

ELECTRONIC PLATFORM FOR HUMAN RESOURCES MANAGEMENT OF THE LEGAL DOMAIN

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Abstract: Starting from the idea that human resources are the essence of innovation, we consider their role in the economic entity is paramount. Human resources that have innovative spirit are the key of success for any business representing the determining factor in hiring technology research and development. Due to this attribute, the technological development process is carried out to the extent that human capital which they have is highlighted and valued. The literature presents numerous evaluation and reporting frameworks, methods with a common attribute: the lack of a generally accepted framework. First occurrence reporting framework has generated the development of numerous methodologies involved in supporting entities regarding assessment and reporting human. In literature, the occurrence of these frames is presented in three steps or three "waves" of reporting: first wave corresponds to staff based purposes (eng. scorecards), the second is characterized by an attempt to relate human capital to a value creation process, and the third wave approach is based on narrative / descriptive evaluation and reporting human capital. In this context the paper proposes a systemic perspective based on the concept of evaluation regarding human resources as the foundation of development by proposing strategies to reduce risks in order to increase the sustainability of human resources management. It starts from an analysis of professional and transversal competences conferred by university programs in the field of law, a case study on professional and transversal competences conferred by university programs in the field of law.

Keywords: management, human resources, legal system, transversal competences, evaluation system.

DEFINING COMPETENCES

The outcomes one obtains from learning are intertwined, which means that certain knowledge acquired during one's education forms the basis for the acquisition of new skills. Thus, it has been proved that a set of knowledge and skills leads to the development of competences, taking into consideration that the quality of the learning environment and the compatibility between employers and managers concur for the development of a future manager's personal beliefs and skills. The Latin word from which the word COMPETENCE is derived means a person's capacity to do a certain thing, in other words the level of expertise which such person holds in a certain field. This fundamental concept has been kept in the current meaning of this word, but the history of the concept, as we currently use it, dates back in the 60s and is connected to David McClelland. Competences are defined by the following key-words that capitalise on the theory of organisational development: a combination of knowledge, skills and behaviours, job performance, attitudes, standard requirements etc. and are illustrated by the phrase: "what one knows and can do in a given professional field". [4]

In defining the CNCIS, i.e. The National Qualification Framework for Higher Education, [10] the key-concepts with which one operates are: qualification, learning outcomes, knowledge, skills, competence. "The qualification is a formal outcome of an assessment and validation process, obtained when a relevant body determines that an individual has got outcomes as a result of learning according to certain standards". [10] For this purpose, the qualification is the "formal manner of recognising the value of individual outcomes during the learning process related to labour market in order to reinforce ongoing professional education and training, by the awarding of an education document (certificate,

licence, diploma), whereby one can prove their legal right of doing a profession or a job.” [3], [10]

”The learning outcomes are what the learning individual can recognise, understand and do by the end of the learning process. They are defined as knowledge, skills and competences.” [10]

From this point of view, the learning outcomes are the set of knowledge, skills and competences which one has acquired and which one can prove when the learning process has ended. [10]

”The knowledge is the result of the assimilation of information by learning. Knowledge represents all the facts, principles, theories and practices connected to a certain professional field or field of study. For the purposes of the European Qualification Framework, knowledge is described as theoretical and/or factual”. [10]

”A skill is one’s capacity of applying and use knowledge in order to complete tasks and solve problems. For the purposes of the European Qualification Framework, the skills are described as cognitive skills (involving the use of logical, intuitive and creative thinking) or practical skills (involving manual adroitness and the use of methods, materials, tools and instruments). A skill includes certain types of operating structures, ranging from acquisitions to the capacity of interpreting and solving problems.” [10]

With the European Qualification Framework, competence is described from the perspective of responsibility and autonomy.

The structure of competences is presented theoretically as knowledge, skills and personality:

- The knowledge ensures the theoretical basis of a competence, whereas different types of knowledge (declarative, process, and strategic) lead to different types of skills.
- The skills are the active/performing side of a competence; they come in a wide range, from algorithmic structures/acquisitions to strategies of approaching problems creatively.
- Personality traits give value to a competence and support it in terms of emotions and motivation.

The third categories are the desirable competences and they are related to higher performance and, generally, they are the object of ongoing training (in the relevant field). The competence profile is the basis for the development of the training profile, which starts by drawing up the training objectives (education paths towards aims)” [2]

The qualifications based on different fields shall be defined by the learning outcomes of the relevant education cycle, such outcomes shall be expressed as competences formed throughout such higher education path. The qualifications and competences correlated with the learning levels have different degrees of generality for each level, which answer different professional demands.

