

Updates on CSC Rules and Regulations

Atty. ARIEL G. RONQUILLO
Assistant Commissioner for Legal



Part I.

2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORA OHRA)

RULE I

General Policies on Appointments



Sec. 1. State shall ensure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to **merit and fitness**.

Sec. 2. Merit and fitness shall be determined, as far as practicable, by **competitive examinations**. This does not apply to appointments to positions which are **policy determining, primarily confidential, or highly technical**.

RULE I

General Policies on Appointments



Sec. 3. Any action denoting the **movement** or **progress** of human resource in the civil service such as promotion, transfer, reappointment, reinstatement, reemployment, reclassification, detail, reassignment, secondment, demotion and separation shall be known as **human resource action**.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

- **Permanent appointment** – an appointment issued to a person who meets all **QS requirements of the position.**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Temporary appointment – issued to an appointee who meets the education, experience, and training requirements **except** eligibility

- *A temporary appointment may only be issued in the absence of an applicant who meets all the qualification requirements of the position as certified by the appointing officer/authority.*
- Shall **not to exceed 12 months** and may only be **renewed once**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Temporary appointment – Shall **not to exceed 12 months** and may only be **renewed once**

RECKONING PERIOD

- Pelonio's appointment was disapproved on the ground that she was previously appointed under temporary status, and that, her September 1, 2017 appointment was already on its sixteenth renewal.
- Rule on one (1) renewal limitation of temporary appointments was introduced in the 2017 ORAOHRA.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



RECKONING PERIOD

- In line with the prospective character of the rule, for purposes of disallowing more than one (1) renewal, it should not include appointments issued prior to the 2017 ORAOHRA. **Pelonio's prior temporary appointments cannot be the subject of the provision under the 2017 ORAOHRA.**
- Reckoning date shall start from her temporary appointment issued on September 1, 2017, if any. Therefrom, she may still be allowed one (1) more temporary appointment to the same position. Granted the petition of Pelonio.

Pelonio, Lalaine D., Decision No. 180478, Sept. 5, 2018

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Temporary appointment shall be disapproved/invalidated if the deficiency of the appointee is any or combination of the **education, training, or experience requirement**, except to positions that are:

- ✓ hard to fill
- ✓ provided by special law (medical officer/specialist positions, special science teachers, police officers, and faculty positions)
- ✓ other meritorious cases as may be determined by the Commission

X *A temporary appointment to a position which involves practice of profession may be issued to a person who lacks the required experience or training but only in the absence of an applicant who meets all the qualification requirements of the position as certified by the appointing officer/authority.*

Temporary appointment issued to a person who meets all the requirements of the position shall be disapproved/invalidated.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Temporary appointment

When there are no available qualified faculty in the region, place or locality, as certified by the appointing officer/authority, temporary appointments may be issued until the required Master's degree is met/complied with.

The renewal of temporary appointment shall be limited to five (5) times only reckoned from the effectivity of CSC Memorandum Circular No. 25, s. 2017.

Applicable only in the absence of qualified faculty (professor).

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Employment Status

Substitute appointment - issued when regular incumbent is:

- temporarily unable to perform
- on an approved leave of absence
- under suspension
- on a scholarship grant or on secondment.

This is effective only *until the return of the incumbent.*

A substitute appointment is allowed *only if the leave of absence of the incumbent is at least three (3) months, except in the case of teachers.*

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Employment Status

Substitute appointment –

A position whose duties involve practice of a profession covered by bar/board or special laws shall require the appropriate license.

The substitute appointee shall be entitled to the salaries and benefits attached to the position except for those benefits requiring longer period of service for the availment thereof.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Coterminous appointment - appointment issued to a person **whose tenure is limited** to a period specified by law.

- Coterminous with the appointing officer/authority
- Coterminous with the head of the organizational unit where assigned

Must meet the education, experience, and training requirements of the position

Eligibility is not required except for positions involving practice of profession or requiring licenses

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Coterminous appointment

- Nicolas, former Provincial Administrator, Prov. Govt of Quirino, files an appeal on the CSC RO No. II decision disapproving her re-appointment as Provincial Administrator under coterminous status for failure to meet the required eligibility of the position.
- Nicolas meets the experience, education and training requirements of the position but this does not exempt her from meeting the qualification standard for said position.
- CSC MC No. 12, s.2011 provides that 'Appointment to **Administrator, Legal Officer and Information Officer** position in municipalities, cities and **provinces**, xx, shall comply with the QS and concurrence by the concerned Sanggunian, otherwise will be disapproved.

Nicolas, Elizabeth S., Decision No. 150038, Jan. 28, 2015

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Coterminous appointment

Rule VIII. Qualification Standards

Section 38. Appointees to primarily confidential/personal staff positions are exempt from the QS requirements, except those whose duties involve the practice of a profession regulated by the Philippine Bar/Board laws and/or require licenses xxx, and those specifically required by a special law, such as the positions of Provincial/City/Municipal Administrator, Information Officer and Legal Officer required under specific provisions of the 1991 LGC

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

- Coterminous (primarily confidential in nature)

Exempt from qualification requirements except for positions involving practice of profession or requiring licenses.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

- *Coterminous with the Lifespan of the Agency*
- ***Based on the agency's Staffing Pattern as approved by the DBM or the GCG.***
- ***Need not be renewed annually.***
- ***The lifespan of the agency shall be indicated on the appointment. However, if the performance of the appointee is below Satisfactory, the appointing officer/authority may terminate the services of, or replace the appointee after giving the latter a notice of at least thirty (30) days prior to the date of termination of the appointment.***

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



- *Coterminous with the Lifespan of the Agency*
- ***Must meet the education, experience and training requirements of the positions as proposed by the respective Agency Heads and approved by the Commission.***
- ***Eligibility is not required for coterminous appointment, except those whose duties involve the practice of a profession regulated by the Philippines Bar/Board or special laws and/or require licenses.***

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Fixed Term appointment – specified term of office subject to reappointment as provided by law, such as Chairperson and members of commissions and boards, SUC President, and Head of Agency appointed by the Board.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Employment Status

Contractual appointment - **special contract** to undertake local or foreign-assisted projects or a specific work or job **requiring special or technical skills** not available in the employing agency

- Limited to 1 year, may be renewed every year depending on performance
- Must meet education, training and experience proposed by agency heads and approved by CSC
- Eligibility not required except for positions involving practice of profession or requiring licenses
- *Includes appointments to positions that are co-existent with the duration of a particular project based on the agency's Staffing Pattern as approved by the DBM or the GCG.*
- Entitled to the same benefits enjoyed by regular employees

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Casual appointment for essential and necessary services where there are not enough regular staff to meet the demands of the service and for emergency cases and intermittent period

- **Must meet education, training and experience proposed by agency heads and approved by CSC**
- **Eligibility not required except for positions involving practice of profession or requiring licenses**
- **In no case shall casual appointment be issued to fill a vacant plantilla position**
- **Entitled to the same benefits enjoyed by regular employees**
- ***Reappointment (renewal) of casual appointments to the same position shall be submitted to the CSC for notation only, without the need for approval/validation. However, reappointment to another position shall be submitted for approval/validation by the CSC FO concerned.***

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status of Teachers

Permanent —meets all the requirements of the position.

Provisional —meets all the requirements of the position **except the eligibility** * *Scholar-graduates of the Merit Scholarship Program of the Department of Science and Technology – Science Education Institute (DOST-SEI) shall be allowed to teach on provisional status, which appointment may be renewed every school year but not to exceed four (4) years.*

Temporary –meets all the requirements of the position **except the education** *

****only in the absence of a qualified eligible actually available who is willing to accept the appointment as certified by the Schools Division Superintendent***

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status of Teachers

Substitute – regular incumbent **temporarily unavailable** – required to possess RA 1080 (Teacher) Eligibility

Contractual – **specialized subject** in secondary education; **part-time** – inclusive period indicated for purposes of crediting services – not required to possess RA 1080 (Teacher) eligibility

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Original appointment

the **initial entry** into the **career or non-career service** **subject to probationary period** under Rule V of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Promotion

the **advancement** of a **career employee** from one position to another with an increase in duties and responsibilities and usually accompanied by increase in salary

- **upward movement** from the **non-career service to the career** service and vice versa shall **not** be considered as a **promotion** but as **reappointment**
- **promotion to another agency** (promoted employee will be required to **notify the head of agency at least 30 days prior to assumption to the position**).
- **special promotions** exempted from qualification requirements but subject to validation

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



The pendency of an administrative case against any employee shall not be a bar to promotion.

An employee who has been found guilty of an administrative offense and imposed the penalty of demotion, suspension or fine shall be disqualified for promotion for the same period of suspension or fine.

In the case of demotion, the period of disqualification for promotion shall be within one (1) year.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Transfer

- the movement of employee from one position to another which is of **equivalent rank, level or salary** without gap in the service *requires:*
 - Written Notice of transfer = *at least* 30 days prior to effectivity date
 - Written Notice of acceptance – 30 days from receipt of notice

✘ No notice of acceptance – deemed approved after lapse of 30 days from receipt of written notice

✘ Failure to transfer on specified date - employee deemed resigned. May be reappointed or reemployed subject to the usual hiring process

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reemployment

- the appointment of a person who has been **previously appointed** to a position in the government service but was **separated** therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation, or any non-disciplinary action such as dropping from the rolls and other modes of separation.
- **presupposes a gap in service**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reappointment the issuance of an appointment as a result of reorganization, devolution, salary standardization, re-nationalization, recategorization, rationalization or similar events, including the following:

- The issuance of appointment from **temporary to permanent, career to non-career or vice versa, non-career to another non-career**
- The **renewal** of temporary, contractual and casual appointment upon the expiration of the appointment or subsequent appointment of substitute teachers
- Personal or coterminous staff of elective officials, who shall **continue to serve in a coterminous capacity**
- **NO GAP IN SERVICE**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reinstatement

- to comparable positions – restoration of a person as a result of a decision, to career position from which he/she has, through no delinquency or misconduct, been separated but **subject position already abolished**; issuance of appointment required
- to the same position/item – no need for issuance of appointment

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Demotion - movement of an employee from a higher position to a lower position where he/she qualifies, if a lower position is available. It entails reduction in duties, responsibilities, status or rank, which may or may not involve a reduction in salary.

- **Due to reorganization/rationalization (REAPPOINTMENT)**
– salary of the higher position
- **Voluntary demotion** - same step of the salary grade of the previous position
- **Demotion as a result of a disciplinary action** – adjustment of the salary of an employee to the next lower salary grade *with the same salary step.*

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reclassification

- includes downgrading or upgrading when there is a substantial change in regular duties and responsibilities of the position
- not subject to QS; vested right

Reclassification of position *requires the issuance of an appointment* but the same is ministerial on the part of the appointing officer/authority.

In LGUs, ***no reclassification shall be allowed*** except when the position is actually vacant

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



HR movements not requiring issuance of appointment expanded to include

- **Change in item number**
- **Salary adjustment - NOSA**
- **Step increment - NOSI**
- **Reinstatement to the same position/item**
- **Demotion as a result of a disciplinary action**
- **Positions marked as coterminous with the incumbent**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Other Human Resource Actions

Reassignment

movement across the organizational structure **without a reduction in rank, status, or salary**; requires issuance of an Office Order by the appointing officer

- Reassignment of employees with station-specific place of work **within the geographical location of the agency** shall be allowed only for a maximum period of one (1) year

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Geographical location – area **within the jurisdiction of an agency.**

- NGAs, GOCCs, SUCS – central to regional office, main campus to satellite campus provided that the office of reassignment is existing in the organizational structure of the agency
- LGUs – area within the locality of an LGU where an employee may be reassigned from the Provincial/City/Municipal Hall to other areas within the locality provided that the reassignment is existing in the organizational structure of the LGU

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Station Specific Appointment

An appointment is considered station-specific when:

- the particular office or station where the position is located is **specifically indicated on the face of the appointment paper**
- the **position title already specifies the station**, such as Human Resource Management Officer, Accountant, Budget Officer, Assessor, Social Welfare and Development Officer, and such other positions with organizational unit/station-specific function.
- *The reassigned employee who is restored to his/her original post/assignment pursuant to the decision of the Commission shall not be reassigned within one (1) year reckoned from the date of restoration to the original post/assignment. Otherwise, the appointing officer/authority or the authorized official who caused the subsequent reassignment within 1 year from the date of restoration may be cited for indirect contempt by the Commission as provided in Rule 16 of the 2017 RACCS.*

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Appointment is **not** station specific

- One-year maximum period of reassignment within the geographical location of the agency shall not apply
- Employee concerned may request for a recall of the reassignment citing his/her reasons why he/she wants to go back to his/her original station
- Reassignment may also be revoked or recalled by the appointing officer/authority or be declared not valid by the Civil Service Commission or a competent court, on appeal

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Constructive dismissal exists when an official or employee quits his/her work because of the agency head's **unreasonable, humiliating, or demeaning actions**, which render continued work impossible because of **geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position**. Hence, the employee is deemed illegally dismissed.

This may occur although there is no diminution or reduction in rank, status or salary of the employee

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Reassignment that constitutes constructive dismissal may be any of the following:

- Reassignment of an employee to perform duties and responsibilities **inconsistent with the duties and responsibilities of his/her position** such as from a position of dignity to a more servile or menial job;
- Reassignment to an **office not in the existing organizational structure**;
- Reassignment to an existing office but the employee is **not given any definite set of duties and responsibilities**;

Reassignment that constitutes constructive dismissal may be any of the following:

- Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location
- Reassignment that is done indiscriminately or whimsically such as reassignment of employees twice within a year, or reassignment of career service officials and employees with valid appointments during change of administration of elective and appointive officials.

Reassignment that results in constructive dismissal must be sufficiently established.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



In sum, the features of the rules on reassignment:

- provides avenue for employees with no station specific appointment to request **recall of reassignment**;
- provides grounds that constitute indiscriminate and whimsical reassignment;
- includes provision on reassignment of public health, social and school teachers and other professions covered by special laws; and
- **pending appeal**, reassignment shall **not be executory** (CSC vs Pacheo, G.R. No. 178021, January 25, 2012).

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Detail

temporary movement of an employee **from one department or agency to another** which does not involve a reduction in rank, status or salary.

