MANUAL ON PERFORMANCE APPRAISAL OF CIVIL SERVANTS AND EMPLOYEES
GUIDE TO SUCCESSFUL PERFORMANCE MANAGEMENT
IN THE CIVIL SERVICE STRUCTURES
IN BOSNIA AND HERZEGOVINA
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Published 2011
INTRODUCTORY REMARKS

Systematic performance monitoring of an individual at work is a relatively new practice in the context of public administration in Bosnia and Herzegovina (hereinafter: BiH). The first by-laws pertaining to the performance appraisal were adopted by the civil service agencies in the period 2002-2004, when the process of performance appraisal was introduced in a large number of bodies of all civil service structures in BiH.

However, the first attempts to introduce the practice of performance appraisal were not entirely successful. The performance appraisal was received with strong resistance by those who were supposed to implement it, mainly due to the lack of knowledge and skills required to conduct the performance appraisal. On the other side, there were those who raised the issue of the purpose of the performance appraisal, as it was not linked to financial incentives. First rulebooks on performance appraisal adopted by the civil service agencies were based on the traditional European model of performance appraisal, mainly based on a certain number of standardised appraisal criteria. Soon afterwards, the practical application of this model showed its weaknesses, due to the difficulties related to the objectivity of performance appraisal. Therefore, only few years later, all levels of government in BiH started using the modern performance appraisal models based on the work objectives, as the main performance appraisal criteria. Accordingly, by adopting the new rulebook in 2008, the administration of the Federation of Bosnia and Herzegovina introduced the performance appraisal based on the level of fulfilment of the agreed work objectives. The Civil Service Agency of Republic Srpska adopted a new rulebook in 2009, introducing the same model of performance appraisal. In Brcko District, a new Rulebook on Performance Appraisal was adopted in 2008, stipulating the identification of key work tasks of the appraisee as a significant part of the performance appraisal.

In the course of 2011, all levels of the civil service structures in BiH intensively worked on the improvement of the legal framework governing performance appraisal, which resulted in the adoption of new rulebooks on performance appraisal and amendments to the existing ones. The Civil Service Agency of BiH adopted a new Rulebook on Performance Appraisal of Civil Servants in July 2011 and the CSA of Republic Srpska adopted amendments to the existing Rulebook in August 2011. In the Federation of Bosnia and Herzegovina, the new Rulebook on Performance Appraisal of Civil Servants was adopted in September 2011. It is expected that the new rulebook on performance appraisal in Brcko District will be adopted following the adoption of a new Law on Civil Service.

The purpose of this Manual is to provide support in the application of the new performance appraisal system by giving more detailed instructions for all participants in the performance appraisal process. Efficient functioning of the performance appraisal system requires investment of significant efforts to increase the knowledge of performance appraisal among the evaluators, personnel involved in the management of human potentials and the civil servants themselves who should be active participants in the performance appraisal. Performance appraisal also requires a higher level of trust and continuous dialogue between appraisees and evaluators and higher transparency in work. The objective is to achieve that the performance appraisal is perceived as a positive instrument in the development of human resources in civil service, instead of being perceived as a tool to provide certain rewards and sanctions.
This manual has to be viewed as a living document, open to changes and amendments, in order to ensure that the best practices in performance appraisal both in BiH and other countries can be used at any time, thereby improving this first guide to successful performance management in the civil service structures in BiH.

Chapter 1

GENERAL INFORMATION

1. STRATEGIC FRAMEWORK

A comprehensive public administration reform with the objective of fulfilling the EU membership criteria is a strategic interest of BiH. The public administration reform is an important requirement for the success of reforms in other segments of society and it is inseparably interlinked with those reforms.

The Public Administration Reform Strategy was adopted by the Council of Ministers of BiH, entity governments and Government of Brcko District in the second half of 2006. The overall objective of the public administration reform as specified by the Strategy is the development of the professional, politically impartial, nationally balanced, ethical, stable and active public administration, which is respected and able to deliver effective services to both the governments and citizens.

The Action Plan I contains a series of recommendations and reform measures for the operational implementation of the Strategy and detailed account of activities pertaining to the six key horizontal reform areas. One of the key reform areas is the management of human potentials (chapter 6), which also contains the guidelines for performance management and performance appraisal of civil servants in BiH. This represents a strategic framework for the reform of the entire public administration and in depth guidelines for the realisation of the activities pertaining to the performance appraisal of civil servants. The Action Plan II refers to the development and strengthening of sectoral capacities. The public administration reform will be implemented in three phases and the objective is for BiH to achieve the quality level of the European administrative space and to implement the acquis by 2014.

Box 1: Article 111. SAA

“Cooperation will aim to further the development of an efficient and accountable public administration in Bosnia and Herzegovina, building on the reform efforts undertaken to date in this area. Cooperation in this area shall focus mainly on institution building, in line with European Partnership requirements, and will include aspects such as the development and implementation of transparent and impartial recruitment procedures, human resources management and career development for the public service, continued training, the promotion of ethics within the public administration and the strengthening of the policy making process. Reforms will take due account of fiscal sustainability objectives, including aspects of fiscal architecture. Cooperation shall cover all levels of public administration in Bosnia and Herzegovina.”
The Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, ratified by the Presidency of BiH in November 2008 contains provisions concerning the forms of cooperation in the area of public administration. In particular, Article 111 of the SAA refers to the public administration reform as presented in the Box 1.

It is expected that the forthcoming period will see significant reform processes in order for BiH to fulfil the EU membership criteria in the best way possible, while simultaneously working on the implementation of the SAA. In this light, the public administration reform gains an even greater significance. Without successfully implemented public administration reform, it will be impossible to fulfil the Copenhagen Criteria and Madrid Criteria, which are the key prerequisites for the EU accession, or to support the process of gradual integration of public administration into the “European administrative space”.

2. PURPOSE OF PERFORMANCE APPRAISAL

The purpose of performance appraisal is to motivate civil servants and employees to continuously improve their professional knowledge and skills in order to be able to advance in the career and develop their full work potential. The purpose of the performance appraisal is not to sanction or reward civil servants, but to provide them with support to better understand their capabilities and weaknesses and achieve the maximum in their professional development.

Box 2: Purpose of Performance Appraisal

In many systems of civil service, performance appraisal is primarily perceived as a possibility for rewarding or sanctioning the civil servants, instead of being a tool for the development of their full work potential. Initial efforts to introduce performance appraisal in BiH were also linked to the rewarding of most efficient individuals, i.e. sanctioning of those whose results were below expectations. At the moment when, for different reasons, rewards were not given and when it was obvious that the new procedure could be used to sanction “unsuitable” civil servants, there was no longer real motivation to use the performance appraisal. It is, therefore, important to work on raising the awareness about the purpose of performance appraisal and that it primarily represents a tool for professional development of individuals and not merely a means to reward or sanction a civil servant.

Performance monitoring can have a significant impact on the level of motivation and satisfaction with the work at the level of each individual. The reason is that the performance monitoring gives the staff a satisfaction because there is someone who is interested in their work. There is scientific evidence that people more easily accept negative consequences arising from
the monitoring of their work than the fact that their work is not a subject of anyone’s interest. In that sense, even if there were no other benefits from the performance monitoring, the very existence of the process would have been justified because it shows to the individual that the organisation/institution cares about the quality of his/her performance. This fact itself has a positive influence on feelings of individuals. They feel that they are valuable and should work hard and that it is worthwhile to be part of a given organisation.

From the point of view of a civil service body, most important reasons for application of the performance appraisal system is to ensure the enhancement of the professional delivery of duties and tasks, as well as the improvement of the overall quality of the public services that are being delivered and responsible and efficient use of the public money.

Performance appraisal is an important instrument to support the overall human potential management, including the hiring and orientation of new staff, as well as the training, advancement and rewarding. The data collected in the process of performance monitoring can be used to evaluate the success of the entire hiring and orientation process. For example, the data collected in the process of performance monitoring can provide us with reliable information about the efficiency of the staff that joined the organisation over the previous year or two. The same way, we could obtain the information about the results of the newly hired staff during their probationary period.

Performance monitoring represents an excellent basis (probable the best one available) to define the training needs. Capabilities and skills or lack thereof can be recognised during the performance appraisal interview, which is a precondition for development of professional development plans. Performance appraisal is also an opportunity to point out training needs in relation to the specific career aspirations, which is very important if we want to keep the best people in the civil service.

Graph 1. Position of the performance management in the human potential management system

*In the civil service structures in BiH, the purpose of the performance appraisal is defined as follows:*

Encouragement to the staff to perform duties and tasks in a high-quality and professional manner and achieve better work results; continuous development of professional knowledge and skills, creation of conditions for appropriate decision making about the advancement and professional development.
From the standpoint of the entire institution, **consolidated data pertaining the performance appraisal cycle can be of assistance to get a whole picture of the overall needs for training and development of human resources.** The data obtained can be analysed in different ways, using different variables such as gender, organisational unit, type of work, etc.

Appraisal of the results of civil servant’s work is frequently one of the most important bases for advancement in the service and rewarding. The performance appraisal process is increasingly linked to the possibility of salary increase independently of the advancement in the service. One of the reasons for that is that the advancement in the civil service is frequently limited, in particular when there is a stable system which is not subject to significant fluctuations of employees or when the civil service is based on the principle of work positions, as is the case in all civil service structures in BiH. This system offers possibilities for advancement only if there is a vacant position that has a higher level of responsibility and complexity that a civil servant could be promoted to, which gives rather limited possibilities for the advancement. Performance related pay therefore attracted a great deal of attention and it was introduced at almost all levels of government in BiH, which will be discussed in more details in the chapters below.

In addition, **in order for the performance monitoring process to be meaningful, the institution where the performance appraisal is applied has to have a clear picture of where it wants to be and what it wants to achieve.** If the management of a civil service body identified the strategic objectives and it knows what values and behaviour it wants to cherish and what it expects from its staff, then it will be able to transfer the necessary messages through the lower managerial levels to each member of staff using the performance appraisal process itself. As a consequence of such a strategic approach, every individual will have a strong feeling that, through the work, he/she contributes to the success of the entire organisation, which is another important motivational factor.

In the end, it should be noted that the performance appraisal of civil servants is frequently a subject of harsh criticism and disapproval. Although the performance appraisal systems have a clear objective of career advancement and motivation of civil servants and improvement of the quality of work at the individual and organisational level, the practice shows that there is a large number of problems in the performance appraisal practice. The main complaint is that the evaluators, who have the main role in the performance appraisal, do not have enough knowledge about the work of civil servants and are not able to appraise their work objectively, which frequently results in creation of bad work atmosphere and has negative influence of the work morale of the entire organisation. Therefore, it happens rather often that the question is raised whether the complex performance appraisal system is worth the time and efforts invested.

There is no doubt that there are performance appraisal related problems at all levels of civil service in BiH and overcoming them requires the investment of considerable efforts and introduction of significant changes in the entire management system in the civil service.
However, our opinion is that many of these problems could be overcome more easily if there was better knowledge about the performance appraisal process and especially, if its purpose was adequately understood, considering that its proper use can be a very powerful tool for the improvement of work processes in all civil service structures in BiH.

3. PERFORMANCE APPRAISAL PROCESS

Performance appraisal process is a continuous process consisting of several phases. Completion of one phase is a precondition for the carrying out the following one.

Generally speaking, the performance appraisal procedure comprises the following main phases:

- Setting of work objectives;
- Monitoring of work during the entire performance appraisal period;
- Performance appraisal interview, filling out the appraisal form and proposing the appraisal grade;
- Determination of the final grade, as well as the possibility of the use of legal means to contest the grade.

Graph 2. Main phases of the performance appraisal:

3.1 SETTING WORK OBJECTIVES

The evaluator and appraisee determine the work objectives at the very beginning of the performance appraisal period and these objectives are the basis for the performance appraisal at the end of the performance appraisal period. The work objectives for the next
The involvement of civil servants in the process of setting of work objectives should increase the level of obligation concerning their fulfilment and motivation of civil servants to fulfil those objectives. Agreeing work objectives will encourage better performance only to a certain degree, which depends on the existence of expectations that the objectives can be achieved and the support provided by the evaluator to the civil servant in the fulfilment of the objectives. Agreed work objectives will result in additional advantages in a way that it should stimulate independence of civil servants, improve the degree to which civil servants identify themselves with the work objectives, make the performance appraisal more transparent, assist in determining of priorities and enhance the dialogue and co-operation between a civil servant and his/her evaluator.

The process of agreeing the work objectives has much wider meaning as it indicates a gradual change from the classic hierarchical relationship between a civil servant and his/her line manager towards a modern management model, where implementation of tasks is seen as one’s contribution to the fulfilment of the agreed objective, and not merely as implementation of line manager’s orders. In that sense, the entire concept of public administration is changed from a traditional hierarchical model towards the model of a modern organisation, which is managed by applying the management by objectives based on a co-operative management model. These changes require a different profile of managers and more responsible behaviour of all levels of management in the civil service and the change of the overall performance appraisal process.

Practically, setting of work objectives requires the knowledge of the job description for a given position and of the organisational annual and six-monthly work plan of the civil service body. This means that, based on the act defining the internal organisation and systematisation of work positions, the job description which is of general nature is to be concretised through the work objectives to be achieved by the person working on a given position during the performance appraisal period, in relation to the previously adopted work plan of a civil service body. In that sense, the evaluator has to analyse each individual work position in relation to the established objectives of the civil service body (i.e. its organisational units), and identify the key activities and behaviour that will, to the greatest degree, contribute to the fulfilment of the objectives of a certain work position and the civil service body as a whole. In addition, the evaluator should take into account all other factors which influence the fulfilment of the objective: are the objectives realistically achievable, are the factors of influence beyond the control of a person who has to fulfil the objectives, what circumstances could affect good or bad results, etc.

It is recommended that the work objectives should be defined based on the so called SMART principle, which means that the objective has to be:
S - Specific
M - Measurable
A - Achievable, Agreed
R - Realistic
T - Timely.

Setting of work objectives in the civil service is not easy, particularly having in mind that the work requirements of civil servants frequently depend on political reality which is reflected on the daily performance of duties and tasks. Besides, work in the civil service is not easily measurable, which frequently makes it impossible to determine clear quantitative and qualitative indicators for the fulfilment of a certain objective. Therefore, it is usual that both the evaluators and the appraisees encounter difficulties when setting work objectives, especially in the early stages of introduction of the new performance appraisal model. However, realistic difficulties encountered in setting of work objectives should not discourage the line managers or the civil servants to proceed with this activity, because in time, through several performance appraisal processes, setting of work objectives should become easier and benefits should be more obvious.

Examples of the work objectives determined based on a job description are set out in the Table 1.

Table 1. Examples of how to set work objectives based on the job description

<table>
<thead>
<tr>
<th>Work position: Head of the Department for General Affairs</th>
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</thead>
<tbody>
<tr>
<td><strong>Summary job description for this position:</strong></td>
</tr>
<tr>
<td>- Co-ordinates and harmonises the work of lower organisational units within the civil service body;</td>
</tr>
<tr>
<td>- Manages the activities pertaining to human resources;</td>
</tr>
<tr>
<td>- Manages the financial affairs;</td>
</tr>
<tr>
<td>- Manages the IT activities.</td>
</tr>
<tr>
<td><strong>Work objectives for the performance appraisal period:</strong></td>
</tr>
<tr>
<td>- Produced quarterly work plans for divisions and reports on their implementation (deadline: 7 days following the last day in a month)</td>
</tr>
<tr>
<td>- Held regular meetings with the heads of lower organisational units (at least once a week)</td>
</tr>
<tr>
<td>- Provision of timely advice to subordinates in relation to the planning, implementation and reporting on the activities related to human resources, material and financial affairs and IT activities in everyday communication;</td>
</tr>
<tr>
<td>- Produced a report on continuous monitoring of carrying out of general affairs in the organisational unit, containing recommendations for the improvement of performance (deadline 15 December 2011).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Work position: Expert Associate for Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary job description for this position:</strong></td>
</tr>
<tr>
<td>-Drafts an act governing the internal organisation and systematisation of work positions;</td>
</tr>
<tr>
<td>-Drafts general acts in the field of human</td>
</tr>
<tr>
<td><strong>Work objectives for the performance appraisal period:</strong></td>
</tr>
<tr>
<td>- A draft new rulebook on internal organisation and systematisation of work positions produced (deadline: 10 March);</td>
</tr>
</tbody>
</table>
resources management for the needs of the civil service body;
- Draft acts on rights and duties of staff;
- Organises, co-ordinates and implements the procedure in relation to the registering and deregistering of permanent staff and short term staff;
- Manages the personnel files.

- A new training programme for civil servants in the civil service body produced (deadline: 30 January);
- Acts on the rights and duties of staff prepared (at latest within 7 days from the receipt of a request);
- Completed procedures of registration and deregistration of the staff (deadline: 3 days following the beginning, i.e. termination of employment);
- Performed regular classification of data and documents and produced regular reports (monthly, quarterly, six-monthly and annually) on human resources (deadline: 7 days following the last day in a month).

### Work position: Clerk for Material and Financial Affairs

#### Summary job description for this position:
- Participates in production of financial plans;
- Implements the financial plan;
- Produces financial reports;
- Keeps analytical and other forms of documentation and harmonises the data with the book-keeping records.

#### Work objectives for the performance appraisal period:
- Produced one part of the financial plan related to the salaries, planned public procurement and current material expenditures in the civil service body for the next year (deadline: 30 June 2011)
- Requests for payment made and realised (deadline: 8 days from the receipt of an invoice, i.e. internal request – in case of urgent requests – immediately)
- Reports on budget execution produced – monthly, quarterly, six-monthly, annually (deadline: 7 days following the last day in a month)
- Performed regular classification of data and documents and produced regular reports (monthly, quarterly, six-monthly and annually) on human resources (deadline: 7 days following the last day in a month)

### Work position: Senior expert associate for administrative proceedings

#### Summary job description for this position:
- Implements the proceedings in the status of a responsible person;
- Prepares drafts of decisions in the first-instance administrative proceedings;
- Provides expert assistance to the parties in the proceedings;
- Prepares responses to the claims in administrative proceedings;
- Monitors and analyses the cases he/she is responsible for.

#### Work objectives for the performance appraisal period:
- Reduce the backlog of cases by 30%;
- New procedure initiated at latest within 5 days from the day of receipt of the request, draft decisions drafted within 5 days from the day of finalisation of proceedings for the cases of lesser complexity and 10 days for more complex cases;
- Provides adequate and timely expert assistance to the parties in the proceedings – as needed, with a minimum number of received complaints concerning the work;
In the event that the priorities of an organisational unit or civil service body are changed during the performance appraisal period or in the event that such circumstances arise which clearly indicate that the work objectives cannot be achieved, the work objectives may need to be amended. This can be quite a common situation in the civil service bodies, having in mind the possibility of change of the official policy particularly in a transitional society such as BiH. Should the work objectives be changed, the new work objectives will be entered into the performance appraisal form and only annexed to the existing form, which is in more detail explained further in the text in the chapters dealing with performance appraisal at individual levels of the civil service structure in BiH.

3.2 MONITORING OF CIVIL SERVANTS’ PERFORMANCE DURING THE ENTIRE PERFORMANCE APPRAISAL PERIOD

Civil servant’s performance should be monitored during the entire performance appraisal period, which includes continuous monitoring of civil servant’s performance and monitoring of the fulfilment of each specific work objective. The evaluator should, during the entire performance appraisal period, monitor the work of the civil servant, collect data on how successful the civil servant is in his/her work, taking into account the nature of work, work conditions, expertise and experience of the civil servant. It is desirable that the evaluator pays attention to the productivity of the civil servant, and creativity and motivation to apply new and valuable ideas, in order to achieve the full purpose of the performance appraisal and achieve the full work productivity. Monitoring the civil servant’s work on a daily basis should also encourage building of mutual trust between the evaluator and appraisee.

It is important that the civil servant/employee receives a clear feedback on his/her work during the entire performance appraisal period, so that there are no surprises during the performance appraisal interview. The civil servant should be timely informed on what he/she did right or not, so that he/she can timely correct the mistakes he was told of. That would assist the civil servant to improve his/her performance and at the same time eliminate potential problems at work.
It is also important that the evaluator documents the work of the civil servant over the entire performance appraisal period, by taking notes and comments concerning the relevant examples and collecting the evidence of what the civil servant did. Periodic keeping of records by the evaluator about the fulfilment of the established work objectives would provide for a more objective determining of the final grade for the civil servant’s performance in the previous year. It is also advantageous if the civil servant keeps records in the form of notes about the fulfilment of the agreed work objectives and documents the fulfilment of the objectives by presenting adequate evidence (reports, presentations, etc) that the objectives were fulfilled. Such notes can be very useful both during the performance appraisal interview with the line manager and in the case of appellate or court proceedings when there is no consensus over the final grade.

3.3 PERFORMANCE APPRAISAL INTERVIEW

The performance appraisal interview is the obligatory phase in the performance appraisal process. Rulebooks on performance appraisal at all levels foresee the interview as the obligatory part of the performance appraisal and it cannot be omitted.

The purpose of the performance appraisal interview is to enable the appraisee to get feedback about his/her work during the entire performance appraisal period and to present his/her opinion about the fulfilment of the work objectives, as well as to gain a better understanding of his/her roles and responsibilities within the organisation. The objective of the interview is to identify positive aspects in civil servant’s work, as well as his/her weaknesses. In the end, the purpose of the interview is for the appraisee to get recommendations on how to improve performance and to consider the work objectives for the forthcoming period.
The interview is conducted upon expiration of the performance appraisal period. It is usually conducted in July or January, depending on whether the appraisal is conducted once every six months or once a year. The interview should take place at latest 7 days prior to deadline for completion of the performance appraisal, so that other persons involved in the performance appraisal process (e.g. controller, HRM unit, head of the body) have enough time to acquaint themselves with the work of the civil servant, i.e. to have enough time left for the decision on the final grade to be made.

Interview techniques are of crucial importance. The interviewing technique itself will depend on the experience of the evaluator and his interviewing skills.

There are several golden rules on how to conduct the performance appraisal interview. These are the following: ensure the appropriate conditions; create the right atmosphere; listen actively to the civil servant; base the interview on facts; use techniques for overcoming of conflicts; adequately organise time during the performance appraisal interview.

1) Appropriate conditions for conducting the interviews

The performance appraisal interview requires certain preparations since it is a formal event. It is necessary to ensure appropriate conditions and plan time needed, so that the interview could be conducted without any interruptions. It is recommended that:

- The interview should take place in the evaluator’s office or another adequate business premises where no one but the evaluator and appraisee would have access to and where it would be possible to conduct the interview without any disturbances. In principle, it is the evaluator’s responsibility to ensure the privacy, so that the interview would not be disturbed by the third parties.
- The length of the interview will vary on a case by case basis, but the interview should on average last approximately 30 minutes considering that it is necessary to discuss three mutually connected but still different issues: performance during the previous appraisal period, plan for professional development and work objectives for the next performance appraisal period.
- The evaluator has to prepare himself/herself for the interview by examining the relevant materials, such as job description and personnel files, and has to be prepared to explain
the grades awarded for each work objective and be prepared for different situations, in particular the problematic ones, which, unfortunately may arise.

- The appraisee has to be informed about the subject-matter of the interview in advance so that he/she can prepare adequately, think about the issues and arguments that he/she could present, all with the objective to make sure there are no surprises for the appraisee. It is also important that the appraisee is prepared for the discussion about the professional development and training.

2) Creating the right atmosphere

It is important to create a friendly atmosphere at the very beginning of the interview. The evaluator should open the interview with informal and neutral questions in order to reduce the nervousness of the appraisee and create a relaxing atmosphere. The evaluator should avoid questions related to the appraisee’s privacy and all those questions that could instigate strong reactions. Informal part of the interview should last for few minutes.

The evaluator can ask different neutral questions, for example:

“IT IS SO NICE TO SEE THE SUN AFTER FIVE DAYS OF RAIN, RIGHT?” OR
“I AM GLAD YOU MANAGED TO COME TO WORK ON TIME TODAY. IT TOOK ME SOME TIME TO CLEAR THE SNOW FROM MY CAR AND I BARELY MADE IT ON TIME. I KNOW YOU NEED EVEN MORE TIME TO COME TO WORK.”

After the informal conversation, the best option for the evaluator would be to proceed with the explanation of the purpose of the interview. The evaluator should explain to the appraisee that they would first discuss the fulfilment of each of the work objectives and appraisal against other performance appraisal criteria, followed by the proposals for the professional development and training of the civil servant and work objectives for the next performance appraisal period. For example, the evaluator could say:

“I AM PLEASED THAT WE HAVE THE OPPORTUNITY TO DISCUSS YOUR PERFORMANCE OVER THE PREVIOUS YEAR IN MORE DETAIL. IN ADDITION, WE WILL CONSIDER THE NEEDS FOR FURTHER PROFESSIONAL DEVELOPMENT AND TRY TO AGREE WORK OBJECTIVES FOR THE NEXT PERFORMANCE APPRAISAL PERIOD. FIRST, I WOULD LIKE TO HEAR FROM YOU WHAT YOU THINK ABOUT YOUR PERFORMANCE IN THE PREVIOUS PERIOD.”

The evaluator has to explain to the appraisee that he/she is expected to actively participate in the interview and not to be a mere observer. The appraisee should be encouraged to speak, because it is the exchange of information that is the purpose of the interview. It is very important for the evaluator to avoid answering his/her own questions.

3) Active listening to the appraisee

Active listening to the appraisee is of particular importance during the performance appraisal interview. It is necessary to allow the appraisee to present facts and evaluate his/her work. The evaluator has to be an active listener during the greater part of the interview, as much as 75% of the interview. The evaluator has to focus of posing the questions and listening to the answers, because only by active listening, the evaluator can get to know the appraisee better.
addition, careful listening is of particular relevance when it comes to detecting the real reasons for the failure at work.

Particular attention should be paid to nonverbal communication. Nonverbal communication is believed to comprise at least 55% of every communication. If verbal and nonverbal communications are not consistent (e.g. if the evaluator is looking at the appraisee strictly while speaking positively about his/her work), nonverbal communication will outweigh the verbal communication (the appraisee will understand that the line manager is not pleased with his/her work). During the interview, the evaluator should, while listening to the appraisee, introduce positive communication elements, such as head nodding, smile, look in the eye, etc. Besides, it is important to sit at the same level as the appraisee, avoid exaggerating hand gestures, and sit at appropriate distance from the appraisee. By looking the appraisee in the eye, the evaluator confirms that he/she is interested in the appraisee’s opinion. Visual contact should be also maintained during critical phases of the interview, for example, when presenting the shortcomings in the appraisee’s work.

4) Interview should be based on facts

The interview should be based on facts and any generalisations should be avoided. It is desirable that the evaluator, when presenting either positive or negative evaluation, focuses on the facts supported by adequate examples in order to avoid any misunderstandings by the appraisee. The evaluator has to keep the interview under control at any moment and must not bring emotions into the conversation. It is essential that the evaluator talks about the appraisee’s activities and not his/her personality. Any discussion about personal shortcomings has to be avoided, unless they are directly linked to the work performance.

During the interview, it is necessary to adhere to the key facts related to the fulfilment of the work objectives. It is recommended to the evaluator to first ask the civil servant to present his/her opinion about his/her performance and fulfilment of each individual objective. After that, the evaluator has the obligation to review, together with the appraisee, whether the work objectives were clear and understandable to the appraisee, and whether the deadlines were adequate, or if there were any special circumstances affecting the fulfilment of the work objectives.
After the appraisee presents his/her opinion about his performance, the evaluator is obligated to present the grade for the fulfilment of work objectives and explain to the appraisee his/her comment with regard to each individual work objective in terms of quality, quantity and timeliness. Besides, the evaluator should explain a specific weight assigned for the appraisal of the fulfilment of each individual objective.

When discussing each individual work objective, the evaluator should first focus on the positive aspects, good performance of the appraisee and express his/her satisfaction in that regard. If the positive evaluation is presented first, the appraisee will gain self-confidence which will make it easier for him/her to stand criticism when weaker features of his/her performance are presented.

