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Competency-based management in Brazilian public administration: an analysis of electoral justice

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Miles Doctus

Competency-based management in Brazilian public administration: an analysis of electoral justice

La gestión por competencias en la administración pública brasileña:
un análisis de la justicia electoral

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ABSTRACT. This research analyzes competency-based management (CNM) in Brazilian electoral justice courts' personnel management (PM). This qualitative study is based on the integrated multiple case study method using data collected from documents and interviews from six courts. It applies the thematic content analysis technique, resulting in five CBM and main PM-related practices in the courts studied. It contends that despite the norms and studies' efforts to make CBM plausible in public organizations, its assimilation has been slow and fragmented. Thus, it evidences the need to expand research and actions in CBM evaluation programs in Public Administration that provide theoretical and practical recommendations for the strategic improvement of PM in the Judiciary System.

KEYWORDS: courts; organizational change; personnel management; public administration

RESUMEN. Esta investigación analiza la gestión por competencias (GPC) dentro de la gestión de personal (GP) en los tribunales de justicia electoral brasileños. Este estudio cualitativo se basa en el método de estudio de caso múltiple integrado, utilizando datos recogidos de documentos y entrevistas en seis tribunales y aplica la técnica de análisis de contenido temático para establecer cinco temas relacionados a la GPC y las principales prácticas GP en los tribunales estudiados. Discute que a pesar de los esfuerzos de las normas y los estudios para hacer plausible la GPC en las organizaciones públicas, su asimilación ha sido lenta y fragmentada, evidenciando la necesidad de ampliar la investigación y las acciones en programas de evaluación de la GPC en la Administración Pública que proporcionen recomendaciones teóricas y prácticas para estratégicamente mejorar la GP en el Sistema Judicial.

PALABRAS CLAVE: administración pública; cambio organizativo; gestión de personal; tribunales

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Introduction

The state's ability to respond to citizens' immediate needs is connected to the effectiveness of public administration (Everest-Phillips, & Henry, 2018). Competency-Based Management (CBM) has been an essential step in this direction in public organizations. According to Skorková (2016), CBM has been adopted in several countries, and its positive results stem from the integration of Personnel Management (PM) practices in public organizations.

Despite advances in PM Studies on CBM, there are still gaps that need to be studied (Asame & Wakrim, 2018; Montezano et al., 2019), especially regarding its application, evaluation, and effectiveness in public organizations (Strużyna et al., 2021) such as the Judiciary Branch and, in this study, Electoral Justice.

In Brazil, academic interest has grown concerning this subject. Montezano and Silva (2019) have evidenced the demand for new research on CBM's application in Electoral Justice. This is a contemporary issue because legal and institutional frameworks have not defined deadlines for implementing and evaluating CBM in the public sector (Montezano et al., 2019). Thus, this research analyzes CBM in Personnel Management (PM) in Brazilian Electoral Justice Courts.

According to Montezano and Silva (2019), this subject's relevance is that CBM can effectively contribute to improving public services in the Electoral Justice System and other public organizations. Thus, more empirical research is required on the ongoing conceptual construction of competence and its consequences on PM (Klingner et al., 2016). Additionally, there is incipient knowledge about CBM incorporation evaluations in Brazilian courts.

CBM can impact the service quality offered to society and improve state efficiency (Rosenberg Hansen & Ferlie, 2014; Strużyna et al., 2021). Therefore, this study addresses the reform and modernization process of the Brazilian Judiciary Branch, which is especially important because it has been treated as a State Policy (Renault, 2005) that promotes structural changes, seeking to provide more effective jurisdictional services to the Brazilian population.

CBM and PM in the public sector

Although competency was initially introduced much earlier by White as the skills necessary for performance (White, 1959), in the public sector, competency-based actions have been increasingly introduced since the 1990s (Horton, 2000). For example, in Brazil, the Federal Government has stimulated CBM by introducing new Public Management and Public Administration strategic models (Guimarães & Medeiros, 2003; Valadares & Emmendoerfer, 2012).

According to Montezano and Silva (2019), CBM can be considered an innovation in public sector management because it articulates PM actions and performance/results

in public organizations. Presidential Decree No. 9991 (*Decreto* n°. 9.991, 2019) defines competency used in Brazilian public administration as a “set of knowledge, skills, and conduct [attitudes] necessary for exercising the position or function” to achieve institutional objectives. Initially established in 2006 by Decree No. 5707, this conception adopts CBM for the public servant’s constant development.

In this sense, among individual competencies (knowledge, skills, and attitudes), it is important to highlight the managerial competencies in the public sector (Lopes et al., 2020). Furthermore, besides being a key dimension in changing processes, Asame and Wakrim (2018) state that managerial competencies also play an essential role in mobilizing other dimensions of organizational competencies: core (at the organization level), functional (organization and groups), and individual. Because of this, CBM has emerged in an organizational context of changes and transformations characterized in **Table 1**.

Table 1. *Possible motivations to adopt the CBM in the public sector organizations*

- To systematize public servants’ development plan (training) using real needs and not random demands, aggregating professional value, and recognition.
- To apply management focused on results and build informal models of training and development (learning inside the environment, research, mentoring/coaching).
- To align individual skills and organizational strategies.
- To follow a logic that privileges measurement and significantly reduces the importance of subjectivity as a public value criterion.
- Given intense environmental pressure on organizations imposing profound changes and preparing the public servant for other functions.
- To incorporate new organizational technologies in continuous pursuit of quality and productivity improvement.
- For the strategic day-to-day for people within the public organization, emphasizing the stakeholders as beneficiaries.
- For the valorization of people as an essential premise, applying a better use of the public servant’s talents
- To incorporate CBM as a current practice.
- To incorporate CBM and important reflections on roles in the interconnection between production and education.

Source: Adapted from Fleury and Fleury (2004) and Souza (2004). Created by the authors.

Therefore, when the notions of competence are implemented in organizations, they are called CBM. Bergue (2020) states that CBM has a vital strategic core role. In Brazil, the predominant CBM model is oriented to PM because, according to Capuano (2015), many of the present models are not clearly connected to individual competencies and strategic organizational guidelines, despite previously published proposals in this regard.

According to Brandão and Guimarães (2001), a CBM model in PM implies that the public organization must plan, select, develop, and compensate human resources by focusing on core competencies. These authors assessed the postulations and applications of CBM and presented the first framework to illustrate this model's main stages or phases (**Figure 1**). For this research, the illustration does not intend to understand CBM activities and interactions procedurally but rather summarize this model's operational logic from an integrative perspective.

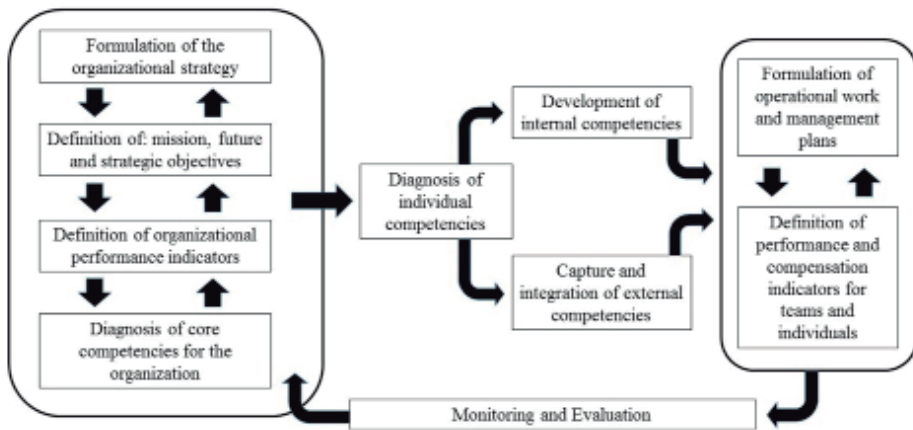


Figure 1. *Operational logic of the Competency-Based Management (CBM) Model*

Source: Adapted from Brandão & Guimarães (2001, p.14).

Figure 1 shows the possible connections between CBM and PM processes, stimulating public servants' strategic and shareable vision about these issues. In this sense, the CBM model based on Brandão and Guimarães (2001) integrates PM and organizational strategy. Corroborating the studies of Bergue (2020), this model aids the management of recruitment, selection, training, career management, and the formalization of strategic alliances, among others. These tools are directed to capturing and developing the necessary competencies needed to achieve organizational goals.

Brandão and Guimarães (2001) state that integrating PM actions based on competency must be configured as innovative management that cannot be focused exclusively on objectifying and individualizing tasks, risking deepening the organization's psychosocial control over its collaborators. Individual competencies are obtained by the competency mapping composing the model. Competency mapping is essential for implementing the CBM model because the actions that follow are derived from it (Brandão & Bahry, 2005).

Brandão and Bahry (2005) proposed a competency-based management model, associating PM subsystems and defining necessary competencies (competency diagnosis), which must be constructed based on organizational strategy. According to Pires (2005),

this strategy allows CBM to be articulated with selective processes (competency capture), personnel training and development (competency development), performance evaluation (follow-up and assessment), and competency compensation (retribution). Thus, CBM refers to a set of integrated organizational actions to manage and develop competencies, aiming to create and implement management rules and learning processes to reduce gaps between the required competencies to achieve organizational goals and the available competencies in the organization (Brandão & Bahry, 2005).

Dutra (2016) argues that two significant bases should structure PM: general organizational and competency principles and strategies such as productive performances, delegating responsibilities, and situation categories, and personal and action competencies linked to individual and collective involvement, motivations, effective decision-making, and commitment. PM is also linked to formalizing and guiding projects and mobilizing experiences and their actions. PM should be able to ensure convergence and consistency between these two poles.

Brandão and Guimarães' (2001) and Brandão and Bahry's (2005) models were the first proposals that served as a reference for public organizations in the Brazilian context. Montezano and Petry's (2020) study combines a theoretical framework on CBM models by stages, authors, and descriptions applied in public organizations. They highlight the need for greater organizational support and evaluation tools to advance this model. According to these authors, Electoral Courts have uniquely redesigned the theoretical proposals of CBM models and practical experiences of other public sector organizations. However, irrespective of the CBM model, Montezano and Silva (2019) found that each court adopts different versions or stages of the model, developing actions and CBM implementation and evaluation tools. Moreover, according to these authors, the courts had common difficulties, primarily cultural, to be overcome, such as lack of support from higher management, lack of CBM model prioritization in decision-making, and workers' resistance to change. However, according to Montezano et al. (2019) and Montezano and Petry (2020), the CBM model in the Judiciary System has shown practical advances in the Brazilian Public Administration context. Thus, it may be more mature than its counterparts in the Executive and Legislative branches, making it and PM promising research fields.

The competency approach seems to be an important tool for building and maintaining organizational flexibility, focused on individual resources, abilities, attitudes, and organizational capacities and providing flexible management forms (Skorková, 2016). The manager must manage organizational and human skills, teams, social networks, learning processes, changes, and innovations for private and public organizations. The manager should also offer conditions to reach the organization's optimal levels to allow it to survive in the current complex and dynamic environments (Guimarães & Medeiros, 2003). These authors advocate interpreting the competency-management approach as a potentially neutral management technology serving whoever controls it.

Methods

This qualitative and exploratory study is based on the integrated multiple case study method (Yin, 2017). The analysis focused on the experience of six electoral justice courts: the Supreme Electoral Court (TSE), Regional Electoral Court of Minas Gerais (TRE-MG), Regional Electoral Court of Rio Grande do Sul (TRE-RS), Regional Electoral Court of Maranhão (TRE-MA), Regional Electoral Court of Goiás (TRE-GO), and the Regional Electoral Court of Tocantins (TRE-TO). The selected courts represent all five Brazilian regions and the leading national Electoral Justice body. The courts and subjects involved in this research were selected based on the following criteria: typicality (the court has some CBM practice), intentionality (having public servants responsible for developing studies and implementing CBM), and accessibility (these public servants are available or authorized to participate in data collection). According to Yin (2017), this makes participants vital elements in this research.

In this research, the sources used for data collection were based on documents and interviews. Documental analysis (laws, decrees, resolutions, and memoranda) was combined with the responses from interviews conducted with 37 public servants (approximately four to nine participants from each Regional Electoral Court) directly involved with the CBM projects, indicated by their managers in the electoral courts (TSE and TREs). The interviewees' identity and source confidentiality were guaranteed using anonymous identification codes E1 to E37, and the research period and the interviewees' profile data were omitted.

Following Yin (2017), the interviews were focused but informal and spontaneous, using a semi-structured script with ten questions, mainly inspired by Brandão and Guimarães' (2001) CBM model. Their study is considered the first scientific publication on the subject in the Brazilian public sector. Its logic and essential characteristics persisted in later models and the theoretical field. Thus, our objective was to deepen the analysis and understand how the institution perceived the outcomes of this PM policy model. Approximately 12 hours of interviews were registered, with an average of 20 minutes for each. Although all the respondents agreed to Informed Consent, less than 50% of survey participants authorized audio recordings. Most respondents' answers were manually recorded based on their main ideas related to the interview script questions. A total of 9,836 words were transcribed from the recorded interviews.