PROFESIONAL COMPETENSES

Professional competence or experience for each field may facilitate the capitalisation of business opportunities. The deeper the knowledge of an individual in certain fields, the more able such individual is to build a lucrative business. Experience has shown that, after developing their competences while working as employees in a company or institution, countless engineers or economists have capitalised on their experience by becoming employers. What is of essence is that we should resort to other experts to ensure all the competences needed for running a profitable business.

As for the roles of competences, the work tasks required by the company management and the problems to be solved, the following categories of competences may be noticed:

- general - specific
- cross-curricular - professional
- individual - organizational
- professional - managerial

Professional competences are put into practice by means of the capacity of appropriately selecting, combining and using the integrated, coherent, dynamic and open set of knowledge and skills (e.g.: cognitive, active and relational skills) and other acquisitions (e.g.: values and attitudes), which characterises professional activities in view of a successful solving of challenges” – matters related to the field of Engineering and Management, efficiently and effectively. [6]

CROSS-CURRICULAR COMPETENCES

Cross-curricular competences”are cross-curricular capacities: skills of working in a team, skills of oral and written communication in the mother tongue and /or in one or more foreign languages, use of IT, problem solving and making decisions, recognition and respect for diversity and multiculturalism, learners’ autonomy, initiative and entrepreneurship, openness towards lifelong learning, respect for and development of professional values and ethics.” [6]

According to CNCIS, that is the National Qualification Framework for Higher Education, the competences are divided into three categories: [10] a) general professional competences – are the competences aimed at by a field of study that will later allow for the performance of professional roles in a broader field of business; they allow for the use of the integrated, coherent, dynamic and open set of knowledge, skills (e.g. cognitive, active and relational skills) and other acquisitions (e.g.: values and attitudes) in a given field of work.

b) specific professional competences – are those competences targeted by certain study programmes so that graduates be able to face the demands of a specific profession, they allow for the use of the integrated, coherent, dynamic and open set of knowledge, skills (e.g. cognitive, active and relational skills) and other acquisitions (e.g: values and attitudes) in practising a certain profession in a given field.

c) cross-curricular competences– are the competences with the highest degree of generality and, therefore, they are necessary and useful in several fields of work. [10] „Generic/cross-curricular competences are those acquisitions beyond one’s field of work, or the study programme respectively, which have a cross-curricular nature (skills of working in a team, communication, IT skills)” and they represent „the use of transferable and multifunctional assembly of fundamental knowledge, skills and other acquisitions (e.g.: values and attitudes) which any human subject needs for employment, integration, achievement and personal and professional development.” [10], [6]

According to art. 5 of the Government Ordinance no. 4.543/2004 of 23/08/2004 for the approval of Procedure of assessment and certification of professional competences acquired in ways other than formal, [7] amended and supplemented by the Ordinance no. 3.329/2005, [12] ”the process of assessing the professional competences acquired in ways other than formal has the following characteristics:

- is voluntary,
- refers to the occupational standard/standard of professional training; the assessment of competences is carried out based on the achievement criteria described in the occupational standard/standard for professional training,
- is carried out in time and spatially – with the system of assessment based on the occupational standard/standard for professional training, the collection of competence

evidence results from the application of the assessment methods in various contexts and at different times,

- is independent from the professional training process; the assessment based on the occupational standard/standard for professional training allows for the recognition of the competences acquired in ways other than formal,

- is completed, for each competence unit, with the outcome „competent or „not yet competent”. [12]

Among the cross-curricular competences, we can find the following:

- Oral and written communication in the mother tongue;
- Communication in a foreign language;
- Use of IT&C at work;
- Solving problems and making decisions;
- Capacity of integrating among and communicating with experts from other fields of knowledge, in various contexts (team work) ;
- Recognition of and respect for diversity and multiculturalism;
- Interpersonal skills;
- Ethical commitment;
- Learners’ autonomy;
- Leadership;
- Initiative and entrepreneurship;
- Openness towards lifelong learning;
- Commitment to respecting and developing professional values and ethics.[6]

CLASSIFICATION OF COMPETENCES

This classification of competences by CNCIS was supported by the following arguments: - ”the need for a correct identification of general and specific professional competences related to the relevant field or to the study programme by education cycles/learning levels

- the need for the identification of professional competences that are directly included in the specialisation field, as well as of professional competences that are beyond a certain professional field – cross-curricular competences” [6]

When describing the qualifications, it shall be taken into consideration that the performance of a given professional role requires several competences, more or less complex. The professional and cross-curricular competences provided by the Romanian education programmes are monitored, assessed and updated on a regular basis by: [10]

- o ACPART - The National Agency for Qualifications in Higher Education and Partnership with the Economic and Social Environment
- o ARACIS - The Romanian Agency for Quality Assurance in Higher Education
- o CNC – National Qualification Framework
- o CNCIS - National Qualification Framework for Higher Education
- o CNFPA - National Council for the Professional Training of Adults
- o CEC (EQF) - Cadrul European al Calificărilor (European Qualifications Framework)
- o MECI – Ministry of Education, Research and Innovation
- o MMFPS – Ministry of Labour, Family and Social Care
- o RNCIS - National Qualifications Register in Higher Education
- o RNC - National Qualifications Register”. The elements mentioned above are the basis for the establishment of CNCIS [6] and of the National Qualification Register for Higher Education (RNCIS) [13] and will be used by ACPART [5] and by the

universities to describe existing qualifications, as well as to accredit new qualifications in higher education.