After presenting positive aspects of the appraisal, it is necessary to discuss weaknesses in the fulfilment of work objectives. One of the most important responsibilities of the evaluator is to present criticism in a positive and realistic manner and most importantly to support it with concrete facts.

5) Use of techniques to overcome conflicts

Any criticism of civil servant’s performance has to be constructive in order to avoid conflict situations. The evaluator always has to talk about the shortcoming in the performance, and not about personality characteristics. It might happen that offensive language is used when presenting the negative evaluation, which is entirely unacceptable. The evaluator has to avoid harsh, degrading or sarcastic comments. The evaluator has to illustrate his/her comments by appropriate examples in order to make them more understandable. The shortcomings and weaknesses should not be discussed only superficially, as that would be counterproductive.

Discussion between the evaluator and appraisee has to be active: the appraisee has to be asked about his/her opinion and suggestions as to how his/her performance could be improved and what, in his/her opinion, should be done to overcome the existing difficulties. The evaluator should not impose his/her views and solutions, but the solutions have to be the results of a mutual agreement. It is necessary to consider a possibility of development of plans in terms of what should be done differently, because good intentions themselves do not guarantee good results if
there is no adequate plan and agreement on its implementation. Upon completion of the interview, both the evaluator and the appraisee have to know what areas require further improvement and how to achieve it.

It is recommended that the civil servant is addressed by “we”, instead of “you” so that the civil servant could feel as a part of the organisation and active cooperation with the management. In addition, it is recommended not to use a conjunction “but” because it can entirely annul earlier positive communication. Instead, it is better to use a conjunction “and” which emphasises the continuity in the communication, which should, generally speaking, set a constant positive tone.

6) Dedicating equal attention to the performance appraisal, professional development plan and work objectives for the next performance appraisal period

In addition to the performance appraisal for the previous performance appraisal period, equal attention should be paid to determining the needs for the professional development and agreeing the work objectives for the forthcoming performance appraisal period.

Proposed forms of training can be directed towards the overcoming of shortcomings in work of the appraisee or towards the advancement in the career. During this segment of the interview, the appraisee should be encouraged to consider and propose his plan of professional development. Afterwards, it is necessary to discuss a possibility of the implementation of the proposed plan and see how the appraisee’s objectives match the objectives of the organisation. In the end, it is desirable that the evaluator and the appraisee discuss and establish what positive effects would be the outcome of the plan.

Prior to finalising the interview, it is necessary to discuss the work objectives for the forthcoming performance appraisal period. Equal attention should be paid to the conversation about the future objectives, as to the discussion about the performance in the previous period and professional development. Future work objectives should not be overambitious, because there will be no realistic possibilities for their fulfilment.

In the end, the evaluator should sum up the interview results and thank the appraisee for cooperation, thus closing the interview in a friendly way, assured that there is a mutual
understanding with regard to the results achieved and the plan of work and professional development of the appraisee for the forthcoming performance appraisal period.

The use of a **standard performance appraisal form** during the interview is mandatory. Further information about the performance appraisal form, determining of the final grade for the performance appraisal and the right to appeal will be presented in more depth in the following chapters.

4. CONSEQUENCES (EFFECTS) OF PERFORMANCE APPRAISAL

The results of the civil servants and employees performance appraisal have significant legal consequences for their legal status. They can be positive and negative.

**Positive consequences are:**

- **Advancement and rewarding** – special form of motivation and rewarding of civil servants which is in a direct relation with their previous performance appraisal. Although the most levels of government in BiH achieved significant progress in regulating and linking the performance appraisal grade to process of advancement and rewarding there is still no firm connection between the performance appraisal process and other human resources management functions. It is important to emphasize that the performance appraisal is not an end itself and giving a formal grade should not mean the end of the processes of monitoring and advancement of civil servants performance.

Generally speaking, the advancement to higher work posts or higher rank within the workplace as well as the transition to a higher salary grade is possible on which more details will be presented in separate chapters.

- **Professional development** – the need to monitor and analyze the results of performance appraisal is indisputable in order to obtain information on the training requirements, human resources planning and civil servants career development. In this sense, it is very useful the practice of compiling summary reports on performance appraisal, which already exist in the Brčko District for past few years, and has recently been introduced at almost all levels of civil service/administration in BiH which will be addressed in separate sections. Namely, all the administrative bodies are obliged to submit the performance appraisal summery reports to the Civil Service Agency. Employees of the departments for human resources of individual institutions can obtain from these systematic data the necessary information that would be used for better human resources planning, better motivation, more precise analysis of training needs
and civil servants career development planning. Agencies should submit report from consolidated data with the detailed statistical analysis of data, including the information about observed trends and possible problems as well as recommendations for their prevention and/or overcoming to the relevant governments.

**The negative consequence of the performance appraisal is:**

- Termination of employment – there is a clear link between the negative performance appraisal and the termination of employment at all levels of the civil service/administration structures in BiH. Namely, the generally accepted solution is that if the civil servant receives two consecutive negative performance appraisals, his/her employment will be terminated
Chapter 2
PERFORMANCE APPRAISAL OF CIVIL SERVANTS AND EMPLOYEES IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

The performance management on the state level in the institutions of BiH is regulated by:
• Law on Civil Service in the Institutions of Bosnia and Herzegovina (hereinafter: the Law on Civil Service), published in the “Official Gazette of BiH”, No. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09 i 8/10;
• Law on Salaries and Other Compensations in the Institutions of Bosnia and Herzegovina (hereinafter: Law on Salaries) published in the Official Gazette of BiH, No. 50/08, and
• Regulations on the performance appraisal of civil servants in the institutions of Bosnia and Herzegovina (hereinafter: Regulations)

1. WHO IS BEING APPRAISED?

1. Persons who are appraised
In the institutions of BiH the performance appraisal is being conducted on:
• Civil servant;
• Civil servant on the probation period;
• Employee in the institution of BiH who is not a civil servant;
• Employee in the institution of BiH (who is not a civil servant) on the probation period

Civil servant is a person appointed by an administrative act to the work post in the civil service (Article 1, Paragraph 2 of the Law on Civil Service).

The civil servant can be appointed to one of the following work posts:
• work post of managerial civil servant, and these are the work posts of the secretary and the secretary with special assignment, deputy minister, assistant director and inspector general, and
• work post of other civil servants and these are the work posts: head of internal organizational unit, expert advisor, senior expert associate and expert associate.

Categories within the listed work posts are determined by the decision of the Council of Ministers (Article 7 of the Law on Civil Service).

The term civil servant also implies the civil servants of the diplomatic and consular services, State Investigation and Protection Agency and the Border Services. The Council of Ministers may by decision, with the previously acquired opinion of the Civil Service Agency, determine to regulate the issues related to the diplomatic service differently (Article 6, Paragraph 1,2 of the Law on Civil Service).
Civil servant undergoes a **probation period** after the appointment. The probation period for civil servant includes the period of orientation and the period of performing duties and it lasts for twelve months in total (Article 29, Paragraph 1 of the Law on Civil Service), unless the head of institution decides to extend the probation period for another six months on the reasoned request by the civil servant.

The employee in the institutions of BiH and its bodies who is not a civil servant is an individual who is employed in the institutions of BiH and its bodies on the basis of the employment contract (Article 1, Paragraph 2, Item a) and Article 2, Paragraph 1, Item a) of the Law on Labor in the Institutions). When signing the employment contract, the **probation period** which may not exceed six months **can be agreed**. In case the employee does not meet the probation period, the employer terminates the labor contract even before the expiry of the probation period in the manner provided by law and the period of notice is 15 days (Article 18, Items 1, 2, 3 of the Law on Labor in the Institutions).

**1.2. Exemptions to the performance appraisal**

The exemptions from the rules of performance appraisal in the civil service are prescribed. **The following are not appraised:**

- persons who do not have the civil servant status
- persons employed in the institutions of BiH whose status is regulated by special regulations
- civil servants who worked for less than three months in a period of performance appraisal, except civil servants who are on the probation period (Article 4 of the Regulations)
- employees who worked less time than is realistically needed to appraise their performance during the appraisal period
- persons employed for a fixed period of time

**Civil servants are not:**

- members of the Parliamentary Assembly of BiH, BiH Presidency members, Council of Ministers, ministers, deputy ministers, members of the Standing Committee for Military Affairs, judges of the Constitutional Court of BiH, judges of the Court of BiH, Ombudsmen of BiH, the chief prosecutor, deputy chief prosecutor and BiH prosecutors, general attorney and deputy general attorney of BiH, members of the High Judicial and Prosecutorial Council of BiH, members of the Election Commission of BiH, professional military staff in the institutions of BiH, governor and vice governor of the Central Bank of BiH, auditor general and deputy auditor general of the Office for Auditing of the Financial Operations of the Institutions of BiH
- secretaries of the Houses of the Parliamentary Assembly of BiH and the secretary of the Common bodies of the Parliamentary Assembly of BiH
- persons employed as advisors to the members of the Parliamentary Assembly, to the members of the Presidency, Chairman of the Council of Ministers, ministers and deputy
ministers, governor and vice governor of the Central Bank (Article 4 of the Law on Civil Service).

**Persons employed in the institutions of BiH whose status is regulated by special regulations** are also not appraised by the rules applicable to civil servants and employees in the institutions of BiH. These are:

- persons employed in the Central Bank of BiH;
- persons employed in the Office of Human Rights Ombudsmen of BiH;
- police officials as defined by the Law on Police Officials of Bosnia and Herzegovina (Article 6, Items 3, 4, 5 of the Law on Civil Service).

Given that the regular performance appraisal is conducted at least once every six months, the civil servants who worked for less than three months in a period of appraisal are not appraised, except the civil servants who were on probation period (Article 4 of the Regulations). It is reasonable view that the civil servant who worked less than the time realistically needed to obtain conditions to appraise his/her performance is not appraised. A realistic time period is considered to be a half of the time needed to appraise the performance. The reasons for absence from work may be different: sick leave, training, etc. Exemption from the performance appraisal does not require constant absence from work; what is relevant is the total sum. It should be noted, however, that the temporary performance of other duties as well as approved professional development cannot be considered an absence from work so it cannot be the ground for exemption from appraisal. Time spend on vacation is also not considered the absence from work.

This exemption, however, does not apply to civil servants who are on probation period because the probation period does not coincide with the regular performance appraisal period.

**The employees who worked less than six month in a calendar year are not appraised as well** (Paragraph 1 of the Article 53a of the Law on Labor in the Institutions of BiH). However, the Law provides that in case the employee was absent for a justified reason, provided by law or the Act of Employer, and therefore cannot be appraised, the results of his performance accomplished in the period of six months prior to his justified absence from work are taken into consideration so that this exemption to the performance appraisal would not be applied at the expense of employee who was justifiably absent from work (Paragraph 3, Article 53a of the Law on Labor in the Institutions of BiH).

Having in mind the nature of the employment for a fixed-term or temporary time, employees having this type of legal employment status are not appraised. If there is a vacancy job for civil servant in the institution that urgently needs to be filled in line with the performance requirements, and the internal filling of the work post is not possible, the institution may fill that work post by employing persons in accordance with the Law on Labor in the Institutions of BiH with the status of employee. Employment for a fixed time may not exceed nine months except in case of sick or maternity leave of the civil servant, but no longer than two years (Article 28a, Items 1, 2, 4 of the Law on Civil Service).

**1.3. Responsibilities of an Appraisee**

The main responsibility of civil servant **during the period of appraisal is to cooperate on an equal footing with the line manager** (Article 30, Paragraph 1 of the Law on the Civil
Service). This requirement is already present in the stage of setting the work objectives i.e. their amendments in **consultations** with the line manager (Article 14, Paragraph 2, 4 and Article 15, Paragraph 2 of the Regulations). During the appraisal procedure and interview with the line manager, civil servant first expresses his/her opinion about the fulfilment of set work objectives (Article 24, Paragraph 1 of the Regulations). After the interview and after the presentation of proposed grade and development plan by the line manager, civil servant is obliged to **fill out his/her comments in the performance appraisal form**, including the reasons for possible disagreement with the grade, and **to insert the date when comment is made and finally to sign the form** (Article 25, Paragraph 1 of the Regulations)

### 2. WHO CONDUCTS THE PERFORMANCE APPRAISAL?

#### 2.1. Line manager – evaluator

The civil servant performance appraisal is determined by his/her line manager and approved by the head of the institution, and if the institution only has a head, then he/she will determine the performance appraisal (Article 30, Paragraph 5 of the Law on Civil Service).

The **performance appraisal of the managerial civil servants** is determined by the head of the institution, and of the secretary and deputy ministers in the Council of Ministers it is determined by minister and deputy minister (Article 30, Item 2, 3 of the Law on Civil Service). The performance of the secretaries of ministry, deputy ministers and chief inspector is appraised by minister in accordance with the deputy minister with the previously obtained opinion of the secretary of ministry when appraising performance of deputy minister and chief inspector. The performance of the administrative organization secretary, director assistant i.e. head assistant of the administrative organization as well as chief inspector within the administrative organization is appraised by director i.e. the head of that administrative organization with previously obtained opinion of the deputy director (deputy head) and the administrative organization secretary if deputy director i.e. deputy head and/or secretary exist within the specific administrative organization. Upon the agreed proposal of minister and deputy minister, and with previously obtained opinion of the secretary of the ministry, the Council of Ministers conducts the performance appraisal of the head and deputy head of the administrative organization within the ministry. In case the minister and deputy minister cannot reach an agreement regarding the performance appraisal, the final decision is made by the Council of Ministers of BiH on the basis of report of the special commission that it forms and which consists of three members who perform the job of civil servants of the same or higher rank in relation to the civil servant that is being appraised. On the basis of report of the commission appointed and consisting of three members with the status of civil servants on the position of the secretary with the special assignment the Council of Ministers performs the appraisal of heads and deputy heads of administrative organization that is responsible to the Council of Ministers (Article 29 Items 1 – 7 of the Regulations).

The Council of Ministers conducts performance appraisal of the secretary with the special assignment in the Council of Ministers upon the recommendation of the special committee appointed (Article 30, Paragraph 4 of the Law on Civil Service). The performance appraisal of
the secretary with the special assignment and second managerial civil servant that is not responsible to the Council of Ministers but to some other body (Presidency of Bosnia and Herzegovina, Central Election Committee of Bosnia and Herzegovina, High Judicial and Prosecutor Council of Bosnia and Herzegovina etc.) is determined by the body that this managerial civil servant is responsible to (Article 29, Paragraph 8 of the Regulations).

**In case of civil servants on probation**, civil servant line manager is appointed as a supervisor responsible for performance appraisal at the end of probation period. The performance appraisal of probation period of secretary and minister assistant is conducted by minister and deputy ministers (Article 29, Paragraph 2 of the Law on Civil Service).

**The performance appraisal of employees** is determined by employer on the proposal from the line manager of the unit, and if there is no unit, the performance appraisal is given by the employer independently (Article 53b of the Law on Labor in the Institutions of BiH).

During the performance appraisal cycle, **the line manager of the civil servant**, as an evaluator, **has a number of duties**:

- setting and modification of work objectives;
- monitoring and documentation of the appraisee’s performance;
- filling out the performance appraisal form;
- informing the civil servant about the interview and conducting the interview about the performance appraisal;
- signing the performance appraisal form;
- linking with control and institution unit in order to implement the procedure;

**Setting the work objectives of civil servant** is one of the main responsibilities of the line manager. Work objectives of the civil servant are set by negotiations (agreement) between the civil servant and the line manager and as a rule are derived from the objectives set on the level of concrete organizational unit and institution as a whole, which will be described in more details in the section related to the performance appraisal procedure. When dealing with civil servant who is on probation, line manager who mentors the civil servant is obliged to explain in details to the civil servant what is expected from him/her within each set work objective (Article 14, Paragraph 3 of the Rulebook).

**Line manager is also responsible to constantly monitor the civil servant performance during the entire period of performance appraisal.** He/she is obliged to: constantly monitor the civil servant performance and collect data about the performance success of the civil servant, taking into account the nature of performance, working conditions and the degree of experience of civil servant as well as to document the civil servant performance during the period of the performance appraisal by taking notes and making comments about the important examples and evidence about the performance of civil servant (Article 16 of the Regulations).

Once performance appraisal period has expired, civil servant’s line manager is obliged to **fill out the performance appraisal form** before the interview with the civil servant. In the performance appraisal form he/she fills out the comments on the degree of achievement of set work objectives and grade proposal for each work objective set and all other performance appraisal criteria. Comments may also be related to the objective circumstances that hindered the civil servant performance during the appraisal period, explanation of the proposal for his/her professional training and development and other comments significant for determining the grade (Article 22 of the Regulations).
Line manager is obliged to conduct interview with civil servant about the performance appraisal. The interview between line manager and civil servant must be conducted within eight days from the day the civil servant receives filled out form for performance appraisal (Article 23 of the Regulations). Several more words will be said later on the interview about performance appraisal in the section on the performance appraisal procedure.

Line manager is obliged to determine the proposal of the final grade for the civil servant. Bearing in mind that the decision about performance appraisal is not made at the state level it is important to emphasize that the determined proposed grade becomes final after obtaining two approvals: 1) approval by the line manager’s immediate supervisor that he/she issues by signing the performance appraisal form, and 2) approval of the head of institution that is also issued by signing the performance appraisal form. Due to the need to obtain the grade approval in order to become final, after the performance appraisal form signing, the line manager is obliged to submit the form to his/her immediate supervisor (Article 26 of the Regulations) who will then forward it for further procedure.

Failure to meet the obligations of the line manager to implement the civil servant performance appraisal, which includes the provision of conditions needed for regular and timely appraisal, is considered a disciplinary offense for which a fine is stipulated (Article 63, Paragraph 10, item d) of the Law on Civil Service and Article 30, Paragraph 4 of the Regulations).

2.2. Line manager’s immediate supervisor – controller

Line manager’s immediate supervisor is a person who should have the role of mediator in the process of performance appraisal, and should ensure balance between civil servant and his/her line manager as well as make effort to solve possible disputes. The position of the line manager’s immediate supervisor is usually called controller in comparative law. Although more distant from the civil servant performance that is being appraised by the evaluator, the controller does have certain knowledge about their performance and achieved output.

The main responsibilities of the civil servant line manager’s immediate supervisor:

- He/she may be involved in setting the work objectives in cases of dispute between civil servant and line manager
- He/she has a right to fill out his/her comments about the appraisal and proposed grade in the performance appraisal form
- He/she is obliged to sign the report prepared by the line manager and to submit it to the head of the body, i.e. human resources unit.

In case of disagreement between the line manager and civil servant regarding the work objectives for the next performance appraisal period, the line manager’s immediate supervisor has a right to finally set the work objectives for civil servant (Article 14, Paragraph 6 of the Regulations). Prior to setting the objectives he/she should consult with the civil servant and line manager in order to find a suitable compromise solution.

Although it is not explicitly specified by the Regulations, it is important to emphasize that the controller should monitor the quality of the entire process of appraisal and actively intervene in all cases of violation of the planed course of performance appraisal, especially
in cases when the approval of line manager and civil servant regarding the final performance grade is missing. In such cases the controller should examine the process of performance appraisal and the grade, conduct an interview with evaluator and appraisee and try to find a compromise solution about the grade that will enter the form. If the controller is not able to find a compromise solution he/she is also required to enter his comments on the performance appraisal and the proposed grade in the performance appraisal form. Also, if the line manager’s immediate supervisor does not agree with the grade given by the line manager to the civil servant (with which the civil servant agreed upon) he/she is required to enter his/her comment in the performance appraisal form.

In case there is a disagreement between line manager and his/her immediate supervisor, i.e. the head of institution, about the performance appraisal of civil servant, the attempt to address occurred dispute will be made in the direct agreement of all persons (Article 27 of the Regulations).

In case when line manager (evaluator) is in position that is immediately subordinate to the head of civil service body that is responsible to the Council of Ministers then by the nature of things there is no the position of line manager’s immediate supervisor. These include, for example, the position of secretary to the ministry, ministry assistant and the like. The reason for this is lack of higher position in the hierarchy of the civil service bodies. If there is no controller, there will be no controller’s signature by the line manager’s immediate supervisor in the performance appraisal report.

The specific control mechanism that consists of decision-making about the performance appraisal with the consent i.e. with the previously obtained opinion of one more hierarchically adequate head, i.e. collective body, is provided for the managerial civil servants (Article 29 of the Regulations).

Failure of line manager’s immediate supervisor to comply with these obligations is also considered a disciplinary offense for which a fine is prescribed (Article 63, Paragraph 10, item d) of the Law on Civil Service and Article 30, Paragraph 4 of the Regulations.

2.3. HRM Unit of an Institution

Responsibilities of an Institution Unit in charge of human resources (i.e. of the civil servant performing duties in relation to human resources) within the civil servants' performance appraisal procedure are mainly technical and professional in nature. The Human Resources Management Unit does not have the right to directly influence either the performance appraisal procedure, or the contents of the performance appraisal report and the merits of the appraisal. The main responsibility of this Unit is to verify the formal accuracy of the performance appraisal form submitted by the Controller, as well as to provide the final performance appraisal. Apart from this, it should also be noted that, with respect to performance appraisal process, the HRM Unit’s duties include a number of activities related to the organisation and coordination of the procedure, as well as the provision of professional support to the parties involved in the procedure.

The HRM Unit of an Institution is obligated to: (Article 31 of the Rulebook):
• prepare for each performance appraisal period a list to establish the line manager and the line manager’s immediate supervisor;
• take care of uniformity of implementation of the performance appraisal procedure at the level of civil service bodies;
• provide advice to line managers on all issues related to performance appraisal;
• produce the final appraisal and inform the civil servant about it, including the signature;
• insert the performance appraisal form into each civil servant’s personal file;
• prepare a cumulative report on a prescribed form and submit it to the Civil Service Agency.

The HRM Unit of an Institution is also obligated to check whether the performance appraisal form has been properly prepared. Should it notice shortcomings, the HRM Unit of an Institution shall return the form to the line manager and the line manager’s immediate supervisor for removal of these shortcomings, after which they shall submit the form again to the institution unit (Article 28 of the Rulebook.), so that the form is ready for the final signature by the Head of Institution.

Also, this Unit produces the final appraisal in two copies and informs the civil servant about it, including the signature (Article 30 Paragraph 2 of the Rulebook). Producing the appraisal implies the responsibility of the HRM Unit of an Institution to be in possession of the performance appraisal form, two copies of which it is obligated to keep. One copy is stored in the personal file, and the other one in the archive. The Unit is also obligated to inform the civil servant about the appraisal, including the signature. Although the civil servant is not entitled to keep the original copy of the appraisal, he/she may ask for a photocopy, which must be issued by the Unit.

Non-fulfilment of the above-stated obligations by the person in charge of human resources within the Human Resources Management Unit shall also be deemed a disciplinary offence, for which there is a set fine prescribed (Article 63 Paragraph 10 Item d) of the Law on Civil Service and Article 30 Paragraph 4 of the Rulebook).

2.4. The Head of Institution

As already mentioned in this chapter, the Head of Institution shall establish the performance appraisal for the managerial civil servants (Article 30 Paragraph 2 of the Law on Civil Service and Article 29 Paragraphs 1 and 2 of the Rulebook) in which case he/she has duties of the line manager (Article 16 of the Rulebook).

In the case of civil servants’ performance appraisal, the final endorsement of the performance appraisal is given by the Head of Institution. The appraisal form signed by both the Evaluator and Controller is submitted to the Head of Institution for signature, which constitutes the final endorsement of the performance appraisal (Article 26 of the Rulebook). Also, should the disagreement between the Evaluator and the Controller over the performance appraisal not be eliminated through a direct agreement, the final performance appraisal shall be produced by the Head of Institution (Article 27 Paragraph 2 of the Rulebook).

Although the Head of Institution is a formal decision maker when it comes to performance appraisal, it should be noted that, when performing his duty, in the most cases he completely relies on the work performed by the Evaluator or the Controller. The Head of Institution, however, may request additional information and alter certain grades and comments, but he should do this only if the grade or comments are not realistic, or if there are unresolved points between the Evaluator and the civil servant who undergoes performance appraisal. Also, the
Head of Institution is entitled to decision making in the case of remaining disagreements between the Evaluator and the Controller.

Failure to fulfil above-stated obligations by the Head of Institution shall also be deemed a disciplinary offence, for which there is a set fine prescribed (Article 63 Paragraph 10 Item d) of the Law on Civil Service and Article 30 Paragraph 4 of the Rulebook).

3. WHEN IS THE PERFORMANCE APPRAISAL CONDUCTED?

3.1. Performance appraisal cycle

All civil servants shall undergo a performance appraisal at least once every six months (Article 30 Paragraph 5 of the Law on Civil Service). A regular performance appraisal typically covers the period from 1 January to 30 June and the period from 1 July to 31 December (Article 3 Paragraph 1 of the Rulebook).

The deadline for the performance appraisal of a civil servant is 30 days after the appraisal period end date (Article 3 Paragraph 2 of the Rulebook). This deadline is relatively short considering the fact that the appraisal procedure involves not only the civil servant and his/her line manager, but also the line manager’s immediate supervisor, the HRM Unit of an Institution and, finally, the Head of Institution. Therefore, it is of high importance to carefully plan all steps in the appraisal process in order to perform appraisal in due time. Meeting of the set performance appraisal deadline may prove particularly difficult in July because of vacations. This being the case, certain delay may be tolerated if one or more persons in charge of performance appraisal is using vacation leave, but it should not last longer than an extra month (in this case, until the end of August of the current year).

The work of employees shall undergo performance appraisal every year and this shall mandatorily be done in January for the previous calendar year (Paragraph 1, Article 53a of the Law on Labour Relations in the Institutions of BiH).

3.2. Exemptions from the regular performance appraisal cycle

1) Temporary performance appraisal

On the state level in BiH there is an option of temporary performance appraisal foreseen in the case of replacement of the civil servant's line manager during the appraisal period. Thus, if during the appraisal period - for any reason whatsoever, including the transfer as well - the civil servant's line manager gets replaced, the previous line manager is obligated to prepare a temporary performance appraisal form for the period of time during which he/she acted as the line manager. In the case of disagreement between the civil servant and the line manager, the civil servant has the right to present his disagreement in the comment sections of the temporary performance appraisal form. The line manager’s immediate supervisor puts the Controller’s signature on the performance appraisal form and submits it to the new line manager. Upon the expiry of the appraisal period, the performance appraisal form shall be filled by the new line manager, whereat he/she also must take into consideration the temporary performance appraisal form (Article 2 Paragraph 1 and 2 of the Rulebook).

2) Performance appraisal of civil servants on probation
Civil servants on probation are exempt from the regular performance appraisal cycle. This period starts after taking office and typically has a total duration of twelve months (Article 29 Paragraph 1 of the Law on Civil Service). Exceptionally, with respect to the established performance appraisal, upon motivated request from the civil servant, the Head of Institution may extend the probationary period by another six months (Article 29 Paragraph 4 of the Law on Civil Service). Probationary period shall be appraised upon the expiration i.e. finalisation of probationary period (Article 3 Paragraph 2 of the Rulebook).

4. WHAT IS BEING APPRAISED?

4.1. Performance appraisal criteria

The performance appraisal of civil servants shall be based upon the results achieved during the performance of functions determined by the job description and the objectives established by their line manager for the period in question (Article 30 Paragraph 6 of the Law on Civil Service).

The Rulebook determines and defines the following criteria for performance appraisal and hiring of civil servants (Articles 5 – 12):

- **The degree of achievement of the set work objectives** - demonstrates the extent to which a civil servant has fulfilled the work objectives in a quality, correct and precise manner within defined timelines.

- **Independence in work** - indicates to what extent a civil servant is able to plan and execute the set work objectives independently and without continuous help from his/her superiors.

- **Relation towards work** - indicates the work ethics of a civil servant which is reflected in the hard work and responsibility of the civil servant, as well as in his/her work efficiency, adherence to working hours, consistency in work and relation towards work assets.

- **Creative ability and initiatives** - demonstrate the creative and inventive aspect of the civil servant’s work engagement, which is reflected in the ability to find solutions and provide ideas with the aim of improving work processes.