In conformance with Flick (2018), this research meets scientific validity criteria through data triangulation (interviews, documents, and bibliographical sources) and validation from interviewees and public managers. The data collected (including documentary data) were compared with the specialized literature in the field. The data collected were treated based on the thematic technique of content analysis (Bardin, 2016). These results emerged from the convergence of researchers' perceptions with the literature review used. The comparison was possible after pre-analyzing the data, where similarities

between the content were identified. Five emerging themes were relatable to CBM and PM. After organizing the five themes, quantitative data consolidation was impossible due to the studied courts' data variability and content peculiarities. The five themes that configure this article's results are laid out in the next section, showing CBM actions articulated with PM.

Results

Brazil's Judiciary Branch consists of organizations linked to the National Government, including the Supreme Court (STF), the Superior Court of Justice (STJ), Federal Justice, Labor Justice, Military Justice, Electoral Justice, and the Court of Justice of the Federal District and Territories. At least two normative institutional laws have conditioned the Electoral Justice System's adoption of CBM. First, Presidential Decree No. 5707 (2006) established the National Policy for Civil Servant Development (PNDP), which set in motion the normalization of CBM in the Brazilian Judiciary. This policy was created to outline the concepts in management policies; improve the efficiency, effectiveness, and quality of public services; promote the continued development of public personnel; manage training activities; rationalize and implement expenditures on training, and align public servants' capacities to the objectives of public organizations. This Decree was revoked and substituted by Decree No. 9991 (2019) on the new personnel development policy. This new PNDP was last modified by Decree No. 10,506 (2020).

Similarly, the *Tribunal Superior Eleitoral* (TSE; Supreme Electoral Court) established its Permanent Program for Training and Development of Electoral Justice Public Servants through TSE Resolution No. 22,572 (2007). One of this program's main mechanisms is the annual training and skill development plan aligned with the Electoral Justice Strategic Management Plan and competency-based performance evaluations. In addition, TSE Resolution No. 22,582 (2007) addresses the career development of the Electoral Court public servants.

The *Conselho Nacional de Justiça* (CNJ; National Justice Council), a public institution that controls and supervises administrative and financial activities, aims to deliver faster and more efficient jurisdictional services to Brazilian society. Since 2009, this institution has set targets for the national Judiciary Power and developed strategic planning and institutional goals. The CNJ Resolution No. 70 (2009) established the Strategic Planning of the Judiciary Branch (PEPJ), a five-year multiannual plan, synthesizing several strategic components and objectives such as the development of knowledge, skills, and attitudes of magistrates and public civil servants to implement the Competency-Based Management (CBM) model. Then, CNJ Resolution No. 192 (2014) addressed the Public Servant Training and Improvement National Policy regulating CBM in the Judiciary Branch. It determined that each court should create its Strategic Plan based on the National Strategic Plan (Resolution No. 246, 2018) coordinated by the CNJ since 2018.

Following this empirical contextualization, the five essential CBM themes are presented and discussed: i) public servant selection, ii) training activity plans, iii) compensation determination, iv) nomination and appointment of commissioned positions, and v) career management. These themes arose from the data analysis and literature comparison, representing CBM on PM actions in the courts studied.

CBM in the selection of public servants

The competition for positions in public organizations in Brazil is extremely high. To illustrate this point, based on the Supreme Electoral Court's (Tribunal Superior Eleitoral, 2011) previous public tendering, 1,102,633 candidates applied for Judicial Analyst and Technician positions.

Electoral justice courts have few available positions and very high job searches; thus, there is no difficulty recruiting candidates in this field. Public notices are published in the Brazilian Federal Government's Official Union Journal to recruit candidates, and many sign up. However, the personnel selection process presents a different reality in the courts studied. According to constitutional precept, the selection processes occur through public examinations and contests consisting of qualification tests and evaluations that primarily evaluate the candidate's knowledge, putting aside other aspects of competency. Although these exams are very extensive and usually involve literature from different areas of expertise, demanding thorough preparation by the candidates, this process does not always evaluate the candidate's ability and, especially, attitude. This flawed or deficient evaluation method can lead to premature selections, corroborating with Pires (2005) and research data from Montezano and Silva (2019).

