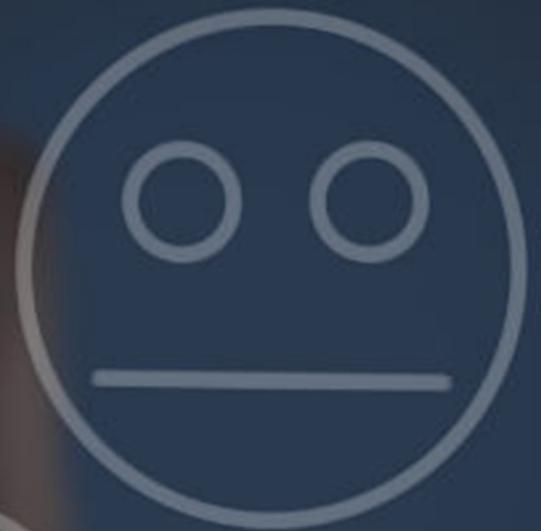


CIVIL SERVANT'S EVALUATION SYSTEM:

Member States
of the European Union and Georgia



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INTRODUCTION

On October 27, 2015 Parliament of Georgia adopted a new Law on Civil Service that enters into force January 1, 2017. New Law on Civil Service is based on the concept of the reform of civil service that was prepared by the Georgian and foreign experts and approved by the Government of Georgia with Ordinance #627. The aim of the new Law on Civil Service is to create a professional civil service that implies introduction of a career system and providing proper working conditions for development of civil servant.

For the purpose of reforming civil service the Law of Georgia on Civil Service provides development of unified system of evaluation of civil servant that is a new institution in Georgian civil service system. Evaluation system implies evaluation of the work performed by civil servants for the specified period of time based on the methods and criteria defined by the legislation.

The main principles of evaluation of civil servants are specified in the new Law on Civil Service and detail regulation should be done by an ordinance of the Government of Georgia on the Procedure and Conditions for the Evaluation of Qualified Civil Servants. The ordinance of the Government of Georgia should be developed before the new Law on Public Service enters into force.

Evaluation system is important for management and functioning of a career system of civil servants as the results of the evaluation are related to promotion, incentives and professional development systems. Accordingly, it is important to develop objective, transparent and fair system of evaluation of civil servants.

PURPOSE OF RESEARCH

The purpose of the research is to review the evaluation systems in European Union Member-States and analyse the main directions for evaluating civil servants set by the new Law on Civil Service, as well as consideration of issues that should be regulated by the ordinance of the Government of Georgia on the Procedure and Conditions for the Evaluation of Qualified Civil Servants.

Comparative-legal analysis of evaluation systems of civil servants covers the following issues: **the essence, purpose and main principles of evaluation; models of the evaluation system; the subject of the evaluation and evaluator; evaluation periodicity; evaluation process; evaluation types, methods and criteria; evaluation results and their impact on public officers and also appealing the results of the evaluation by the public officer;**

Based on the study of legislation of the European Union Member-States, the Georgian Young Lawyers Association (GYLA) presents recommendations in order to develop and introduce transparent, objective and fair system of evaluation of civil servants in Georgia.

RESEARCH METHODOLOGY

The review of legal acts (Law on Civil Service, bylaw on evaluation of civil servants) regulating civil service in the European Union Member-States was conducted and the Law of Georgia on Civil service with respect to the rule of evaluation of the civil servants was analysed in order to develop the research. While reviewing the experience of the European Union Member-States special attention was paid to the countries that, like Georgia, have career-based civil service system (Austria, Germany, France, Denmark, Netherlands, Hungary, Croatia, Finland, Sweden) and also post-soviet legacy of public service (Lithuania, Latvia, Estonia, Czech Republic, Poland, Slovakia).

The scholar works related to the systems of evaluation of civil servants and OECD (SIGMA) researches/reports regarding the evaluation systems in the European Union Member-States were used while preparing this document. Special attention was paid to the reports and recommendations prepared by the OECD (SIGMA) experts on evaluation and improvement of civil service of Georgia and also, the researches prepared by the Civil Service Bureau and the Parliament of Georgia in this regard.

KEY FINDINGS OF THE RESEARCH

The following findings can be identified based on the analysis of regulations of Georgia and the European Union Member-States regarding the systems of civil servants:

- Legal forms of regulation on evaluation of civil servants are: statutory acts and bylaws. The Law on Civil Service covers: the purposes of the evaluation and main principles, the subject of evaluation and evaluator, evaluation periodicity, types and the scale of evaluation; results of evaluation and their impact on a civil servant and also the mechanism of appealing the decision. The ordinance of the Government of Georgia or the Order of the Prime-minister defines the procedure of the evaluation of a civil servant, the methods and criteria of evaluation and also approves the proper forms of the evaluation.
- Regulation of the Law of Georgia on Civil Service is general and does not cover all issues that are regulated

by the European Union Member-States laws regulating civil service. Accordingly the ordinance of the Government of Georgia represents the main legal act regulating evaluation system.