- provide limit to period of detail to a **maximum of 3 years** (Section 5, Item b (3))
- detail without consent shall be allowed only for a period of one (1) year
- require that detail be covered by an agreement that such will not result in reduction in rank, status or salary (Section 5, Item b (4))

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Detail

The employee may appeal the detail order within 15 days upon receipt to the Commission or CSCRO with jurisdiction if he/she believes there is no justification for the detail. **Pending appeal, the detail order shall be executory** unless otherwise ordered by the Commission.

The decision of the said CSCRO may be further appealed to the Commission within 15 days from receipt.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- Imposition of additional and/or higher duties to be performed by a public official/employee which is temporary and can be terminated anytime at the pleasure of the appointing officer/authority

- perform the duties of another position on concurrent capacity or on full-time basis;
- designation in an acting capacity or as Officer-in-Charge (OIC)

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- Whether a first level position holder Rebong, who was designated to perform the duties pertaining to second level positions, be credited as valid experience for purposes of promotion.
- CSC emphasized that CSC Resolution No. 050157 dated February 7, 2005, MC No. 6, s.2005 provides that 'designees can only be designated to positions within the level they are currently occupying'. Hence, CSC concluded that designation made in his favor to perform duties and functions of the second level position, could not be credited for purposes of compliance with the experience requirement as it violates the rules on designation.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- It is worthy to emphasize that the CSC would consider respondent to have complied with the experience requirement were it not for the alleged violation of the rule against designation of a first level position holder to second level positions which is stated in CSC MC No. 06-05, dated Feb 15, 2005 (b) – designees can only be designated to positions within the level they are currently occupying.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- *Nevertheless, even if CSC is correct in saying that he should have never performed the duties of a second level position, the fact remains that he served as IA 1 in the defunct EIIB for nine years and as IA1 in the BOC for eight years.*
- *It is only fair and just that his experience therein should be counted in his favor for purposes of promotion.*

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- *CSC MC No. 06-05 does not even provide for the consequences of designating a first level position holder to second level positions. **Nowhere in the said Circular is it provided that such service would not be credited in the employee's favor for purposes of promotion.** CSC's petition is denied for lack of merit.*

CSC vs Rebong, G.R. No. 215932, June 3, 2019

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- designation in an **acting capacity** - ministerial functions attached to the position but also the exercise of discretion since the person designated is deemed to be the incumbent of the position
- officials designated as **officer-in-charge** - enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- *designation to **critical positions** in the local government units such as Provincial/City/Municipal Government Department Head, a copy of the office order shall be furnished by the HRMOs of the LGUs to the CSC FO concerned within thirty (30) days upon its issuance.*
- *Employees designated to positions with duties involving practice of profession shall be required to possess the necessary professional license.*

RULE V

Probationary Period



Probationary period - period of actual service following the issuance of a permanent appointment wherein the appointee undergoes a **thorough character investigation** and **assessment of capability** to perform the duties of the position enumerated in the Position Description Form (PDF).

RULE V

Probationary Period



Coverage

- Those who are issued **original appointments** under **permanent status** in the career service and who meet all the requirements of the positions
- **Non-career service employees** who are **reappointed/reemployed to a career position under permanent status**

RULE V

Probationary Period



- Temporary appointees who after meeting the eligibility requirements for a permanent appointment in the career service are reappointed (change of status to permanent)
- Those who are reemployed under permanent status
- First-time appointees to closed career positions (faculty and academic staff in state universities and colleges/local colleges and universities, Scientists), unless otherwise provided under the agency Charter

Exempt from probationary period:

- Teachers who, prior to issuance of permanent appointments, **have acquired adequate training and professional preparation** in any school recognized by the government, and possess the appropriate civil service eligibility pursuant to Section 4 of Republic Act No. 4670
- **First-time appointees to closed career positions** in SUCs, and scientific and research institutions if so provided under their agency Charters
- Appointees to positions exempted from the probationary period as may be provided by law.

RULE V

Probationary Period



Reasons for Termination of a Probationary Appointee

- Unsatisfactory performance or want of capacity
- Failure of the appointee to observe propriety in his/her acts, behavior and human/public relations
- Habitual tardiness or absenteeism
- Critical factors based on SPMS
- Unsatisfactory Conduct or Behavior
- Neglect of Duty
- Insubordination

RULE VI

Effectivity and Submission of Appointments



If the appointee has taken his/her oath of office and assumed the duties of the position, **he/she shall be entitled to receive his/her salary at once without awaiting the** approval/validation of his/her appointment by the Commission. **The appointment shall remain effective until disapproved/invalidated by the Commission.**

RULE VI

Effectivity and Submission of Appointments



If the appointee is not allowed to assume office despite his/her receipt of the appointment, or submission thereof to the Commission for approval, the official/s or employee/s **who caused the non-assumption** of the appointee **shall be held administratively liable therefor.**

RULE VI

Effectivity and Submission of Appointments



Section 18. In the case of local government units, the appointment issued by the appointing officer/authority to a department head position requires the concurrence of the majority of all the members of the local sanggunian. *The appointing officer/authority shall submit the appointment to the local sanggunian for concurrence within seven (7) calendar days upon issuance, otherwise, the appointment shall be considered ineffective.*

If the sanggunian does not act on the appointment within fifteen (15) calendar days from the date of its submission, said appointment shall be deemed concurred.

De Facto Officer



In order for the appointee to be considered as de facto officer, the following elements must concur:

- a. There must be a *de jure* office. – The position is under an existing and legally recognized division, office, organization, Plantilla of Position/Staffing Pattern.
- b. There must be color of right or general acquiescence by the public. –It must be derived from an election or appointment, however irregular or informal, so that the incumbent is not a mere volunteer. The appointee only assumed the duties and responsibilities of the position because he/she was issued his/her appointment paper.

De Facto Officer



In order for the appointee to be considered as de facto officer, the following elements must concur:

- c. There must be actual physical possession of the office. –**
The appointee has the presumption that the appointment issued to him/her is in compliance with CS Law and rules.

Good faith and bad faith determines who shall be liable in payment of salaries



In making a determination of good faith and bad faith, the following factors, among others, shall be considered:

- **Dishonest Purpose:** Bad faith denotes a dishonest purpose, moral deviation, and a conscious commission of a wrong.
- **Breach of Duty:** It includes a breach of known duty through some motive or interest or ill will that partakes of the nature of fraud.
- **Question of Intention:** Bad faith is a question of intention, which can be inferred from one's conduct and/or contemporaneous statements.
- **Presumption of Good Faith:** Bad faith under the law cannot be presumed and must be established by clear and convincing evidence. The law always presumes good faith.
- **Nature of Wrongdoing:** Bad faith does not simply connote bad judgment or negligence but imports a dishonest purpose or moral obliquity and conscious wrongdoing.
- **Burden of Proof:** The burden of proving bad faith lies on the party asserting it.

These factors shall be used to ascertain whether the appointing authority or officer acted with bad faith in issuing the appointment.

RULE VI

Effectivity and Submission of Appointments



Services rendered without an appointment

- **Not credited as government service**
- **Not recognized by the Commission**
- **Payment of salaries and other benefits = personal liability of the person who made him/her assume office**



Part II.