The last public notices published by the Electoral Justice courts verify this insufficiency. Although the analyzed documents indicate that the tests examine candidates' knowledge and skills, the interviews show that only their knowledge is evaluated. After all, the test is composed solely of multiple-choice questions and an essay. This approach reveals a limitation in using only documents in Public Administration studies (Garcia et al., 2016) and how data source triangulation, adopted in this work, is relevant, as it revealed these normative and practical differences in PM and CBM.

Regarding the programmatic selection content, Public Notice No. 1 by the TSE (2011) states: "Multiple-choice questions may assess skills that are beyond mere memorized knowledge, including comprehension, application, analysis, synthesis, and evaluation, valuing rational capacity." Thus, skill assessment is limited to multiple-choice tests. However, although the current model may select people with high academic knowledge to enter the public service, the ability to apply this knowledge productively and their behavioral profile are not evaluated satisfactorily, indicating a CBM gap in the courts studied. This situation can generate losses for public organizations (Pires, 2005). Public management may be challenged to prove low performance because of the problematic evaluation process, or the employee may be found unfit for office after the probationary

period. Thus, a public examination that only involves knowledge and excludes evaluating the candidate's abilities and attitude can lead to societal and organizational losses (Capuano, 2015), which will only cease when the public servant retires.

The interviews indicated that introducing CBM in this selection process does not eliminate public tendering rules but improves them. The public contests must include new selection steps that evaluate abilities and attitudes to select personnel with a more appropriate profile. Evidently, this model is more time-consuming and expensive than the current model adopted by the Electoral Court. However, by introducing the new CBM model, which uses personnel management principles, competence-based selection would lead to lower training expenses and reduced turnover probability.

The interviews also indicated that the courts studied should work together in the selection process with unified procedures. According to the interviewees, each court currently selects its public servants according to particular criteria, programmatic content, and test type. Selection standardization could reduce costs for public administration, shortening the selection period and rationalizing the process.

CBM in the planning of training activities

Based on the data collected, especially from the interviews, the training activities developed by the courts follow a random priority policy. However, their actions are similar (Montezano & Silva, 2019), mainly because they follow the CNJ's strategic planning for the Brazilian Judiciary System. Among the downsides of these actions is that public servants' actual requirements are not verified, and the actions disregard the public servant's position, meaning that public servants occupying different positions are trained in the same manner. This training policy produces training courses that are inconsistent with the public servants' duties, which generates unnecessary costs for the public administration.

However, CBM systems can correct these deficiencies. Considering that the recognized ability gaps guide CBM, it can support personnel managers in promoting professional development (Dutra, 2016; Souza, 2004). CBM actions are individual and focus on public servants' real requirements, envisioning organizational competencies founded on public strategies. One interviewee commented on this need: "the identification of competencies that add value to the organization's knowledge capital is essential to formulating relevant management policy" (E22).

The current training policy, which disregards public servants' positions and competencies, would be abandoned in this context. Instead, a new, long-term, individual training policy could be implemented, focusing on gaps and the strategic goals of the Electoral Justice System. The TRE-GO CBM Program Report analysis proves this. It showed that investments in public servant training and development after introducing CBM can gradually and steadily fill knowledge gaps, providing more effective resource expenditures and better personnel education.

Developing competencies to make personnel performance compatible with organizational objectives demands competencies beyond simple task execution (Skorková, 2016); institutions must strengthen its staff's learning capacity (Souza, 2004). Training should develop civil servants' competencies, seeking to effectively align their potential and achieve organizational goals, providing public servants with professional accomplishment alternatives.

In line with Skorková (2016), CBM allows organizations to focus on what is essential, enabling them to achieve their operational and strategic objectives without eliminating the development of other non-work-related competencies. It can integrate and coordinate skills, knowledge, and attitudes to significantly improve performance.

The replacement of the current training policy by CBM has effectively met training demands and systematized the entire process (Skorková, 2016), in addition to allowing managers to plan integrated and effective actions by identifying gaps and negotiating the development plan between public servants and their superiors.

