

Based on Articles 70 to 93 of the Law on Labour Relations (Official Gazette of R. of Macedonia, numbers 62/05, 103/08, 106/08, 161/08, 114/09, 130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15 and 27/16) and Article 14 of the Statute of South East European University, the University Board, at its meeting held 11 June, 2016 approved the following:

## **COMPETENCY RULE** **(in cases of issues with capability in completion of working duties)**

### **Purpose**

#### *Article 1*

The University values the quality and commitment of its staff and expects them to perform to the highest professional standards. However, it recognizes that these standards are not always met. This rule, therefore, deals with employment related action(s) where a member of staff is not capable of achieving the required level of skills and competences required in the Job Description and in general university standards. It aims to deal with these in a manner likely to achieve the least adverse effect upon the staff member and the institution, in line with legal and institutional requirements.

### **Definitions**

#### *Article 2*

Competency issues may include:

- failure to observe known health, safety or security regulations through lack of understanding, knowledge or skill required in the job description;
- incompetence or significant under-performance in specific areas;
- substantial inefficiency, inability to produce work required in reasonable deadlines;
- incompetent or dangerous use of institutional property or resources;
- inability to complete tasks without substantial and regular need for help;
- repeated mistakes which are made frequently and disturb the normal process of work.

Minor lack of competence - a less serious issue such as small or repeated mistakes, some loss of time or diversion of the manager or colleagues from their working duties, or lack of competency in one area of work. Such issues have a minor or limited impact on quality.

Major lack of competence - a serious, sustained or repeated issue of competency which has a highly negative effect and/or with more general consequences for individual professional work or the work of others. More serious issues must be dealt with immediately and with a higher level of action.

In cases of serious failure to observe known health, safety or security regulations or other serious risk to the wellbeing of people or resources, the Head of Unit in liaison with the HR Office can recommend that the Rector/Secretary General suspends the member of staff from work during the investigation period, on full pay. This means that they are not permitted to come onto or near any university campus or property owned by the university.

### **Responsibilities**

#### *Article 3*

The Human Resources Office coordinates and advises on competency issues at all levels.

The Legal Services and Procurement Office provides legal advice.

The Head of Unit is responsible for minor competency issues and contributes to resolving major competency issues.

The Rector makes final decisions.

The Executive Committee of the Board hears appeals.

### **Advice and support**

#### *Article 4*

The member of staff, Head of Unit or colleagues can identify non-competency based on the individual's Job Description and working duties. This should be reported to the Head of the Unit, if the non-competency is not identified by the Head.

The Head advises and supports the employee and identifies training as required. For the training, the Head of Unit should have confirmation, such as an email, that training has been offered to the employee, a report from the training and other data related to the issue. The employee and manager can then confirm if the non-competency issue is now resolved.

Such informal approaches are recorded and may be considered during other stages of the process.

### **First Written warning**

#### *Article 5*

If after counselling and support, the member of staff has still not reached the required standard of competency, the Head of Unit explains the outstanding issues and offers further advice, support and training, with an agreed deadline by which acceptable standards should be reached.

The Head of Unit gives a written warning to the employee. The warning includes: area(s) of non-competencies, target(s) for improvement, training/support given, agreed deadline for reaching minimum standards and possible consequences of continued non-competency.

This written warning is kept on the member of staff's personal file in the Human Resource Office, with copies for the Head of Unit and employee. The Head of Unit or employee may seek advice from the HR Office or Legal Services.

### **Final written warning and probation**

#### *Article 6*

If, after the agreed period, the employee fails to reach the minimum standard(s) and the target(s) for which s/he was trained or did not attend the training and is still non-competent, the employee is put on probation and does not follow the Staff Evaluation Procedure.

For this stage, the HR Director, the Head of Unit and the employee meet formally. In this meeting, all the evidence from the beginning of the process is reviewed and all present have an opportunity to give their views. Unless there is any evidence presented which affects the competency issue(s), the Head of Unit completes a probationary plan, with clear targets and deadlines. This plan is signed by the Head of Unit, employee and the Director of HR.

At the same time, the Head of Unit issues a final, written warning. This warning is signed by the Head of Unit and Director of HR and is kept on the member of staff's personal file in the HR Office, with copies for the Head of Unit and employee. The Head of Unit or employee may seek advice from the HR Office or Legal Services.

This probationary plan is reviewed regularly between the Head of Unit and employee.

Alternatively, a change of rank, position or duties may also be proposed to the employee where applicable.

### **Termination of employment**

#### *Article 7*

If the employee does not reach the minimum level of competency, as specified in the probation plan, at the end of the agreed period, the Head of Unit makes a formal request for compulsory re-deployment or re-ranking if possible or appropriate, or for termination of contract, in writing to HR, copy to the employee. HR requests confirmation from the Rector and notifies the employee and other parties in writing of the decision within 5 days.

### **Appeal**

#### *Article 8*

The Decision of the Rector can be appealed within 15 days.

The appeal is addressed to the Executive Committee of the University Board and submitted to the Archive of the University.

The Executive Committee members should not have been involved in any other part of the current competency issue and must declare in writing that they have no conflict of interest.

Within 15 days, the Executive Committee reviews the process and decision of the competency case. After this review, a final decision is made with a simple majority of the membership.

The Secretary of the Executive Committee informs the Rector and the HR Office, and they inform all parties and take appropriate action.

This decision is final.

### **Concluding provisions**

#### *Article 9*

This Rule comes into force from the day of approval.

## Annex 1

### Competency Rule Probationary Plan

This plan is based on Article 6 of the Competency Rule and is in parallel to a final written warning. It is, therefore, of the highest importance that the targets in this plan are fulfilled to a minimum acceptable standard within the deadline(s). Failure to do this could result in re-deployment, re-ranking or termination of contract.

Name of employee:	
Faculty/Department:	
Head of Unit:	
Probation Supervisor if different from above:	
Start Date:	
Agreed Review Dates:	

Competency Target	Improvement method	By when

Employee signature:

Date:

Head of Unit' signature

Date:

Supervisor's signature if different:

Date:

HR Director's signature:

Date:

Final evaluation of probationary targets and recommended decision

Head of Unit's signature:

Date:

Supervisor's signature:

Date:

HR Director's signature:

Date:

Rector's signature in case of termination of contract:

Date: