responsible for the security of information is made by the administrative head or specified by him deputy.

Art. 4 The attestation of the judicial officers is made on the basis of a periodical assessment of the performance of the respective position by which three fields of evaluation are taken into consideration:

1. Meet the requirements about the performance of the direct work-related tasks, specified in the individual job description.
2. The professional qualification as a combination of knowledge and skills, necessary for a high quality performance of the functions and the degree through which they are shown by the working behavior of the employee.
3. The degree of achievement of preliminary concerted aims, specified in an individual working schedule.

Art 5 Unified patterns of forms are confirmed with the present methodology– Appendix 1; Appendix 2; Appendix 3

Second Chapter

Rules and order for attestation

Art. 6 Par. 1 The attestation of the performance of the functions includes the periods of the three stages of attestation.

Par. 2 The employees, who have entered on their duties after the end of the third stage of attestation, will have their attestation during the next period of attestation.

Par. 3 If the judicial officer has been missing more than a half of a respective period of attestation he will have his attestation during the next period of attestation.

Par. 4 By reappointment to a different position in the same judicial administration or transfer to another judicial body, the judicial officer is estimated for the performance of his functions at the position which he has occupied for a longer time during the attestation period.

Art. 7 Par. 1 Stages of the attestation – it consists of three stages:

*preparation and reconciliation of the working plan

*intermediate meeting

*final meeting and preparation of an evaluation

1. Preparation of a working plan

The working plan is the main part of the attestation process of the functions' performance. It defines what is expected from the person, who is being attested, for the period of evaluation by defining his working priorities and the results which are expected to be reached. The working plan is prepared from both valuator and attested officer. It is expected that the

working plan consists of five or six specific aims, connected to the direct work-related tasks and of the individual improvement of the performance.

The aims and requirements which the attested officer needs to put into practice during the period are specified in the working plan. The competences are also to be found there.

* Aims – level of achievement of the preliminary concerted aims – they describe something that needs to be done in a period of time. The existence of well formulated aims will enable the understanding of the requirements and the base for attestation.

*Direct work-related tasks – level of performance of the direct work-related tasks, specified in the individual job description – not all of the things which are done could be presented through aims. For this particular reason the attestation will be done also on the basis of how the judicial officer performs his direct work-related everyday tasks.

*Competences - the level in which they are demonstrated through their working manners: knowledge, skills, behavior of the judicial officer has its reflection in the working behavior.

2. Discussion on the achieved aims until the half of the period and outlining of measures for their implementation – intermediate meeting

An intermediate meeting is organized at the half of the evaluation period. At this meeting the officer and the Committee have a discussion about the performance of the officer. Although at the end of the meeting the valuator fills in a form this meeting has an informal, working nature. The aim of this meeting is to point out the good performance, if there is such, and to discuss the weaknesses in order to improve the work. The intermediate meeting is a dialogue, not a report. It is appropriate to make comments on how the aims of the working plan are performed at the meeting.

3. Preparation of an attestation at the end of the period and recording the results in the attestation form.

Giving an evaluation at the end of the attestation period is done on the basis of the achieved aims from the working plan and the direct work-related tasks. The attestation form is filled in and signed by the members of the permanent committee and the officer.

Art. 8 The judicial officers are estimated through particular indicators:

1. High quality and in time performance of the functions

The results of the performance of the direct work-related tasks from the personal job description, such as in time and high-quality work, are evaluated; for officers at leading positions and with functions of an expert are evaluated the knowledge of the main principles of the docflow and the information procedures in the different units, skills for work with program products, ability for optimizing of information processing as well.

2. Observance of the ethical principles

What is evaluated are the observance of the Code of ethics for the judicial employees, the relationships between the colleagues, with judicial officers at executive positions, with magistrates, personal and professional behavior, appearance.

3. Behavior by work with citizens

The good treatment, supportiveness, non-discriminatory behavior to the citizens, the received signals, complaints and praises about the respective officer are evaluated

4. Ability for individual work

The ability for working without a supervision and the skill to define the priorities of the unit or the service are evaluated

5. Ability for a team-work

The ability for working with other officers and magistrates as a team, willingly offering a cooperation and professional support, respectful treatment, correctness and tolerance are evaluated.

