

DECREE-LAW NO 18/2009
of 8 April

**FIRST AMENDMENT TO THE REGIME OF PERFORMANCE
EVALUATION OF PUBLIC ADMINISTRATION WORKERS**

With the beginning of the performance evaluation process, the need arose to adjust the deadlines for the evaluation process and the punctuation granted to the civil servants involved in the process.

To this end, the first amendment to the regime of performance evaluation of Public Administration Workers is hereby presented.

Thus, pursuant to subparagraph p) of article 115 of the Constitution and to articles 18.4 and 119.2 of Law No. 8/2004, the Government enacts the following to have the force of law:

Article 1
Amendments

Articles 4, 6, 7, 13, 14, 18, 21, 24, 27, 28, 29 and 30 of Decree-Law No. 14/2008 of 7 May shall read as follows:

“Article 4”
General principles”

1. [...].
2. [...].
3. The additional objectives provided for in paragraph 3 of article 13 should be clearly established by the middle-level management or senior management and concretely defined bearing in mind the proportionality between the results to be obtained by the workers and the means available for the concretization.
4. [...].

Article 6
Guarantees of impartiality

No civil servant or agent may act as an evaluator or otherwise intervene in the evaluation process of his or her relative or his or her spouse's relative, including:

- a) Parents, grandparents, offspring, grandchildren and great-grandchildren;
- b) Brothers, sisters, uncle's aunts;
- c) Siblings' offspring.

Article 7
Periodicity

Performance evaluation shall be annual and the respective process shall take place between the months of January and March, without prejudice to the provisions of the present Decree-Law for extraordinary evaluation.

Article 13
Evaluation factors

- 1. [...].
- 2. [...].
- 3. [...].
- 4. The objectives referred to in the preceding paragraph, which should be communicated to each civil servant up until the last working day of January of each year, are related to the global service performance and the evaluation should observe the success indicators established in the annual working plans.
- 5. The objectives referred to in paragraph 3 shall not apply to whoever exercises middle-level and senior management functions.

Article 14

Evaluation results

Performance evaluation shall be obtained through the global sum of the evaluation factors expressed in the following qualitative mentions:

- a) *Very Good* – 33 points or more;
- b) *Good* – 24 to 32 points;
- c) *Sufficient* – 15 to 23 points;
- d) *Insufficient* – 14 points.

Article 18 Highest Service Manager

- 1. [...].
- 2. It is incumbent upon the highest service manager;
 - a) [...];
 - b) [...];
 - c) Approve or reject request for extraordinary performance evaluation;
 - d) Homologate the classifications.

Article 21 Extraordinary performance evaluation

- 1. [...];
- 2. Extraordinary performance evaluations shall observe the process of ordinary performance evaluation with the necessary adaptations, particularly in relation to the period in which they occur.

Article 24 Self-evaluation

1. [...];
2. [...];
3. Self-evaluation shall be made through filling out of a specific form to be handed over to the evaluator on time to be considered for evaluation.

Article 25 Evaluation

Evaluation shall consist in the filling in of evaluation forms by the evaluator.

Article 27 Presentation of claim to the highest manager

1. After being informed of his or her evaluation, the evaluatee may present claim in writing to the highest manager to whom the evaluation, together with the reaction of the evaluator, shall be submitted within five days.
2. The claim shall be substantiated and not a mere invocation of differences of evaluation based on comparisons made with evaluations given to other workers or on results of evaluations of previous years.
3. Decisions on claims shall be made together with the homologation.

Article 28 Homologation

1. The evaluation, together with the claim, if any, shall be submitted for decision and homologation by the highest manager or other authority so delegated.
2. The highest manager may amend the evaluation made by the evaluator as long as he or she duly substantiates each one of the classification to be attributed.
3. Once the decision to homologate has been made, it shall be communicated to the evaluatee within 3 days.

4. Performance evaluations shall be homologated within 15 days.

Article 29

Hierarchical appeal

1. [...];
2. [...];
3. [...];
4. The evaluation procedure, excluding the introduction of the relevant data into the Personnel Management System, shall be completed by 31 March.

Article 30

Database

1. Once the evaluation procedure has been completed, each service or autonomous entity shall remit to the Secretariat for the Establishment of the Civil Service Commission the data related to the number of workers who have been evaluated together with their respective classification for statistical treatment and for inclusion into the Personal Management System.
2. The Secretariat for the Establishment of the Civil Service Commission shall prepare a global annual report that serves as the basis for the definition of the public employment policy and the implementation of the human resources management and development system.

Article 2

Republication

Pursuant to article 18.2 of Law No. 1/2002 of 7 August, the full republication of Decree-Law No. 14/2008 of 7 May is hereby republished with the amendments now approved.

Approved by the Council of Ministers on 18 February 2009

The Prime Minister,

Kay Rala Xanana Gusmão

Promulgated on 27 March 2009

For publication

The President of the Republic

Jose Ramos-Horta