POLICIES ON **FLEXIBLE WORK ARRANGEMENTS** IN THE GOVERNMENT

(CSC Resolution No. 2200209 dated 18 May 2022)

Policies on Flexible Work Arrangements in the Government

CSC Resolution No. 2200209, 18 May 2022

Date of Effectivity

15 JUNE 2022 or after fifteen (15) days from its publication in the Businessworld on 31 May 2022



Policies on Flexible Work Arrangements in the Government



Scope and Coverage:

- A. **Government agencies:**
1. Constitutional Bodies;
 2. Departments, Bureaus, and Agencies of the National Government;
 3. GOCCs with original charters;
 4. SUCs; and
 5. LGUs;

Policies on Flexible Work Arrangements in the Government



Scope and Coverage:

- B. All **appointive** government officials and employees of the above-mentioned agencies, regardless of status of appointment (**permanent, temporary, provisional, substitute, coterminous, casual, contractual or fixed term**)

Policies on Flexible Work Arrangements in the Government



Scope and Coverage:

C. JOS and COS

The Department of Budget and Management (DBM) and/or the Commission on Audit (COA) may formulate a **parallel issuance** on the matter for contract of service (COS) and job order (JO) workers in government, **taking into consideration the same parameters** set forth in the Policies.

FLEXIBLE WORK ARRANGEMENTS (FWA)

Government agencies **may adopt** any of the following FWA:

01

FLEXIPLACE;

02

COMPRESSED WORKWEEK;

03

SKELETON WORKFORCE;

04

WORK SHIFTING;

05

FLEXITIME; AND

06

OTHER FLEXIBLE WORK ARRANGEMENTS



Flexible Work Arrangements



01

FLEXIPLACE

is an **output-oriented** work arrangement that **authorizes** officials or employees to render service at a location **away from their office**, either in the:



home/residence of the official or employee,



agency satellite office, or



another fixed place,

on a **temporary basis** duly **approved** by the head of office/agency.

Flexible Work Arrangements



3 Types of Flexiplace



Work-From-Home



Work from Satellite Office



Work from Another Fixed Place

Flexible Work Arrangements



3 Types of Flexiplace



Work-From-Home

work at home or their residence

Flexible Work Arrangements

3 Types of Flexiplace



Work from Satellite Office

instead of reporting to their office,
report for work at their agency
satellite office near their place of
residence (e.g., central/other
regional office/ field office)

Flexible Work Arrangements

3 Types of Flexiplace



Work From Another Fixed Place

render service within the Philippines, at a place conducive for productive work and efficient performance of official duties and responsibilities, other than their home or residence and satellite office.

Flexible Work Arrangements



CONDITIONS
FOR
FLEXIPLACE

1

REGULAR - regular and **recurring** basis and for a **period agreed upon with the supervisor** and duly approved by the head of agency/office

2

SITUATIONAL - for **ad-hoc task/s** or assignment/s that require/s **short period of time or project-based** e.g., project proposal preparation, reports preparation, research, case adjudication, and other analogous circumstances

3

MEDICAL - for those who are **recuperating from a medical condition**

- Duration shall be based on the recommendation of the attending physician.
- Request for flexiplace shall be supported by the medical records

Flexible Work Arrangements

02

COMPRESSED WORKWEEK

- the forty (40) hours workweek for five (5) days is **compressed to four (4) days or less**, as may be applicable.



Flexible Work Arrangements



03

SKELETON WORKFORCE

- a **minimum number** is **required** to **man the office** to render service when full staffing is not possible.

Flexible Work Arrangements



04

WORK SHIFTING

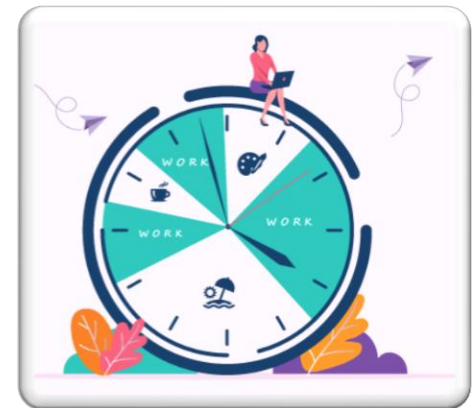
- Applicable to offices/ agencies that observe work shifting or flexible working time.
- Staggered working hours refers to the **existing 24/7 shifting schedule and the flexible working time schedule.**

Flexible Work Arrangements

05

FLEXITIME

Adopt flexible time from 7:00 AM to 7:00 PM on a daily basis provided that the required forty (40) hours workweek is complied with.



Flexible Work Arrangements



06

OTHER FLEXIBLE WORK ARRANGEMENTS

- agencies may adopt a **combination of any** of the above FWA appropriate or applicable to the mandate/functions of the agency.

General Requirements of FWA:



Officials/employees shall render work from **8:00 AM to 12:00 PM** and from **1:00 PM to 5:00 PM** on all days except Saturdays, Sundays, and Holidays;



Agencies shall ensure continuous delivery of services from **8:00 AM to 5:00 PM**, including lunch break, throughout the workweek;

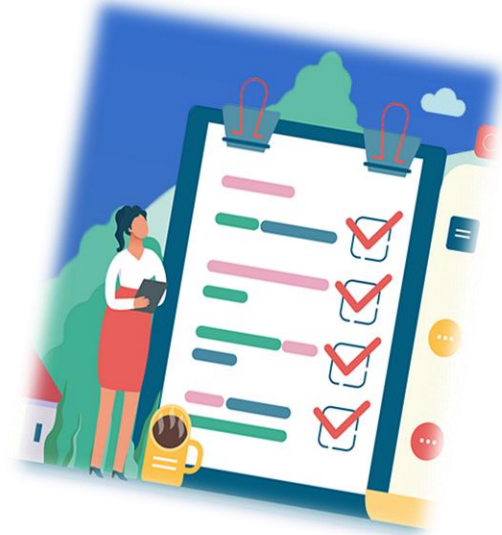
General Requirements of FWA:



Agencies shall formulate internal guidelines on the FWA they have adopted and implemented, which are appropriate/applicable to their mandate and functions;



The internal guidelines shall include tasks that may be allowed to be accomplished outside the office and **other protocols** such as health emergency plans to prevent the spread of infectious diseases



Parameters in the Implementation of WFH



Research

formulation of
accounting, auditing and
management control

Policy
formulation/review/amen
dment

Recording, examination
and interpretation of
financial records and
reports

ALLOWED
WFH TASKS

Project work, including but not limited
to, drafting of proposals/
project studies/training modules

Budget planning and
forecasting

Data
encoding/processing

Adjudication of cases or
review of cases,
including legal work

Parameters in the Implementation of WFH



Sending/receiving e-mail

Preparation of information materials

Computer programming

Database maintenance

computation of leave credits, preparation of payroll etc., as the

ALLOWED
WFH TASKS

Design work/drafting of drawing plans

computer and the World Wide Web (Internet) for reading, encoding, printing or submission of written outputs for the review, evaluation or final presentation/assessment of the immediate supervisor, the head of office or management.

General Requirements of FWA:



Agencies shall incorporate in their **Public Service Continuity Plan (PSCP)** the adoption of FWA;

PSCP is an **all-hazard plan** to ensure **continuous delivery** of services to the public **amidst any disruption**. It works by highlighting internal capacities, recovery requirements, and strategies to minimize damage and loss to essential processes, ensure succession of leadership, and improve continuity capabilities of all government entities.



General Requirements of FWA:



Employees under FWA shall be entitled to **Compensatory Overtime Credit/ Overtime Pay** if they physically reported for work and rendered services beyond the normal eight (8) hours on scheduled workdays or forty (40) hours a week;



Agencies shall adopt performance standards and timelines in accordance with EODB, in consonance with the approved OPCR/DPCR/IPCR to guide government officials and employees in the performance of their assigned task/s.



