



Republic of the Philippines
Department of Social Welfare and Development

IBP Road, Batasan Pambansa Complex, Constitution Hills, Quezon City 1126

Telephone Nos. (632) 931-8101 to 07; Telefax (632) 931-8191

e-mail: osec@dswd.gov.ph

Website: <http://www.dswd.gov.ph/>

MEMORANDUM CIRCULAR

No. 17
Series of 2009

SUBJECT: Amendment of Administrative Order No. 14, Series of 2004 on the Guidelines on Progressive Disciplining in the DSWD

I. RATIONALE

In February 2004, Administrative Order No. 14, series of 2004 was issued adopting the guidelines on progressive disciplining in the DSWD wherein discipline serves as a vehicle in the early determination of problem areas and in undertaking constructive interventions to address such problem areas, resulting to a "win-win" situation for the office and the employee/s concerned.

The process of progressive disciplining, as contemplated in the above-mentioned Administrative Order, emphasizes that discipline is not enforced as a punishment for an employee but serves to assist the employee overcome performance or behavioral problems and satisfy job expectations. Progressive disciplining is aimed at providing opportunity for an erring employee to think of the importance of the job and to give a renewed commitment. It is most successful when it puts the employee back on track to become an effective performing member of the organization.

Progressive disciplining, as the guideline implies, seeks to understand the possible causes of the negative work behavior and finds out how to best address them. This may be better achieved through a discussion/counseling session between the employee and the supervisor or a competent 3rd party. Thus, the need for the following amendments to enhance Administrative Order No. 14, specifically Parts III, IV, V and VI thereof, to read as:

III. DEFINITION OF TERMS

For purposes of these guidelines, the following relevant terms are hereby defined:

Department – refers to the Department of Social Welfare and Development and shall cover the Office of the Secretary, all the Service Offices, Bureaus and Field Offices.

Discipline – training that is expected to produce a specific character or pattern of behavior; a form of training which reinforces organizational rules and enhances the awareness of employees about organizational rules and procedures.

Counseling – a process where a person can receive assistance in sorting out issues and reaching decisions on work-related concerns appropriate to their life circumstances.

Frequent unauthorized absences – an officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

Frequent unauthorized tardiness – any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, then (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.

Mediation – a discussion intended to resolve differences in which the parties bring their dispute to a neutral third party, who helps them agree on a settlement.

Negotiation – a discussion intended to produce an agreement.

Progressive Discipline – a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The process features increasingly formal efforts to assist the employee to understand that a performance problem or opportunity for improvement exists.

Simple Neglect of Duty – the omission or refusal, without sufficient cause, to perform an act or duty, which it was the officer's legal obligation to perform (Presidential Decree No. 971).

IV. OBJECTIVE

1. Adopt progressive disciplining in the DSWD workplace.
2. Reinforce the supervisor's role in the identification, correction and monitoring of employee performance problems and behavior.
3. Promote the use of counseling, negotiation and mediation as means of intervention in addressing employee performance problems and behavior.
4. Promote efficiency and effectiveness in handling complaints.

V. COVERAGE

This order shall cover officials with the rank of Social Welfare Officer V and lower and all employees of the Department who hold permanent, temporary, casual or contractual status.

For this purpose, progressive disciplining shall apply only to the following light offenses:

1. Discourtesy in the course of official duties
2. Violation of reasonable office rules and regulations
3. Borderline cases of habitual tardiness (when an employee incurs tardiness, regardless of the number of minutes, nine (9) times a month for two (2) consecutive months, or during the first instance when an employee incurs tardiness, regardless of the number of minutes, ten (10) times in one month)
4. Borderline cases of frequent absenteeism
5. Refusal to render overtime services
6. Failure to act promptly on letters and request within fifteen (15) days from receipt, except as otherwise provided in the rules implementing the code of conduct and ethical standards for public officials and employees
7. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the code of conduct and ethical standards for public officials and employees
8. Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions
9. Simple neglect of duty

Administrative offenses which impose the penalty of suspension of more than one (1) month and one (1) day for the first offense shall be forwarded to the Legal Service for administrative proceeding.

VI. IMPLEMENTING MECHANISM

1. Progressive disciplining shall be observed for offenses specified under Part V prior to the commencement of an administrative case against a subordinate official or employee.
2. Consistent with their supervisory role and functions, the immediate supervisor or the Head of the Office/Service/ Bureau/Regional Office shall require the employee to undergo counseling or mediation, whichever is appropriate.
3. Counseling or mediation shall be conducted by the immediate supervisor or the head of Office/Service/Bureau/Regional Office to the erring employee. In the event that this is not feasible due to strained relationship between the parties, the case may be referred to the Personnel Management Division/Unit which shall facilitate the conduct of counseling or mediation. The Personnel Management Division/Unit may tap qualified personnel to conduct the counseling or mediation. Counseling or mediation shall include the following processes:
 - a. Review and analysis of the facts of the current situation – a finding or awareness of the situation which led to the performance problem and behavior.

- b. Set Objectives (Desired Results) – indicate what has to be done, where the primary emphasis is to be placed and what is to be accomplished. Objectives should be specific, realistic and time-bound.
 - c. Identify possible alternative courses of action. The advantages/disadvantages of each alternative should be explored and the benefits provided by each alternative identified in order to relate these to the behavior that is expected to be modified or the problem to be resolved.
 - d. Agree on the course of action which will best accomplish the basic objective(s) and resolve the performance problem or behavior.
4. Counseling or mediation shall be documented. The parties involved in the counseling, or mediation shall sign an agreement containing the following:
 - a. The work rule violated or inappropriate behavior of the employee;
 - b. the corrective action(s) that will be taken by the employee to improve/modify the behavior;
 - c. time period for the implementation of the course of action;
 - d. a statement by the employee that he/she shall exert earnest effort to abide by the agreement;
 - e. a statement by the supervisor that he/she shall assist the employee in complying with the agreement.
 - f. the consequence/s in case the agreement will not be complied with by the employee;
5. All parties shall be given a copy of the signed agreement;
6. The supervisor/mediator shall monitor if the agreement is being complied.
7. The agreed corrective actions shall be initially undertaken within a period of three (3) months to allow for a positive change in the employee's work performance or behavior.
8. The supervisor and/or mediator shall assess the progress of the employee at the end of each month. Such assessment shall also be documented and the employee shall be informed of the progress he/she has done so far. If the employee failed to show any progress to comply with the agreement, he/she shall be reminded of the consequence if he/she continues to commit infraction/s.

9. If the employee failed to comply with the agreement, at the end of the three-month period, the immediate supervisor or the Head of Office/Bureau/Service/Regional Office shall issue a written warning on the subject behavior copy furnished the Personnel Management Division/Unit. The written warning should clearly communicate the nature of the rule broken or duty failed and the possible consequence/s if the negative conduct/performance behavior persists.
10. In the event that the concerned employee failed to take heed of the written warning, the immediate supervisor or the Head of Office/Bureau/Service/Regional Office shall recommend filing of administrative case. The case shall proceed in accordance with the rules on administrative procedure.
11. In case of conflict between these guidelines and existing civil service rules and regulations, the latter shall prevail.

IV. EFFECTIVITY

This order shall take effect immediately and accordingly amends previous Orders issued inconsistent herewith.

Issued this 26th day of June 2009.

for *Esperanza R. Cabral*
DR. ESPERANZA I. CABRAL
Secretary
by *ASB* *W*

