



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

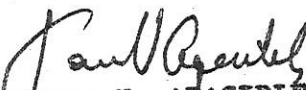
March 18, 1992

CUSTOMS MEMORANDUM ORDER
NO. 38-92

In accordance with CMO No. 3792 creating the Bureau of Customs Grievance Committee, the Secretariat and Records Officer/keeper of the Committee is hereby created with the following composition:

1. Sonia Togonon - Head of Secretariat and Records Keeper
2. Fe Roma - Member (representing HRMD)
3. Alvin Calapatia - Member (representing PPRD)
4. Jovita Manzano - Member (Legal Stenographer)

This order rescinds all previous orders, shall take effect immediately and shall last until revoked.


TOMAS V. APACIBLE
Commissioner





Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

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MC No. 45

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS

SUBJECT : Reinstallation of Grievance Machinery in all Government Offices

The Commission is mandated by law to provide leadership and assistance in developing employee relations programs in government offices. Every head of agency is likewise required by law to take proper steps towards the creation of an atmosphere conducive to harmonious relationship and improved employee morale. In consonance with this, the Commission has, as early as 1963, issued various memorandum circulars and guidelines stressing effective grievance machinery as a mechanism to carry out this mandate and requiring every agency to submit to the Commission its grievance procedures.

Despite the lapse of time, only a negligible percentage of government agencies has made use of grievance machinery and fewer has still submitted their grievance procedure to the Commission and considering further that inter-office conflicts which can be averted through proper use of grievance machinery are allowed to grow into unmanageable proportion, it is felt that immediate reinstallation of grievance machinery is mandatory so as not to adversely affect efficient and effective delivery of public service.

Consequently, each head of office is therefore enjoined to develop a grievance procedure which suits the needs, culture and structure of their respective agency. Said procedures shall embody the principles emphasized in every grievance machinery and shall take into consideration the provisions articulated in Section 35 of PD 807 and in Section 1, Rule IX of the Implementing Rules of Executive Order No. 180.

Each agency head shall submit the grievance procedure to the Commission not later than December 1, 1969 for approval.

Attached are guidelines adopted by the Commission in the development of the grievance procedure.

• KALAYAAN AT KAPAYAPAAN •

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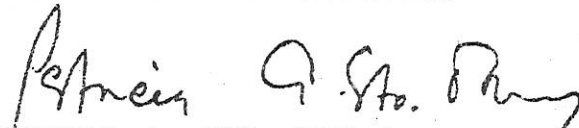
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All issuances inconsistent with this Memorandum Circular are deemed superseded.

Correspondence sent in compliance with this Memorandum Circular must be addressed to:

The Chairman
Civil Service Commission
National Government Center
Constitution Hills, Diliman
Quezon City

Attention: Office for Personnel Relations


PATRICIA A. STO. TOMAS
Chairman

October 6, 1989

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PROPOSED GUIDELINES ON THE ADJUSTMENT OF COMPLAINTS AND
GRIEVANCES IN THE PUBLIC SECTOR

I. RATIONALE

The Civil Service Commission, being the central personnel agency of the government, is mandated by law to provide a progressive system of personnel administration and leadership and assistance in developing employee relations programs in all government agencies.

Likewise, every head of agency shall take proper steps toward the creation of an atmosphere conducive to good supervisor-employee relations and the improvement of employee morale. Section 35 of PD 807 provides that employees shall have the right to present their complaints and grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. It further provides that each department or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employee complaints or grievances in accordance with the policies enunciated by the Commission. The policy has only been partially implemented and in some office it has never been implemented at all.

The increasing restlessness and disenchantment of the public servants has to be reckoned with, particularly now that the right to self-organization of government employees for the furtherance and protection of their common interest has been provided for in the 1987 Constitution and Executive Order No. 100. With this growing awareness of employees of their rights, the government must provide a machinery whereby employee complaints and grievances can be heard and adjusted expeditiously at the lowest possible level of the organization.

II. OBJECTIVE

General: The guidelines are intended to help promote labor-management peace and better labor-management relations thereby fostering industrial harmony and productivity.

Specific: These guidelines should help the agencies to:

1. Establish an orderly method for handling disputes or reactivate one when it is already existing;
2. Settle disputes at the lowest possible level of the organization;

3. Prevent discontentment and disenchantment between and among the employees and officials;
4. Settle disputes in accordance with any contract or agreement signed between management and the recognized negotiating unit within the terms of the agreement;
5. Enable the union to participate in resolving the complaints as well as grievances of the employees; and
6. Allow the parties to appeal from the results of the grievance negotiation step by step until a final, binding and executory decision is reached.