- **Relations with others in performance of duties and communication skills** - indicate the ability to achieve coherent oral and written interaction of a civil servant with his/her colleagues and clients while performing his/her work. The communication skills also reflect themselves through having and expressing enthusiasm and positive energy, tact and self-control, as well as through a developed sense of team work and belonging to the organisation.

- **Readiness to adapt to changes** - expresses the level of flexibility shown by a civil servant with regard to the acceptance and affirmation of new solutions aimed at improvement of work processes. The civil servant’s readiness for continuous professional development and application of acquired knowledge is also one of the important indicators of the readiness to adapt to changes.

- **Additional criterion** - shall not be mandatory, but may be used as an option in the cases where the previously determined criteria do not completely match the nature of work. The additional criterion must be determined for the civil servant in advance for the appraisal period. The civil servant can be assigned only one additional appraisal criterion.
The assessment of these criteria requires rendering a decision for each specific case. This does not imply the use of same standards for every civil servant. On the contrary, the requested standards related to the job description of a specific civil servant need to be defined. Independence, creative abilities, initiatives and the like will have different meanings for different work positions. Requirements for higher positions of civil servants related to independence and communication skills will differ from the similar requirements for lower positions. The same degree of criteria fulfilment should be applied only for comparable positions.

The performance appraisal of an employee shall also be based on the work results achieved by the employee during the realisation of functions foreseen by the description of the work position he/she occupies and the objectives set by the employer for the time period in question (Paragraph 2 Article 53a of the Law on Labour Relations in the Institutions of BiH). More closely defined appraisal criteria, however, have not been prescribed by a law or bylaw so far.

4.2. Setting work objectives

For each appraisal period, a civil servant is being assigned a minimum of three and a maximum of five work objectives. In exceptional cases, if, regarding the nature of activities belonging to that specific work position and the prescribed duties and tasks, there is a difficulty to set the work objectives, two work objectives may be set. Typically, work objectives arise from the description and purpose of the work position. They must be achievable and, if possible, measurable and they must have realistically set deadlines (Article 13 of the Rulebook).

Setting of civil servant’s work objectives is under the competence of his/her line manager. The work objectives are set through the agreement between the civil servant and the line manager and they usually arise from the objectives set at the level of a specific organisational unit and the institution as a whole. The work objectives for the following period are set during the performance appraisal interview for the previous appraisal period, no later than 30 days after the beginning of appraisal period. The set work objectives are entered, in the order of their significance, in the first section of the prescribed performance appraisal form (Article 14 Paragraphs 1, 2, 4 and 5 of the Rulebook).

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<td>Objective 4</td>
<td></td>
</tr>
<tr>
<td>Objective 5</td>
<td></td>
</tr>
</tbody>
</table>
If a civil servant is opposed to the work objectives set for him/her by the line manager, he/she records his/her disagreement into comments section of the performance appraisal form. In the case of disagreement between the line manager and the civil servant, the civil servant’s work objectives are, as previously mentioned, finally set by the line manager’s immediate supervisor (Article 14 Paragraph 6 of the Rulebook).

**Changes to the set work objectives** are possible if there happen to be changes in the priorities of the institution or organisational unit, or if circumstances arise that make the work objectives impossible to achieve. Changes are established in the same way as the work objectives are set on another performance appraisal form, which is being attached to the form containing the originally set work objectives (Article 15 of the Rulebook).

The work objectives for the **civil servant on probation** are set by the line manager acting as civil servant’s mentor, who is obligated to provide to the civil servant a detailed explanation of what is expected of him/her within each of the set work objectives (Article 14 Paragraph 3 of the Rulebook). The procedure for setting of and changes to work objectives is the same as the one used for a civil servant (Article 1 Paragraph 2 of the Rulebook).

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**5. HOW IS THE PERFORMANCE APPRAISAL CONDUCTED?**

**5.1. Monitoring of work during the entire performance appraisal period**

Monitoring of the performance of duties determined by the work position is the basic precondition for the civil servant’s performance appraisal (Article 30 Paragraph 1 of the Law on Civil Service).

As previously mentioned within this chapter, during the performance appraisal period, the civil servant’s line manager is obligated to (Article 16 of the Rulebook):

- **constantly monitor the civil servant’s performance** and collect data on the civil servant’s performance success, taking into consideration the nature of work, working conditions and the civil servant’s experience level;
- **document the civil servant’s performance** during the performance appraisal period by means of recording and commenting on significant examples and evidence on how the civil servant performed.

The same obligation is assigned to the Supervisor/Mentor in the case of performance appraisal of a civil servant on probation, i.e. to the Minister in the case of performance appraisal of a Secretary and Assistant Minister on probation (Article 29 Paragraph 2 of the Law on Civil Service).

**5.2. Interview between the Evaluator and the Appraisee**
The obligatory phase in the civil servants’ performance appraisal procedure, including the ones on probation, is the interview between the Evaluator and the Appraisee. To that effect, the line manager is obligated to provide the civil servant with the filled appraisal form in a timely manner, by the date of the invitation to the interview at the latest. The interview between the line manager and the civil servant must be conducted no later than 8 days from the date of the civil servant’s receipt of the filled appraisal form (Article 23 of the Rulebook).

The interview is conducted in the atmosphere of open dialogue between the line manager and the civil servant and it should be about 30 minutes long. During the interview, the civil servant first expresses his/her opinion with respect to the fulfilment of work objectives, after which the line manager states and explains his/her view of the civil servant’s performance, recommended final grade and the proposed development plan. In addition, based on the arguments provided by the civil servant regarding his/her own performance, the line manager has the right to amend the recommended grade previously established in the form (Article 24 of the Rulebook).

In regard to the interview conducting technique, it is recommended to use the golden rules for conducting interviews, which were elaborated in more detail within the Chapter 1 of this Handbook.

Golden rules for conducting performance appraisal interviews:
- Provide the appropriate conditions;
- Create the appropriate atmosphere;
- Listen actively to the civil servant;
- Base the interview on facts;
- Use conflict overcoming techniques;
- Dedicate equal attention and time to the performance appraisal for the previous appraisal period, as well as to the establishment of the professional training and development plan and the work objectives for the next year.

5.3. Types of grades

The results achieved, as well as the overall performance result of civil servants and employees, are expressed by the following grades: “unsatisfactory”, “satisfactory”, “successful” and “very successful” (Article 17 of the Rulebook and Paragraph 4 Article 53a of the Law on Labour Relations in the Institutions of BiH).

The overall performance appraisal of civil servants is defined descriptively as follows:

- **The grade “unsatisfactory”** shall be given to the civil servant whose overall performance (pertaining to the degree of fulfilment of the set work objectives and other appraisal criteria) has not been at the level of minimum requirements related to duties and tasks for the given work position.
- **The grade “satisfactory”** shall be given to the civil servant whose overall performance has been realised with the minimum result meeting the requirements related to duties and tasks for the given work position.
- **The grade “successful”** shall be given to the civil servant whose overall performance completely meets the requirements related to duties and tasks for the given work position.
• The grade “very successful” shall be given to the civil servant whose overall performance exceeds the requirements related to duties and tasks for the given work position.

The performance appraisal grade for the civil servant on probation can be satisfactory and unsatisfactory (Article 29 Paragraph 3 of the Law on Civil Service).

5.4. Manner of determination of performance appraisal grade

The civil servant’s performance appraisal grade is determined based on the:

- performance appraisal grade according to the criteria of the degree of fulfilment of the set work objectives;
- performance appraisal grade according to other appraisal criteria (independence in work, relation towards work, creative ability and initiatives, relations with others in performance of duties and communication skills, readiness to adapt to changes and additional criterion).

The performance appraisal grade according to the criteria of the degree of fulfilment of the set work objectives is numerical and it is determined by means of awarding appropriate grade on a scale from 1 to 4 in terms of fulfilment of each civil servant’s objective, after which the average score for all objectives is calculated for the entire appraisal period

The performance appraisal grade according to other appraisal criteria is calculated by means of awarding appropriate grade on a scale from 1 to 4 to the civil servant according to each remaining criterion individually, after which the average score is calculated according to all the remaining criteria together.

The final performance appraisal grade is calculated by dividing the sum of the average performance score according to the criteria of the degree of fulfilment of the set work objectives and the average performance score according to all the remaining appraisal criteria by the number 2. The final performance appraisal grade is descriptively expressed in line with the following scale:

- “unsatisfactory” (below 1.50);
- “satisfactory” (1.50 - 2.49);
- “successful” (2.50 – 3.49)
- “very successful” (3.50 and above).

With respect to the manner of performance appraisal of a civil servant on probation, a satisfying performance appraisal shall be deemed determined if the final performance appraisal grade stated in the prescribed civil servants’ performance appraisal form says “satisfactory”, “successful” and “very successful”. An unsatisfying performance appraisal shall be deemed determined if the final performance appraisal grade stated in the prescribed civil servants’ performance appraisal form says “unsatisfactory” (Article 19 of the Rulebook).

The performance appraisal grade for employees shall be determined according to the performance results achieved by the employee during the year in executing all duties prescribed by his/her work position in a timely, regular, legal and professional manner (Paragraph 2, Article 53b of the Law on Labour Relations in the Institutions of BiH); however, the details pertaining to
the manner of determination of performance appraisal grade have not been legally regulated so far.

5.5. Recommended quotas for the determination of performance appraisal grade

One of the key issues arising during the performance appraisal procedure is how to ensure its objectivity and uniformity. Even after ensuring the basic conditions for the performance appraisal implementation, the performance appraisal process within civil service in its nature always includes the subjective judgement by the line manager as the evaluator and, therefore, it can never be completely objectivised. The results of the work done in the civil service can rarely be expressed quantitatively, but rather its quality is appreciated, which makes it more difficult to produce an objective performance appraisal for a civil servant. Different civil service bodies have either a less or a more strict approach to performance appraisal, which leads to the situation that in certain institutions almost all civil servants get the highest grades, while in the others the grades are significantly lower. This, naturally, gives rise to the issue of consistency in performance appraisal. A large number of civil servants find that performance appraisal lacks objectivity and is largely dependent on the discretionary judgement of the superior, which represents an additional hindrance to the establishment of a legitimate performance appraisal system.

One of the most frequently used mechanisms aiming at balancing performance appraisal in the contemporary performance models in comparative practice is the determination of quotas, i.e. of percentage of civil servants who can be rated with a certain grade (e.g. only 5-10% can be rated with the highest grade, only 20-30% can be rated with a middle range grade, etc.). These quotas may be legally binding or non-binding depending on whether managerial staff is obligated to apply them literally or they have certain degree of flexibility in their use. The problem that may arise when using legally binding quotas, however, especially in smaller organisational units, is the obligation of managerial staff to give the highest or the lowest grade to a few or to only one civil servant. Civil servants also hold a negative view of the system of binding quotas, because they ascribe lower grades to the determined quotas instead to their poor performance. Due to such problems, majority of countries use non-binding quotas that are used as a general performance appraisal framework.

The new Rulebook on Performance Appraisal introduces the legally non-binding quotas for civil servants’ performance appraisal, through which the managerial staff in the civil service bodies get the recommendation to give the highest grade to a lesser number of civil servants. The line managers within civil service are recommended to:

- rate up to 15% of civil servants with the highest grade “very successful”;
- rate up to 80% of civil servants with the grade “successful”;
- rate up to 5% of civil servants with the grade “unsatisfactory” (Article 33 of the Rulebook).

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1 The quota system thus exists in the public administrations of Germany, Austria, Finland, Japan, Korea, Portugal, Switzerland, Great Britain, Australia and Belgium. Unlike these countries, quotas are not being used in Hungary, New Zealand, Norway, Slovakia and the United States of America.

2 In 2007, the Ministry of Finance of Ireland published the following recommended quota amounts: grade 5, 1-10%; grade 4, 20-30%; grade 3, 40-60%, grade 2, 10-20% and grade 1, 0-10%.
It is important to note that the quota for the grade “unsatisfactory” does not by any means suggest that the managerial staff should rate 5 percent of civil servants with that grade, but rather to give that grade to up to 5 percent of civil servants i.e. not more than 5 percent of civil servants. It is desirable for the percentage of the grade “unsatisfactory” to be even significantly lower, i.e. that no civil servant is given that grade unless he/she really deserves it.

The Rulebook does not define the recommended quota for the grade “satisfactory”, but it is recommended that it is kept at the level of up to 5-10%. This would be in accordance with the European Commission’s recommendation, which suggested to its managerial staff to rate about 15% of employees with an above average grade, 10% of employees with a below average grade, while about 75% employees would be rated with a middle range grade, which establishes balance and uniformity in the performance appraisal system.

5.6. Filling out of the performance appraisal forms

The civil servants’ performance appraisal form, including the civil servants on probation as well, is prescribed by Annex I of the Rulebook. The form consists of the following parts:

5.6.1. Performance appraisal period and general information

In this part of the form, the line manager enters the data pertaining to the performance appraisal period, as well as general information of significance for the appraisal. This part is filled either during the performance appraisal interview for the previous appraisal period, or in some other moment when the civil servant and his/her line manager is setting the work objectives for the following appraisal period, which was previously mentioned in this chapter.

In the text below, there is an example showing filling out of the appraisal form for the position of Human Resources Expert Advisor.

<table>
<thead>
<tr>
<th>PERFORMANCE APPRAISAL PERIOD: 1 January 2012 – 30 June 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL INFORMATION</td>
</tr>
<tr>
<td>Civil servant’s name and surname</td>
</tr>
<tr>
<td>Civil servant’s work position title</td>
</tr>
<tr>
<td>Human Resources Expert Advisor</td>
</tr>
<tr>
<td>Organisational unit</td>
</tr>
<tr>
<td>Human Resources Unit</td>
</tr>
<tr>
<td>Name of institution</td>
</tr>
<tr>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>Line manager’s name and surname</td>
</tr>
<tr>
<td>Line manager’s work position title</td>
</tr>
<tr>
<td>Head of Human Resources Unit</td>
</tr>
<tr>
<td>Name and surname of the line manager’s immediate supervisor</td>
</tr>
<tr>
<td>Work position title of the line manager’s immediate supervisor</td>
</tr>
</tbody>
</table>
5.6.2. Appraisal of the degree of work objectives fulfilment

In this section of the performance appraisal form, the line manager enters the date of appraisal, and then comments on the degree of fulfilment of the set work objectives and the proposed grade for each of the set work objectives, by circling the appropriate grade on the scale 1-4. Finally, he/she enters the average score according to the degree of work objectives fulfilment, which is derived by adding up individual grades and then dividing the sum by the number of set work objectives.

2. APPRAISAL OF THE DEGREE OF WORK OBJECTIVES FULFILMENT

DATE OF APPRAISAL: _____15 July 2012____________________

Circle the appropriate grade

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Grade</th>
<th>Comment by the line manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1 2 3 (4)</td>
<td>The priority work objective has been achieved with exceptional quality before the set deadline</td>
</tr>
<tr>
<td>2</td>
<td>1 2 3 (4)</td>
<td>The second work objective has also been achieved completely, with an excellent result which surpasses expectations, also before the set deadline</td>
</tr>
<tr>
<td>3</td>
<td>1 2 (3) 4</td>
<td>The third work objective has been achieved in line with expectations within the set deadline</td>
</tr>
<tr>
<td>4</td>
<td>1 2 3 4</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1 2 3 4</td>
<td></td>
</tr>
</tbody>
</table>

Average score according to the degree of work objectives fulfilment: (sum of individual grades divided by the number of set work objectives) 3.66

5.6.3. Performance appraisal according to other appraisal criteria

In this section of the performance appraisal form, the line manager enters comments on the performance appraisal according to other criteria and proposed grades for each individual prescribed criterion by circling the appropriate grade on the scale 1-4. Finally, he/she enters the average score according to other criteria, which is derived by adding up individual grades and then dividing the sum by the number of criteria.

3. PERFORMANCE APPRAISAL ACCORDING TO OTHER CRITERIA

<table>
<thead>
<tr>
<th>Performance aspect</th>
<th>Grade</th>
<th>Comment by the line manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Independence in work</td>
<td>1 2 (3) 4</td>
<td>The civil servant has shown satisfying level of independence in work, rarely asking for my assistance and the assistance of her colleagues.</td>
</tr>
<tr>
<td>2. Relation towards work</td>
<td>1 2 3 (4)</td>
<td>She has never been late in executing the given tasks and she paid special attention to saving work assets, with minimal material costs.</td>
</tr>
<tr>
<td>3. Creative ability and initiative</td>
<td>1 2 3 (4)</td>
<td>She has demonstrated exceptional innovativeness in work, providing excellent proposals for the work process improvement.</td>
</tr>
<tr>
<td>4. Relations with others in performance of duties and communication skills</td>
<td>1 2 (3) 4</td>
<td>Relationship with other colleagues and clients is at a quite good level.</td>
</tr>
</tbody>
</table>
The civil servant always demonstrates exceptional readiness to adapt to changes and she is particularly interested in all forms of professional development.

<table>
<thead>
<tr>
<th>5. Readiness to adapt to changes</th>
<th>1 2 3 (4)</th>
<th>The civil servant always demonstrates exceptional readiness to adapt to changes and she is particularly interested in all forms of professional development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Additional criterion (optional)</td>
<td>1 2 3 4</td>
<td></td>
</tr>
<tr>
<td>Average score (Sum of all grades divided by the number of criteria)</td>
<td>3.6</td>
<td></td>
</tr>
</tbody>
</table>

5.6.4. Overall performance appraisal

In this section of the performance appraisal form, the line manager enters: 1. Numerically expressed overall performance grade calculated by dividing the sum of the average performance score according to the criteria of the degree of fulfilment of the set work objectives and the average performance score according to other appraisal criteria by the number 2; 2. Descriptively expressed performance grade by entering the symbol x next to the appropriate grade. The comments are entered in this section of the form by the line manager, civil servant and the line manager’s immediate supervisor. The line manager is obligated to provide special explanation for the grades “very successful” and “unsatisfactory”.

<table>
<thead>
<tr>
<th>4. OVERALL PERFORMANCE APPRAISAL</th>
<th>3.63</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall performance assessment (sum of average scores under Item 2 and 3 divided by 2)</td>
<td>Unsatisfactory (below 1.50)</td>
<td></td>
</tr>
<tr>
<td>Descriptive performance grade (mark an X next to appropriate grade)</td>
<td>Satisfactory (from 1.50 to 2.49)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Successful (from 2.50 to 3.49)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Very successful (equal to and above 3.5)</td>
<td>X</td>
</tr>
</tbody>
</table>

Comment by the line manager
The civil servant has achieved priority work objectives with exceptional results before the set deadline, while the third work objective has been achieved completely in accordance with the agreed and expected quality and quantity standards and within the agreed deadline. She is also very independent, demonstrating a high level of initiative and creativity in work. This is also contributed by her interest in attending trainings and applying gained knowledge in her work, as well as in perfecting her knowledge and capacities within master’s studies in the area of human potential development, which she currently attends.

Comment by the civil servant
I agree with the grade

Comment by the line manager’s immediate supervisor
I agree with the grade

5.6.5. Proposed professional training and development for the civil servant

In this section of the performance appraisal form, the line manager enters the areas of work for which professional training and development are recommended and explains each individual proposal separately.
5. PROPOSED PROFESSIONAL TRAINING AND DEVELOPMENT FOR THE CIVIL SERVANT

<table>
<thead>
<tr>
<th>Areas of work for which professional development is recommended</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Performance appraisal of civil servants and employees</td>
<td>Having in mind the fact that a new Rulebook on Civil Servants’ Performance Appraisal has recently been adopted, it is necessary for this civil servant to become more familiar with the new regulations by undergoing training in this area.</td>
</tr>
<tr>
<td>2. Use of competencies in the field of human potential management</td>
<td>Use of competencies in the field of human potential management is a relatively new area in HPM which has been worked on a lot lately in the countries of the region; therefore, it would be desirable that this civil servant acquires knowledge about this area, so the subject in question could be improved in BiH as well.</td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
</tbody>
</table>

5.6.6. Procedure verification

By putting their signature and entering the date of signature, the procedure verification is performed by the line manager, the civil servant, the line manager’s immediate supervisor and the Head of Institution in that same order.

5. PROCEDURE VERIFICATION

Signature of the line manager:
Date:

Signature of the civil servant:
Date:

Signature of the line manager’s immediate supervisor:
Date:

Signature of the Head of Institution:
Date:

5.7. The role of Controller and the HRM Unit

If the agreement on the final performance grade is achieved between the civil servant, his/her line manager and the line manager’s immediate supervisor, the latter shall sign the form and submit it to the Head of Institution for signature, which represents the final agreement with the grade (Article 26 of the Rulebook).

If there is a disagreement between the line manager and the line manager’s immediate supervisor, attempts shall be made to eliminate the occurred disagreement through a direct agreement between these persons; however, if this proves to be impossible, the final performance appraisal grade shall be given by the Head of Institution (Article 27 of the Rulebook).
After being signed by all relevant participants, the form shall be submitted to the HRM Unit of an Institution which is responsible for checking whether the structure demanded by the appraisal form has been followed, but which does not have the right to authenticate the essence of the performance appraisal. Should it notice shortcomings in the form, the HRM Unit of an Institution has the right to send it back to the participants for additional processing, after which the form shall be submitted to this Unit again (Article 28 of the Rulebook).

Finally, the civil servant’s performance appraisal shall become final upon the endorsement from the line manager’s immediate supervisor and the Head of Institution. In the case of disagreement, the performance appraisal shall become final according to the administrative act made by the Head of Institution, i.e. to the decision issued by the Council of Ministers if the performance of managerial civil servants is being appraised.

As previously mentioned, the HRM Unit of an Institution produces the final performance appraisal, by storing two copies of the appraisal form, and informs the civil servant about the appraisal, including the signature. One copy of the appraisal form shall be stored in the personal file, and the other one in the archive. The civil servant shall not keep a copy for him/herself, but shall have unrestricted access to the performance appraisal (Article 30 Paragraphs 1 and 2 of the Rulebook).

An employee’s performance appraisal shall be established by an administrative act of the employer as proposed by the direct superior Head of Unit, and in case the Unit does not exist, the employer produces the performance appraisal independently (Paragraph 1, Article 53a of the Law on Labour Relations in the Institutions of BiH). A copy of the administrative act on performance appraisal shall be stored in the employee’s personal file, while the other copy shall be delivered to the employee (Paragraph 2 Article 53b).

5.8. Right to appeal and lawsuit

A civil servant has the right to ask the Civil Service Appeals Board for the revision of regularity of the performance appraisal procedure, including the case when the appraisal does not take place for any reason whatsoever, within 8 days from the date he/she was informed about the final performance appraisal or within 8 days from the date of expiration of the period within which performance appraisal was supposed to take place (Article 30 Paragraph 9 of the Law on Civil Service and Article 30 Paragraph 3 of the Rulebook).

A civil servant on probation has the right to appeal to the Civil Service Appeals Board against the decision on dismissal in case of unsatisfactory performance appraisal within 8 days from the date of receipt of the decision (Article 29 Paragraph 3 Item b) of the Law on Civil Service).

A civil servant also has the right to initiate an administrative dispute in the case he/she is not satisfied with the decision issued by the Civil Service Appeals Board.

With respect to employees, if they consider that the employer has violated one of their rights pertaining to labour relations, including the rights pertaining to performance appraisal procedure, they can demand from the employer the realisation of the respective right. The employer is obligated to decide upon the request in writing within 30 days from the date of filing the request.

Filing of a request for the protection of rights pertaining to performance appraisal shall not prevent the employee to ask for the protection of the violated right before the Court of Bosnia and Herzegovina. The employee may file a lawsuit with the Court of Bosnia and Herzegovina due to
violation of a right pertaining to labour relations, as well as in the case that the employer did not decide upon the employee’s request within 30 days from the date of filing the request. The statute of limitations shall expire within a year from the date of receipt of the decision violating the employee’s right, i.e. from the date of being informed about the violation of the right pertaining to labour relations (Article 83 of the Law on Labour Relations in the Institutions of BiH).

6. WHAT ARE THE CONSEQUENCES OF PERFORMANCE APPRAISAL?

6.1. Advancement and rewarding

The results of the performance appraisal shall be taken into account for promotion and internal transfers (Article 30 Paragraph 7 of the Law on Civil Service).

The ways of advancement are following:

- **Advancement to a higher category within the work position** – based on the results of performance appraisal, a civil servant may advance to a higher category within his/her position in accordance with Article 7 Paragraph 2 and Article 31 paragraph 2 of the Law on Civil Service, as well as in accordance with the Law on Salaries and Remunerations in the Institutions of Bosnia and Herzegovina and its bylaws (Article 34 of the Rulebook).

- **Advancement to a higher work position** - the results of performance appraisal may be taken into account upon performing the procedure of advancement to a higher position. Two years after the beginning of implementation of the Rulebook, the Civil Service Agency of BiH shall propose amendments to the relevant regulations dealing with the advancement to a higher position, which will make possible for the performance appraisal to become one of the advancement criteria (Article 35 of the Rulebook).

As already mentioned within this Chapter, the Law on Salaries prescribes the obligation to follow the principle of rewarding in accordance with the performance results when determining the amount of salaries and other remunerations for the persons employed in the institutions of BiH. In line with this principle, based on objective criteria of performance measurement set out by bylaws, heads of BiH institutions may allow the employees in certain positions to advance within salary grades, as well as to get bonus payment in accordance with this Law (Article 3 Paragraph 1 Item b)). It is also provided that the bonus payment is the form of financial incentive given to reward the employee’s exceptional performance results. The reward fund can amount to a maximum of up to 2.50% of the total net salaries of the employees entitled to bonus payment. Based on the above stated information, individual annual bonus payment to an employee may amount to a maximum of up to 20% of his/her annual base salary. The reward fund is stated as a separate budget item.

On 25 March 2010, the Council of Ministers of BiH issued the Decision on framework criteria for awarding bonus payment to the employees of the BiH Institutions. Pursuant to this Decision, heads of institutions adopted internal acts regulating in more detail the performance criteria and the bonus payment acquisition procedure, which is in some institutions associated with the regular semi-annual performance appraisal.
The Law on Salaries stipulates that the inter-sectoral body shall through a methodology, apart from the criteria for classification of work positions, also establish the criteria for advancement within a salary grade, which would include the positive performance appraisal as well (Article 54 Paragraphs 4, 6 Item a)). The development of the respective methodology is underway and its adoption is expected at the beginning of 2012.

6.2. Confirmation of the civil servant's appointment

Should the performance appraisal of a civil servant on probation be satisfactory, the institution shall confirm the appointment of the civil servant (Article 29 Paragraph 3 Item a) of the Law on Civil Service).

6.3. Special programme and professional development

Should the performance appraisal be negative, in order to improve the situation, the civil servant shall undergo a special programme prescribed by the line manager after consulting the civil servant (Article 30 Paragraph 8 of the Rulebook).

Within the Appraisal Form, the line manager proposes the areas of work for which professional training and development of the civil servant are recommended and explains each of the proposals separately.

The Civil Service Agency shall organize professional development of civil servants, line managers and line managers’ immediate supervisors in the area of performance appraisal and propose measures to uniform the manner of determination of performance appraisal grade and the implementation of the performance appraisal procedure in institutions (Article 32 Paragraph 3 of the Rulebook).

6.4. Dismissal

Should there be two consecutive negative performance appraisals, the civil servant shall be dismissed. Should there be two consecutive negative performance appraisals pertaining to the category of other civil servants, the Civil Service Agency shall dismiss the civil servant upon prior opinion of the institution competent for performance appraisal. Should there be two consecutive negative performance appraisals pertaining to managerial civil servants, the competent institution shall dismiss them upon prior opinion of the Agency (Article 30 Paragraph 9 of the Law on Civil Service).

Should the performance appraisal for the civil servant on probation be unsatisfactory, the institution shall dismiss the civil servant, who shall in consequence lose his status without receiving any dismissal compensation (Article 29 Paragraph 3 Item b) of the Law on Civil Service).

The employee with two consecutive negative performance grades “unsatisfactory” shall have his/her employment terminated, on which a decision shall be issued. This decision shall be issued upon prior opinion of the trade union (Article 53c of the Law on Labour Relations in the Institutions of BiH).