CBM in compensation determination

CBM can also be applied to determine the public servants' remuneration to enhance motivation and improve performance (Montezano & Silva, 2019; Pires, 2005; Souza, 2004). Currently, compensation in judiciary careers consists of two parts: basic wage and gratification for judicial activity. However, based on the collected documents and interviews, it was verified that public servants also have the right to two extra payments under specific conditions: gratification for training and gratification for capacity development. The first is obtained when the public servant participates in 180 hours of courses of interest to the public body. The second is added to the salary when the public servant graduates.

Unlike other public organizations, there is no performance gratification when a judiciary public servant accomplishes institutional goals. Many interviewees mentioned the criticism surrounding this bonus, some affirming that it could increase overworking and moral harassment. Nonetheless, the interviewees consider it possible to diminish certain injustices in public service. For example, a productive public servant would receive better remuneration than a non-productive one. For them, CBM is a possibility in the courts.

Considering the Public-Sector Workers Pension System guarantees, Law No. 8,112 (1990) prohibits dismissal due to performance insufficiency; however, it allows extra gratifications as a viable alternative to increase effectiveness. Public servants would be rewarded according to better performance. Thus, the service delivery dimension would be accomplished in public careers.

CBM's great advantage is that it integrates all PM subsystems, creating more precise criteria in civil servants' selection and training. For example, according to Bergue (2020), CBM can identify the organizational and individual competencies that will influence remuneration using service delivery as a parameter. Failure to recognize talented professionals who systematically assume additional responsibilities and tasks can make them

frustrated and discontent, precisely the strategic and professional traits organizations should try to preserve (Dutra, 2016; Pires, 2005).

The new compensation forms should recognize individual differences and how people assume responsibilities, as this recognition can be translated into different organizational contributions (Bergue, 2020). However, although this may increase flexibility in compensation management, it does not solve the problem completely. A complete solution to compensation management in dynamic environments must necessarily include review criteria for baseline compensation, as it is the basis for calculating the variable portion in many cases. According to Bergue (2020), another problem in variable compensation as a solution to individual recognition is that most actions prioritize monitoring collective, not individual goals.

CBM in the nomination and appointment of commissioned positions

Brazil's Federal Constitution of 1988 states that nominations and dismissals for commissioned positions are free from restriction (Constituição da República Federativa do Brasil de 1988, 2021), a remnant of the patrimonial regime in Brazilian public administration, involving external political influence and nominations (Valadares & Emmendoerfer, 2012). Although heavily criticized by the court interviewees, in Bergue's (2020) opinion, these commissioned positions can reward good professionals, as public servants delivering better performance can attain positions or functions of trust. However, the author does not mention how these appointments should be made, implying that subjective criteria would continue to influence decision-makers in public organizations, even though, according to Andrade and Ckagnazaroff (2018), there is room to improve the mechanism based on CBM.

Furthermore, considering there is no variable portion of compensation in the current structure of the Electoral Justice careers, commissioned positions may be an effective alternative to increase public servants' motivation, as long as the trust criterion in the appointments is abandoned. However, these positions are freely appointed, and changing that would require new legislation or a constitutional amendment. The nomination of commissioned positions is the last stage of the process that begins with selection by public tendering, training within the organization, and finally, the internal selection process based on competencies. When asked about this issue, one interviewee answered the following:

There is no project in that direction. It is a highly political Court, and its functions are previously directed. Public servants are dissatisfied and demotivated. The CBM model, together with a talent pool, could replace the present model. The function selection by competencies would present good results, such as public servant motivation and valorization. [...] Given the potential of the CBM model, it tends to face significant resistance from senior management since it would replace the subjective trust criterion with an objective standard based on skills. This demonstrates how

free appointment positions are still a patrimonial remnant firmly rooted in Brazilian public administration (E21).

CBM and competency criteria can also appoint commissioned and trust positions. According to Bergue (2020), this would represent a qualitative leap in the process, rewarding good professionals and eliminating persistent patrimonial remnants in Brazilian public administration.

CBM in career management

The careers summarize the access and ascension paths a civil servant must reach, following the desire to retain and develop talents to benefit society (Dutra, 2016). According to Law No. 11,416 (2016), a career system has three main requirements: a position plan, a professional merit structure, and a connection to a public body, area, or function. For example, there are three distinct careers in the Federal Judiciary Power: Judicial Analyst (graduate level), Judiciary Technician (secondary level), and Judiciary Auxiliary (primary level). Each position has its duties defined by law, and the time-of-service criterion guides career promotion and progression. CBM may significantly alter this reality:

CBM provides institutions with formal knowledge of the required skills for each role in the organization. Thus, training actions will be connected to individual needs and the organization's goals. Civil public servants can be compensated by technical and objective criteria based on the competencies needed for each sector. Finally, I believe that organizations will individually explore the potential of each public servant based on the present competencies and results (E22).