General Requirements of FWA:



Failure to accomplish the assigned task/s within the timelines set by the agency may be a **ground to deny subsequent requests** of employees for flexiplace work arrangement.



Agencies shall adopt a **monitoring mechanism**;



Agencies shall adopt the **use of videoconferencing/ teleconferencing**;



General Requirements of FWA:



Agencies shall adopt security measures to ensure **confidentiality**, integrity, and availability of official documents and other relevant information. **Personal data** shall be processed by the employees pursuant to RA No. 10173 or **the Data Privacy Act of 2012**.



Agencies are encouraged to use the **Philippine National Public Key Infrastructure (PNPKI)** of the Department of Information, Communications and Technology



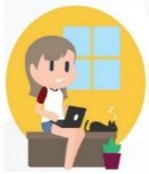
General Requirements of FWA:



Online government transactions must be implemented in accordance with **COA Circular No. 2021-006** - *Guidelines on the use of Electronic Documents, Electronic Signatures, and Digital Signatures in Government Transactions.*



Parameters in the Implementation of FWA



1. Flexiplace:

A. WORK-FROM-HOME:

May be adopted **anytime**,

subject to mutually agreed arrangements between the officials/employees and their supervisor;

shall apply to those whose assigned task/s can be accomplished outside the office.



A. WORK-FROM-HOME:



2. May be extended to those **whose task/s cannot be accomplished at the office**, satellite office, or another fixed place under the following situations:

- emergence of a national or local outbreak of a severe infection disease and/or occurrence of natural or man-made calamities; and
- place of assignment is within 1 km radius from:
 - facilities where infected/suspected patients and public health workers and other frontline workers are regularly exposed to infectious diseases; and
 - calamity stricken area



A. WORK-FROM-HOME:

*When can an official/employee on WFH be considered on **excused absence?**

- when an agency has not assigned any other task/s to the concerned officials and employees who were not able to produce outputs during the emergence of national or local outbreak of a severe infectious disease and/or the occurrence of natural or man-made calamities



A. WORK-FROM-HOME:



3. Tasks assigned should be performed to the full extent possible in terms of workhours and workdays per workweek.



4. Employees under WFH arrangement are not entitled to **Compensatory Overtime Credit/Overtime Pay**



Parameters in the Implementation of FWA

1. Flexiplace:

B. WORK FROM SATELLITE OFFICE:

1. **Shall** apply to those whose task/s can be accomplished outside the office but may need equipment/facilities that are available in the nearest satellite office

Requires **approval** from their immediate supervisor or next higher officer **in order that workload arrangement costs incurred** by the satellite office may be properly **coordinated**



B. WORK FROM SATELLITE OFFICE:



2. May be allowed:

- when officials or employees **cannot** report for **work due to natural or man-made calamities** except when WFH is required by the Office of the President or proper authorities;
- to those who are **stranded** due to quarantine protocols, unavailability of transportation or inaccessible road may be allowed to work at agency satellite offices.



3. Shall still **comply with the prescribed working hours of 40 hours per workweek**



Parameters in the Implementation of FWA



1. Flexiplace:

C. WORK FROM ANOTHER FIXED PLACE:



1. **Shall** apply to those **whose task/s can be accomplished outside the office**, at a place conducive for productive and efficient performance of official duties and responsibilities, **other than their home, residence, or satellite office.**

Requires approval from their immediate supervisor or next higher officer.



C. WORK FROM ANOTHER FIXED PLACE:



2. May apply to:

- **Officials/employees whose task/s cannot be accomplished outside the office and are stranded at a place away from their home or satellite office;**
- **Provided that the agency has assigned alternative task/s subject to the performance standards and timelines for its completion in consonance with the approved OPCR/DPCR/IPCR and existing CSC rules;**



C. WORK FROM ANOTHER FIXED PLACE:

3. **May also be applied** to those who are **stranded** due to quarantine protocols, unavailability of transportation, or inaccessible road subject to existing CSC rules.



4. **Task/s assigned** to government officials or employees should be performed to the **full extent possible** in terms of workhours and workdays per workweek.
5. Agency takes full responsibility on the grant of WFAFP and verification of employees entitlement.
6. Employees under WFAFP arrangement are **not entitled to Compensatory Overtime Credit/Overtime Pay.**



Parameters in the Implementation of FWA

2. Compressed Workweek:



May be allowed to those:

- A. whose task/s or portions thereof cannot be accomplished outside the office, particularly those on skeleton workforce observing the **four (4)-day workweek**, and
- B. identified by the agency/office head necessary for the continued operation of the office in order not to prejudice public service delivery.

2. Compressed Workweek:



Workweek options:

- Monday to Thursday, Tuesday to Friday,
- Monday to Tuesday, and Thursday to Friday,
or
- a combination of workdays **less than the prescribed five (5)-day workweek** provided that public service delivery shall not be prejudiced during the whole workweek **(Monday to Friday)**.





Parameters in the Implementation of FWA

3. Skeleton Workforce:



Skeleton Workforce (SWF) **may be adopted**, only when full staffing is not possible;



Shall **comply** with the normal working hours of not less than eight hours a day for five days a week or a total **of forty (40) hours a week exclusive of time for lunch**;

3. Skeleton Workforce:



If this work arrangement is adopted in combination with other flexible work arrangements, the required working hours thereof shall be complied with.



The **total number** to make up the skeleton workforce shall be **determined by the head of agency**; and



3. Skeleton Workforce:



Those who **failed to report to office onsite** on their assigned working days shall be considered **absent either as:**

- ✓ **authorized or unauthorized vacation leave, or**
- ✓ **sick leave of absence if medical certificate is presented**



Parameters in the Implementation of FWA



4. Work Shifting



Shall apply to agencies **mandated by law to operate 24-hour** continuous service delivery on a daily basis



May also apply to those **required to observe workplace health and safety protocols** during the emergence of any infectious disease, and those agencies affected by natural or man-made calamities



4. Work Shifting



Schedule shall be made with **prior consultation** with government officials and employees who are senior citizens, PWDs, pregnant and nursing mothers, and those with health risks



Parameters in the Implementation of FWA



5. Flexitime:



May be adopted provided that they shall render not less than a total of forty (40) hours a week for five (5) days a week, exclusive of time for lunch



Shall start not earlier than 7:00 AM and end not later than 7:00 PM

5. Flexitime:

Officials/employees may choose their time to report for work (time-in) in the morning and time to leave the office (time-out) daily for the duration of the period **subject to the approval of the agency/office head.**

Head of departments, offices, and agencies shall, however, **ensure that the public is assured of their frontline services from 8:00 AM to 5:00 PM, including lunch break.**



5. Flexitime:



In the exigency of the service, **working days** may also be **altered to include Saturdays and Sundays**; Provided that employees who work on such days may **choose compensatory days-off** during weekdays, provided further that the Saturday and Sunday are regular workdays and not cases of overtime.



Flexitime may be adopted in case the **Daylight-Saving Time** is declared by the proper authorities subject to the provisions on Flexitime of these policies.