7. WHAT ARE THE OBLIGATIONS OF THE INSTITUTIONS WITH RESPECT TO PERFORMANCE APPRAISAL?
All civil service bodies are obligated to submit to the Civil Service Agency reports on conducted civil servants’ performance appraisal for each performance appraisal period, no later than 30 days from the date of conducting the appraisal. The report on civil servants’ performance appraisal conducted at the institution level is prescribed by Annex II of the Rulebook and comprises the following elements: name of the institution, appraisal period, number of civil servants employed, number of appraised civil servants, average overall performance grade at the institution level (sum of all civil servants’ grades divided by the number of appraised civil servants), numerically specified grades statistics (4- “very successful”; 3 – “successful”; 2 – “satisfactory”; 1- “unsatisfactory”), number of civil servants who were not appraised, grounds for non-appraisal (briefly presented) and an additional comment if necessary (Article 36 of the Rulebook).

The Civil Service Agency is responsible for analysing reports submitted by the institutions on each performance appraisal cycle and compiling a cumulative performance appraisal report, which it submits to the Council of Ministers no later than 90 days from the date of conducting the regular performance appraisal. (Article 32 Paragraphs 1 and 2 of the Rulebook).

The Civil Service Agency is also obligated to organize professional development of civil servants, their line managers and the line managers’ immediate supervisors in the area of performance appraisal and propose measures to uniform the manner of determination of performance appraisal grade and implementation of the performance appraisal procedure in institutions (Article 32 Paragraph 3 of the Rulebook).
Poglavlje 3

PERFORMANCE APPRAISAL OF CIVIL SERVANTS AND EMPLOYEES IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

In the Federation of Bosnia and Herzegovina, performance management is governed by the:

- **Law on Civil Service in the Federation of Bosnia and Herzegovina** (hereinafter: the Law on Civil Service) published in the Official Gazette of the FBiH no. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06;
- **Law on Employees in Civil Service Bodies in the Federation of Bosnia and Herzegovina** (hereinafter: the Law on Employees) published in the Official Gazette of the FBiH no. 49/05;
- **Law on Salaries and Remunerations in the Bodies of the Federation of Bosnia and Herzegovina**, published in the Official Gazette of the FBiH no. 45/10;

1. WHO IS APPRAISED?

1.1. Persons who are appraised

In the civil service bodies in the Federation of Bosnia and Herzegovina (hereinafter: the FBiH), performance appraisal is conducted for:

- civil servants;
- employees;
- civil servants, i.e. employees, on probation.

A civil servant is an individual appointed to a civil service position by an administrative act (Article 1, paragraph 2 of the Law on Civil Service).

A civil servant may be appointed to one of the following positions:

- managerial civil servants (director of independent administrative bodies and independent institution; secretary of a civil service body, head of an administrative body or institution within the ministries, assistant head of a civil service body, main federation and main cantonal inspectors), and
- other civil servants (head of an internal organizational unit, inspectors, senior advisor, senior expert associate, expert associate). The FBiH Government prescribes the type and complexity of tasks performed within the civil servants positions, while the categories within the positions of civil servants are defined by the rulebook on internal organization of the civil service body (Article 6 of the Law on Civil Service).

In the case of the first employment in the civil service bodies, a civil servant undergoes a **probationary period**, which includes both an orientation and a performance period and
performance appraisal must be conducted for such a civil servant (Article 32, paragraph 1 of the Law on Civil Service and Article 13 of the Rulebook).

Work performance of employees is also appraised (Article 34 of the Law on Employees). Employees carry out tasks falling under the competence of a civil service body which are functionally related to the core activities falling under the competence of those bodies and which indirectly contribute to the complete, correct and efficient performance of the core activities (Article 6, paragraph 1 of the Law on Employees).

Employees who are employed based on the public vacancy announcement also undergo a probationary period. Head of the units where the employee works monitors the work of the employee on probation and evaluates employee’s professional competences demonstrated during the probationary period (Article 28, paragraph 1 of the Law on Employees).

1.2. Exemptions from the appraisal

Performance appraisal regulations provide for certain exemptions. Performance appraisal is not conducted for the following persons:

- persons who do not have the status of a civil servant and whose legal-employment status is governed by other regulations;
- employees employed for a period of less than six months;
- employees employed for a short-term period.

Performance appraisal is not conducted for persons who are not civil servants and whose legal-employment status is governed by other regulations (Article 5 of the Law on Civil Service. These are the following: Members of the Federation Parliament, President and Vice-Presidents of the Federation, Members of the Federation Government, Judges of the Federation Constitutional Court, Judges of the Federation Supreme Court, Federation Prosecutors; Members of the Cantonal Government, members of the Cantonal Assemblies, Judges of the Cantonal Courts, Cantonal Prosecutors; Members of the Municipal Governing Councils, the Municipal Executive of each Municipality and Judges of the Municipal Courts; Members of the City Councils and City Mayors; individuals employed as Advisors to these office holders; auditors employed at the Supreme Audit Institution of the Federation of Bosnia and Herzegovina, the members of police and armed forces.

Performance appraisal is not conducted for those employees who worked for less than six months in a calendar year (Article 34 of the Law on Employees). Having in mind the nature of a temporary employment, performance appraisal of employees who have such legal employment status is not conducted either. Temporary employment is used for carrying out the emergency or temporary or periodic tasks or tasks that temporarily or unexpectedly increased in volume, which are not of permanent nature, and should the need arise, for the replacement of an absent employee, which lasts until the return of the absent employee to work (Article 30 of the Law on Employees).

1.3. Duties of appraisees
A civil servant is obligated to co-operate on equal terms with his/her line manager during the performance appraisal period (Article 33, paragraph 1 of the Law on Civil Service). The obligation of co-operation also exists in the phase of setting of work objectives (Article 8, paragraph 4 of the Rulebook). At the performance appraisal interview with the line manager, the civil servant first presents his/her opinion about the fulfilment of established work objectives, and after that the line manager presents his/her opinion about the civil servant’s performance (Article 10, paragraph 1 of the Rulebook). Upon completion of the interview, after the line manager had proposed the performance appraisal grade and plan for the professional development and training, the civil servant is obligated to enter his/her comments in the performance appraisal form and reasons for possible disagreeing with the grade, the date when the comments were entered and signature.

2. WHO CONDUCTS PERFORMANCE APPRAISAL?

2.1. Evaluator

Performance appraisal for civil servants and employees is conducted by the civil servant’s or employee’s line manager. Performance appraisal of civil servants is based on the monitoring of his/her performance of duties specified by the job description during his/her service (Article 33, paragraph 1 of the Law on Civil Service).

Performance appraisal for managerial and other civil servants is performed by the head of a civil service body (Article 33, paragraph 2 of the Law on Civil Service and Article 6, paragraph 2 of the Rulebook).

Performance appraisal for the heads of independent administrative bodies and independent administrative organisations, as well as the performance appraisal of managerial civil servants appointed by the Government of the Federation of BiH is performed by the FBiH Government (Article 6, paragraph 1 of the Rulebook).

The line manager civil servant is also designated as a supervisor responsible to conduct performance appraisal at the end of the probationary period. For the managerial civil servants on probation, performance appraisal is conducted by the head of the civil service body (Article 32, paragraph 2 of the Law on Civil Service).

Performance appraisal grade for employees is given in the form of an administrative act by the head of the civil service body, at the proposal of the head of the organisational unit who is employee’s line manager, and if there is no such organisational unit, performance appraisal is performed by the head of the civil service body solely (Article 35 of the Law on Employees). Head of the organisational unit monitors the work of the employee during the probationary period and evaluates employee’s professional capabilities demonstrated during the probationary period (Article 28, paragraph 1 of the Law on Employees).

During the performance appraisal cycle and performance appraisal process, the line manager civil servant, including the line manager responsible for performance appraisal of civil servants/employees on probation, as an evaluator has numerous duties:

- setting of work objectives;
- quarterly monitoring of the degree of fulfilment of work objectives;
- monitoring and documenting of appraisee’s performance;
• conducting of the performance appraisal interview, which includes completion of the performance appraisal form;
• giving of a proposal for the performance appraisal grade and signing of the performance appraisal form;
• forwarding the performance appraisal form for further procedure (signing by his/her immediate supervisor).

The main duty of the line manager is to set the civil servant’s work objectives for the next performance appraisal period. Work objectives for the next appraisal are agreed with the civil servant, usually during the appraisal interview, not later than 30 days after the beginning of the appraisal period (Article 8, paragraph 2 and 4 of the Rulebook).

Work objectives for a civil servant on probation are also established by the line manager who is a mentor of such civil servant and who has a responsibility to provide detailed explanation to the civil servant what is expected from him/her in terms of each of the established work objectives (Article 8, paragraph 3 of the Rulebook).

For the performance appraisal of employees, work objectives to be achieved in a given period for a specific position are determined by the head of the civil service body (Article 34 of the Law on Employees). When it comes to the performance appraisal of the employees on probation, their objectives for the duration of the probationary period are established by the head of the unit monitoring the work of the employee during the probationary period (Article 34 of the Law on Employees).

The line manager is also responsible to monitor and evaluate the level of fulfilment of the work objectives quarterly, every three months (including the civil servants on probation). During the appraisal period, the line manager of a civil servant has to: continually monitor the performance of a civil servant and collect data on the civil servant’s efficiency at work, taking into account the nature of job, work conditions and civil servant’s experience; and document the work on the part of civil servant during the performance appraisal period by taking notes and commenting on important examples and evidence on how the civil servant performed his/her duties (Article 9 of the Rulebook).

The line manager is obligated to conduct the civil servant’s performance appraisal at the end of the appraisal period. Performance appraisal of the civil servant is performed during the appraisal interview with the civil servant at the form as specified. During the interview, the civil servant expresses his/her views about the fulfilment of the established work objectives, and then the line manager presents his/her opinion about the civil servant’s performance and proposes the appraisal grade and plan of the professional development (Article 10 of the Rulebook). During the interview, the line manager has to fill in the form and enter the following: general data, work objectives for the next performance appraisal period (and optionally, comments concerning the work objectives), appraisal against the general criteria, appraisal against the special criteria, appraisal of the overall work performance with comments, proposal for the professional development and training of the civil servant, and sign and date the performance appraisal form.
2.2. Line manager's immediate supervisor – controller

A line manager's immediate supervisor is a person who should play the role of a mediator in the performance appraisal process and who should try to resolve any disputes between the civil servant and his/her line manager in the performance appraisal process. The position of the line manager’s immediate supervisor is, in comparative law, usually referred to as the position of a controller. Line manager’s immediate supervisor, by the nature of his/her position is not as close to the work of the civil servant as the line manager, but he/she still has certain knowledge about the work and achieved results of the civil servant/employee who is appraised.

Although the role of the line manager’s immediate supervisor is not clearly regulated by the provisions of the Rulebook, it can be seen clearly from the appraisal form. The signature of the line manager’s immediate supervisor is required when setting work objectives (in the event of disagreements between the civil servant and line manager) as well as for the appraisal grade for civil servant’s overall performance.

Accordingly, the main duties of the line manager’s immediate supervisor are the following:

- He/she can be involved in the process of setting of work objectives in the event of disagreements between the evaluator and the appraisee;
- He/she has the right to give comments concerning the performance appraisal and performance appraisal grade in the performance appraisal form;
- He/she is obligated to affix his/her signature on the performance appraisal form and submit the form to the HRM unit, i.e. head of the body.

When, in the process of setting of civil servant’s work objectives, disagreements arise between the civil servant and his/her line manager, the line manager’s immediate supervisor is obligated to try to resolve such disagreements and enter his/her comments in the prescribed performance appraisal form.

Although it is not explicitly stipulated by the Rulebook, it is important to emphasise that the line manager’s immediate supervisor should intervene in all cases when the planned course of performance appraisal is disrupted, particularly in the event of a disagreement between the line manager and civil servant over the appraisal grade awarded. In such cases, the controller should inspect the performance appraisal process and grade awarded, conduct the interview with both the evaluator and the appraisee and try to find a compromise solution for the grade, which will be entered in the appraisal form. Should the controller fail to find a compromise, he/she is also obligated to enter his comments into the performance appraisal form about the performance appraisal itself and the appraisal grade proposed. In addition, in the event that the line manager’s immediate supervisor does not agree with the appraisal grade given by the line manager (with which the civil servant agreed), the line manager also enters his/her comments in the performance appraisal form.
Considering that the same performance appraisal form is used for appraising the performance of civil servant on probation, the line manager’s immediate supervisor has the same duties.

Carrying out of the control functions in the performance appraisal process for employees, including the ones on probation, should be based on the same principles.

In the event when the line manager (evaluator) works on the position which is immediately under the head of the civil service body who is accountable to the Government, then, consequently, there is no position of the controller. The reason is that there is no higher position in the hierarchy of the civil service body. If there is no controller, then in the performance appraisal form there will not be a signature by the controller, i.e. line manager’s immediate supervisor.

2.3. Head of civil service body

As stated above, the head of the civil service body conducts performance appraisal for managerial and other civil servants, including the ones on probation, based on the performance appraisal grade proposed by the line manager (Article 33, paragraph 2, 3 and Article 32, paragraph 2 of the Law on Civil Service and Article 6 of the Rulebook). The head of the civil service body issues an administrative act establishing the final performance appraisal grade of the civil servant, including the ones on probation (Article 11 of the Rulebook).

Performance appraisal grade for employees is determined in the form of an administrative act issued by the head of the civil service body, at the proposal of the supervising head of unit, and if there is no such unit, performance appraisal is performed solely by the head of the civil service body (Article 35 of the Law on Employees).

When it comes to employees on probation, considering that it is the supervising head of the organisational unit who monitors and evaluates employee’s capabilities, the head of the civil service body issues a decision confirming the appointment of the employee, i.e. decision on termination of employment (Article 28 of the Law on Employees).

3. WHEN IS THE PERFORMANCE APPRAISAL CONDUCTED?

3.1. Performance appraisal cycle

Civil servants performance is appraised at least every 12 months (Article 33, paragraph 3 of the Law on Civil Service). Regular performance appraisal cycle usually covers the period from 01 January to 31 December. Evaluation of fulfilment of work objectives is conducted quarterly within the regular performance appraisal cycle.

Deadline for completion of performance appraisal for civil servants is 30 days following the expiration of the appraisal period (Article 5 of the Rulebook).

Employees’ performance is appraised every year in January for the previous calendar year (Article 34 of the Law on Employees).
3.2. Exemptions from the regular performance appraisal cycle

1) Extraordinary performance appraisal

A civil servant who received the grade “unsatisfactory” has to undergo an extraordinary performance appraisal procedure which lasts three months from the day when the regular grade becomes final. The extraordinary performance appraisal is performed following the same principle as the regular appraisal, but the number and requirements of the established objectives should be adjusted to the given length of period (three months) during which the performance of civil servant will be monitored and appraised. In the case of “unsatisfactory” grade, the line manager has to propose measures and activities that he deems appropriate so that the civil servant would be able to improve his work performance during the period of extraordinary performance appraisal. Civil servant’s employment will be terminated if he receives the grade “unsatisfactory” also during the extraordinary appraisal (Article 12 of the Rulebook).

2) Performance appraisal of civil servants/employees on probation

The probationary period of civil servants includes both the orientation and performance period in the overall duration of six months. Divergence from regular duration of the probationary period is possible if, in the case of unsatisfactory performance appraisal, a civil servant submits a request for the extension of the probationary period for up to six months to the head of a civil service body (Article 32, paragraphs 1, 4 of the Law on Civil Service and Article 13 of the Rulebook).

Employees who are employed based on public vacancy announcement also undergo a probationary period in duration of three months. Exceptionally, probationary period can be extended for the employee who received unsatisfactory performance appraisal for the period of probation, at the employee’s request and after obtaining the opinion of the union, i.e. civil service mediator, for the period of three months, with set requirements which the employee has to fulfil during the extended probationary period, all of which is regulated by the decision issued by the head of the civil service body (Article 28 of the Law on Employees).

4. WHAT IS BEING APPRAISED?

4.1. Performance appraisal criteria

Criteria for performance appraisal of civil servants are divided into two groups (Article 4 of the Rulebook):

1) General criteria

• independence in work – ability to do the job with minimal supervision of the line manager);
• **attitude towards work** – presence at work place, adhering to working hours, responsibility, consistency in work, attitude towards colleagues;

• **creative ability and initiatives** – ability to find solutions and present ideas improving the work processes;

• **relations with others during performance of duties and communication skills** – ability of coherent oral and written interaction of a civil servant with co-workers and clients during performance of duties. Communication skills are reflected in the possession and display of enthusiasm and positive energy, tact and self-control, as well as the developed sense of a team work and belonging to the organisation;

• **readiness to adapt to changes** – attitude towards the introduction of new work practices; continuous professional development and application of acquired knowledge;

• **additional criterion** – it is not obligatory, but it can be used as an option in cases when the already established criteria do not entirely match the nature of work.

2) **Special criteria** refer to the **level of achievement of civil servant’s work objectives** and indicate to what degree the civil servant managed to fulfil the set work objectives in a high-quality, accurate and precise manner within with established deadlines.

**Civil servants on probation** are appraised against the same criteria as civil servants (Article 13 of the Rulebook).

**Performance appraisal grade for employees** is determined based on the results achieved during the year and timely, correct, lawful and professional performance of all tasks pertaining to his/her position (Article 35 of the Law on Employees). Criteria for performance appraisal for employees on probation, hired on the bases of a public vacancy, are their professional capabilities demonstrated during the probationary period (Article 28 of the Law on Employees).

4.2. **Setting work objectives**

Work objectives of a **civil servant** are set out for every performance appraisal period and there should be no more than five work objectives. Establishing the civil servant’s work objectives is a responsibility of the civil servant’s line manager (Article 8, paragraph 1 and 2 of the Rulebook).

Work objectives for the next appraisal period are determined during the appraisal interview for the previous appraisal period, no later than 30 days after the beginning of the appraisal period (Article 4 of the Rulebook) and they are entered in the first part of the performance appraisal report.

Comments on the work objectives can be given both by the line manager and civil servant, as well as the line manager’s immediate supervisor, as presented above. It is important to stress that these comments are not mandatory but optional and they are given only if there are disagreements between the civil servant and his/her line manager. The line manager’s immediate supervisor also has the right to give comments, after trying to resolve the disputes between the evaluator and the appraisee.
1. WORK OBJECTIVES

Date when the objectives were set: ____________________________

<table>
<thead>
<tr>
<th>Objective</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1</td>
<td></td>
</tr>
<tr>
<td>Objective 2</td>
<td></td>
</tr>
<tr>
<td>Objective 3</td>
<td></td>
</tr>
<tr>
<td>Objective 4</td>
<td></td>
</tr>
<tr>
<td>Objective 5</td>
<td></td>
</tr>
</tbody>
</table>

Comment of the line manager:  
(optional)

Comment of the civil servant:  
(optional)

Comment of the line manager’s immediate supervisor:  
(should disagreements arise)

Work objectives for a civil servant on probation are established by the line manager who is a mentor of such civil servant and who has a responsibility to provide detailed explanation to the civil servant what is expected from him/her in terms of each of the established work objectives (Article 8, paragraph 3 of the Rulebook).

The head of the civil service body establishes the objectives for a given performance appraisal period to be fulfilled by the employee within the tasks stipulated by the job description for the position held by the employee (Article 34 of the Law on Employees). Although there are no provisions specifically regulating this issue, the head of the unit who monitors the work of the employee on probation and who evaluates the employee’s professional capabilities demonstrated during the probationary period, also has the obligation to explain to the employee what is expected from him/her. This is of particular importance having in mind that he/she also has the obligation to justify the performance appraisal grade (Article 28 of the Law on Employees).

5. HOW IS THE PERFORMANCE APPRAISAL CONDUCTED

5.1. Monitoring and documenting the work during the entire performance appraisal period

A precondition to conduct performance appraisal of a civil servant is the monitoring of performance of tasks during his/her service, as specified by the job description (Article 33, paragraph 1 of the Law on Civil Service).
As already presented above, during the entire appraisal period the civil servant's line manager is obliged to:

- **continuously monitor the work of the civil servant** and collect data on how successful the civil servant’s performance is, considering the nature of duties, working conditions and level of experience of the civil servant;
- **document the work on the part of the civil servant** during the performance appraisal period by taking notes and commenting important examples and evidence of how the civil servant performed his/her duties (Article 9 of the Rulebook).

The line manager has the same obligation for **performance appraisal of civil servants on probation**, i.e. the head of the civil service body when it comes to performance appraisal of managerial civil servants on probation (Article 32, paragraph 2 of the Law on Civil Service and Article 13, paragraph 1 of the Rulebook).

Having in mind the nature and purpose of the performance appraisal, the head of the unit who is employee’s supervisor, i.e. the head of the civil service body when there is not such unit, has the obligation to monitor the employees’ work. This obligation also refers to employees on probation (Article 28 of the Law on Employees). It should be emphasised that the documenting of data about the work is an important instrument in the performance appraisal process.

### 5.2. Interview between the evaluator and appraisee

Performance appraisal of civil servants is performed during the appraisal interview with the civil servant at the performance appraisal form. The interview with the civil servant is conducted in the form of an open dialogue between the civil servant and his/her line manager conducting the appraisal. The meeting should last approximately 30 minutes. During the interview, the civil servant expresses his/her views about the achievement of the established work objectives, and then the line manager presents his/her opinion about the civil servant’s performance and proposes the grade and plan of the professional development (Article 10 of the Rulebook).

In terms of techniques to be applied during the interview, it is recommended to use the golden rules which are in more detail presented in the Chapter I of this Rulebook.

**The golden rules for the performance appraisal interview:**

- Secure appropriate conditions;
- Create the right atmosphere;
- Listen actively to the civil servant;
- Base the interview on facts;
- Use techniques for overcoming the conflicts;
- Pay equal attention and time to performance appraisal for the previous period and to the planning of the professional development and training and work objectives for the next year.

### 5.3. Types of grades
Results of civil servants’ and employees’ overall performance achieved during the performance appraisal period are expressed in accordance with the following grades (Article 33, paragraph 5 of the Law on Civil Service and Article 34 of the Law on Employees):

- Unsatisfactory;
- Satisfactory;
- Successful;
- Very successful.

Results of overall performance of civil servants and employees on probation achieved during the performance appraisal period are expressed in accordance with the following grades (Article 32, paragraph 3 of the Law on Civil Service and Article 28 of the Law on Employees):

- Unsatisfactory;
- Satisfactory.

5.4. Manner of determination of performance appraisal grade

Performance appraisal grade for a civil servant is determined based on the:

- grade for the performance in terms of the degree of the fulfilment of work objectives – which represents a sum of grades awarded for each individual objective divided by the total number of the objectives;
- performance appraisal grade against the general criteria (independence in work, attitude towards work, creative ability and initiatives, relations with others during performance of duties and communication skills, readiness to adapt to changes, additional criterion) – which represents a sum of grades awarded against the general criteria divided by the total number of the criteria (article 7 of the Rulebook).

Grades are awarded on a scale of 1 to 4, regardless whether they refer to the appraisal of the level of fulfilment of work objectives or appraisal against the general criteria.

The final grade for the overall performance of a civil servant is obtained in a manner that the sum of the final grades for the fulfilment of the work objectives and general criteria is divided by two.

The final grade for the civil servant’s overall performance is expressed as a descriptive grade, in accordance with the following scale:

- "unsatisfactory" (less than 1.50);
- "satisfactory" (1.50 – 2.49);
- "successful" (2.50 – 3.49);
- "very successful" (3.5 or more).

Should a civil servant on probation fail to meet the minimum expectations, such civil servant shall receive the grade “unsatisfactory” whereby his employment is terminated. It is considered that civil servants who, during a probation period, receive any of the remaining three grades (“satisfactory”, “successful” or “very successful”) have successfully completed their probationary work (Article 13, paragraph 2 of the Rulebook).
Performance appraisal of employees is based on the results achieved in the execution of the tasks from the job description and objectives set by the head of the civil service body for a given time period (Article 34 of the Law on Employees). Although there are no provisions governing this issue, the methodology for the performance appraisal for civil servants, including the civil servants on probation, is applicable on employees as well, including the ones on probation.

5.5. Filling out the performance appraisal forms

The Performance Appraisal Form for appraisal of civil servants, which is also used for appraisal of civil servants on probation, constitutes an integral part of the Rulebook. The grades “very successful” and “unsatisfactory” have to be explicitly elaborated and supported by facts and evidence (Article 11, paragraph 2 of the Rulebook).

The form comprises the following sections:

5.5.1. Performance appraisal period and general information

This section of the form is filled in by the line manager and it contains information on the period of performance appraisal and relevant general information. One sample of how to fill in the performance appraisal form for an expert advisor for education and training is presented in the text below.

DATE OF APPRAISAL: ____20.1.2013.____

GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Name and surname of the civil servant</th>
<th>Expert advisor for education and training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the position held by the civil servant</td>
<td>Department for Canton Sarajevo and Bosnian-Podrinje Canton</td>
</tr>
<tr>
<td>Organisational unit</td>
<td>FBiH Civil Service Agency</td>
</tr>
<tr>
<td>Administrative body</td>
<td>FBiH Civil Service Agency</td>
</tr>
<tr>
<td>Name and surname of the line manager</td>
<td>Assistant Director</td>
</tr>
<tr>
<td>Position held by the line manager</td>
<td>Director of the Civil Service Agency</td>
</tr>
<tr>
<td>Name and surname of the line manager’s immediate supervisor</td>
<td></td>
</tr>
<tr>
<td>Position held by the line manager’s immediate supervisor</td>
<td></td>
</tr>
</tbody>
</table>

The following section of the performance appraisal form is related to the work objectives set at the beginning of the performance appraisal period, which was discussed in more detail earlier within this Chapter.

5.5.2. Performance appraisal against general criteria
In this section, the line manager enters his/her comments about the grade awarded according to the general criteria and proposed grade for each of the defined criteria on the scale from 1 to 4. In the end, the line manager enters the average grade which represents the sum of all individual grades divided by the number of criteria.

<table>
<thead>
<tr>
<th>Aspect of performance</th>
<th>Grade</th>
<th>Comment by line manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Independence in work</td>
<td>1 2</td>
<td>(3) 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The civil servant demonstrated a rather good level of independence in work, rarely</td>
</tr>
<tr>
<td></td>
<td></td>
<td>asking for the assistance from me or colleagues</td>
</tr>
<tr>
<td>2. Attitude towards work</td>
<td>1</td>
<td>2 (3) 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The civil servant was responsible in performance of tasks and was never late with</td>
</tr>
<tr>
<td></td>
<td></td>
<td>his assignments.</td>
</tr>
<tr>
<td>3. Creative ability and initiatives</td>
<td>1</td>
<td>2 3 (4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The civil servant demonstrated a good level of innovativeness in work and from time</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to time gave proposals for the improvement of the work process</td>
</tr>
<tr>
<td>4. Relations with others in performance of duties and</td>
<td>1</td>
<td>2 3 (4)</td>
</tr>
<tr>
<td>communication skills</td>
<td></td>
<td>The civil servant demonstrated exceptional communication skills in relation with</td>
</tr>
<tr>
<td></td>
<td></td>
<td>other colleagues and in particular with the participants of trainings organised and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>delivered by the civil servant</td>
</tr>
<tr>
<td>5. Readiness to adapt to changes</td>
<td>1</td>
<td>2 (3) 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The civil servant demonstrated readiness to adapt to changes and the civil servant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>attended several trainings that are of benefit for civil servant’s further work.</td>
</tr>
<tr>
<td>6. Additional criterion (optional)</td>
<td>1</td>
<td>2 3 4</td>
</tr>
<tr>
<td>Average grade (sum of all grades divided by the number of</td>
<td></td>
<td>3.2</td>
</tr>
<tr>
<td>criteria)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.5.3. Performance appraisal against special criteria (level of fulfilment of work objectives)

Appraisal of the level of fulfilment of work objectives is done quarterly. Appraisal for the fulfilment of each of the work objectives is done for each quarter (three months), and the average grade for each objective is calculated in a manner that the sum of quarterly grades per objective is divided by four.