6. Initiative and acceptance of extra work, showing creativity at work-

Suggestions and ideas for implementation of good practices and improvement of the working rules and procedures, responsible attitude towards extra obligations and activities without reminding are evaluated

7. Organizational skills

Planning skills and skills for organization of the personal work and putting them into practice, the ability for identifying of potential problems and solving them in order to achieve a better organization of the working process, asking for an advice, when necessary are evaluated

8. Level of preparation and ability for work with enactments

The general level of information about the enactments, internal rules and procedures, connected with the activities of the officer, i.e. professional and technical knowledge, necessary for the execution of the direct work-related tasks and skills for putting them into practice are evaluated.

9. Communication skills

The ability for a result-oriented exchange of information with other people, using one of the three methods – orally, in writing or through electronic manners, achieving high level of mutual understanding in the communication process are evaluated

10. Evaluation of the immediate superior

- General impression of the immediate superior (according to the structure of the relevant administration)

Par. 4 For officers with executive functions, including Secretary General, judicial administrator, administrative secretary, chief accountant, heads of administrative units and agencies are evaluated, as well as their management competences.

The knowledge in the sphere of governance, skills for setting tasks, coordination, organization and control of material, financial and informational matters, and of the activity of other individuals, skills for people and situation management.

Art. 9 Par. 1 The General assessment is a total of the grades on each component

Par. 2 As a result a final grade is given which could be:

1. *Grade 1 – “Excellent”, the officer, who is being attested, performs his functions in an extremely efficient manner, over the requirements for the position from 31 to 36 points; where the difference between the upper and the lower limit is 6 point;*
2. *Grade 2 – “Very Good” – the officer, who is being attested, regularly performs his functions, over the requirements from 26 to 30 points, where the difference between the upper and the lower limit is 5 points;*
3. *Grade 3 – “Good” – the officer, who is being attested, in general performs his functions, but does not exceed them from 21 to 25 points; where the difference between the upper and the lower limit is 5 points;*
4. *Grade 4 – “Satisfactory” - the officer, who is being attested, performs his functions under the level of requirements for the position from 16 to 20 points; where the difference between the upper and the lower limit is 5 points;*
5. *Grade 5 – “Bad” - the officer, who is being attested, systematically performs his functions under the level of requirements for the position from 11 to 15 points; the difference between the upper and the lower limit is 5 points.*

Par. 3 The method for receiving a grade from an officer by his/hers attestation is:

-the indicators, which will be used for the attestation of the respective officer and are applicable to the position he/she has, are specified.

-The maximum number of points, which could be received by the attestation, are calculated.

First example: The testimonial committee agrees that the officer will be given a attestation for all 10 indicators, which are appropriate for his/hers position. The maximum number of points, which could be received from the person, who is being evaluated, is 36 points. The officer has received for the different indicators a total amount of 32 points. Therefore, he receives Grade 1 – ‘Excellent’, *the officer, who is being attested, performs his functions in an extremely efficient manner, over the requirements for the position*

Second example: The testimonial committee accepts that the officer will not be evaluated for all 10 indicators, but for those indicators, specified in Art. 8 Par. 1, Sec. 1, 2, 3, 4, 5, 9 and 10 from the Methodology. The maximum number of points, which could be received by the officer at the evaluation /for example/ is 27 points, where the points by the final grade change:

1. *Grade 1 – “Excellent” – between 22 and 27 points*
2. *Grade 2 – “Very Good” – between 17 and 21 points*
3. *Grade 3 – “Good” – between 12 and 16 points*
4. *Grade 4 – “Satisfactory” – between 7 and 11 points*
5. *Grade 5 – “Bad” - between 2 and 6 points*

The officer has received by the attestation at the different criteria a total number of 18 points. Therefore, the mark of the officer is 2” *the officer, who is being attested, performs his functions on a regular basis and over the requirements”*

Par. 4 The testimonial committee fills in the final grade in the attestation form and makes the respective officer familiar with it.

Par. 5 The attestation form is being signed by the testimonial committee and the respective officer.

Art. 10 The judicial officer, who does not agree with the final grade, could lodge a motivated appeal by the administrative head in a period of 7 days, starting from the day of accepting and signing the form.

Art. 11 The administrative head shall give his/her opinion in a period of 7 days from lodging the appeal. The decision is a final one.

Art. 12 The filled-in and signed attesting forms are being kept as part of the personal record of the respective judicial officer.

Chapter Three

Rank promotion of the judicial officer

Art. 13 Par. 1 Each and every judicial officer by proven good professional qualification could be promoted in rank after an assessment.

Par. 2 The ranks, in which the judicial officers could be promoted during their work, are between fifth and first stage in an ascending order.

Art. 14 Par. 1 By his/her initial nomination the judicial officer receives the lowest rank for the respective position, which has been specified in the Classifier of positions in the administration of the judiciary.

Par. 2 By reappointment of a judicial officer to another position at the same judicial body, he/she keeps his/her previous rank, if it is not a lower one than the required minimum for the new position.

Par. 3 By reappointment from one judicial body to another the judicial officer keeps his/her previous rank, if it is not a lower one than the required minimum for the new position.

Art. 15 By promotion in rank the judicial officer receives a higher rank remuneration, determined by the Supreme Judicial Council.

Art. 16 Par. 1 The judicial officer is being promoted in rank by three consecutive grades, not lower than grade 2.

Par. 2 Pre-term rank promotion could be done by grade "Excellent".

Par. 3 Following rank promotion of a judicial officer, who had a pre-term first promotion according Par. 2, is done only by conditions and terms under Par. 1

Par. 4 When the judicial officer gains the right of rank promotion the attesting form is shown to the administrative head.

Par. 5 The rank promotion shall be done with order by the administrative head.

Appendix 1

Example

WORKING PLAN

Name of the attested person:

Position:

Period of attestation:

Dead-line for preparation of the working schedule:

Aims: Must be connected to the improvement of the work, personal qualities and behavior of the judicial officer. The aims need to be measurable, achievable and with a pre-defined dead-line.

Requirements and competences for achieving the aims:

Each person, depending on what tasks he has personally pre-defined, how will he/she achieve them for a fixed period of time; performance of the everyday work-related tasks; competences demonstrated through the professional behavior/

Date

Prepared by:

Attesting form

Name of the attested person:

Position:

Period of attestation:

Grade indicators	Applicability of the criteria	Number of points				
		1	2	3	4	5
1. High quality and in time performance of the functions	Yes/No	1	2	3	4	5
2. Observance of the ethical principles	Yes/No	1	2	3		
3. Behavior by work with citizens a) supportiveness; b) non-discriminatory behavior to the citizens;	Yes/No	1	2	3	4	5
4. Ability for individual work	Yes/No	1	2	3	4	
5. Ability for a team-work	Yes/No	1	2	3		
6. Initiative and taking up extra work, showing creativity at work	Yes/No	1	2	3		
7. Organizational skills	Yes/No	1	2	3		
8. Level of preparation and ability for work with enactments	Yes/No	1	2	3		
9. Communication skills: a) orally; b) in writing; c) through electronic manners;	Yes/No	1	2	3	4	
10. Evaluation of an immediate superior	Yes/No	1	2	3		

31 of 36 Points	26 of 30 Point	21 of 25 Points	16 of 20 Points	11 of 15 Points
Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
“Excellent”	“Very Good”	“Good”	“Satisfactory”	“Bad”

Maximum number of points for the applicable criteria:.....

Total of the points, given by the committee:.....

Final mark.....

Testimonial Committee:

Chairman:.....

Members:.....

The attestation is examined closely by the judicial officer.....

on
/Date/

/Signature/

Result from the appeal:

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Appendix 2

Form

For conducted intermediate meeting, according to Art. 181, Par. 2, Sec. 2 from **or Regulations**
the administration in the regional, district, administrative, martial and appeal courts

Name of the officer, who is being attested:

Position:

Intermediate meeting: **Discussion on the achieved results**

Report from the officer for the implementation of the aims, according to the working schedule:

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Opinion of the immediate superior:

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Officer:

Committee:

Date :

Chairman :.....

Members:

1.....

2.....