III. DEFINITION OF TERMS

The terms used in this proposed guidelines are operationally defined as follows:

1. Complaint - means an employee's expressed (written or spoken) feelings of dissatisfaction with some aspects of his working conditions, relationships or status which are outside his control.
2. Grievance - refers to a complaint in writing which has, in the first instance and in the employee's opinion, been ignored, overridden or dropped without due consideration.
3. Grievance Procedure - refers to the method of determining and finding the best way to remedy the specific cause or causes of the complaint or grievance.
4. Modes of Settling Employee-Management Disputes
 - 4.1 Conciliation - process whereby a third party (conciliator) brings the parties together, encourages them to discuss their differences and assists them in developing their own proposed solutions.
 - 4.2 Mediation - process whereby a third party (mediator) is more active in assisting the parties reach acceptable solutions to the problem/s and help the disputing parties develop or come out with an acceptable solution. He can even submit his own proposal/s for the settlement of disputes.

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- 4.3 Arbitration - process whereby a third party (individual arbitrator), a board of arbitrators, or an arbitration court not acting as a court, is empowered to make a decision which disposes of the dispute.
- a. Voluntary - a method of settling dispute/s by submitting the "controversy" before an arbitrator or panel of arbitrators chosen by both parties. The voluntary arbitrators shall render a decision after proper hearing of the issues. The decision of the arbitrator shall be final and binding on the contending parties.
 - b. Compulsory - a method resorted to when the dispute has become hardened and irreconcilable and remains unresolved after exhausting all the available remedies under existing laws and procedures.

IV. SCOPE OF GRIEVANCE MECHANISM

The grievance procedure shall be applied when the discontent or dissatisfaction arises from the day-to-day working relationships between and among officials and employees and in the case of a recognized negotiating unit (RNU) between the unit and management. It shall not apply to cases of dissatisfaction with official actions finally taken by the Agency or in disciplinary cases.

Complaints and grievances may refer to any of the following:

- a. Between and among Individual Employees and Supervisor/Management
 1. Policies, practices and procedures on economic issues such as financial and other terms and conditions of employment fixed by law.
 2. Non-Economic issues:
 - Policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, etc.
 - Physical working conditions
 - Interpersonal and interorganizational relationships and linkages
 - Arbitrary exercise of discretion and/or

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management prerogatives.

- b. Between the Management and the Recognized Negotiating Unit (RNU)
 - 1. Economic issues and other economic packages fixed by law
 - 2. Political issues
 - * Recognition and coverage of negotiating unit
 - * Association Security and Check off
 - * Violation of provisions and/or policies on self-organization
 - 3. Violation of voluntary agreements reached between association and management.
- c. Any and all matters giving rise to employee dissatisfaction.

V. THE GRIEVANCE PROCEDURE

The procedures for seeking redress of complaints and grievances shall be as follows:

- A. For individual employee or a union member but who would like to present his complaints and grievances thru his own initiative.
 - 1. Oral Discussion - A complainant shall present orally his complaints to his immediate supervisor who shall, within three (3) working days from the date of presentation, inform the employee orally of his decision.
 - 2. Grievance in Writing -
 - a) If the employee is not satisfied with the oral decision, he may submit his grievances in writing within five (5) working days from receipt of the oral decision of his immediate supervisor to the higher supervisor. The grievance shall pass through his immediate supervisor, who shall forward the grievance with his comments within five (5) working days to the next higher supervisor, as the case may be, who shall within five (5) working days from receipt thereof inform the employee in writing through the immediate supervisor of his decision. PROVIDED, HOWEVER, that where the object of the grievance is the immediate supervisor, the complainant may bring the grievance to the next higher

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supervisor who shall take a proper action within five (5) working days from receipt of the complaint.

- b) If the complainant is not satisfied with the decision of the higher supervisor, he may appeal his grievance to the Grievance Committee within five (5) working days from receipt of the decision through the higher supervisor. The higher supervisor shall make the necessary comments and forward the grievance within five (5) days to the Grievance Committee who shall, within ten (10) working days from receipt of the grievance, conduct an investigation and hearing. The Grievance Committee shall furnish the complainant with a copy of its decision within five (5) working days after the investigation and hearing, thru the higher supervisor and immediate supervisor: PROVIDED, HOWEVER, That where the object of the complaint is the higher supervisor, the complainant may bring his case directly to the Grievance Committee.
- c) If the complainant is not satisfied with the decision of the Grievance Committee he may elevate his grievance through the Committee to top management within five (5) working days from receipt of the decision, who shall make the decision within ten (10) working days after the receipt of the grievance: PROVIDED, HOWEVER, That where the object of the complaint is the top management, the complainant may bring his grievance directly to the Civil Service Commission.
- d) If the complainant is not satisfied with the decision of top management, he may appeal or elevate his grievance to the Commission. The Commission shall, if necessary, conduct an investigation and hearing and render a decision within fifteen (15) days from receipt of the grievance.
- e) The aggrieved party may file a petition for reconsideration with the Commission within five (5) working days from receipt of the decision. Such petition shall be resolved within five (5) working days from receipt thereof.
- f) The Commission's decision is final, binding

and executory unless appeal from said decision is brought to the proper courts.