The instrumentalization of PM tools applied to public Judiciary careers would provide theoretical support to competency-based careers resulting from the administrative reform process. These careers are considered traditional and, since Law No. 11,416 (2016), have been organized linearly, with three classes and 13 standards. This traditionalism tends to generate inflexibility, subjectivity, and even a lack of integration with the principles and actions of public organizations. In this model, personnel improvement and the encouragement of participatory action are marginalized, limiting advances from CMB in PM in the public sector (Montezano & Petry, 2020).

Discussion

Judiciary careers should be adequate for competency-based careers; however, they must be aligned with the Judiciary's strategies. They should be result-oriented, encourage participatory actions, and continuously develop personnel (Bergue, 2020; Dutra, 2016). In the second stage, commissioned positions and positions of trust should integrate regular careers, recognizing public servants that stand out for their performance and creating "careers in Y" (Dutra, 2016). For Dutra, "careers in Y" can be defined as the sequence of

positions a person can have within an organization, oriented in two directions –professional and managerial–; better pay and recognition are secured regardless of the chosen direction. Satisfactory performance in each career level or appointed position requires competencies and consistency (Dutra, 2016). The public servant looking for promotion must first demonstrate that those skills have been acquired. This mechanism intends to support personnel managers and leaders decide on succession, promotion, and nomination of positions by evaluating the competencies of the interested public servants (Lopes et al., 2020). Incorporating this criterion can be essential to affirming the CBM model and building strategic merit-based systems (Montezano & Silva, 2019).

The process initiated by the Federal Executive in 1995, extending into the other branches, inherently triggered the Brazilian judiciary reform, which (Montezano & Petry, 2020) can also be considered an administrative reform. However, some bureaucratic reform elements have not been consolidated in the Brazilian organizational structure yet. The administrative reform triggered by the Master Plan for State Reform (PDRAE) of the Ministry of Federal Administration and State Reform (*Ministério da Administração Federal e Reforma do Estado* [MARE], 1995), created specifically for this purpose, modeled the subsequent process initiated in 2004 in the national Judiciary Power (Montezano & Petry, 2020).

In this context, the creation of the National Justice Council (CNJ) in 2004 led to institutional planning in the Judiciary in 2009. The products and by-products of this permanent process were the strategic plans (2009 PEPJ Goals) and the implementation of Competency-Based Management (CBM) as a strategic goal related to PM organizational competence. The objective was to deliver a faster and cheaper jurisdictional service to Brazilian society.

The CNJ is an innovation of the *Emenda Constitucional* No. 45 (2004; Constitutional Amendment). Before the amendment, no institutional body controlled Brazilian courts' administrative and financial activities, causing slow and ineffective management (Renault, 2005). However, according to the data collected from interviews, after the CNJ was established, various tools were incorporated into judiciary management. Among them were strategic planning and the CBM model.

Regarding CBM, this study found that it is a by-public service of the management reform process in the Judiciary as one of the Brazilian Electoral Justice's strategic objectives. The CNJ's political and strategic decisions result from its constitutional attributions. However, electoral courts have the autonomy to develop their own proposals and actions, as shown in the results.

Recruitment and selection activities stand out as a crucial dimension of CBM. Organizations are more likely to recruit professionals aligned with organizational strategies if they are well conducted. The limitations of CBM for the recruitment and selection actions verified in the courts studied are in line with the results of Montezano and Silva (2019); however, these limitations are not restricted to PM actions.

It was found that public tendering still favors knowledge to the detriment of other critical dimensions. Access to public positions through a public contest has been a constitutional guarantee in Brazil since 1937 and is maintained in the present Constitution. Thus, universal and meritocratic selection principles cannot be considered a breakthrough in public service professionalization, as they date back to the bureaucratic reform period. Nonetheless, implementing a more complex selection process that tests candidates' abilities (Bergue, 2020; Valadares & Emmendoerfer, 2012) is the first step toward installing adequate CBM in Judiciary personnel policies.