Parameters in the Implementation of FWA

6. Combination of FWA:

Agencies may adopt a combination of any of the FWA that are **appropriate/applicable to the agency mandate/functions** as well as the location of their workplace:

- **Skeleton Workforce and WFH;**
- **Compressed Workweek and WFH;**
- **Work Shifting and WFH;**
- **Combination of the 3 types of flexiplace; or**
- **Other combination of work arrangements.**



Sample Combinations of FWA

Flexible Work Arrangements	Working Hours
Skeleton Workforce and WFH	Three (3) days in the office and two (2) days WFH at eight (8) hours per day; A minimum of four (4) hours to be spent in the office/field and the remaining hours in WFH per day; provided the forty (40)-hour workweek requirement shall be complied with.
Work Shifting and WFH	Three (3) days Work Shifting in the office and two (2) days WFH at eight (8) hours per day; Agencies may adopt two (2) work shifts in a day, e.g., 7:00 AM -1:00 PM and 1:00 PM – 7:00 PM exclusive of lunch/dinner, provided that it shall be in combination with WFH work arrangement to comply with the required forty (40)-hour workweek.
Compressed Workweek and WFH	A minimum of six (6) hours to be spent in the office/field and the remaining hours in WFH for four (4) days; or Two (2) days spent in the office/ field and two (2) days in WFH at ten (10) hours per day Provided that the required forty (40)-hour workweek shall be complied with.



- ❑ Agencies shall formulate internal guidelines on Flexible Work Arrangements.
- ❑ Agencies shall disseminate the FWA Internal Guidelines to all its officials and employees.
- ❑ Agencies shall submit a copy of the FWA Internal Guidelines to the CSC RO concerned for records and reference purposes.



RULES ON LEAVE

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 2*)

- Each head of department or agency shall require a **daily record of attendance of all the officers and employees under him** including those serving in the field or on the water, **to be kept on the proper form** and, whenever possible, **registered on the bundy clock.**

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 2*)

- Service **“in the field”** shall refer to service rendered outside the office proper and service **“on the water”** shall refer to service rendered on board a vessel which is the usual place of work.

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 3*)

- Chiefs and Assistant Chiefs of agencies who are **appointed by the President, officers who rank higher than these chiefs** in the three branches of the government, and other presidential appointees **need not punch in the bundy clock, but attendance and all absences of such officers must be recorded.**

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 4*)

- Falsification or irregularities in the keeping of time records** will render the guilty officer or employee **administratively liable without prejudice to criminal prosecution** as the circumstances warrant.

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 5*)

- Officers and employees of all departments and agencies** except those covered by the special laws **shall render not less than eight hours of work a day for five days a week** or a total of **forty hours a week**, exclusive of time for lunch.

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 5*)

- As a general rule, such hours shall be from **eight o'clock in the morning to twelve o'clock noon** and from **one o'clock to five o'clock in the afternoon** on all days except Saturdays, Sundays and Holidays.

Government Office Hours: (*Omnibus Rules Implementing Book V, EO No. 292, Rule XVII, Section 5*)





LEAVE OF ABSENCE

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

Leave of Absence

- A **right** granted to **officials & employees not to report for work WITH or WITHOUT PAY,**
- for **one or more days,**
- with their **positions held for them until their return.**

PERSONS ENTITLED TO LEAVE PRIVILEGES

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

Who Are Entitled to Leave Benefits?

- Appointive Officials & Employees
(**Permanent, Temporary, Casual or Co-Terminous**) on full-time basis
- Employees on Part-Time Basis
- Employees on Rotation Basis
- Contractual Employees
- Local Elective Officials, pursuant to BP 337 & RA 7160 effective May 12, 1983
- Teachers Designated to Perform Non-Teaching Functions



Civil Service Commission Regional Office VIII

KINDS OF LEAVE: SICK LEAVE & VACATION LEAVE

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

Kinds of Leave

Vacation Leave

Granted for personal reasons, the approval of which is **contingent upon the necessities of the service**.

Sick Leave

Granted only on account of sickness or disability on the part of the **employee or any member of his immediate family**.



CHARACTERISTICS OF SICK LEAVE & VACATION LEAVE

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

Characteristics of Vacation Leave and Sick Leave

Cumulative

Commutative

Can be Monetized

Convertible to Cash

Transferable

Forfeitable (VL only)

Commutation of VL and SL

Ordinary Commutation

Commutation upon
separation from the service

Monetization of Vacation Leave (VL) Credits

Allowed with 15 Days
Vacation Leave Balance

5 Days Retained After
Monetization

30 Days Maximum

Issue:

Whether Sec. 23 of the Omnibus Rules on Leave allows an employee to monetize his Sick Leave (SL) credits if he has no available Vacation Leave (VL) Credits.

Ruling:

As a general rule **what is allowed to be monetized are the accumulated Vacation Leave Credits**. Sec. 23, on the other hand, is an extraordinary measure to relieve an employee from financial difficulties that **may be allowed only for valid and justifiable reasons subject to the discretion of the agency head and availability of funds**.



Hence, Sec. 23 should be construed as an exception to the general rule under Sec. 22.

Consequently, for purposes of monetization, **Vacation Leave Credits must be exhausted first before sick leave credits may be used.**

In this regard, since Maslan's Vacation Leave Credits have already been exhausted, the monetization of fifty percent (50%) of her available 150 sick leave credits may be allowed in accordance with Sec. 23 of CSC Memo. Circular No. 41, s. 1998. [CSC Res. No. 00-0034, d. Jan. 5, 2000; Re: Belen T. Maslan]

- ❑ Monetization of leave credits is **exempted from income tax** (CSC MC No. 31 dated July 2, 1991; EO No. 291 dated September 27, 2000)

Transfer from one government agency to another

Options:

Commutation of Accumulated
Vacation Leave & Sick Leave

Transfer to New Agency

Forfeiture of Vacation Leave Credits

- Mandatory annual 5-Day Vacation Leave forfeited, if not taken during the year.

- ❑ Public officials and employees **ON EXTENDED SERVICE** are entitled to VL & SL credits subject to the following:

Non-Commutative

Non-Cumulative

EO 1077 dtd. Jan. 9, 1986
(mandatory leave) & other
laws and rules applicable

Issue:

Whether or not, in the event an employee is exonerated from the criminal charges against him, he may claim salary and other benefits for the duration of his detention, as well as earn leave credits.

Ruling:

NO. From all indications, detention in effect is equivalent to an indeterminate preventive suspension. Therefore, there is no basis for the payment of his salary corresponding to the period of his detention. **The doctrine on “No Work, No Pay” applies in this case.** Consequently, **he could not earn leave credits, considering that his services are suspended for such period.** [CSC Res. No. 991879, dated Aug. 23, 1999; Nelda Q. Norona]

Leave Computation

- ❑ Employees with irregular work schedule
 - ❖ **Excludes Off-Duty Days**

- ❑ Employees observing flexible working hours
 - ❖ **Number of hours required to be served for a day but not served** (core hours only)
 - ❖ **Compensatory service may be availed to offset non-attendance or undertimes**

Leave Computation

- ❑ Absence on a regular day with suspension of work
 - ❖ deduction equivalent to the time when official working hours start up to the time the suspension of work is announced
- ❑ For purpose of granting leave of absence
 - $\frac{1}{4}$ or more but less than $\frac{3}{4}$ = $\frac{1}{2}$ day
 - $\frac{3}{4}$ or more = 1 day

❑ Tardiness

Failure to arrive at a time set; lack of punctuality

❑ Undertime

Working time that is less than the full time or the required minimum; usually **incurred by an officer or employee who leaves or quits from work earlier than the usual eight-hour work schedule** in a given working day.