According to CNCIS, "The matrix of the National Qualification Framework for Higher Education includes: the qualifications levels, the learning outcomes expressed as knowledge, skills and competences, as well as the level descriptors for the qualifications in higher education. The level descriptors for each type of learning outcome explain the generic descriptors for each type of competence and for each qualification level: bachelor's degree, master's degree and PhD degree. In terms of structure, the CNCIS matrix contains the professional and cross-curricular competences, each of the two categories having its own legitimacy and importance in the performance of a profession. They form a pair whereby graduates of an education programme prove their professional effectiveness and efficiency." [5]

The professional competences render the cognitive nature of training by:

a) "Professional knowledge (illustrates the cognitive nature of training/qualification) is expressed by means of two generic descriptors: - Knowing, understanding and using specialist language

- Explaining and capitalising on fundamental knowledge in order to interpret various situations and processes related to the relevant field.

b) the professional skills illustrate the functional and active nature of a qualification and have three generic descriptors:

- Applying knowledge, transferring knowledge and solving problems

- Critical and constructive reflection in order to solve problems and situations as part of analysis-research and at the workplace

- Creative and innovative behaviour to solve problems and challenges related to research and /or at the workplace." [10] According to CNCIS, the professional competences are expressed by the knowledge and skills covering the professional dimension for any qualification. [10]

The cross-curricular competences refer to:

a) "Role competences :

- Autonomy and responsibility for the performance of professional tasks while working in a team, limited autonomy, allocation of tasks and responsibilities and qualified assistance for the achievement of goals.

- Social interaction, which requires being familiar with the roles and responsibilities taken when working in organisations and/or institutions.

b) Personal and professional development competences:

- Becoming aware of the ongoing professional and scientific training needs.

- Becoming aware of the need of efficient use of the resources and techniques for ongoing personal and professional development" [14]

The description of competences for the field and programme of study, as well as the general professional competences identified for the relevant field of study may be the landmarks for the specific professional competences identified for the study programme.

Thus, the whole action is based on correlating the competences required by the professional roles in a field and the competences provided by a study programme by means of taught subjects and activities included in the education plan.

"The content areas are the main curricular fields – structuring theoretical and applied knowledge by field/programme of study and the set of competences to be developed. The taught subjects shall be determined after analysing and selecting the content areas, by complying with the specific psychological, pedagogical and scientific development principles." [10] The credit point is the result of the analysis of the work load and of the

weight of subject in the training and/or development of the basic competences of a qualification. [10]

Research carried out by researchers in the field state that most institutions aim at graduates with no specific competences. General competences such as intelligence, confidence, critical and analytical thinking, and learning aptitude are significant criteria for employers as a rule. Also very important in recruiting new employees are the following skills: interpersonal skills, communication skills, commitment to organisation values, specialisation, but, at the same time, it is these skills that the new employees lack: for example: interpersonal and communication skills, management/leadership skills, work ethics, fundamental business knowledge and skills in working with clients.[9], [11]

CONCLUSIONS

One of the basic elements needed for the success of such policies and of the professional and cross-curricular competences provided by the study programmes in the field of Engineering and Management is the functioning of the national market. The existence of a national market and the free trade of goods abroad opens the path for companies to acquiring more potential customers, while, at the same time, makes them face stronger competition.

In the specialised literature, namely [1], cross-curricular competences are defined as skills graduates of higher education programmes may acquire, but which are not developed only by means of one taught subject. Therefore, it is important for us to acknowledge the need of developing a national qualification framework for higher education in Romania which should allow for correlation with the European framework and should support transparency, recognition and compatibility of learning outcomes; in this way, learners mobility is enhanced, as well as the mobility on the international labour market. Devising an effective software product that allows the manager to conduct a full assessment, a scientific and rational one, regarding general, entrepreneurial, professional and transversal skills of employees, a program that can be successfully implemented in legal institutions is a solution that solves the complexity of the problems. Implementation of a computer program called MPSJ (Managementul Personalului din Sistemul Juridic) - Legal Personnel Management System – that can be applicable to legal institutions in order to determine the role of legal and managerial skills for improving legal companies will be proposed.

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