However, it is important to emphasise that there is a difference between the average grade for the fulfilment of an objective and the final grade for the fulfilment of an objective. If a civil servant demonstrated a progress in the fulfilment of an objective during the two last quarters or during the last quarter, the line manager may appraise the progress separately and award the final grade for the fulfilment of the objective which is higher than the average grade. If the line manager finds that the civil servant demonstrated lower results in terms of the
fulfilment of a specific work objective, the line manager should not reduce the average grade, but award the average grade as the final grade. The average grade will also be the final grade in the case when there was no visible improvement in the civil servant’s performance during the entire performance appraisal period.

In the end, the line manager enters the average grade in relation to the level of fulfilment of all work objectives, which represents the sum of all final grades for individual objectives divided by the number of the work objectives, as presented in the example below.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Period (quarter)</th>
<th>Average grade for objective</th>
<th>Final grade for objective</th>
<th>Comment by line manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1</td>
<td>2 3 4 4</td>
<td>3.25</td>
<td>4</td>
<td>The civil servant demonstrated the exceptional progress in achieving this objective in the second and third quarter and the civil servant fulfilled this objective in a manner that he exceeded the expectations. For that reason he was awarded the highest grade for this objective, 4.</td>
</tr>
<tr>
<td>Objective 2</td>
<td>2 3 3 3</td>
<td>2.75</td>
<td>2.75</td>
<td>The civil servant demonstrated certain progress in the realisation of this objective during the third and fourth quarter. The work objective was fulfilled with the good result, as expected.</td>
</tr>
<tr>
<td>Objective 3</td>
<td>3 2 2 2</td>
<td>2.25</td>
<td>2.25</td>
<td>The civil servant demonstrated decreased interest for this objective during the second, third and fourth quarter, so the result was not as good as expected.</td>
</tr>
<tr>
<td>Objective 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The final grade for the fulfilment of the work objectives (the sum of the final grades divided by the number of objectives) 3

**5.5.4. Overall performance appraisal**

In this section of the performance appraisal form, the line manager enters the numerical score for the overall performance, which is calculated by dividing the sum of the average grade for the level of fulfilment of the established work objectives and average grade for other criteria by 2 and enters the descriptive grade for performance by entering mark “X” next to the appropriate grade. The line manager, civil servant and line manager’s immediate supervisor enter their comments in this section of the form.
4. OVERALL PERFORMANCE APPRAISAL

<table>
<thead>
<tr>
<th>Overall performance grade (sum of the average grade under point 2 and final grade under point 3 divided by 2)</th>
<th>3.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Descriptive grade for work performance (check “X” next to the applicable grade)</td>
<td></td>
</tr>
<tr>
<td>Unsatisfactory (less than 1.50)</td>
<td></td>
</tr>
<tr>
<td>Satisfactory (from 1.50 to 2.49)</td>
<td></td>
</tr>
<tr>
<td>Successful (from 2.50 to 3.49)</td>
<td>X</td>
</tr>
<tr>
<td>Very successful (3.50 and more)</td>
<td></td>
</tr>
</tbody>
</table>

Comment by the line manager
I find the grade to be realistic and it reflects the work of the civil servant over the previous performance appraisal period

Comment by the civil servant
I agree with the grade awarded

Comment by the line manager’s immediate supervisor
I agree with the grade awarded

5.5.5. Proposed professional development and training of the civil servant

This section of the form is filled in by the line manager where he/she specifies the areas of work for which professional development and training is recommended and justifies every proposal individually.

5. PROPOSED PROFESSIONAL DEVELOPMENT AND TRAINING OF THE CIVIL SERVANT

<table>
<thead>
<tr>
<th>Areas of work for which the training is recommended</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
</tbody>
</table>

5.5.6. Procedure verification

The line manager, civil servant and line manager’s immediate supervisor verify the procedure by affixing their signature and date on the form.
5. PROCEDURE VERIFICATION

<table>
<thead>
<tr>
<th>Signature of the line manager:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of the civil servant:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of the line manager’s immediate supervisor:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

5.6. Administrative act determining the final grade

The head of the civil service body issues an administrative act about the performance appraisal of a civil servant, including the civil servants on probation (Article 11 of the Rulebook). The grades “very successful” and “unsatisfactory” have to be particularly elaborated and supported by facts and evidence (Article 11 and Article 13, paragraph 2 of the Rulebook).

The grade for performance of employees is determined by the head of the civil service body (Article 35 of the Law on Employees). The grade “unsatisfactory” has to be specially elaborated (Article 34 of the Law on Employees). In addition, performance appraisal of employees on probation is provided in writing with adequate justification (Article 28 of the Law on Employees).

5.7. Right to appeal

Civil servants have to be given the opportunity within a reasonable timeframe to attach written information to their performance appraisal and they have the right to file an appeal to the FBiH Civil Service Appeals Board for the purpose of having the performance appraisal reviewed (Article 33, paragraph 6, point b of the Law on Civil Service). A civil servant may file an appeal against the final decision concerning the grade to the FBiH Civil Service Appeals Board within eight days from the day of receipt of the administrative act (Article 11, paragraph 3 of the Rulebook).

Should there be two consecutive negative performance appraisals, the head of the civil service body, upon the prior opinion obtained from the Agency, dismisses the civil servant. The civil servant may file an appeal to the Civil Service Appeals Board for purpose of having the dismissal reviewed (Article 33, paragraph 8 of the Law on Civil Service).

A civil servant on probation has the right to file an appeal to the Appeals Board for the purpose of having the decision on dismissal reviewed (Article 32, paragraph 3 of the Law on Civil Service).

6. WHAT ARE THE CONSEQUENCES OF PERFORMANCE APPRAISAL?

6.1. Advancement
The results of the performance appraisal of civil servants are taken into account for promotion and internal transfers (Article 33, paragraph 6 of the Law on Civil Service).

The promotion of civil servants to a higher category within the work position is based on the positive performance appraisals and it is decided upon by the head of the civil service body.

On the other side, the career advancement to a higher working position within the same or a different civil service body is exclusively done through open competition and has nothing to do with the performance appraisal.

The Law on Salaries adopted in 2010 banned the rewarding based on the performance appraisal and all provisions of the Law on Civil Service governing the rewarding were repealed.

6.2. Confirmation of the civil servant's appointment

Should the performance appraisal of a civil servant on probation be satisfactory, the head of the civil service body confirms the appointment of the civil servant (Article 32, paragraph 3, point a) of the Law on Civil Service).

Equally, when the performance appraisal of an employee on probation is satisfactory, the head of the civil service body issues a decision confirming the appointment of the employee to the given position (Article 28 of the Law on Employees).

6.3. Special programme and professional development

Should the performance appraisal be negative, the civil servant undergoes a special programme as determined by his/her line manager in consultation with the civil servant, in order to remedy this situation (Article 33, paragraph 7 of the Law on Civil Service).

In the performance appraisal form, the line manager proposes the areas of work for which professional development and training of the civil servant is recommended and justifies each of the proposals individually.

The Civil Service Agency organises training on the performance appraisal process for line managers and their immediate supervisors (Article 14 of the Rulebook).

6.4. Dismissal

Should a civil servant have two consecutive negative performance appraisals, the head of the civil service body, upon the prior opinion obtained from the Agency, dismisses the civil servant (Article 33, paragraph 8 of the Law on Civil Service).

If an employee for two consecutive years receives the grade “unsatisfactory”, his/her employment in a civil service body will be terminated. The head of the civil service body will issue a decision, after obtaining the opinion of the union, i.e. civil service mediator (Article 36, Law on Employees).

If the performance appraisal of a civil servant on probation is unsatisfactory, the head of the civil service body dismisses the civil servant, who in consequence loses his/her status without receiving any dismissal due compensation. We remind that in that case there is a possibility of extension of the probationary period for up to six months, based on the request submitted to the
head of the civil service body (Article 32, paragraph 3, point b) and paragraph 4 of the Law on Civil Service and Article 13, paragraph 2 of the Rulebook).

In the event of unsatisfactory performance appraisal of the employee on probation, the head of the civil service body issues a decision on termination of employee’s employment, after obtaining the opinion of the union, provided the employees of that civil service body are organised in the union, and if the employee is not a union member, opinion of the civil service mediator (Article 28 of the Law on Employees).

7. WHAT ARE THE OBLIGATIONS OF THE INSTITUTIONS WITH RESPECT TO PERFORMANCE APPRAISAL?

7.1. Obligations of HRM units

For the needs of the performance appraisal procedure, the HRM unit should:

- prepare a list specifying the line managers and line manager’s immediate supervisors for each performance appraisal period;
- take care of equal implementation of the performance appraisal procedure at the level of the civil service body;
- advise the line managers on all issues pertaining to the performance appraisal;
- prepare the administrative act about the final grade and deliver it to the civil servant, with a signature;
- insert the performance appraisal form into a personnel file of each civil servant;
- prepare a summary report on the prescribed form and deliver it to the Civil Service Agency.

The report on performance appraisal of civil servants at the level of a civil service body is prescribed by the Rulebook and it contains the following elements: general information (name of the body, performance appraisal period, number of employed civil servants, number of appraised civil servants, name of the rapporteur, date of report submission); information on the work objectives and appraisal of the level of their fulfilment (total number of work objectives, average number of work objectives per civil servant, average grade for fulfilment of work objectives at the level of the civil service body, statistics for the fulfilment of the work objectives, comments /optional/); information about the average grade against the general criteria (average grade at the level of the civil service body in accordance with the determined criteria, grade statistics, comments /optional/); information about the overall performance grade (average grade at the level of the civil service body, grades statistics, comments /optional/); information about proposals for professional development training of civil servants (total number of civil servants for whom the training was recommended, average number of recommended trainings per civil servant, type of training, total number of civil servants enrolled at post-graduate studies with the support by the institution, comments /optional/).
7.2. Obligations of the civil service body and Civil Service Agency

All civil service bodies are obligated to submit to the Civil Service Agency reports on conducted performance appraisal for each period of performance appraisal of civil servants, using the report form which constitutes an integral part of the Rulebook.

Although it is not explicitly foreseen by the Rulebook, it is recommended that, based on the data received in the civil service bodies’ reports, the Civil Service Agency should compile an annual summary report on the performance appraisal in the civil service and submit it to the Government, in order to provide for better monitoring of the performance appraisal process in all civil service bodies.

As already said above, the Civil Service Agency will organise professional training for line managers and their immediate supervisors with regard to the process of performance appraisal (Article 14 of the Rulebook).
Chapter 4
APPRAISAL OF CIVIL SERVANTS AND EMPLOYEES IN THE REPUBLIKA SRPSKA

Appraisal of civil servants and employees in the Republika Srpska is regulated by:

- The Law on Civil Servants, published in the Official Gazette of the Republika Srpska, no. 118/08 (hereinafter referred to as the Law on Civil Servants);
- The Law on Salaries of the Employees in the Administrative Bodies of the Republika Srpska, published in the Official Gazette of the Republika Srpska, no. 118/07, 116/09 and 1/11 (hereinafter referred to as the Law on Salaries);
- The Rulebook on the Procedure of Appraisal and Career Advancement of Civil Servants and Employees, published in the Official Gazette of the Republika Srpska, no. 43/09 and 87/11.

1. WHO IS SUBJECT TO APPRAISAL?

1.1. Persons subject to appraisal – the appraisees

In the administrative bodies of the Republika Srpska, the work of:
- civil servants and
- employees

shall be subject to appraisal.

A civil servant is a person with university-level qualifications, in the employ of an administrative body, working on tasks related to the primary area of activity of said administrative body. By way of exception, a person with a Foundation Degree or secondary-level qualifications may be employed as a civil servant, in line with the Act of the Government laying down the categories of civil servants, their titles and the criteria for an analytical assessment of posts (Article 2 Paragraph 2 of the Law on Civil Servants and Article 1 Paragraph 1 of the Rulebook). The primary area of activity of administrative bodies comprises: normative and legal affairs, implementation of laws and other regulations, decision-making in administrative procedures, inspection and other professional tasks in administrative bodies (Article 2 Paragraph 3 of the Law on Civil Servants).

Posts of civil servants are: managing positions, the appointment to, and dismissal from which, is within the competence of the Government, and the positions of civil servants who report to the head of their institution (Article 25 of the Law on Civil Servants). These are the following posts: Assistant Minister, Secretary of the Ministry, Head of the RS Administration, Head of the RS Administrative Organisation, Deputy Head of the RS Administration, Assistant to Head of the RS Administration, Deputy Head of the RS Administration Organisation, Assistant to Head of the RS Administration Organisation, Chief Inspector and secretary at the Agency; Inspector; Auditor; Expert Advisor; Manager of an Internal Organisational Unit, Senior Expert Associate and Expert Associate (Article 27 Paragraph 1 of the Law on Civil Servants).

The work of employees is also subject to appraisal in the same way and under the same procedure as the work of civil servants, except second-category employees with secondary-level
qualifications and employees with primary-level qualifications, who are subject to a separate procedure (Article 113 of the Law on Civil Servants and Articles 23-30 of the Rulebook).

**An employee** is a person in the employ of an RS administrative body charged with administrative, accounting, financial or technical duties, the discharge of which is necessary for the performance of tasks from the field of activity of said administrative body (Article 2 Paragraph 4 of the Law on Civil Servants). The posts of employees and the requirements for the discharge of duties in such posts shall be regulated by a Government's Decree.

The performance of persons in the employ of **Expert Services of the Government of the Republika Srpska** and the **Office of the Public Attorney of the Republika Srpska** shall also be subject to appraisal in the same manner as the work of civil servants, but only unless regulated otherwise by a separate law (Article 2 Paragraph 5 of the Law on Civil Servants and Article 1 Paragraph 2 of the Rulebook).

It should be noted that the **probationary work of persons entering for the first time into the employ of an RS administrative body in the Republika Srpska** shall also be subject to appraisal, although not under the same appraisal regimen described in this chapter. During the probationary period, the candidate shall be informed about the tasks and duties related to the position, and the manner of monitoring and appraisal of the results of his or her work (Article 51 Paragraph 3 of the Law on Civil Servants).

### 1.2. Exceptions

Exceptions to the rules of appraisal of civil servants and employees have been laid down. The following **shall be exempt from appraisal**:

- persons appointed to managerial posts who do not have the status of a civil servant;
- civil servants and employees who have held their positions for a period insufficient to appraise their performance during appraisal period;
- civil servants and employees with fixed-term contracts.

Under the provisions of the Law on the Government of the Republika Srpska, Law on Civil Service and Law on Civil servants, persons appointed by the National Assembly of the Republika Srpska do not have the status of civil servants. In the RS administration, such appointees are ministers and their advisors. The performance of these persons is appraised by the voters in the elections.

Exempt from appraisal are also **civil servants and employees who have worked less than three months within one appraisal period** (Article 55 Paragraphs 3 and 4 of the Law on Civil Servants and Article 3 of the Rulebook). It is justified not to appraise the performance of a civil servant or employee who has not worked for a period of time sufficiently long for his or her work to be appraised. Half the time necessary for the appraisal shall be considered a sufficiently long period. Reasons for absence from work are many: sick-leave, pursuit of education, etc. In this case, one does not have to be continually absent from work, the total length of absence is relevant. However, it should be noted that temporary employment with a different employer, as well as officially condoned professional training, cannot be considered as absence from work and cannot be grounds for exemption from performance appraisal. Time spent on holidays also cannot be considered as absence from work.
Considering the temporary nature of fixed-term contracts, civil servants and employees with such contracts shall also be exempt from performance appraisal (Article 55 Paragraph 4 of the Law on Civil Servants and Article 3 of the Rulebook). These contracts are usually offered to persons substituting for civil servants during their absence from work, persons assisting with temporarily increased work load, trainees etc. Considering that these positions, from the point of view of persons occupying them, are not permanent in nature, and do not entail active involvement in all work processes, persons occupying temporary positions are not subject to appraisal.

There is a problem often encountered in practice, namely that civil servants and employees with fixed-term contracts often occupy a position for longer than had been expected, in some cases for over a year or two. In such situations, it is recommended that their performance should also be monitored in line with the provisions of the Rulebook. Such monitoring should improve their motivation for work and the quality of their work on the one hand, and lead to a harmonisation of their status with that of regularly employed civil servants on the other. It should be stressed that the monitoring of the performance of civil servants and employees should have no bearing on the legal status of persons employed under fixed-term work agreements.

### 1.3. Duties of appraisees

The main duty of a civil servant or employee being appraised is to participate in an interview conducted by the evaluator about his or her performance during the appraisal period, recommendations for additional professional training and the defining of work objectives for the next appraisal period. During this interview, the civil servant or employee shall make comments, including any objections about the grade received, which shall be entered in the appraisal form. He or she shall then sign the form (Article 18а Paragraphs 2 and 3 of the Rulebook). During appraisal process, the appraisee shall participate in the defining of his or her grade for the preceding appraisal period, and in the defining of work objectives for the next appraisal period (Article 5 Paragraph 5 of the Rulebook).

In order to ensure the implementation of the appraisal procedure, amendments to the Rulebook on Appraisal, adopted in August 2011, treat failure to participate in said procedure, i.e. in the conversation about the grade and work objectives, as a grave disciplinary offence. Thus the Rulebook stipulates that any appraisee who fails to participate in the procedure without valid reasons shall be guilty of grave disciplinary offence on the grounds of failure to discharge assigned duties or comply with the instructions of the line manager, or failure to do so in due time (Article 36а Paragraph 1 of the Rulebook, based on Article 68 Paragraph 2 subsection а of the Law on Civil servants).

### 2. WHO CONDUCTS APPRAISAL?

#### 2.1. Evaluator

As a rule, the appraisal of the performance of civil servants and employees shall be conducted by the line manager, also known as the evaluator (Article 55 Paragraph 7 of the Law on Civil Servants and Article 16 Paragraph 4 of the Rulebook).

The appraisal of the performance of assistant ministers, secretaries of ministries and heads of RS administrative bodies and RS administrative organisations which is part of a
ministry shall also be conducted by the line manager, in this case the Minister (Article 55 Paragraph 6 of the Law on Civil Servants and Article 16 Paragraph 3 of the Rulebook).

The appraisal of the performance of heads of RS administrative bodies and RS administrative organisations who report to the Government of the Republika Srpska shall be conducted by a committee appointed by the Government, which committee shall consist of three members whose status is equal to that of the appraisee (Article 55 Paragraph 8 of the Law on Civil Servants and Article 16 Paragraphs 1 and 2 of the Rulebook).

2.2. Duties of the evaluators

During appraisal procedure, the evaluator shall have the duty to:
- define the work objectives in consultation with the appraisee;
- monitor and document the work of and provide guidelines to the appraisee;
- conduct a performance appraisal interview;
- fill in and sign the appraisal form during the appraisal interview;
- coordinate appraisal work with the controller and the institution unit, to ensure correct implementation of the appraisal procedure.

The defining of the appraisee's work objectives for the next appraisal period is done during the appraisal interview conducted by the evaluator, at the same time as the defining of the grade for the preceding appraisal period (Article 5 Paragraph 5 of the Rulebook).

During every appraisal period, the evaluator shall have the duty constantly to monitor and document the work of the appraisee (Article 18а Paragraph 1 of the Rulebook).

After the end of every appraisal period, the evaluator shall have the duty to conduct an interview with the appraisee about his or her performance. The evaluator shall also be obligated to enter his comments into the appraisee's appraisal form, whereupon he or she shall sign said form and immediately forward it to the controller for approval (Article 18а Paragraphs 2-4 of the Rulebook).

In the event that a civil servant or employee refuses to take part in the appraisal process or refuses to sign the appraisal form, the evaluator shall be authorised to make an official memorandum, as well as to sign the appraisal form (Article 36а Paragraph 2 of the Rulebook). It should be noted that, in the event of a negative grade, the evaluator shall have the obligation to give the appraisee written guidelines for the rectification of the grounds for the negative grade and to set a deadline for reaching satisfactory standards and results (Article 19 Paragraph 1 of the Rulebook).

If the evaluator fails to discharge his or her duties as regards the appraisal procedure without a valid reason, it shall be considered that he or she is guilty of grave disciplinary offence, on the grounds of failure to discharge assigned duties or comply with the instructions of the line manager, or failure to do so in due time (Article 36а Paragraph 1 of the Rulebook, related to Article 68 Paragraph 2 subsection a of the Law on Civil servants).

2.3. Change of evaluator during appraisal period

It may often happen in practice that the evaluator of a civil servant or employee is changed. There are three basic reasons for this:
• transfer of the civil servant or employee to another position, either within the same administrative body or in a different one;
• change of the line manager during appraisal period in cases where the civil servant retains his or her post and is sent to do field work where he or she will naturally have a different line manager;
• transfer of the line manager to another position.

The question which arises in these situations is how the line manager can appraise the work of a civil servant or employee at the end of an appraisal period if he or she does not have sufficient information about the civil servant's performance under the former manager. Since this kind of situation is not regulated under regulations currently in effect, it is necessary to explain in detail the roles of all the actors in the appraisal procedure of this kind.

If there is a change of evaluator, every former evaluator must be fully responsible for the appraisal of the civil servant or employee for the period in which he or she was the evaluator. This means that the previous evaluator has the obligation to appraise the work of the civil servant for the period in which he or she was the line manager as soon as possible, the moment he or she finds out that the civil servant or the evaluator will be transferred to another position. The appraisal for such a shortened appraisal period is to be conducted by the regular appraisal procedure, whereby the line manager has the obligation to forward the appraisal form to his or her immediate supervisor (controller) after the appraisal interview, whereupon the controller will forward said form to the HR unit. If the civil servant is transferred to another administrative body, the HR unit of the body in which the civil servant had worked prior to the transfer shall forward the report to the HR unit of the administrative body to which the civil servant is transferred, whereupon said report shall be further forwarded to the new evaluator.

When proposing the final grade after the appraisal period, the new evaluator of the civil servant/employee shall take the grade determined by the previous evaluator in consideration.

2.4. Controller

The controller is the immediate supervisor of the evaluator, and his or her basic role is to control the appraisal process and strike a balance between the evaluator and the appraisee in matters related to appraisal (Article 16 Paragraph 5 of the Rulebook). Although the controller, by the very nature of his or her position, is at a greater remove from the civil servant's/employee's work than the evaluator, he or she still has a certain amount of knowledge regarding the performance and the results achieved by the appraisee.

In cases where the evaluator is directly subordinated to the head of an RS administrative body who reports to the Government, there shall be no controller. The reason for this is that there is no higher position in the hierarchy of the RS administrative bodies. Thus there shall be no controller in the appraisal of the performance of: assistant ministers, secretaries of ministries, Head of RS Administration and heads of RS administrative organisations within ministries. It follows that there shall be no controller in the appraisal of the highest-ranking managers in the administration, such as heads of RS administrative bodies and RS administrative organisations who report to the Government and are appraised by a special committee formed by the Government. If there is no controller involved, the appraisal report shall be submitted without his or her signature.
The controller shall oversee the quality of the entire appraisal process and shall intervene in all situations in which the process is disrupted, especially in cases where there is a lack of agreement between the evaluator and the appraisee in connexion with the setting of work objectives and the final grade. In such cases, the role of the controller is to have a discussion with both the evaluator and the appraisee, and to find a feasible solution for the disagreement through mediation and harmonisation of conflicting viewpoints.

The basic duties of the controller shall be as follows:

- control of the appraisal process;
- solving of disagreements between evaluators and appraisees;
- signing of the appraisal form.

If the controller agrees with the grade, he or she shall sign the form and forward it to the HR unit no later than five days from the receipt of the form (Article 18а Paragraph 5 of the Rulebook).

In the event of a disagreement between the evaluator and the appraisee in connexion with the grade, the controller shall attempt to solve said disagreement (Article 18а Paragraph 6 of the Rulebook). If the controller is unable to solve the disagreement, or if he or she finds the grade unrealistic or finds that the rules of procedure have been violated, he or she is authorised to make the final grade proposal (Article 18а Paragraph 7 of the Rulebook).

If the controller fails to participate in the appraisal process without a valid reason, he or she shall be considered guilty of grave disciplinary offence on the grounds of failure to discharge assigned duties or comply with the instructions of the line manager, or failure to do so in due time (Article 36а Paragraph 1 of the Rulebook related to the Article 68 Paragraph 2 Subsection a of the Law on Civil Servants).

2.5. The Committee and the Head of the Civil Service Body

The final performance appraisal score of a civil servant/employee is determined by an administrative act issued by the head of the civil service body (Article 20 Paragraph 1 of the Rulebook). Since the head of the body makes the formal decision about the appraisal score of all civil servants working in the institution, it is natural that he or she will fully rely on the work done by the evaluator and the controller in the discharge of his or her duties. However, the head of the civil service body may request additional information and modify some comments and grades. Furthermore, the head shall have the right to resolve any unresolved disagreements between the civil servants, evaluators and controllers, and to make the final decision in such situations. If the head of the civil service body substantially modifies a civil servant's performance appraisal score, he or she should have strong arguments for such a decision. Otherwise, there is a great probability that the decision on the score will be subject to a complaint filed to the Complaints Committee. The Committee will annul any decision that is not well-argumented and supported by evidence, and will order reappraisal.

The performance appraisal score of heads of RS administrative bodies and RS administrative organisations who report to the Government is determined by an administrative act issued by a committee appointed by the Government (Article 20 Paragraph 1 of the Rulebook).
3. WHEN IS THE PERFORMANCE APPRAISAL CONDUCTED?

3.1. Appraisal cycle

It is obligatory to appraise the performance of civil servants and employees every six months (Article 55 Paragraph 3 of the Law on Civil Servants). The Rulebook, amendments thereto in particular, further stipulates the following:

• appraisal shall be conducted for the period between 01 January and 30 June, and for the period between 01 July and 31 December;
• the performance of civil servants/employees shall be appraised no later than 30 days of the expiration of the appraisal period, namely no later than 30 July or 30 January respectively.

3.2. Exemptions from the regular performance appraisal cycle

By way of exemption from the regular appraisal cycle, periodic three-monthly appraisal of the performance of civil servants and employees has been provided. The purpose of this is to ensure a proactive attitude of all the participants towards the appraisal procedure. Periodic appraisal may be conducted if the civil servant's line manager or the head of the civil service body deems it necessary (Article 55 Paragraph 3 of the Law on Civil Servants, and Article 5 Paragraph 2 of the Rulebook).

The August 2011 Amendments to the Rulebook stipulate that the score determined in periodic appraisal cannot result in consequences for the civil servant, but shall be taken in consideration in the semi-annual appraisal (Article 55 Paragraph 3 of the Law on Civil Servants and Article 5 Paragraph 3 of the Rulebook).

4. WHAT IS BEING APPRAISED?

4.1. Subject of appraisal and appraisal criteria

The appraisal of the performance of a civil servant includes the results achieved in the discharge of his or her duties from the job description, the fulfilment of set work objectives, the quality of work, efficiency, independence, creativity and initiative, communication skills, willingness to adapt to changes and other traits required for the post (Article 55 Paragraph 2 of the Law on Civil Servants).