- g) Appeal to the Courts by either party shall be in accordance with the Rules of Court.

B. For Association Member who ~~would~~ like to present his case thru the Recognized Negotiating Unit

1. Oral Discussion

A complainant shall present orally his complaints in the first instance to his immediate supervisor through the association representative, who shall, within three (3) working days from the date of presentation, inform the employee orally of his decision through the association representative.

2. Grievance in Writing

a) If the employee is not satisfied with the oral decision, the employee through the association representative may submit his grievance in writing within five (5) working days from receipt of the oral decision of his immediate supervisor to the next higher supervisor. The immediate supervisor shall comment within five (5) days on the grievance and provide the next higher supervisor with a copy of such comment. The higher supervisor shall render his decision within five (5) working days from receipt of the grievance and shall inform the employee in writing through the association representative of his decision: PROVIDED, HOWEVER, That where the object of the grievance is the immediate supervisor, the complainant may directly bring the grievance to the next higher supervisor.

b) If the complainant is not satisfied with the decision of the next higher supervisor, he may appeal to the Grievance Committee through the association president or authorized representative within five (5) working days from receipt of the decision of the next higher supervisor. The Grievance Committee shall conduct an investigation and hearing within ten (10) working days from receipt of the grievance and shall render decision within five (5) working days after the investigation: PROVIDED, HOWEVER, That where the object of the grievance is the

Grievance Committee, the complainant may elevate his grievance, thru the association president or authorized representative, to top management.

c) If the complainant is not satisfied with the decision of the Grievance Committee, he may elevate his case to top management through the president of the association or its authorized representative within five (5) working days from receipt of the decision. The Grievance Committee shall furnish management comments on the grievance within 5 days. Management shall make the decision within ten (10) working days after receipt of the grievance: PROVIDED, HOWEVER, That where the object of the grievance is the top management, either or both parties may request conciliation/mediation services.

d) If the complainant is not satisfied with the decision of top management, either or both parties may request the conciliation/mediation services of the Civil Service Commission which shall render the same within ten (10) days.

e) If there is a deadlock, either or both parties may appeal to the Public Sector Labor Management Council (PSLMC) through the Office for Personnel Relations which in turn shall submit to the PSLMC its comments within five (5) working days after receipt of the complaint. The PSLMC shall render its decision within thirty (30) working days thereafter. The decision of the Council shall be final, binding and executory unless appeal is brought to the proper courts.

f) Appeal to the Courts shall be in accordance with the Rules of Court.

VI. COMPOSITION OF THE GRIEVANCE COMMITTEE

The Grievance Committee shall have the following

The Committee shall be composed of the following:

A. For Individual Employee

1. One (1) member of top management or a representative to act as Chairman

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2. Two (2) higher supervisors chosen from among themselves
3. Two (2) employees chosen by the rank and file employees
4. An alternate for higher supervisor and employee in case the complaint concerns any of the members of the committee.

B. For Association Members

For Committee shall be composed of the following:

1. One (1) member of top management or a representative to act as Chairman
2. Two (2) higher supervisors chosen by both the higher supervisor and association
3. Two (2) association members chosen from among themselves
4. An alternate or alternates chosen by the association members with the consent and approval of management.

VII. CONTENTS OF THE WRITTEN GRIEVANCE:

The complainant shall fill up the grievance form which shall provide the following information:

1. Name of the complainant
2. Position Title
3. Designation (if needed)
4. Present Section or Division of Assignment
5. Immediate Supervisor
6. Present Department or unit of assignment
7. Higher Supervisor
8. Nature of Grievance (in brief)
9. Adjustment Desired
10. Signature of employee
11. Signature of Association Official/Representative (if applicable)
12. Date of filing from the lowest level in the agency.

VIII. DECISION IMPLEMENTATION

Unless appealed, the decision of the concerned authorities shall take effect immediately and/or upon receipt of the decision of all the parties involved.

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IX. RESPONSIBILITIES OF THE PERSONNEL OFFICER/RECORDS KEEPER OF THE RECOGNIZED NEGOTIATING UNIT

All records involving complaints and grievances shall be kept by the Personnel Officer of the Agency, and by the records keeper of the recognized negotiating unit.

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