Policy on Undertime *(CSC MC No. 16, dated Aug 6, 2010)*

- Any officer or employee who incurs undertime**, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year **shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service**, as the case may be.

Policy on Half-Day Absence *(CSC MC No. 17, dated Aug 6, 2010)*

- Any officer or employee who is **absent in the morning is considered to be tardy** and is subject to the provisions on **Habitual Tardiness**; and
- Any officer or employee who is **absent in the afternoon is considered to have incurred undertime**, subject to the provisions on **Undertime**.

Habitual Tardiness *(Frequent Unauthorized Tardiness)*

- Employee incurs tardiness **regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester** or at least **two (2) consecutive months** during the year.

1st Offense – Reprimand

2nd Offense–Suspension for 1 day to 30 days

3rd Offense – Dismissal

CSC Res. 00-1397, dated June 13, 2000 ***Parungao, Edelwina DG.***

- ❑ **“Frequent Unauthorized Tardiness”**
could either be **a grave offense** under Rule IV, Sec. 52, Par. (A), No. 17, Uniform Rules on Administrative Cases in the Civil Service, **or a light offense** under Rule IV, Sec. 52, Par. (C), No. 4, of the same Rules, **depending on its effects on the government service** as defined by the agency head.

Penalty

- Frequent Unauthorized Absences, or Tardiness in reporting for duty, loafing or frequent unauthorized absences from Duty during regular office hours

**1st offense – Suspension
(6 mos. & 1 day to 1 year)**

2nd offense – Dismissal

- ❑ Tardiness and undertime are **deducted from Vacation Leave Credits**, except if undertime is for health reasons supported by a medical certificate and application for leave.

- ❑ Employee **ON PROBATION**
 - ❖ may already avail of leave credits earned.
 - ❖ LWOP incurred extends completion of probationary period for the same number of days of such absence.



Civil Service Commission Regional Office VIII

FILING REQUIREMENTS

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

FILING REQUIREMENTS

- CS Form No. 6, Revised 1984
- When to file
 - VL - **5 days in advance**, whenever possible
 - SL - **immediately upon employee's return** (with Medical Certificate in excess of 5 days)
 - in advance, **scheduled medical examination or operation or advised to rest** in view of ill health

Approval of Leave Application

VL – discretionary on agency head

SL – mandatory provided proof of sickness/disability is attached

Period to Act on Leave Application

Within 5 working days after receipt otherwise deemed approved



LEAVE OF ABSENCE WITHOUT PAY (LWOP)

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

November 24, 2015

Leave of Absence Without Pay (LWOP)

- Not allowed**, if with leave credits, **except in case of secondment.**
- 1 year**, maximum period allowable.
- Failure to report after expiration of 1 year LWOP, **automatically separated from service.**
- In excess of 1 month, **requires clearance of the head of agency.**

- ❑ aggregate of 15 days VLWOP **will not interrupt the continuity of 3-year service requirement** for the grant of step increment
 - ❖ in excess of 15 days, grant of step increment **delayed for the same number of days** on absence without pay

- ❑ Employees on approved leave of absence without pay **entitled to the grant of Productivity Incentive Bonus (PIB)** to an amount **PROPORTIONATE to actual services rendered** depending on their performance ratings

- ❑ Official or employee who incurred an **aggregate of not more than 50 days** authorized vacation leave without pay within the 10-year period shall be **considered as having rendered continuous service for purposes of granting the loyalty award.**

Those who incurred an **aggregate of not more than twenty five (25) days** authorized vacation leave without pay within the 5-year period may **qualify for the 5 year milestone loyalty award.**

LUNA, Mayumi Juris A. [CSC Res. No. 021264, d. Sept. 27, 2002]

Issue:

Whether an employee/official can go on vacation leave with or without pay at the same time accept a consultancy job in a project of another government agency or foreign institution here or abroad.

Ruling:

1. **Full-time consultancy job** of a government official or employee **is not allowable.**

2. An employee/officer may become a consultant of another agency, institution, local or foreign, or foreign government **under part-time status**, provided the following are present:

- a. It must **not violate the rule** against holding multiple positions;
- b. He/She must **obtain permission or authority from his/her head of agency** as the same constitutes a limited private practice of profession;

- c. The private practice of profession **must not conflict or tend to conflict with his/her official functions** and the interest of the Republic of the Philippines; and
- d. It must **not affect the effective performance** of his/her duty.

3. An employee/officer may take a **leave of absence, whether with pay or not, to accept a consultancy job**, subject to the following rules:
 - a. leave of absence **must be contingent upon the needs of the service**, i.e., it must not adversely affect agency operations, thus, the grant of vacation leave shall be at the discretion of the head of the department/agency;
 - b. Leave without pay shall **not exceed one (1) year**;
 - c. Leave without pay shall **not be granted whenever an employee has leave with pay to his credit**; and

- d. It must **not violate** the rule against holding multiple positions;
- e. He/She **must obtain permission or authority from his/her head of agency** as the same constitutes a limited private practice of profession.
- f. The private practice of profession **must not conflict or tend to conflict with his/her official functions** and the interest of the Republic of the Philippines.

ABSENCE WITHOUT OFFICIAL LEAVE (AWOL)

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

November 24, 2017

Absence Without Official Leave (AWOL)

- Not entitled to salary but **absence not deducted from accumulated leave credits**
- AWOL for 30 working days, **dropped from the rolls WITHOUT PRIOR NOTICE;**
- However, when it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than 30 working days 3 times in a semester, such that a pattern is already apparent, **dropping from the rolls without prior notice** may likewise be justified [CSC MC No. 13, d. July 25, 2007]

If AWOL for less than 30 working days, written **RETURN-TO-WORK ORDER** to last known written address on record should be served

Failure to report, valid ground for dropping from the rolls.

Issue:

Whether or not an employee who had been arrested & detained in jail may be declared on AWOL.

Ruling:

No. His/her services are automatically suspended during the period of his/her detention, hence, there could be no basis to declare him on AWOL. [CSC Res. No. 991879, dated Aug. 23, 1999; Nelda Q. Norona]



TERMINAL LEAVE

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

Terminal Leave

- Applied by official or employee who **intends to sever his/her connection with his/her employer-agency.**
- Ombudsman clearance not required.**
- Claim for payment of TL benefits **must be brought within 10 years from time the right of action accrues** upon an obligation created by law
- Based on **highest monthly salary** received at any time during period of employment in the government service



Civil Service Commission Regional Office VIII

CIRCUMSTANCES AFFECTING LEAVE

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

November 24, 2022

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1
6
3

Specific Circumstances Affecting Leave

With PENDING administrative case

- ❖ NOT BARRED from enjoying leave privileges.
- ❖ If preventively suspended, the same will be deferred or interrupted in case of maternity or paternity leave is availed of.

Specific Circumstances Affecting Leave

Effects of Decision in Administrative Case

a) Dismissed from service

- ❖ ENTITLED to terminal leave benefits

b) Exonerated

- ❖ ENTITLED to leave credits for the period he/she had been out of the service
- ❖ mandatory leave NOT CHARGED against leave credits

Effect of Suspension on Entitlement to Step Increment

- The penalty of suspension imposed upon an official or employee is considered as **a gap in the service and has effectively interrupted the continuity of the three (3)-year service requirement** for the grant of step increment. However, the grant of step increment will only be delayed for the same number of days, which must not exceed three (3) months, that an official or employee was serving the penalty of suspension. *[CSC Res. 02-1564, d. Dec. 17, 2002; Traspadillo, John Marlon M.]*

Leave of Detailed Employee

- ❑ Since mother/parent agency relinquishes administrative supervision over detailed employee to the **receiving agency**, the latter **has responsibility to monitor punctuality & attendance of the employee, approve requests for leave, evaluate performance**, etc.
- ❑ Prior to effectivity of detail, **mother agency furnish a certification of the available sick & vacation leave credits** of detailed employee **to receiving agency**. Copy of approved request for leave submitted to the mother/parent agency.
- ❑ **Monetization of leave credits** of detailed employee still **under the jurisdiction of the mother/parent agency**.

OTHER KINDS OF LEAVE

*(Omnibus Rules on Leave
Implementing Book V of Executive
Order No. 292)*

November 24, 2015

Other Kinds of Leave

Maternity Leave

Paternity Leave

Rehabilitation Privilege

Special Leave Privileges

Study Leave

Teacher's Leave

Parental Leave to Solo Parents
*(RA 8972; Solo Parents' Welfare Act
of 2000)*

Ten-Day Leave Under RA 9262
*(Anti-Violence Against Women & Their
Children Act of 2004)*

Special Leave Benefits for
Women Under RA 9710
*(An Act Providing for the Magna Carta of
Women)*

OTHER KINDS OF LEAVE

*(Based on the Approved Laws,
Rules & Regulations of the
Government)*

Scope and Coverage

Maternity Leave



Female employees regardless of civil status, employment status, length of service, legitimacy of the child, and manner of child delivery.

- ❖ may include the **availment of the child's father or alternate caregiver** who are working **either in the public or private sector.**

Scope and Coverage

Paternity Leave



Married male employees for the **first four (4) child deliveries of the legitimate spouse/wife.**

Rule XVI

Sec. 11 Grant of Maternity Leave



- **105 days** for **live childbirth**
- Additional **15 days** for **solo parents** qualified under RA No. 8972
- **60 days** for **miscarriage, emergency termination of pregnancy (ETP) including stillbirth**
- **CS Form No. 6, Revised 2020** shall be used

Rule XVI

Sec. 11 Grant of Maternity Leave



- **Non-Cumulative** (*can not be accumulated*) and **Non-Commutative** (*non-convertible to cash*)
- **ML cannot be deferred**, but part of it may be availed on or before the actual delivery in a **continuous and uninterrupted manner**.

Rule XVI

Sec. 12 Extended Maternity Leave (NEW)



- An **option to extend the 105 days ML for live childbirth** for up to **30 days** with or without pay.
 - ❖ **If with pay** – charge to Sick Leave (SL) credits or to Vacation Leave (VL) if SL is exhausted.
 - ❖ **If without pay** – Not considered a gap in the service.

Rule XVI

Sec. 12 Extended Maternity Leave (NEW)



- Submit application at least forty-five (45) days before the end of the 105-day ML *(Due notice in writing)*
- Prior notice is not required for medical emergency cases**, but subsequent notice shall be given to the authorized official

Rule XVI

Sec. 13 Frequency of the Grant of Maternity Leave



- Granted for **every instance of pregnancy**, regardless of frequency
- In case of **overlapping benefit claims**, the female employee shall be granted maternity benefits for the two contingencies in a **consecutive manner**.
- Shall be paid only **one ML benefit**, regardless of the number of offspring, **per child birth/delivery**.

Rule XVI

Sec. 14 Tenure of Female Employee

Availing the Expanded Maternity Leave

(NEW)



- The availment of maternity leave shall not be used as basis for the diminution or reduction in rank, status or salary of the female employee or termination of her employment.

(Security of tenure and non-discrimination clause)

Rule XVI

Sec. 15 Maternity Leave After Termination of Employment



- ML with full pay if the childbirth, miscarriage or emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of employee's service.
- In case of illegal termination of employment, the prescriptive period of fifteen (15) calendar days shall not apply.

Rule XVI

Sec. 15 Maternity Leave After Termination of Employment



Q: *My contract ended on 05 Nov. 2020. My estimated date of delivery is on 20 Nov. 2020. Am I entitled to ML?*

A: *Yes. You are entitled to 105 days ML with full pay provided that live childbirth occurred within the period of 06 to 20 Nov. 2020.*

Amendment to Omnibus Rules on Leave (CSC MC No. 41, s. 1998, as amended)

Rule XVI

Sec. 16. Maternity Leave of Employee with Pending Administrative Case



Maternity leave benefits shall be enjoyed by the female employee **even if she has a pending administrative case.**

Rule XVI

Sec. 16. Maternity Leave of Employee with Pending Administrative Case



For female employee under **preventive suspension** or serving the **penalty of suspension**:

- ❖ She will be **allowed** to enjoy ML
- ❖ She shall be required to serve the unexpired portion of her suspension after ML

Rule XVI

Sec. 16. Maternity Leave of Employee with Pending Administrative Case



- She **cannot** enjoy ML if during childbirth, miscarriage or early termination of pregnancy a decision in an administrative case found her **guilty** with a penalty of **dismissal from the service has become final and executory.**



Adoption Leave

A female government employee, regardless of her civil status and employment status, and length of service who qualifies as an adoptive parent under R.A. No. 8552 or the “Domestic Adoption Act of 1998” and whose prospective adoptee is below seven (7) years of age as of placement, shall be qualified to avail **adoption leave of sixty (60) days with full pay**, which leave shall be enjoyed in a continuous and uninterrupted manner. If she is married, her legitimate spouse (government employee) can avail of adoption leave of seven (7) days with full pay which shall be enjoyed in a continuous or in an intermittent manner.

***Section 20 of the Omnibus Rules on Leave as Amended Pursuant to CSC MC No.5, s. 2021 dated April 28, 2021**



Adoption Leave

A single male government employee, regardless of employment status and length of service who qualifies as an adoptive parent under R.A. No. 8552 and whose adoptee is below seven (7) years of age as of placement, shall be entitled to **adoption leave of sixty (60) days with full pay**, which leave shall be enjoyed in a continuous and uninterrupted manner. The same privilege may also be enjoyed by a married male employee with an unemployed (wife) spouse.

***Section 20 of the Omnibus Rules on Leave as Amended Pursuant to CSC MC No.5, s. 2021 dated April 28, 2021**



Adoption Leave

Adoption leave shall provide an opportunity for the prospective adoptee and the adoptive parent/s to develop bonding similar to that between a child and his/her biological parents.

Application for adoption leave shall be filed using Civil Service (CS) Form No. 6, Revised 2020, and accompanied by an authenticated copy of the Pre-Adoptive Placement Authority issued by the Department of Social Welfare and Development (DSWD), if the leave will be availed of before the grant of petition for adoption

If adoption leave is availed after the grant of the petition for adoption, the application for leave shall be accompanied by the authenticated copies of the Decree of Adoption issued by the proper court.”

***Section 20 of the Omnibus Rules on Leave as Amended Pursuant to CSC MC No.5, s. 2021 dated April 28, 2021**

Thank you