Training activities are another essential part of CBM, although disconnected from collaborators' actual necessities in the courts studied. Results showed that organizational and individual skills should orientate training tools. In this sense, training activities should be previously assessed to focus on the gaps identified by public servants. In this sense, Montezano and Petry (2020) indicated in their research that at least 70% of public organizations in Brazil intend to use CBM for training and development, reducing this verified disconnection and improving PM from a CBM perspective.

CBM may also assist in nominating positions and may be an effective alternative to appointing positions according to personal merit, incorporating them into public careers. However, the research data indicated strong political links when nominating appointed and trust positions. In addition, subjective criteria still exist in the courts studied, and they have been used to nominate political appointees freely. Moreover, trust positions do not align with public service professionalization guidelines (Bergue, 2020) proposed by the PDRAE, PNDP, and PEPJ plans. Hence, this mechanism must be replaced by a coherent criterion reconciling the position's key competencies and the institution's strategic objectives. CBM has been slowly adapted to address cultural barriers existing in appointed positions in public organizations (Montezano & Petry, 2020) and the electoral courts studied. However, Decree No. 10,506 (2020) may speed up this process by addressing competencies based on innovation and entrepreneurship in the Judiciary system.

Considering the courts studied, it can be stated that PM in Brazilian public administration lacks structural reforms. Although norms and studies have been trying to make CBM plausible in public organizations, its assimilation has been slow and fragmented. Despite the standardization of professional guidelines, these have failed to be self-executing. The need for an essential cultural change in leaders and public servants (Schutte & Barkhuizen, 2016) is also evident, especially concerning the gradual incorporation of CBM into the Judiciary System strategies in the following years.

Conclusions

This study has presented CBM in PM in Brazilian Electoral Justice Courts. Despite the many difficulties found during the research, it may improve current administrative action and lead to new public careers in these public organizations.

Integrating public servant careers and the various PM subsystems into the competency model is a true challenge for public managers. Only with integrated, systemic, and strategic CBM will the main administrative reform goals be reached: professionalizing public administration and offering quality public services to society.

This study has potential theoretical contributions, as the concepts and effects of competency on Human Resource Management, or Personnel Management (PM), are still under construction, requiring more empirical research (Klingner et al., 2016). Furthermore, in line with Fonseca and Meneses (2016), the operational effectiveness of competency-based management is an empirical challenge because of cultural and legal/regulatory issues. Thus, this study improves PM by laying out managerial implications, especially in the public sector, including recruitment, selection, training, and evaluation.

This article innovates by discussing CBM in courts, debating its applications and critical factors, and adding new information to the study by Montezano & Silva (2019) on the Electoral Justice courts. It may become a reference for future interventions in other public organizations, offering specialized and competent public management. In social terms, this article also shows that Brazilian public organizations can become more innovative and integrate their work with general governmental guidelines, offering quality public services to society.

In conclusion, linking CBM with PM can be improved to make Brazil's National Judiciary Strategy of 2021-2026 more effective. Furthermore, this improvement can inspire its adoption in Public Administration, as well as courts and judicial systems in other countries, protecting democratic regimes with more qualified public servants.

Considering that the CBM debate is relatively new in the Brazilian and Latin-American public sector, further studies will be necessary for more thorough comprehension and contribution to enrich the academic debate in this field. Therefore, the following research agenda is suggested, focusing on the Judiciary field because of this research's scope. However, the suggestions below should expand to other branches of power:

- Studies identifying the organizational competencies in other parts of the Judiciary branch;
- Studies identifying the typical structure of the Electoral Justice System, using all its composing courts as analysis units;
- Quantitative studies that may identify the competencies of management positions from the viewpoint of the public civil servants from the same organization;
- Studies assessing the outcomes of the CBM model on PM, measuring its efficacy;
- Analyzing and monitoring governance processes for managing people through CBM;
- Comparative studies on CBM models applied in the three branches (Executive, Legislative, and Judiciary) of Public Administration in Brazil and other countries.

Finally, this research is not without limitations. Because the authors used the case study method and non-probabilistic sampling techniques in this article, its main limitation is the impossibility of generalizing the obtained results. In addition, despite the anonymity of the interviews, some subjects may have felt embarrassed, especially regarding competencies that are the basis of performance assessments and the technical criteria for public tenders. Lastly, it is worth noting that Brandão and Guimarães's (2001) CBM model provided this article's researchers an initial support to capture the fragmentation of PM actions and link them to the CBM verified in the courts studied. This was useful as an inspiration or mental model to compose the results and discussions presented in this article.

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