The Rulebook lays down the subject of and criteria for the appraisal of the performance of civil servants thus: (Articles 6-14):

• Results achieved in the discharge of duties from the job description and the fulfilment of set work objectives – this reflects the extent, content, structure and qualitative and quantitative values and success standards of civil servants in the fulfilment of determined work objectives.
• Quality of work – shows how conscientiously, responsibly, competently, punctiliously, thoroughly, systematically and creatively the civil servant has accomplished his or her tasks which form part of the set work objectives and his or her job description;
• **Efficiency** – shows the capacities and abilities, the quality and the amount of the work done, and the amount of time spent in doing said work, or how punctiliously and meticulously the tasks were accomplished within deadlines set in line with the objectives of the civil service body in which the civil servant works;

• **Independence in work** – shows the extent to which the civil servant is capable of performing his or her tasks in an independent and creative manner, within the functions, roles and tasks entailed by his or her position, and in line with the instructions and under the supervision of the line manager;

• **Creativity and initiative** – shows the intensity, quality, creative and inventive drive, knowledge, ability and capability of the staff displayed in the performing of their tasks, and the contribution the staff make in the developing of new ideas which contribute to the successful operation of the civil service body in which they work;

• **Communication skills** – show the most important skills in interpersonal communication during the performance of tasks, sense of tact, self control, enthusiasm and positive energy, team working skills, sense of responsibility and belonging to the organisation;
  - **Communication skills** include the reception, processing and conveying of clear and precise information, orally and in writing, using appropriate professional register, within one's own civil service body, as well as in communication with other civil service bodies;
  - **Team working** includes the activities of two or more individual civil servants, who collaborate in order to achieve a common goal, in a coordinated, organised, professional and responsible manner;

• **Willingness to adapt to changes** – reflects a systematic approach to designed learning, development, honing of skills, commitment to continual harmonisation of knowledge, skills and attitudes of civil servants with the requirements of their posts and the needs and expectations of the civil service bodies in which they work. The purpose of any adaptation to changes is to improve the professional knowledge and skills of civil servants and achieve exceptional and praise-worthy results;

• **Other traits required for the post** – includes work ethic, motivation, contribution to the workplace culture, and other necessary traits required for the post;
  - **Work ethics** includes the essence, content and the importance of work for a civil servant in the performing of daily tasks. It harmonises and directs the behaviour or individuals and working groups in the work process, and it is based on diligence, equity, equality, solidarity and responsibility.
  - **Motivation** reveals which internal factors consolidate the intellectual and physical energy, initiate and organise individual activities, direct the behaviour of staff members in the performing of daily tasks, whilst determining their intensity and duration;
  - **Contribution to workplace culture** shows the extent to which a civil servant endeavours to cultivate his or her professional abilities and develop the inclination to improve the work conditions and to strive to make the physical and social conditions at the workplace more humane.

The above-described subject and criteria of performance appraisal apply equally to civil servants and employees, but not to second-category employees with secondary-level qualifications and employees with primary-level qualifications (Article 23 of the Rulebook).
Second-category employees with secondary-level qualifications and employees with primary-level qualifications shall be appraised according to the following criteria (Articles 24-27 of the Rulebook):

- **Quality of work** – how meticulous, thorough and well-organised an employee is in performing his or her tasks.
- **Efficiency** – the ratio between the amount of work done and the amount of time spent.
- **Attitude towards work** – includes attendance, compliance with the working hours, responsibility, consistency in work and behaviour towards other staff members.

### 4.2. Setting work objectives

Amendments to the Rulebook on Performance Appraisal from August 2011 provided in detail for the procedure of setting work objectives. For each appraisal period, the civil servant, i.e. the employee, will be assigned a minimum of three and a maximum of five work objectives (Article 15, paragraph 1 of the Rulebook).

It has also been set out that the work objectives should arise from the purpose of the work post, from the work objectives as set for the organisational unit and administrative bodies as a whole, and that they should be realisable, measurable and should have realistic deadlines established (Article 15, paragraph 2 of the Rulebook). This means that the work objectives should be established on the basis of the work post purpose as set out in the Rulebook on Internal Organisation and Systematisation of Work Posts, and in compliance with the annual plan of the RS administrative body. It is natural that the work objectives vary from one appraisal period to another due to the changes in the administrative bodies’ work plans that pertain to the upcoming period, whereas the purpose of the work post mainly remains the same in an extended period of time.

Work objectives are set during the performance appraisal interview, in the course of which first the civil servant’s/employee’s performance grade is determined for the previous appraisal period and then the training and development plan is established. Work objectives for the following appraisal period, as well as the performance appraisal for the previous period, have to be respectively set and completed no later than 30 July and 30 January of the current year respectively.

Another novelty is the fact that the set work objectives may be amended if the priorities determined by the RS administrative body or organisational unit are changed, or if circumstances arise due to which the work objectives may not be achieved (Article 15, paragraph 3 of the Rulebook).

Amendments to the work objectives are effectuated by means of filling out the part of the new performance appraisal form which pertains to the work objectives (Sections VI, VII and VIII of the form) and when this form is signed by the evaluator and the appraisee. The new form will only be added to the previous one containing the original work objectives and will be enclosed with the civil servant’s file.

The examples of the work objectives will be provided in the part pertaining to the performance appraisal form, as well as in the general part (Chapter 1) hereof.
5. HOW IS THE PERFORMANCE APPRAISAL CONDUCTED?

5.1. Monitoring of work during the entire performance appraisal period

During the performance appraisal period, the evaluator will carry out constant monitoring of the civil servant’s/employee’s performance, provide him with the guidelines for improvement and write down significant examples on how the civil servant performed, considering the nature of work, working conditions and the civil servant’s level of experience (Article 18(a), paragraph 1 of the Rulebook). The performance appraisal should by no means come down to one interview at the end of the appraisal period. In order to make the performance appraisal purposeful, it is important to constantly monitor the civil servant’s performance throughout the appraisal period, to point out to the civil servant his strengths as well as his weaknesses, so that there would be no surprises at the performance appraisal interview at the end of the appraisal period.

5.2. Interview between the evaluator and the appraisee

The interview between the evaluator and the appraise represents a mandatory phase in the process of performance appraisal of civil servants and employees. Amended Rulebook from August 2011 sets forth that, following the end of the appraisal period, the evaluator shall conduct an interview on performance results with the civil servant/employee (Article 18(a), paragraph 1 of the Rulebook). Thus the interview evolved from an optional element (as it was pursuant to the provisions of the Rulebook from 2009) to a mandatory element in the performance appraisal process.

The interview should be conducted in a form of open dialogue between the evaluator and the appraise and it should last around 30 minutes, so that there is enough time to discuss the performance appraisal in the previous appraisal period, necessary training and development of the employee and, finally, setting of work objectives for the following appraisal period.

As for the interview conducting technique, it is recommended to apply the golden rules for conducting interviews that were elaborated in more detail in Chapter 1 of this Handbook.

**Golden rules for conducting performance appraisal interviews are:**

- Provide the appropriate conditions;
- Create the appropriate atmosphere;
- Listen actively to the civil servant;
- Base the interview on facts;
- Use conflict overcoming techniques, and
- Dedicate equal attention and time to the performance appraisal for the previous appraisal period, as well as to the establishment of the professional training and development plan and the work objectives for the next year.

5.3. Types of grades

Civil servant’s/employee’s performance appraisal may be expressed numerically and descriptively in the following manner:
Grade “Unsatisfactory” (1) is awarded in the event that the overall performance (which pertains to the results achieved in performing the duties falling within the scope of the work post in question and the achieved work objectives, as well as the other appraisal criteria) was below the minimum requirements for the work post in question;

Grade “Satisfactory” (2) is awarded if the overall performance has been achieved with the minimum result that complies with the requirements for the work post in question;

Grade “Successful” (3) is awarded if the overall performance has been achieved with the good result that completely matches the requirements for the work post in question;

Grade “Very Successful” (4) is awarded if the overall performance has been achieved with the excellent result that is above the requirements for the work post in question.

5.4. Manner of determination of performance appraisal score

Civil servant’s/employee’s performance appraisal score is obtained when the average score awarded following the fulfilment of work objectives is added to the average score awarded following the compliance with all other criteria and when this result is divided by two. This means that, in determination of the final score, the emphasis is laid on the appraisal of work objectives fulfilment and that this criterion prevails over the others. Appraisal of work objectives fulfilment represents 50% of the final score, whereas the other appraisal criteria represent the remaining 50%.

Performance appraisal score for the results achieved while performing duties pertaining to the work post and for the fulfilment of the established work objectives is determined by means of awarding the appropriate points on a scale of 1 to 4 in terms of fulfilment of each objective by the civil servant/employee, and then the average score for all work objectives is calculated (Article 18, paragraph 2 of the Rulebook).

Performance appraisal score according to the remaining appraisal criteria is calculated by means of awarding the appropriate points on a scale from 1 to 4 for fulfilment of each particular criterion in accordance with each particular remaining criterion, after which the average score is calculated against all remaining criteria as a whole (Article 18, paragraph 3 of the Rulebook).

Final performance appraisal score is obtained when the sum of previously mentioned average scores is divided by 2 (Article 18, paragraph 4 of the Rulebook)

Final performance appraisal of the civil servant/employee is expressed in a descriptive form, in a following manner (Article 18, paragraph 5 of the Rulebook):

- Grade “Unsatisfactory” is awarded if a civil servant scores less than 1.50 points;
- Grade “Satisfactory” is awarded if a civil servant/employee scores between 1.50 and 2.49 points;
- Grade “Successful” is awarded if a civil servant/employee scores between 2.49 and 3.49 points;
- Grade “Very Successful” is awarded if a civil servant/employee scores between 3.49 and 4 points.

Performance appraisal score of the employees falling under the second category, i.e. those with high school qualifications, and the employees with primary school qualifications is calculated by means of awarding the appropriate points on a scale of 1 to 4 for the fulfilment of each particular criterion (performance quality, performance efficiency and attitude towards
work), after which the average score for the entire performance is calculated (Article 28 of the Rulebook).

5.5. Recommended quotas for the determination of the highest performance appraisal score

With a view to ensuring harmonised appraisal in the RS administrative bodies, the evaluators are recommended to award the grade “Very Successful” to up to 20 per cents of civil servants in the course of performance appraisal process (Article 22, paragraph 3 of the Rulebook).

Such recommended quotas have been introduced through the Amendments to the Rulebook on Performance Appraisal with a view to harmonising the appraisal in the administrative bodies of the RS. Thus far, the usual practice was that different administrative bodies, and the managerial civil servants within the same administrative body, had either flexible or strict approach to the performance appraisal. This leads to a situation where in some organisational units/bodies almost all employees end up with the highest grades so that “everyone is happy”, while in the others more realistic, lower grades are awarded to civil servants.

Naturally, such situations give rise to the feeling of frustration among the employees who have been awarded realistic grades, so the purpose of the entire performance appraisal process comes into question. As it has been emphasised in the general part of this Handbook, with a view to avoiding such problems, many countries introduce legally binding or unbinding quotas, which primarily set limits as to the number of civil servants who may be awarded the highest grade.

The quotas set forth in the Rulebook on Performance Appraisal are not legally binding as they represent only a recommendation given to the administrative bodies to award the highest grade to not more than 20 per cents of the civil servants. It may occur that in some organisational units/bodies there is much more than 20% of employees (or much less than 20%) who deserve the top grade and it would be unnatural to request from managerial civil servants to precisely determine which of them will enter into these 20% who receive the highest grade. However, experience of other countries, in public and private sectors, shows that in each organisation often the majority of the employees perform satisfactorily, whereas only a small number of them really excel.

However, if the managerial civil servant or the entire administrative body really has extraordinary staff, the majority of which excel in their work, then this majority may be awarded the highest grade, in which case such grades have to be well explained and based on evidence which indicate that such grades were well deserved (for instance, work report of the administrative body or organisational unit, state audit report, etc.). It is important to stress that the provisions recommended thus far were quite rare in the by-laws throughout the region, which by no means imply that they are not legally valid and very useful.

5.6. Filling out of the performance appraisal forms

Civil servant’s and employee’s performance appraisal is carried out using the prescribed Civil Servant’s and Employee’s Performance Appraisal Form – Form number 1 (Article 22 of the Rulebook).

The performance appraisal of the employees falling under the second category, i.e. those with secondary school qualifications, and the employees with primary school qualifications will be performed using the prescribed Performance Appraisal Form for the Employees Falling under
the Second Category (those with secondary school qualifications) and the Employees with Primary School Qualifications - Form number 2 (Article 30 of the Rulebook).
The Forms consist of the following parts:

5.6.1. Personal information and information on work post

The first part of both prescribed forms is the same and it should be filled out with the personal information and the information on work post. The example of how to fill out all parts of the performance appraisal form for the work post of the HR Expert Advisor is provided below.

I - PERSONAL AND WORK POST INFORMATION

<table>
<thead>
<tr>
<th>Surname and name</th>
<th>Year and place of birth</th>
<th>Unique identification number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisational unit</td>
<td>Work post</td>
<td>Date of employment at the work post subject to performance appraisal</td>
</tr>
</tbody>
</table>

5.6.2. Performance appraisal grade

Second part of the performance appraisal form is adapted to the criteria prescribed for the performance appraisal of the civil servants and employees.

In the second part of the Form number 1, the evaluator of the civil servant/employee first fills out the part pertaining to the fulfilment of the established work objectives in the appraisal period – he enters the set work objectives, his comments on the degree of fulfilment of the set work objectives and he proposes the score for each set work objective by circling the appropriate point on a scale from 1 to 4. Finally, he enters the average score pertaining to the degree of fulfilment of the set work objectives, which is obtained by adding the individual scores and by dividing this sum by the number of set work objectives. After that, the evaluator fills out the part pertaining to the appraisal of other appraisal criteria – he enters his comments and proposes the score for each prescribed criteria by circling the appropriate point on a scale from 1 to 4. Finally, he enters the average score pertaining to the degree of fulfilment of the criteria by adding the individual scores and by dividing this sum by the number of set criteria.

In the Section C of the form, the final score is calculated by adding the scores from Table a) and Table b) and by dividing this sum by 2.

Eventually, the final grade is provided in a descriptive form in the Section D by means of entering an X next to the appropriate grade.

II CIVIL SERVANT’S PERFORMANCE APPRAISAL SCORE

<table>
<thead>
<tr>
<th>a) FULFILMENT OF SET WORK OBJECTIVES WITHIN THE APPRAISAL PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set work objectives</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>New Rulebook on Internal Organisation and Systematisation of Work Posts is produced (deadline 30 August 2011)</td>
</tr>
<tr>
<td>The procedure of registration and deregistration of the employees is completed (deadline: three days)</td>
</tr>
</tbody>
</table>
following the commencement or termination of employment) | time limits.
---|---
3. 35 draft administrative acts on civil servant’s performance appraisal are prepared (deadline: 25 July 2011) | 1 2 3 (4) | Large number of administrative acts on performance appraisal were very well prepared and in quite a brief period of time considering the delays in the work of evaluators and controllers.
4. Report on Performance Appraisal for the previous appraisal period is produced (deadline: 5 September 2011) | 1 2 (3) 4 | The Report on Performance Appraisal for the previous appraisal period was completed with few mistakes and within the prescribed time limits.
5. The programme and contents of the training on civil servant’s performance appraisal are prepared (deadline: 30 November 2011) | 1 2 3 (4) | The programme of the training for civil servant’s performance appraisal was completed in an excellent manner, with well prepared materials, and before the set deadline.

<table>
<thead>
<tr>
<th>Average score according to the fulfilment of the set work objectives</th>
<th>3.4</th>
</tr>
</thead>
</table>

### b) SCORE IN TERMS OF OTHER APPRAISAL CRITERIA

<table>
<thead>
<tr>
<th>Other appraisal criteria</th>
<th>Score (circle the appropriate point)</th>
<th>Evaluator’s comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Performance quality</td>
<td>1 2 (3) 4</td>
<td>Generally, the employee performed responsibly and attentively in carrying out his duties, but he could have been more thorough.</td>
</tr>
<tr>
<td>2. Performance efficiency</td>
<td>1 2 3 (4)</td>
<td>The civil servant completed his tasks efficiently and within prescribed deadline, and some tasks were completed even before the deadline.</td>
</tr>
<tr>
<td>3. Independence in work</td>
<td>1 2 3 (4)</td>
<td>The civil servant was very independent in his work and he rarely required either my assistance or assistance of his colleagues.</td>
</tr>
<tr>
<td>4. Creative ability and initiative</td>
<td>1 2 (3) 4</td>
<td>The civil servant showed good potential for creative ability and initiative, especially in terms of preparation of the contents of performance appraisal training.</td>
</tr>
<tr>
<td>5. Communication skills</td>
<td>1 (2) 3 4</td>
<td>The civil servant experienced certain problems regarding the communication with his colleagues.</td>
</tr>
<tr>
<td>6. Readiness to adapt to changes</td>
<td>1 2 (3) 4</td>
<td>The civil servant showed high degree of readiness to adapt to changes.</td>
</tr>
<tr>
<td>7. Other competencies required by the work post</td>
<td>1 2 (3) 4</td>
<td>The civil servant showed that he also had all other competencies required for the work in Human Resources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average score in accordance with the other appraisal criteria</th>
<th>3.14</th>
</tr>
</thead>
</table>

### c) FINAL SCORE
(sum of average scores from Table a) and Table b) divided by 2 | 3.27 |

### d) DESCRIPTIVE FINAL GRADE
(enter an X next to the appropriate grade) unsatisfactory (below 1.25)
satisfactory (from 1.25 to 2.5)  
successful (from 2.5 to 3.5)  X  
very successful (above 3.5)

In the second part of the **Form number 2**, the evaluator of the employees falling under the second category, i.e. those with secondary school qualifications and the employees with primary school qualifications enters his comments, proposes the scores in accordance with the individual criteria by circling the appropriate point on a scale from 1 to 4 and gives proposal for the final score, which is obtained by dividing the sum of scores as per individual criteria by 3.

<table>
<thead>
<tr>
<th>Appraisal criteria</th>
<th>Score (circle the appropriate point)</th>
<th>Evaluator’s comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Performance quality</td>
<td>1 2 3 (4)</td>
<td>The employee completed all tasks assigned to him in a quality, thorough, responsible and adequate manner.</td>
</tr>
<tr>
<td>2. Performance efficiency</td>
<td>1 2 3 (4)</td>
<td>His performance was very efficient, he completed his tasks in short periods of time without affecting the quality of the service provided.</td>
</tr>
<tr>
<td>3. Attitude towards work</td>
<td>1 2 3 (4)</td>
<td>The employee’s attitude towards work was above the average, which is confirmed by praises from his colleagues and people to whom he provided services.</td>
</tr>
</tbody>
</table>

### III PERFORMANCE APPRAISAL BY THE MENAGERIAL OFFICIALS

**FINAL SCORE**

| sum of scores divided by 3 | 4  | The employee’s performance may serve as an example to the other employees. |

#### 5.6.3. Comments on the performance appraisal grade

The appraisee is entitled to inspect his performance appraisal and to provide the evaluator with his comments, which will most often be the case during the performance appraisal interview.

The Rulebook on Performance Appraisal sets forth that, **following the performance appraisal interview, the civil servant will provide his comments which will be entered into the performance appraisal form by the evaluator, including the reasons for possible disagreement with the grade**, and then he will sign the form (Article 18(a), paragraph 3 of the Rulebook). So the rule is that the evaluator enters the comments of the civil servant/employee into the form purely out of practical reasons, i.e. with a view to making the performance appraisal process more efficient. This however does not mean that the civil servant/employee may not himself enter his comments into the form. **If the civil servant/employee wishes to enter himself his comments on the performance appraisal grade, he should by all means be allowed to do so, particularly if there is a disagreement about the grade.** In such case, it is more likely that the civil servant will do better job in explaining in writing his reasons for disagreement with the awarded grade then the evaluator. Also, this way the scenario in which the civil servant/employee refuses to sign the form, because he disagrees with what has been entered into it by the evaluator, may be avoided.

The controller is also obliged to enter his comments on the performance appraisal grade in the Section V of the form (Article 18(a), paragraphs 5, 6 and 7 of the Rulebook).
Below we resume the example of the performance appraisal form for the HR Expert Advisor.

III – Evaluator’s comments

| The civil servant showed very good performance results and a lot of potential for further development, yet he has to pay more attention to detail and to communication with other colleagues. |

IV – Comments of the civil servant/employee subject to performance appraisal

| I agree with the awarded grade and I think it is realistic. |

V - Controller’s comments

| I agree with the proposed grade. |

The evaluators are recommended to provide particular explanation for the grades “unsatisfactory” and “very successful”. These are the exceptions from the standard situation in which the civil servant/employee performs in accordance with the requirements of the work post. However, if the civil servant’s/employee’s performance is extremely good or completely unsatisfactory, the awarded grade should be well explained and accompanied with the supporting evidence (e.g. the reports in the drafting of which the civil servant/employee took part, etc.), which has to be kept in the evaluator’s records.

If the employee or the controller does not agree with the awarded grade, they will provide further explanations in the appropriate space in the performance appraisal form, as indicated above. If the controller disagrees with the awarded grade, in addition to the explanation he will also provide a proposal for a new grade in the appropriate space in the form, as indicated above.

5.6.4. Work objectives set for the forthcoming appraisal period

As it has been mentioned above, during the appraisal process, apart from the determination of performance grade for the previous appraisal period, the work objectives for the forthcoming appraisal period will be assigned to the civil servant/employee at the same time. (Article 5, paragraph 5 of the Rulebook).

Below are provided Sections VI, VII and VIII of the Form number 1, which pertain to the setting of work objectives for the forthcoming appraisal period. Section VI should contain the work objectives and the deadlines for reaching thereof, as agreed by the evaluator and the appraisee, who are entitled to enter into Sections VII and VIII, if they find it necessary, their comments on set work objectives.

VI – Work objectives set for the forthcoming appraisal period

<table>
<thead>
<tr>
<th>Work objective</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Completed procedure of registration and deregistration of the employees</td>
<td>3 days from the date of commencement or termination of employment</td>
</tr>
<tr>
<td>2 Completed preparation of 40 draft administrative acts on civil servant’s performance appraisal</td>
<td>25 July 2012</td>
</tr>
<tr>
<td>3 The Report on performance appraisal for the previous appraisal period produced</td>
<td>10 September 2012</td>
</tr>
<tr>
<td>4 Proposals for improvements regarding work post descriptions and satisfaction of the employees with their work in the Ministry of Justice produced in the form of a report</td>
<td>30 November 2012</td>
</tr>
</tbody>
</table>
Training on civil servant’s performance appraisal implemented on the basis of the previously prepared materials

20 December 2012

VII – Evaluator’s comments (optional)

VIII – Civil servant’s/employee’s comments (optional)

If there is a consent between the evaluator and the appraisee regarding the set work objectives for the forthcoming appraisal period, it is not necessary to fill out the above columns intended for the comments. Nevertheless, if there is a disagreement in terms of work objectives for the forthcoming appraisal period, the employee should enter his comments, whereas the controller will be in charge of resolving the existing disagreements.

5.6.5. Proposed topics for training and development in the forthcoming appraisal period

The evaluator will enter into Section IX of the Form number 1 his proposals for the topics for training and development of the appraisee, which will be confirmed by the respective signatures of the evaluator, appraisee and controller.

IX – Proposed topics for training and development in the forthcoming appraisal period

1. Performance appraisal of the civil servants and employees
2. Development of communication skills
3. Development of HRM functions in the RS administrative bodies
4. 
5. 

5.6.6. Signing of Performance Appraisal Forms

Final stage of filling out the performance appraisal form is its signature by all participants in the process. Both prescribed forms will be verified by the evaluator, civil servant and employee, i.e. the employee falling under second category and the employee with primary school qualifications, by means of placing their respective signatures and the date of signature beside their full name and surname.

Name and surname; evaluator’s signature: Date:
Signature of civil servant /employee subject to performance appraisal: Date:
Name and surname, controller’s signature: Date:

Ministry of Justice
(Name of authority)

5.6.7. Periodic appraisal
Periodic appraisal is carried out in the same manner as mandatory appraisal. In case of periodic appraisal, the prescribed forms are used as well. Considering the nature of periodic appraisal, the forms used for periodic appraisal serve exclusively as an aid in filling out the “final” appraisal form and it is not necessary to submit the form to the controller, HRM Unit or head of the Institution.

5.6.8. Situation when the appraisee refuses to take part in the process or the verification thereof

The Amendments to the Rulebook also provide for the procedures to be followed in a situation when a civil servant/employee refuses to take part in the appraisal process or fails to sign the appraisal form. In this situation, the evaluator will make an official note, and the form will be signed only by the evaluator and the controller. Based on the form signed in such manner, the head of the institution will issue the administrative act on performance appraisal (Article 36(a), paragraph 2 of the Rulebook).

5.7. The role of Controller and the HRM Unit

After the end of the interview and signing of the appraisal form, the evaluator forwards the form to the controller. As already mentioned in the part of the Handbook which explains the role of the controller, if the controller agrees with the proposal regarding the grade, he will sign the form and submit it to the HRM organisational unit within five days from the date of receipt of the form (Article 18(a), paragraph 5 of the Rulebook).

In the event of disagreement between the evaluator and the appraise regarding the proposed grade, the controller will attempt to resolve all disagreements between them within five days from the date of receipt of the appraisal form (Article 18(a), paragraph 6 of the Rulebook).

If the controller is not able to resolve disagreements between the appraisee and the evaluator and if he is of the opinion that the grade given in the appraisal form is not objective, that the appraisee’s comments on the awarded grade are justified or that the rules of the appraisal process have not been observed, he will make a decision on final proposal regarding the grade and submit the performance appraisal form to the HRM Unit (Article 18(a), paragraph 7 of the Rulebook), which will prepare the administrative act on performance appraisal and submit it for signature to the head of the institution (Article 22(a), paragraph 1, item b of the Rulebook).

5.8. Administrative act on performance appraisal

The head of the institution will decide on the final performance appraisal grade of the civil servants/employees, the employees falling under the second category (i.e. those with high school qualifications) and the employees with primary school qualifications in the administrative act (Article 20, paragraph 2 of the Rulebook).

The administrative act on performance appraisal will be submitted to the civil servant/employee, the employee falling under the second category (i.e. with high school qualifications) and the employee with primary school qualifications (Article 56, paragraph 1 of the Law on Civil Servants).
The Committee appointed by the Government will issue the administrative act on the final performance grade of the managerial civil servants in the RS administration and the RS administrative organisations which report to the Government (Article 20, paragraph 1 of the Rulebook).

5.9. Right to appeal against the administrative act on performance appraisal

An appeal against the administrative act on the civil servant’s performance grade may be lodged with the Civil Service Appeal Committee within 15 days from the date of receipt of the administrative act (Article 20, paragraph 3 of the Rulebook).

6 WHAT ARE THE CONSEQUENCES OF PERFORMANCE APPRAISAL?

6.1. Career advancement

The purpose of the performance appraisal of civil servants and employees, among other things, is also achieved by creating conditions for proper decision-making about the career advancement (Article 55, paragraph 1 of the Civil Service Law).

Career advancement is a procedure by which the civil servant may fulfill requirements to get promoted into the next higher grade of his/her position, higher category of position and within – grade step increases (Article 31 of the Rulebook). In addition to the existence of a vacant post and work experience required for career advancement, the cumulative condition is also the performance appraisal grade (Article 32 of the Rulebook).

It should be noted that performance appraisal grade is a necessary yet not a sufficient condition for career advancement, i.e. promotion into a higher grade of position or higher category of position. The decision on whether a civil servant will be promoted or not is passed by the line manager, and ultimately the head of administrative body.

Conditions for career advancement are fulfilled in the following ways:

1) Advancement to a higher grade within the same position - a civil servant, or an employee who over the course of one year, receives the grade “particularly stands out” twice consecutively shall fulfill requirements for promotion into a higher grade within her/his position which means advancement to the grade which is one grade higher than the civil servant’s assigned position (Article 33 of the Rulebook)

2) Advancement to a higher position - the civil servant who has, over the course of two years, continuously received the grade “particularly stands out” shall fulfill the requirement for promotion into a higher category of her/his position which means career advancement into the category, which is one grade higher than the category of the civil servant’s or employee’s assigned position (Article 34 of the Rulebook).

Advancement by within-grade step increases on the other hand is automatic, provided that the following two requirements are fulfilled:

1) The given category of the position to which the civil servant is assigned is divided into occupations (Article 35 of the Rulebook),
2) There is a pay grade higher than the one in which the civil servant currently is, and into which the civil servant can be promoted.

Advancement by within-grade step increases is regulated by the Law on Salaries. The Law on Salaries provides the following arrangements in terms of advancement by within-grade step increases:

1) Civil servants from the fourth, fifth, sixth and seventh group who are not managing an internal organizational unit (inspector, expert associate, expert associate holding a post-secondary school degree, expert associate holding a secondary school degree) who have over the course of one year received the grade “particularly stands out” shall be promoted into the next pay grade. In case he/she has over the course of three years consecutively received the grade “stands out” or “particularly stands out” and “stands out”, regardless of their sequence, shall be promoted into the next pay grade. The civil servant who has received the grade “satisfactory” over the course of five years consecutively shall be promoted into the next pay grade. (Article 15 of the Law on Salaries).

2) The employees from the second, third and fifth pay groups who do not hold the status of civil servants and who have over the course of one year received the grade “particularly stands out” shall be promoted into the next pay grade. If he/she has received the grade “stands out” or “particularly stands out” and “stands out” over the course of three years consecutively, regardless of their sequence, shall be promoted into the next pay grade. The employee who does not hold the status of a civil servant and who has received the grade “satisfactory” over the course of five years consecutively shall be promoted into the next pay grade (Article 22 of the Law on Salaries).

The civil servant shall also advance by transfer pursuant to the recommendation of his/her line manager and the decision on the transfer shall be issued by the head of administrative body (Article 36 of the Rulebook).

6.2. Legal consequences of negative performance appraisals

If the periodic performance appraisal is negative, the line manager shall provide the civil servant i.e. employee with the written guidelines for removal of the reasons for the negative grade and with a deadline to achieve satisfactory standards and results in work, which cannot exceed the deadline for periodic appraisal (Article 56 paragraph 2 of the Law and Article 19 of the Rulebook).

In the case that the civil servant or employee receives two consecutive negative appraisals, the head of administrative body shall issue a decision on termination of employment, i.e. the Government shall issue a decision on relief from duty and on termination of employment of the managerial civil servants. (Article 56, paragraphs 3 and 5 of the Civil Service Law and Article 21 of the Rulebook)

Prior to issuing the decision, the head of administrative body shall be obligated to obtain the opinion of the Civil Service Agency after which the conditions shall be created to initiate the procedure for issuing of the decision on termination of employment, i.e. the decision on relief from duty and termination of employment of the managerial civil servant. (Article 21 paragraph 2 of the Rulebook).
A complaint against the decision of the head of administrative body on termination of employment can be filed with the Civil Service Complaints Committee within 15 days from the date of receipt of the decision. (Article 21 paragraph 3 of the Rulebook).

Complaints against the decision of the Government on relief from duty and on termination of employment of the managerial civil servant shall not be allowed; however, an administrative dispute may be initiated before the competent court. (Article 21 paragraph 4 of the Rulebook).

7. WHAT ARE THE OBLIGATIONS OF THE INSTITUTIONS WITH RESPECT TO PERFORMANCE APPRAISAL?

7.1. Obligations of the organizational units for human resources policy

Within RS administrative bodies, organizational units for human resources policy shall be obligated to (Article 22a of the Rulebook):

• prepare for each appraisal period the list determining evaluators and controllers in the appraisal procedure and inform thereof the evaluators, controllers and civil servants that are subject to appraisal;
• prepare decisions on performance appraisal and submit them to the head of administrative body for signature;
• attach the appraisal forms to each civil servant’s personal file;
• prepare a report on the appraisal conducted within the administrative body using the Form 3 and submit it to the Civil Service Agency within 15 days from the date of conducting the appraisal, no later than September 15 i.e. March 15.

The Report on the performance appraisal of civil servants and employees in administrative bodies is prescribed by the Rulebook. Form 3 comprises the following elements: general information (name of administrative body, appraisal period, number of recruited civil servants and employees, number of appraised civil servants and employees, name of the person who submitted the report and date of report submission); information on conducted performance appraisal (average performance grade of civil servants and employees in the administrative body, grade statistics, comments-optional); recommendations for training and professional development (total number of civil servants recommended for training/professional development, average number of recommended trainings per civil servant, types of training- managerial, within the profession, foreign language courses, information technologies, European integrations, comments- optional); information on the entry of grades in the central personnel registry (total number of grades entered in the central personnel registry after the performance appraisal is conducted) and information on career advancement (number of personnel who have been promoted into a higher grade in the work position during the reporting period, number of personnel who have been promoted into a higher category within the same work position and number of personnel who have been promoted within grade-step increases during the reporting period)

7.2. Obligations of the Civil Service Agency
As already discussed, the Civil Service Agency is required to, at the request of the head of administrative body, and prior to issuing a decision on termination of employment due to two consecutive negative appraisals, **present its opinion on the application of the Rulebook on procedures for performance appraisal and career advancement of civil servants and employees.** The said opinion is a mandatory prerequisite for the initiation of proceedings for issuance of decision on the termination of employment, or decision on the termination of employment of the managerial civil servant (Article 21, paragraph 2 of the Rulebook).

The Civil Service Agency shall **analyze the administrative bodies’ reports on each appraisal cycle and draft a cumulative appraisal report,** which it will submit to the Government not later than October 15, or April 15 of the current year (Article 22a, paragraph 2 of the Rulebook). Supervision over the implementation of the provisions of the **Rulebook on procedures for performance appraisal and career advancement of civil servants and employees** shall be carried out by the Civil Service Agency and the ministry responsible for administrative affairs through administrative inspection (Article 22a, paragraph 2 of the Rulebook).

**8. START OF APPLICATION OF THE AMENDED PERFORMANCE APPRAISAL REGIME**

In Article 13 of the Rulebook on the amendments to the Rulebook on the procedures for performance appraisal and advancement of civil servants and employees (entered into force on 25 August 2011) it is provided that immediately upon entry into force of the amendments to the Rulebook the periodic performance appraisal shall be conducted pursuant to the provisions of the new and amended appraisal regime, while the regular, semi-annual appraisal shall be conducted under the provisions of the amended performance appraisal regime **as of 1 January 2012. This means that in January 2012 the evaluators and appraisees shall be obligated to define the work objectives pursuant to the amendments to the Rulebook from August 2011 and that the first performance appraisal according to the new regulations shall be conducted in July 2012.**
Chapter 5

PERFORMANCE APPRAISAL OF CIVIL SERVANTS IN BRCKO DISTRICT

Performance appraisal of civil servants and employees in Brcko District of BiH is regulated by:

- Law on Civil Service in Administrative Bodies of Brcko District of BiH, published in the Official Gazette of Brcko District of Bosnia and Herzegovina 28/06, 29/06, 19/07, 2/08, 09/08, 44/08, 25/09, 26/09 (hereinafter: the Law);
- Rulebook on performance appraisal, published in the Official Gazette of Brcko District of Bosnia and Herzegovina 51/08 (hereinafter: the Rulebook) and
- Instructions for the performance appraisal of staff in public administrative bodies also published in the Official Gazette of Brcko District of Bosnia and Herzegovina 51/08 (hereinafter: Instructions).

1. WHO IS BEING APPRAISED?

1.1. Persons who are appraised

In administrative bodies of Brcko District of BiH the performance of the following persons is appraised:

- civil servants and employees;
- civil servants and employees serving probationary period, including trainees who have the opportunity of commencement of employment on the basis of an open-ended contract

Civil servant is a person performing administrative and professional tasks in administrative bodies that are regulated by a Statute, Law and jurisdictions of the administrative body laid down by other regulations and a person performing IT-related, general and administrative, planning, material-financial and accounting tasks (Article 2, paragraph 2 of the Law).

Employee is a person who enters into employment relationship on the basis of employment contract and who works on supplementary and technical tasks and other tasks necessary for the timely and quality performance of tasks under the jurisdiction of administrative bodies, such as technical secretary, driver, courier, doorkeeper, cleaning lady (Article 2, paragraph 2 of the Law).

Probationary period shall be a mandatory category for all persons admitted to the administrative bodies for a non-fixed term. All acts on appointment shall be issued, and non-fixed term contracts concluded, provided that the mandatory 6-month probationary period is served, except in the case of trainees where the length of traineeship shall be deemed as probationary period (Article 47, paragraph 1 of the Law).

Trainees are persons recruited for the first time for the purpose of obtaining work experience in the profession in which they have earned their professional qualifications (Article 53 of the Law). After the traineeship period the Mayor assigns the trainee to a position in the administrative body for a non-fixed term pursuant to the Decision on the realization of recruitment plan, and on the basis of the probationary period appraisal (Article 58, paragraph 1 of the Law). It is important,
however, to point out that trainees who are entering into employment relationship in administrative bodies of Brcko District of BiH can have a dual status: 1) status of a trainee whose traineeship period is specified precisely and 2) status of a trainee who has the opportunity to enter into employment relationship on an open-ended basis. Only a trainee with the possibility of being recruited on an open-ended basis may be assigned to an adequate work position in the administrative body if the said trainee has received the grade “satisfactory” and if there is a vacant position and funds in the budget, and also if there is a demand to recruit the trainee in the administrative body. In the Decision on the realization of recruitment plan the positions to which trainees may be assigned are not specified since it contains only the positions that will be advertised.

Performance appraisal of the personnel employed in the Expert Service of the Brcko District Assembly, administrative services of the Brcko District Judiciary as well as in other administrative services in bodies and institutions financed from the budget of Brcko District is regulated by the provision of the Law on civil servants and employees in the Brcko District Judiciary, while the provisions of the Law on civil service in the administrative bodies of Brcko District of BiH only have a subsidiary application in this domain (pursuant to Article 3, paragraph 3 of the Law).

1.2. Exemptions from the performance appraisal

In addition to the rules for performance appraisal, exemptions are also provided. Exempted from performance appraisal are:

- appointed persons who do not have the status of civil servants;
- staff who have worked less than the time reasonably required to appraise their performance during the appraisal period;
- staff employed on fixed-term basis;
- civil servants, employees including trainees who have been appraised during the appraisal period on the basis of probationary work.

Civil servants shall be the persons whose appointment is verified by the Assembly of Brcko District of BiH, and other persons appointed in accordance with special laws (Article 3, paragraph 2 of the Law). Given the nature and character of political functions in the governmental bodies, persons holding this status are not deemed to be civil servants. The responsibility for the work of these persons is left to the process of political assessment, the cycle of which ends with the results of the consequent elections. Given that the appraisal cycle lasts for one calendar year, the employees who have worked less than half a year are not appraised, i.e. less than six months, due to sick leave or specialization (Article 2, paragraph 3 of the Rulebook). It is reasonable that a civil servant or employee who has worked less than the period necessary to fulfill the conditions for appraisal of his/her performance is not appraised. Half of the time required for appraisal is considered as realistic. Reasons for absence from work are various: sickness, education/training, etc. Exemption from performance appraisal in this case does not require continuous absence from work, the cumulative grade is relevant.

Fixed-term employees shall not be subject to performance appraisal (Article 2, paragraph 3 of the Rulebook). Recruitment of new civil servants or employees on fixed-term
basis may be done in the following cases: performing works the volume of which has increased temporarily and unexpectedly and which are not on permanent basis; replacing the absent civil servants or employees and seasonal jobs (Article 43, paragraph 1 of the Law). Employment relationship for a fixed period of time is established for temporary needs of the administrative body. It is normally done in cases when it is necessary to replace an absent civil servant until his/her return to work, when there is an increase is the volume of work, education of trainees during the traineeship is taking place, etc. Since these jobs, from the point of view of the person performing them, are not of a permanent type and therefore there is no possibility of active involvement in all work processes, the persons performing the temporary jobs are not subject to performance appraisal.

A civil servant i.e. employee, including a trainee, who is subject to appraisal based on probationary period during one calendar year cannot be subject to appraisal based on performance (Article 2, paragraph 5 of the Rulebook).

1.3. Obligations of persons subject to performance appraisal

The appraisee is obligated to attend the appraisal procedure. Should the appraisee refuse to attend the appraisal procedure without stating a justified reason, he/she shall be deemed to have committed a serious breach of official duty (Article 3 of the Rulebook). The serious breach of duty is defined as refusal to execute a task if there is no justified reason (Article 88, paragraph 1, item e) of the Law).

When it comes to civil servant or employee serving the probationary period, it should be noted that, should they fail to attend the appraisal procedure upon the probationary period expiration the appraisal shall be performed without his/her presence (Article 14, paragraph 4 of the Rulebook).

Active participation in the appraisal procedure is also an obligation for the appraisee. Firstly, the civil servant or employee who is being appraised enters his/her comments on the specified elements in the appraisal form. After the evaluator has given his/her appraisal of the results of work based on the agreed work objectives and other appraisal criteria and proposed the objectives and the contents of professional development, as well as the overall performance grade, the appraisee (civil servant or employee) can provide his/her comment. After the procedure has been executed, the performance appraisal procedure shall be verified by the evaluator. This is obligatory also in the case when the appraisee does not accept the grade and he/she is entitled to state that in his/her comment. If the appraisee refuses to perform verification of the performance appraisal procedure or leaves the appraisal venue before the appraisal has been finalized, he/she shall be deemed to have committed a serious breach of official duty. (Article 8, paragraphs 1, 3, 5, 6 and 7 of the Rulebook). In this case the serious breach of official duty is defined as failure to execute, malpractice, untimely or negligent performance of official duties (Article 88 paragraph 1 item a) of the Law).

2. WHO CONDUCTS THE PERFORMANCE APPRAISAL?

2.1. Evaluator

Performance appraisal of civil servants and employees is conducted by line manager or supervising employee, i.e. head of administrative body or the Mayor when he/she is the line manager to the civil servant or employee (Article 66, paragraph 2 of the Law).
The evaluator has a number of tasks pertaining to the procedure as well as in the procedure of performance appraisal of civil servants and employees.

First of all, every evaluator must undergo an **adequate training** organized by the Sub-Division for Human Resources of the Department for Professional and Technical Affairs of the Government of Brcko District of BiH (hereinafter: Sub-Division for Human Resources) and the training shall be based on familiarizing the evaluators with the practical procedure of appraisal of civil servants and employees (Article 4, paragraphs 1, 2 and 4 of the Rulebook). The evaluator shall introduce the appraisees to the appraisal procedure in writing or by providing them with a summarized version of the procedure and the rules of appraisal, also stating possible consequences (Article 4, paragraphs 5 and 6 of the Rulebook).

Administrative bodies shall be obligated to determine the **list of evaluators responsible for the performance appraisal of civil servants and employees they are superior to**, in a special form bearing the title “List of evaluators in the procedure of performance appraisal of civil servants and employees” and submit the list to the Sub-Division for Human Resources immediately after the previous appraisal cycle has been finalized, no later than December 31 of the current year. Should the evaluators get replaced after the list of evaluators has been determined, the administrative body shall be obligated to inform the Sub-Division for Human Resources thereof (Article 5 of the Rulebook).

In connection to the **organizing of performance appraisal**, the evaluator shall be obligated to inform in advance the civil servants and employees about the time and the procedure of appraisal in writing, no later than five days prior to the appraisal procedure execution. The evaluator is also obligated to attend the appraisal procedure, exchange opinions on performance appraisal with the appraisee in the interview and give statements on the performance (Article 6, paragraphs 3, 3, 5 and 6 of the Rulebook).

In the appraisal procedure, the evaluator shall first enter the information on the work results in the specified form (Article 66, paragraph 5 of the Law). After the appraisee has provided his/her comments, the evaluator shall provide his/her evaluation of the performance based on the agreed work objectives and propose the objectives and the contents of professional development, as well as the overall performance grade for which he/she must provide explanation (Article 67, paragraph 2 of the Law and Article 8, paragraphs 2 and 4 of the Rulebook). After the procedure has been executed, the performance appraisal procedure shall be verified by the evaluator by virtue of signing the appraisal form (Article 8, paragraph 5 of the Rulebook).

In the case of probationary performance appraisal of civil servants and employees, the role of the evaluator is trusted with a three-member Committee. The head of the administrative body where the probationary period is served shall form a Committee for the probationary performance appraisal comprising three members, one of which is the mentor responsible for orientation (article 47, paragraphs 3 and 4 of the Law and Article 14, paragraphs 1 and 2 of the Rulebook).

The Committee is obligated to: conduct the probationary performance appraisal procedure as stipulated no later than 15 days from the date of probationary period expiration and appraise the probationary period by using the special form and provide final probationary performance grade (Article 14, paragraph 3 of the Rulebook). The Committee is also obligated to submit the report on probationary performance appraisal and the probationary performance appraisal form to the head of administrative body and the Sub-Division for Human Resources (Article 14, paragraph 6 of the Rulebook).

In the case of **trainee’s probationary performance appraisal**, similar arrangements are provided. After the conclusion of employment agreement with trainees, who are being recruited
in administrative bodies, the head of the administrative body in which the trainee has served
traineeship shall appoint a person responsible for the monitoring and guiding of the trainee’s
performance, who shall be one of the members of the Committee for the trainee’s probationary
performance appraisal, no later than 15 days from the date of traineeship expiration and enter it
into the form in accordance with the special procedure provided. The Committee shall be
obligated to submit to the head of administrative body and the Sub-Division for Human
Resources the report on final trainee’s probationary performance grade and the performance
appraisal form (Article 14, paragraphs 1, 2 and 3 of the Rulebook).

Failure to meet the obligation of evaluators to conduct the appraisal procedure is penalized
pursuant to penal provisions. The refusal of the evaluator to attend the appraisal procedure
(Article 3 of the Rulebook), and failure to meet the obligation of attending the training for
conducting of appraisal procedure (Article 4, paragraph 3 of the Rulebook) shall be deemed a
serious breach of official duty which is defined as the refusal to execute a task when there are no
justified reasons (Article 88, paragraph 1, item e) of the Law). If the line manager does not
perform the probationary performance appraisal within the foreseen timeline, he/she shall be
deemed to have committed a serious breach of official duty (Article 14, paragraph 8 of the
Rulebook) which is defined as failure to execute, malpractice, untimely or negligent performance
of official duties (Article 88 paragraph 1 item a) of the Law).

2.2. The role of the Sub-Division for Human Resources

The Sub-Division for Human Resources has the role of controlling the performance
appraisal procedure of civil servants and employees, and the Sub-Division has a number of tasks
in all phases of the procedure.

The Sub-Division for Human Resources shall be obligated to organize the training of
evaluators before the appraisal procedure has been carried out. Additionally, if after the training
of the evaluators has been finalized, the evaluators should get replaced, the Sub-Division for
Human resources shall be obligated to organize training for the new evaluators as well, before the
appraisal procedure has been carried out (Article 4, paragraphs 1 and 2 of the Rulebook). The
Sub-Division for Human Resources shall determine the schedule for evaluators on the basis of
the list of evaluators which shall be submitted by the administrative bodies on a special form no
later than December 31 of the current year (Article 5 of the Rulebook).

The Sub-Division for Human Resources is obligated to organize and attend the appraisal
procedure which is being conducted between the evaluator and appraisee. The representative of
this central unit, although not the evaluator him/herself, is obliged to attend the appraisal
interviews with all civil servants and employees. During the interview, the representative shall fill
in the form titled “Civil servants’ and employees’ performance appraisal form”. The
representative of the Sub-Department of Human Resources shall fill in the form exclusively from
the aspect of the regularity of the appraisal procedure without the authority to question the
meritoriousness of the appraisal. In the case that the representative of the Sub-Division for human
resources, either based on the objection by the appraisee or according to his/her own judgment,
notes the subjectivity on the part of the evaluator during the appraisal procedure, he/she shall
request for renewal of the performance appraisal procedure (Article 6, paragraphs 1, 3,4,6,7 and 8
of the Rulebook). After the appraisal procedure has been conducted, the representative of the
Sub-Division for Human Resources shall verify the appraisal procedure by signing the appraisal
form (Article 8, paragraph 5).
The Sub-Division for Human Resources also has obligations pertaining to the consequences of the performance appraisal. Therefore the Sub-Division is obligated to draft a professional development and education plan in a special form titled “Professional Development Plan based on performance appraisal” by October 15 of the current year, on basis of which it drafts a professional development and education plan for civil servants and employees in the administrative bodies and proposes the required funds in the draft budget for the forthcoming fiscal year (Article 12 of the Rulebook).

Special obligations of this unit pertain to the right to propose the change of salary grade. The Sub-Division for Human Resources shall propose to the Mayor the change of salary grade for the civil servant or employee in accordance with the overall performance grade in a special form titled “Salary Grade Change Plan in accordance with the annual performance grade” no later than October 15 of the current year. Additionally, the Sub-Department shall inform the administrative bodies whose civil servants i.e. employees have been given two consecutive performance grades “does not meet expectations” accordingly, within 30 days from the date of appraisal and shall develop a draft Decision on the termination of employment and submit it to the Mayor for issuance (Article 13, paragraphs 1, 2 and 5 of the Rulebook).

When it comes to the performance appraisal of civil servants and employees serving the probationary period, the Sub-Division is obligated to keep records on their performance appraisal. The Sub-Division shall collect the reports on probationary performance grade and probationary performance appraisal forms. On the basis of the said reports the Sub-Division shall submit to the Mayor a proposed decision on the termination of employment in the case when a civil servant i.e. employee received a negative performance grade (Article 14, paragraphs 1, 2, 6 and 7 of the Rulebook).

Finally, the Sub-Division for Human Resources is also obligated to collect the reports on the final trainee’s probationary performance appraisal and performance appraisal forms. On the basis of a positive probationary performance appraisal the Sub-Division shall submit to the Mayor a proposed decision on allocating trainee to a work position in the administrative body for a non-specified period of time pursuant to the Decision on the realization of recruitment plan, and in the case the trainee’s probationary performance appraisal was negative the Sub-Division shall submit to the Mayor a proposed decision on the termination of employment the date of which shall correspond to the date of the employment contract expiration (Article 15, paragraphs 3, 4 and 5 of the Rulebook).

3. WHEN IS THE PERFORMANCE APPRAISAL CONDUCTED?

3.1. Performance appraisal cycle

Regular performance appraisal of civil servants and employees is conducted once a year during the months of August and September in accordance with the previously defined appraisal schedule.

With regard to the activities defined in the regulations that are required for the finalization of the appraisal procedure, and particularly to the defined final deadline for the finalization of the appraisal procedure, it is necessary that the evaluators and Sub-Division for Human Resources plan the appraisal activities thoroughly.

3.2. Exemptions from the regular performance appraisal cycle
Civil servants and employees serving the probationary period, including trainees are exempt from the regular performance appraisal cycle.

**Probationary period for civil servants and employees** commencing the employment on open-ended basis is 6 months (Article 47, paragraph 1 of the Law and Article 2, paragraph 2 of the Rulebook) and therefore it is not possible to appraise their work in the regular performance appraisal period.

**Probationary period for trainees** is adequate to the length of traineeship. Traineeship takes 12 months for university degree holders, 9 months for post-secondary school degree holders and 6 months for secondary school diploma holders, starting from the day of entering into the traineeship contract (Article 57 of the Law).

The probationary performance appraisal of civil servants and employees is conducted no later than 15 days following the date of probationary period expiration. The same arrangement is provided for trainees, but from the date of traineeship expiration (Article 15, paragraphs 1 and 2 of the Rulebook).

### 4. WHAT IS BEING APPRAISED?

#### 4.1. Performance appraisal criteria

The criteria for performance appraisal of civil servants and employees are linked with the specific aspects of performance. Those are: quality of performance, efficacy and independence in work, attitude towards work, initiative, communication skills, knowledge of work and readiness to adapt to changes (Article 16, paragraph 1, item b) of the Rulebook and Article 14 of the Instructions).

Performance appraisal comprises the following aspects:

- **Quality of performance** - is the degree to which the process or result of a specific activity approaches perfection or the ideal method of performing certain activities. Quality of performance includes: accuracy, thoroughness, and organization of work. Accuracy is defined as the ability to perform work with minimal errors. Thoroughness is defined as the ability to perform work to the end without the need for subsequent additions. Organization is the ability of proper, economic, and quality management of working time in order to quickly perform tasks, as well as the harmonization of operational activities with the priority tasks of an organ and the assessment of the importance of work activities in order to bring them in line with the priority tasks of an organ (Article 15, paragraphs 1-5 of the Instructions).

- **Efficacy in work** – is the ability of civil servants or employees to accomplish tasks with minimal cost, effort or loss (Article 16, paragraph 1 of the Instructions).

- **Independence in work** – is the ability of civil servants to perform work independently without the supervision of his/her line manager and their interventions (Article 17, paragraph 1 of the Instructions).

- **Attitude towards work** - is reflected in the presence of the civil servant or employee in their workplace, observance of working hours and responsible conduct of work (Article 18, paragraph 1 of the Instructions).
• **Initiative** - refers to the ability of civil servants to express new ideas, use and develop them, with the aim of enhancing the quality of work (Article 19, paragraph 1 of the Instructions).

• **Communication skills** – is the ability of the civil servant or employee to convey and interpret their opinions, attitudes, comments or suggestions in a clear, reliable and argument-based manner and the ability to avoid or mitigate conflicts with collocutors, as well as to take part in team work (Article 20, paragraph 1 of the Instructions).

• **Knowledge of work** - is the ability of civil servants to execute tasks and assignments well and professionally in accordance with the rules and regulations of the workplace (Article 21, paragraph 1 of the Instructions).

• **Readiness to adapt to changes** - refers to the ability of civil servants or employees to accept new ideas, develop and use them in order to enhance the quality of work and, if necessary, use them in jobs and assignments in other work positions (Article 22, paragraph 1 of the Instructions).

The same performance appraisal criteria are provided for probationary work (Article 16, paragraph 1, item h of the Rulebook), as well as for the trainees.

### 4.2. Setting key work objectives

Apart from the other elements the appraisal form shall also contain the agreed work objectives, described and elaborated in detail, that the evaluator expects from the appraise in the forthcoming appraisal period. At the end of the appraisal period the evaluator shall fill in the report form on the execution of the previously set key work objectives of the appraisee (Article 7, paragraph 2 of the Rulebook).

Accordingly, the Sub-Division for Human Resources has prescribed the form - “Identification of the appraisee’s key work objectives and report on the executed key work objectives of the appraisee” which, in addition to general information (about the institution, organizational unit, evaluator, appraisee and work positions of the evaluator and appraisee) contains the list of determined key work objectives, i.e. the list of the executed key work objectives. These forms provide a maximum of ten key work objectives which must be verified by the evaluator and appraisee.

**However, it is important to note that fulfillment of the key work objectives in Brcko District is not an appraisal criterion at the moment but only an auxiliary tool in the appraisal procedure.**

The identification of key work objectives so far has consisted mostly in entering information from a job description, without specifying the concrete activities and results that represent the key work objectives to be executed in the next appraisal period, which does not meet the purpose of determining the appraisee’s key work objectives.

**The specific activities that the civil servant or employee should perform should be defined in the work objectives form for the purpose of fulfilling the organizational goals identified in the annual plan of the administrative body.** It is necessary to define in precise terms the key work objectives, in accordance with the objectives to be achieved in a particular work position during a certain appraisal period, in the way that they are achievable, measurable and set in a realistic time frame. Examples of successful identification of key work objectives are provided in the General section, Chapter 1 of this Manual which refers to the determination of
work objectives. These principles should be applied when determining the criteria for the performance appraisal of civil servants and employees, including trainees.

5. HOW IS THE PERFORMANCE APPRAISAL CONDUCTED?

5.1. Monitoring of work during the entire performance appraisal period

The basic prerequisite for the proper performance appraisal is the monitoring of civil servant’s and employee’s performance by the evaluator during the entire appraisal period. The monitoring includes continuous supervision and appraisal of their performance.

Providing timely information on the fulfillment of the key work objectives to the appraisee is of great importance for the quality of the appraisal procedure. In this regard, documentation of performance during the appraisal period by using various techniques in accordance with the fulfilled key work objectives would improve the objectivity of the appraisal significantly.

In order to be able to determine well the performance grade the evaluators are recommended to keep monthly records of civil servants’ performance according to the same categories or executed work objectives (Article 9 of the Instructions).

Considering the active role of the appraisee in the appraisal procedure, the individuals who are appraised are recommended to keep monthly reports on their work activities. These reports should be made available to the evaluators who can verify with their signature on the report that the civil servants or employees performed the activities listed in the submitted report during the previous month. In addition, the reports can be used in case of contestations against the final grade given by the head of administrative body as evidence in proceedings before the Appellate Commission. The content of monthly reports should be phrased clearly, rendering it possible to determine the categories provided by the Form for the appraisal of civil servants and employees (Article 10 of the Instructions). The same obligation applies to the Committee for the probationary performance appraisal, or the mentor as its mandatory member (Article 47, paragraph 2 and 4 of the Law and Article 14, paragraph 2 of the Rulebook), as well as to the Committee for the trainee’s probationary performance appraisal, or the person responsible for monitoring and guiding of the trainee’s performance as one of its members (Article 56, paragraph 1 of the Law and Article 15, Paragraph 1 of the Rulebook).