- Three main models of evaluation of civil servants are used in the European Union Member-States: traditional evaluation system model, target oriented evaluation system model and mixed model that combines traditional and target oriented evaluation system model characteristics.
- The subject of evaluation is a qualified civil servant. Evaluation system does not apply to the civil servant appointed based on political affiliation and to the person recruited on the basis of an employment agreement. Different rules and criteria are applied to a civil servant recruited for the probation period and a civil servant on managerial position.
- The evaluation of a civil servant can be exercised by: a) the immediate supervisor; b) the immediate supervisor and a person holding a managerial position in the institution; c) the immediate supervisor and a representative of the human resources management unit of the institution and/or e) an evaluation commission.
- There are two types of evaluation of a civil servant: regular and special. Regular evaluation is conducted during the period defined by the Law and applies to all public officers. And special evaluation can be executed in circumstances defined by the Law and be use in regards to the specific civil servant, if needed.
- Evaluation procedure covers four stages: planning the work and targeted agreement¹; supervising the work performance; evaluation of the work and reflection of the results on the work of the public officer.
- There are three methods of evaluation of work of a civil servant: self-assessment, interview, evaluation by the immediate supervisor; 360 degree evaluation.
- Criteria of evaluation of a civil servant are: a) the quality of achieving the individual goals defined with the target agreement; b) the quantity, quality and the complexity of the work performed; c) individual/communication skills of the civil servant.
- The results of evaluation are reflected on the work of a civil servant, specifically on the needs of his/her promotion, incentives and professional development.
- A civil servant shall have the right to appeal the results of evaluation in case if he/she considers that evaluation results are not objective or fair towards him/her and/or considers that his/her rights were violated in the process of evaluation.

RECOMMENDATIONS

Based on the analysis of the legislation of EU Member-States, GYLA presents the following recommendations concerning creation and implementation of objective, fair and efficient evaluation system of civil servants in Georgia:

- **Introduce mixed model of evaluation of civil servants that comprises elements of traditional and of target-oriented evaluation systems;**
- **Define different evaluation rules and criteria for civil servants recruited for the probation period and civil servants holding managerial positions;**
- **Decrease 1 year probation period for civil servants to 6 months and evaluate civil servants on probation only once, upon expiration of probation period;**
- **Evaluation of a civil servant recruited for the probation period should be oriented on his/her future activities and define whether he/she can undertake functions and responsibilities entrusted to him/her;**
- **Evaluation criteria of a civil servant recruited for the probation period should be his/her practical aptitude:** a) the ability to use professional knowledge and qualification in the daily work; b) the ability to be actively engaged in working process of public institution and c) the ability to adapt to working environment of the public institution (communication with colleagues, management, citizens);
- **Evaluation of civil servants on managerial positions should be conducted based on the following aptitude:** a) organization and coordination of work; b) distribution of work among public officers and identifying reasonable time for completion of the work; c) decision-making rules; d) objective and fair evaluation of public officers; e) motivation/incentives of public officers; f) promotion of professional development of public officers; g) creation of positive working environment in the public institution; h) conflict management; i) regular discussions with employees; j) communication with employees, colleagues and citizens;

¹ Target agreement is an agreement between public officer and the person occupying managerial position concluded in the beginning of the evaluation period regarding the goals to be achieved and the works to be performed in the evaluation period by the public officer.

- **Define special (additional) need and grounds for evaluation of a civil servant;** a civil servant may be subjected to special evaluation if: a) there is a reasonable doubt that a civil servant performs his/her work inappropriately; b) unsatisfactory and negative results of evaluation of a civil servant; c) a civil servant applies to a higher position; d) direct supervisor initiates to grant higher rank and/or promote a civil servant. A civil servant cannot be subject to a special evaluation during 6 month after regular evaluation;
- **Introduce the requirement to conclude targeted agreement between a civil servant and evaluating person/institution; individual targets of a civil servant should be specific, measurable, achievable, relevant and time-limited;**
- **The number of individual targets defined for a civil servant should be reasonably matching with his/her authority and responsibility;**
- **The methods of evaluation of a civil servant should be:** a) self-evaluation; b) interview and c) evaluation by the direct supervisor; civil servants holding managerial positions should be evaluated through 360 degree evaluation method;
- **The criteria of evaluation of a civil servant should be the following:** a) the quality of implementation of individual targets as identified in the agreement; b) volume, quality and difficulty of the performed work; c) individual aptitude/communication skills of a public officer;
- **The quality of the implemented targets by a civil servant should be defined based on criteria specified in the targeted agreement;**
- **Volume of the performed work of a civil servant should be evaluated based on** documents and activities prepared/performed during the evaluation period;
- **The quality of work performed by a civil servant should be evaluated** based on the contents of prepared documents, techniques of document preparation and need/frequency of amendments to these documents;
- **Difficulty of work performed by a civil servant** should be evaluated based on complexity of the performed work and his/her professional skills;
- **The need of evaluation of the following individual aptitudes of a civil servant should be defined:** a) ability to work independently; b) aptitude to organize work and c) decision-making; d) conflict resolution skills; e) conflict management skills; f) preparing initiatives; g) team-work; h) work in special conditions; i) accountability and responsibility; j) communication and cooperation;
- **The results of evaluation of a civil servant should be reflected on decisions concerning his/her promotion, incentives and professional development;**
- **The measures to be used in relation of each result of evaluation (exceptional, good, satisfactory, non-satisfactory) should be specified;**
- **If a civil servant has an exceptional/good evaluation he/she may be subjected to promotion, raising the salary ranking and/or bonus;**
- **If bonus is granted to a civil servant the responsible person should specify the percentage of bonus in respect of each result of the evaluation;**
- **In case a civil servant gets satisfactory evaluation he/she may be obliged to engage in professional development programmes and trainings;**
- **If evaluation of a civil servant is unsatisfactory he/she may be subjected to professional re-qualification, strict supervision of a direct supervisor; improper performance of duties could be the basis of launching disciplinary proceedings;**
- **A civil servant whose evaluation was satisfactory or unsatisfactory should not be promoted for next two years;**
- **Establish a special rule of appealing the results of evaluation of a civil servant and hearing procedure, timeframes of submission of an application and decision-making, as well as results of appealing;**
- **If the appeal of a civil servant is upheld new evaluation should be conducted and/or a competent official should change evaluation results;**
- **Trainings on evaluation rules and methods for civil servants holding managerial positions and employees of human resources units should be conducted; civil servants should be well informed about the major issues related to evaluation.**