5.2. Interview between the Evaluator and the Appraisee

The interview between the evaluator and appraisee is a mandatory stage in the appraisal procedure in which the evaluator and appraisee exchange opinions on the performance by individual aspects of performance, areas where progress has been made and areas where improvements are needed and where there are possibilities for additional training (Article 6, paragraph 5 of the Rulebook). The interview between the evaluator and appraisee has already been discussed in the general section (Section 1) of this Manual, but here we will mention some specific provisions of the regulations of Brcko District.

The appraisal cycle ends with the appraisal of the civil servant or employee by the evaluator in the way that prior to that a meeting between the evaluator and appraisee is organized, at which the appraisee (civil servant or employee) gives his/her comments on the specific elements in the appraisal form, following which the evaluator, after the appraisee has provided the comments, gives his grades according to the specific elements, area of work and proposes the objectives and
content of the professional development, as well as the overall performance appraisal. The aim of the meeting is for the appraisee to receive feedback on his/her performance during the appraisal cycle and recommendations on how to improve his/her performance in the next appraisal cycle (Article 2 of the Instructions).

In order to accomplish the purpose of the meeting, it is necessary for the evaluator to abide by the following recommendations (Articles 3-8 of the Instructions):

- **Criticize the result, not the person** - When criticism on the performance of the staff member is voiced it should be done in such a manner so as not to hurt his/her personality. Results and behavior are criticized, not the staff member or his/her personal qualities.

- **Presenting the scores** – When presenting the appraisal grades it is important to present the positive and then the negative grades, bearing in mind that if the positive grade is presented first the appraisee will be convinced of the good intentions of the evaluator and come to terms with the negative grade easier.

- **Know how to listen** – The evaluator must know how to listen to the appraisee and he must not interrupt him/her often.

- **Make eye contact** – The evaluator must make eye contact with the appraisee and in that way demonstrate his/her interest in the appraisee’s opinions.

- **Note down the appraisee’s reactions to grades** – It is very useful for the evaluator to observe the appraisee’s reactions to the presented grades because this enables his/her to foresee the subsequent reactions and results of the appraisee.

During the interview, the representative of the Sub-Division for Human Resources shall fill in the performance appraisal form based on the statements given by the appraisee and the evaluator (Article 6, paragraph 6 of the Rulebook).

As previously discussed, the appraisee’s failure to attend the interview is considered the basis for disciplinary liability of the appraisee, bearing in mind that his nonattendance is deemed to be a serious breach of official duty.

The listed principles are also applicable to the interview conducted during the probationary performance appraisal.

### 5.3. Manner of determination of performance appraisal score – scoring

The performance appraisal of civil servants and employees is conducted so that each performance aspect is given a numerical score from 1 to 10. The average score is the sum of all grades divided by 8. The evaluator may determine areas where progress has been made provided that the total number of scores cannot exceed the numerical score of 2.5 (Article 9, Paragraph 1 of the Regulations). The scoring system will be explained in details by filling out the performance appraisal form.

### 5.4. Filling out of the performance appraisal form

The performance appraisal form for civil servants and employees comprises the following elements: general information, performance appraisal by the aspects of performance, performance area where progress has been noticed, overall performance appraisal, the performance areas where improvements are needed, the objectives and content of the professional development and verification process.
5.4.1. General information

In the section “general information” the representative of the Human Resources Office will fill out the data about the name of the body, the name of evaluator and appraisee, and the names of their work posts as well as the date of performance appraisal. In the tables below, the example of the employment on the position of the senior expert associate for public procurement is provided:

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<th>GENERAL INFORMATION</th>
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<td>Administrative body</td>
</tr>
<tr>
<td>Organizational unit</td>
</tr>
<tr>
<td>Date of Performance Appraisal</td>
</tr>
<tr>
<td>First and Last Name of Appraisee</td>
</tr>
<tr>
<td>Name of the work post of the appraisee</td>
</tr>
<tr>
<td>Time that appraisee has spent at the current job position</td>
</tr>
<tr>
<td>First and Last Name of Evaluator</td>
</tr>
<tr>
<td>Job position/evaluator position</td>
</tr>
<tr>
<td>First and Last Name of the Human Resources Body Representative</td>
</tr>
</tbody>
</table>

5.4.2. Performance appraisal by aspects of performance

The numerical grades by aspects are entered in this section along with the average grade and the comments of the persons involved in the performance appraisal procedure (Article 15, Paragraph 5 – 11 of the Instructions).

<table>
<thead>
<tr>
<th>1. PERFORMANCE APPRAISAL BY THE ASPECTS OF PERFORMANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grades are numerical, ranging from 1 – 10</td>
</tr>
<tr>
<td>Aspect of performance</td>
</tr>
<tr>
<td>1. Performance quality</td>
</tr>
</tbody>
</table>
2. **Performance efficiency** | 9 | Work is performed with a high level of efficiency and minimum efforts, costs and losses.

3. **Independence in work** | 8 | Independence in work was average, quite satisfactory and the work was carried out with periodic consultations with supervisor.

4. **Attitude towards work** | 8 | The civil servant performed the work responsibly with periodic unnecessary absence from the workplace.

5. **Initiative** | 7 | The servant rarely expressed new ideas with the aim of raising performance quality.

6. **Communication skills** | 9 | The servant has excellent ability of internal and external communication, frequently participates in team work, and successfully solves conflict situations.

7. **Knowledge of work** | 8 | The servant is particularly informed of his work, professional rules and services and often participates in the professional trainings.

8. **Readiness to adapt to changes** | 8 | The servant applies very well his/her own knowledge and skills at his workplace and, when needed, at jobs in other workplaces.

| Average grade (the sum of all grades divided by 8) | 8,12 |

Numerical grades by the aspects of performance are as follows:

- **For the performance quality** (Article 15, Paragraph 5 – 11 of the Instructions)
  - Grade 10 shall be given to the civil servant or employee who performs duties with above-average quality
  - Grade 9 shall be given to the civil servant or employee who performs duties in a superior way
  - Grade 8 shall be given to the civil servant or employee who performs duties with average quality
  - Grade 7 shall be given to the civil servant or employee who frequently makes mistakes when performing duties and does not need help for removing mistakes
  - Grade 6 shall be given to civil servant or employee who makes mistakes in more than 50% of work and needs help to eliminate them.
  - Grade 5 or less shall be given to servant who rarely performs his/her duties.
• **For the Performance Efficiency** (Article 16, Paragraph 2 – 7 of the Instructions):
  - Grade 10 shall be given to civil servant or employee who performs work most efficiently.
  - Grade 9 shall be given to civil servant or employee who efficiently performs his duties with minimal efforts, costs or losses.
  - Grade 8 shall be given to civil servant or employee who efficiently performs duties but requires more efforts and time.
  - Grade 7 shall be given to civil servant or employee who performs duties averagely without too much effort, costs or losses.
  - Grade 6 shall be given to civil servant or employee who invest a lot of effort to perform duties and thus causes unnecessary costs or losses.
  - Grade 5 or less shall be given to servant or employee who is rarely efficient in performing duties.

• **For Independence in work** (Article 17, Paragraph 2 – 7 of the Instructions):
  - 10 shall be given to civil servant or employee who performs duties with minimum supervision by immediate supervisor, which is reflected in monitoring employee performance only.
  - Grade 9 shall be given to civil servant or employee who performs duties with minimum supervision by immediate supervisor but with the occasional consultations with the immediate supervisor.
  - Grade 8 shall be given to civil servant or employee who performs duties with periodic monitoring of the supervisor and occasional consultations with supervisor.
  - Grade 7 shall be given to civil servant or employee who performs duties with periodic monitoring of the supervisor and frequent consultations with supervisor.
  - Grade 6 shall be given to civil servant or employee who performs duties with frequent monitoring of supervisor and frequent consultations with supervisor.
  - Grade 5 or less shall be given to servant or employee who performs duties under the constant monitoring of the supervisor and with the constant orders of the supervisor.

• **For attitude towards work** (Article 18, Paragraph 2 – 7 of the Instructions):
  - Grade 10 shall be given to civil servant or employee, who comes to work on time, does not leave earlier from work, does not withdraw unnecessarily from workplace, and who responsibly performs duties.
  - Grade 9 shall be given to civil servant or employee who comes to work on time, does not leave earlier from work, and sometimes withdraws unnecessarily from work and who responsibly performs duties.
  - Grade 8 shall be given to civil servant or employee who comes to work on time, sometimes leaves earlier from work, and sometimes withdraws unnecessarily from work and who responsibly performs duties.
- Grade 7 shall be given to civil servant or employee who is rarely late to work, sometimes leaves earlier from work, and sometimes unnecessarily withdraws from workplace and who responsibly performs duties.
- Grade 6 shall be given to civil servant or employee who is frequently late to work and leaves earlier from workplace and unnecessarily withdraws from workplace and who satisfactorily responsibly performs duties.
- Grade 5 or less shall be given to servant or employee who is constantly late to work and leaves earlier and unnecessarily withdraws from workplace and who performs duties in a responsible way, at an above-average level.

**For Initiative** (Article 19, Paragraph 2 – 7 of Instructions):
- Grade 10 shall be given to civil servant or employee who constantly expresses new ideas, developing and using them with the aim to raise the performance quality
- Grade 9 shall be given to civil servant or employee who frequently expresses new ideas, developing and using them with the aim to raise the performance quality
- Grade 8 shall be given to civil servant or employee who frequently expresses new ideas, and sometimes develops and uses them with the aim to raise the performance quality
- Grade 7 shall be given to civil servant or employee who expresses new ideas and rarely uses them with the aim to raise the performance quality
- Grade 6 shall be given to civil servant or employee who rarely expresses new ideas and rarely uses them with the aim to raise the performance quality
- Grade 5 or less shall be given to servant or employee who does not have new ideas that can be applied with the aim to raise the performance quality

**For communication skills** (Article 20, Paragraph 2 – 7 of the Instructions):
- Grade 10 shall be given to civil servant or employee who has an excellent skill of internal and external communication, initiates team work and never comes in conflict situations.
- Grade 9 shall be given to civil servant or employee who has an excellent skill of internal and external communication, participates frequently in the team work, and successfully resolves the conflict situations.
- Grade 8 shall be given to civil servant or employee who has a good skill of internal and external communication, participates frequently in the team work and successfully resolves the conflict situations.
- Grade 7 shall be given to civil servant or employee who has an average skill of internal and external communication, sometimes participates in team work and sometimes enters the conflict situations.
- Grade 6 shall be given to civil servant or employee who has an insufficient capacity for internal and external communication, rarely participates in team work and often enters the conflict situations.
- Grade 5 or less shall be given to servant or employee who has a poor capacity for internal and external communication, rarely participates in team work, and often causes conflict situations.
• **For knowledge of work** (Articles 21, Paragraph 2 – 7 of Instructions):

  - Grade 10 shall be given to civil servant or employee who excellently knows the work he/she performs, the rules of profession and service and constantly improves professionally.
  - Grade 9 shall be given to civil servant or employee who knows very well the work he/she performs, the rules of profession and service and regularly improves professionally.
  - Grade 8 shall be given to civil servant or employee who particularly well the work he/she performs, the rules of profession and service and further improves professionally.
  - Grade 7 shall be given to civil servant or employee who averagely knows the work he/she performs, the rules of profession and service and further improves professionally.
  - Grade 6 shall be given to civil servant or employee who insufficiently knows the work he/she performs, the rules of profession and service and further improves professionally.
  - Grade 5 or less shall be given to servant or employee who insufficiently knows the work he/she performs, the rules of profession and service and insufficiently improves professionally.

• **For readiness to adapt to changes** (Article 22, Paragraph 2 – 7 of the Instructions)

  - Grade 10 shall be given to civil servant or employee who readily accepts new ideas, develops them and uses them with the aim to raise performance quality, and, when needed, he/she excellently applies their own knowledge and skills for performing duties of other work posts.
  - Grade 9 shall be given to civil servant or employee who readily accepts new ideas, develops them and uses them with the aim to raise performance quality, and, when needed, very well applies their own knowledge and skills for performing duties of other work posts.
  - Grade 8 shall be given to civil servant or employee who accepts new ideas with minor resistance, develops and uses them with the aim to raise performance quality, and, when needed, applies very well their own knowledge and skills for performing duties of other work posts.
  - Grade 7 shall be given to civil servant or employee who accepts new ideas with minor resistance, develops and uses them with the aim to raise performance quality, and, when needed, applies averagely their own knowledge and skills for performing duties of other work posts.
  - Grade 6 shall be given to civil servant or employee who accepts new ideas with resistance, develops and uses them with the aim to raise the performance quality and when needed applies well their own knowledge and skills for performing duties of other work posts.
  - Grade 5 or less shall be given to servant or employee who accepts new ideas with great resistance, develops and uses them with the aim to raise the performance quality and when needed applies poorly their own knowledge and skills for performing duties of other work posts.

The manner of determination of the average grade and the sequence of filling out the comments of persons who participate in the performance appraisal procedure has already been covered in this chapter of the Handbook.
5.4.3. Performance areas where progress has been identified

This section is filled out with the performance areas where progress has been made within the civil servant or employee performance (Article 23 of the Instructions).

The progress in the performance of civil servant or employee can be achieved in the areas of professional training and education, and it is being scored only in the case when it is not a requirement for the civil servant or employee work post.

**Progress in the area of professional education is scored as follows:**
- Completed education for acquiring vocational qualifications and higher educational degree, when referring to a work post the civil servant or employee performs, is scored with 1 point.
- Completed education for acquiring a university degree, Master degree or PhD, when referring to a work post the civil servant or employee performs, is scored with 2 points.

**Progress in the area of professional development is scored as follows:**
- Passed judicial state exam, certification exam (except the exam for employment in the administrative bodies), completed specialization and sub-specialization, is scored 2 points.
- Attending seminars, trainings, or different types of education for up to 3 days, is scored 0.3 points.
- Attending seminars, trainings, or different types of education for a period longer than 3 days, is scored 0.5 points.

As noted earlier in this chapter of the Handbook, the total number of score assigned in this way must not exceed 2.5.

<table>
<thead>
<tr>
<th>2. PERFORMANCE AREAS WHERE PROGRESS HAVE BEEN NOTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The civil servant attended two trainings in duration up to 3 days</td>
</tr>
<tr>
<td>2. The civil servant attended one seminar in duration of more than 3 days</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
</tr>
<tr>
<td>5.</td>
</tr>
</tbody>
</table>

**Number of scores awarded for progress achieved**  
(maximum score of 2.5 for all areas in total) | 1.1 |

5.4.4. Overall performance appraisal
Overall performance appraisal is obtained by adding the average score of the performance aspects, to which is added the determined score of performance area where progress have been made (Article 9, Paragraph 2 of the Regulations).

The overall performance appraisal is descriptive and it has four levels (Article 9, Paragraph 3 of the Regulations):

- **Does not meet expectations** – when the overall performance appraisal equals 0.5 or less;
- **Meets certain expectations** – when the overall performance appraisal is from 5.1 to 7.5;
- **Fully meets expectations** – when the overall performance appraisal is from 7.6 to 10.0;
- **Exceeds expectations** – when the overall performance appraisal is over 10.0.

### 5. OVERALL PERFORMANCE APPRAISAL

<table>
<thead>
<tr>
<th>Overall performance appraisal</th>
<th>9.22</th>
</tr>
</thead>
<tbody>
<tr>
<td>(the sum of the average score of the aspects of performance and scores awarded for achieved progress)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Descriptive performance appraisal</th>
<th>Does not meet expectations</th>
<th>Meets certain expectations</th>
<th>Fully meets expectations</th>
<th>Exceeds expectations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(insert X next to the proper grade)</td>
<td>(5.0 or less)</td>
<td>(from 5.1 to 7.5)</td>
<td>(from 7.6 to 10.0)</td>
<td>X</td>
</tr>
</tbody>
</table>

**Evaluator comment**

The evaluator thinks that the grade is realistic and that the performance appraisal is conducted in accordance with the procedure.

**Appraisee comment**

The appraisee does not have any objections to the performance appraisal procedure and agrees with the grade.

**Human resources body representative comment**

The appraisal procedure was conducted in accordance with the prescribed procedure.

The overall performance appraisal is defined in a descriptive manner as follows:

- **Grade “does not meet expectations”** shall be given to the civil servant or employee who has not performed his/her duties well, and his/her results constantly need to be supplemented and
corrected. Civil servant, or employee, needs constant supervision and provision of additional instructions during performance of duties. Supervisor constantly reminds the civil servant or employee on the deadlines for activity completion. His/her cooperation and activity organization does not meet expectations while the additional skills that might be of significance for performing concrete duties is not registered either.

- **Grade “meets certain expectations”** shall be given to the civil servant or employee who has performed his/her duties but he/she needed additional instructions and help. In performing duties he/she did not have additional ideas and was not precise enough. Civil servant, or employee, cooperates and organizes activities in accordance with his/her own assessment, and not in the accordance of the demanding requirements of work.

- **Grade “fully meets expectations”** shall be given to the civil servant or employee who has achieved through his/her professional qualities expected i.e. agreed results and who has performed the duties independently with minor or minimal supervision of his/her supervisor and who has expressed needed creativity and precision. He/she is reliable and cooperates and organizes work well, and possesses other necessary skills to perform duties well.

- **Grade “exceeds expectation”** shall be given to the civil servant or employee who has achieved through his/her professional qualities the results which are above average, meaning he/she has completed most of the work and in a more quality manner than expected. Civil servant, or employee, who is rewarded this grade, is distinguished by his/her independence, creativity and precision depending on the work characteristics. When performing duties he/she is completely reliable so that supervision over his/her performance is not needed. He/she is an excellent associate and has outstanding organizational skills. With his/her expertise, attitude towards performance of duties and concrete relationship with clients, he/she contributes to the success and quality of work of the public administration bodies.

When it comes to the manner of appraisal of the probation work (Article 16, Paragraph 1, Item h of the Regulations) the performance appraisal is also conducted so that each aspect of performance is given a numerical score from 1 to 10. Then, the sum of scores given by each committee member for each aspect of performance (from 1 to 8) is calculated after which the average cumulative score is given that represents the sum of all cumulative scores of the committee members divided by 3. The average score is calculated by dividing the average cumulative score by number 8. In the case of probation work performance appraisal the evaluator can identify the areas where the progress has been made provided that the total number of scores cannot exceed the numerical score of 2,5 points.

The final probation work performance appraisal score represents the sum of the average score of the aspects of performance and scores awarded for the progress achieved.

Descriptive probation work performance appraisal has two levels:

- **Unsatisfactory** – when the final work probation appraisal is up to 7,5;
- **Satisfactory** – when the final work probation appraisal is from 7,6 to 10,0.

### 5.4.5. Performance areas that require improvements

The areas of performance that the evaluator is not sufficiently familiar with and that need to be further developed and improved are filled out in this section (Article 24 of the Instructions).
3. PERFORMANCE AREAS THAT REQUIRE IMPROVEMENTS
(e.g. training, additional control, mentoring)

<table>
<thead>
<tr>
<th>Area</th>
<th>Proposed measure (type and content)</th>
<th>Responsibility for the measure enforcement (body, person)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
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</tr>
</tbody>
</table>

5.4.6. Objectives and content of the professional development

The objectives and content of the professional development appraised for the long-term period as well as requirement for the professional training and education for acquiring the specific professional degree shall be filled out in this section. The content of the professional development is determined by the agreement between evaluator and appraisee (Article 25 of the Instructions).

4. OBJECTIVES AND CONTENT OF THE PROFESSIONAL DEVELOPMENT

<table>
<thead>
<tr>
<th>Objectives and content</th>
<th>Period from / to</th>
<th>Responsibility and the manner of enforcement of the development conten (body, person)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.4.7. Procedure Verification

U ovu rubriku, nakon obavljenog postupka, vrši se verifikacija postupka ocjenjivanja rada od strane ocjenjivača, ocjenjivanog i predstavnika Pododjeljenja za ljudske resurse koji je učestvovao u postupku ocjenjivanja.

6. PROCEDURE VERIFICATION

Evaluator signature:
Date:

Appraisee signature:
Date:
5.4.8. Filling out the Probation Work Form

The form of almost identical content tailored to the prescribed rules for work probation performance appraisal procedure is also prescribed for the work probation performance appraisal (Article 16, Paragraph 1, Item h of the Regulations). All instructions given for the performance appraisal of civil servant or employee are applied when appraising probation work and trainee (Article 31 of the Instructions).

5.5. The role of the sub-division for human resources after conducted interviews

After performance appraisal verification the representative of the sub-division for human resources has the obligation to fill out the performance appraisal data in the personal file of the employee (Article 11, Paragraph 1 of the Regulations).

In the case when representative of the relevant body for human resources notices the subjectivity of the evaluator on the basis of an apraisee complaint or his/her own personal assessment, he will ask for a retrial of the performance results appraisal (Article 6, Paragraph 8 of the Regulations).

In the end, the final performance appraisal is determined formally after the verification of the procedure by the aprasiee, evaluator and the representative of the responsible body for human resources.

5.6. Right to Complaint/Appeal

If the civil servant, or employee, is not satisfied with the appraisal of his/her performance he/she can file a written complaint to the appraisal to the Appeals Commission within 8 days of the day of access to filled out form and request a review of the appraisal of the immediate supervisor (Article 67, Paragraph 3 of the Law).

Civil servant, or employee, who is not satisfied with the appraisal, may appeal to the Appeals Commission within 8 days. The Appeals Commission may request on the basis of implemented appraisal procedure the renewal of the performance appraisal procedure. It is obliged to request directly from the evaluator the explanation of the allegations from the appeal of apraisee. The repeated performance appraisal is conducted by the evaluator in the presence of the next line manager within the hierarchy and other representative of the sub-division for human resources. In case when the Appeals Commission, while reviewing the appraisal appeals, determines the violation of appraisal procedure, it is considered that the representative of the sub-division for human resources, who has been present during the appraisal, committed a serious violation of official duty from the Article 88, paragraph 1, Item a of the Law (Article 10 of the Regulations).

In case of probation work, civil servant or employee whose employment contract expires has a right to appeal to the Appeals Commission within 15 days from the day he has been introduced to his/her appraisal (Article 47, Paragraph 7 of the Law). Also, if civil servant or employee, after the expiration of probation work, does not attend the appraisal, and the appraisal
is conducted without his/her presence, and the appraisal form is delivered to him/her within eight
days from the date of appraisal, he/she has a right to appeal to the Appeals Commission within
eight days from the date of receiving the probation work performance appraisal form (Article 14,
Paragraph 4 and 5 of the Regulations).

6. WHAT ARE THE CONSEQUENCES OF PERFORMANCE APPRAISAL?

6.1. Change in salary grade

Sub-division for human resources recommends to the mayor the change in salary grade of
the civil servant i.e. employee, in accordance with the overall performance appraisal in the
special form titled “The plan of change in salary grade in line with the annual performance
appraisal” by October 15, of the current year. Sub-division for human resources develops the
draft decision on the change in salary grade of the civil servant, or employee. The decision to
change the salary grade of civil servant or employee is made by the Mayor no later than on
November 1 of the current year. The responsible body for budget is obliged to adjust the draft
budget for the next fiscal year in line with the Mayor Decision on change of the salary grade
(Article 13 of the Regulations).

6.2. Continuation the employment for an indefinite period

In case when the appraisal is positive, civil servant or employee on probation continues to
perform duties (Article 47, paragraph 6 of the Law).

After completion of an internship, the Mayor allocates trainees to the work post in the
administrative body for an indefinite period in accordance with the Decision on realization of the
employment plan and on the basis of work probation performance appraisal with the obligation to
pass the examination needed for employment in the administrative bodies within six months from
the date of internship completion Article 58 of the Law). On the basis of the positive appraisal
of the probation work performance the sub-division for human resources submit to the Mayor a
decision proposal on allocation of trainees to the work post in the administrative body for an
indefinite period.

6.3. Professional development

If the performance of civil servant or employee is appraised by the grade “does not meet the
expectations” i.e. “meets certain expectations,” he/she undergoes a special training program that
is determined by his/her immediate supervisor in consultation with him/her (Article 68,
Paragraph 1 of the Law).

In accordance with the set objectives and content of professional development in the civil
servant and employee performance appraisal form, sub-division for human rights is required to
develop the plan of professional training and education in the special form titled “The plan of
professional development based on the performance appraisal” by October 15 of the current year.
In accordance with the development plans, the sub-division for human resources develops the
plan of professional training and education for civil servants and employees in the administrative
bodies and recommends the needed resources in the draft budget for the next fiscal year (article
12 of the Regulations).
6.4. Termination of employment

When civil servant or employee is appraised “does not meet expectations” twice consecutively, the Mayor dismisses him/her from a duty, i.e. terminates the employment (Article 68, Paragraph 2 of the Law).

Sub-division for human resources notifies administrative bodies, whose servants or employees receive two consecutive performance appraisal grades “does not meet expectations,” within 30 days from the date of appraisal, develops the draft decision on termination of employment and submit it to the Mayor for adoption. The Mayor issues the decision on termination of employment within 30 days from the date of receipt of the notice from the administrative body (Article 13, Paragraph 5 and 6 of the Regulations).

In case of the negative probation work performance appraisal, the employment terminates for civil servant or employee, without a right to compensation for dismissal, with the notice period of 15 days (Article 47, Paragraph 7 of the Law). If the probation work performance appraisal of civil servant, or employee, is negative, the sub-division for human resources submit to the Mayor the draft decision on termination of employment on the basis of the final performance appraisal report (Article 14, Paragraph 7 of the Regulations).

If the probation work of the trainee is appraised negatively, the sub-division for human resources submits the draft decision on employment termination with the date of the contract expiration to the Mayor (Article 15, Paragraph 5).

7. WHAT ARE THE GENERAL OBLIGATIONS AND RESPONSIBILITIES WITH RESPECT TO PERFORMANCE APPRAISAL?

7.1. The responsibilities of the central human resources management unit

Viewed from the perspective of the appraisal procedure, the role of the central unit for human resources management in the Brčko District, BiH, is regulated in a specific manner which has already been discussed in this Handbook. The responsibilities of the sub-division for human resources are essentially identical as with agencies in other structures of civil service/administration in BiH, but they are adapted to its status, having in mind that it is an organizational unit of the Government. Also, it should be emphasized that in accordance with the Rulebook of performance appraisal the role of the sub-division for human resources in the appraisal procedure is immediate, that is, the representative of this unit is directly involved in the procedure and he/she has a considerable power and thus directly influences the improvement of the performance appraisal procedure and standardization of practice in this area.

7.2. Confidentiality

The performance appraisal procedure is conducted without the presence of the public, and the grades are confidential data. Violation of the confidentiality is deemed a minor violation of official duty (Article 11, Paragraph 2 and 3 of the Regulations).
CONCLUSION

New legal regulations on the performance appraisal which has been recently adopted at almost all levels of government, has set a good foundation for improving the performance within the civil service structures in BiH.

The existing domestic and comparative experiences show, however, that the establishing of the effective system of civil service performance appraisal is neither easy nor simple. To be successful the system of performance appraisal should not only adopt new regulations but also conduct the performance appraisal procedure in an adequate manner while performing the profound changes in the existing management of the civil service in BiH. Priority must be given to the development of dialogue between the heads and civil servants, transparency in performing duties and mutual respect as opposed to the understanding of appraisal as sanction for poor performance and possible ground for employment termination. It is also important to work on strengthening the units for human resources within the administrative bodies which are the main carriers of work of human resources management and permanent training of heads as major actors of the existing system of performance appraisal.

Finally, it is very important to improve the link between the performance appraisal and other human resources management functions thereby creating a “value added” in the performance of each institution. At the moment the institutions of different structures in BiH still search for the real purpose of the civil servant performance appraisal and struggle with the formalistic approach to this process. By affirming the link between monitoring of performance results, advancement and training both heads and employees would see that there is a huge importance in the performance monitoring of employees. However, as for many other qualitative changes, which as a prerequisite have the change of individual’s awareness, this one also requires a lot of patience and persistence which are the key factors for further development and improvement of the system of performance management in the complex structure of civil service in BiH.