

MEMORANDUM FROM THE SECRETARY

TO : ALL HEADS OF OFFICES, BUREAUS, SERVICES AND SPECIAL PROJECTS
DSWD CENTRAL OFFICE

SUBJECT : GUIDANCE ON HIRING/FILLING-UP AND PRE-TERMINATION OF SERVICES OF CONTRACT OF SERVICE (COS) WORKERS

As provided in the transitory provisions of Commission on Audit- Department of Budget and Management (COA-DBM) Joint Circular No. 2, s. 2020 (JC) No.2, S. 2020 the Updated Rules and Regulations Governing Contract of Service (COS) and Job Order (JO) Workers in the Government, Agencies may engage the services of new COS/JO workers through individual contracts and renew the individual contracts of their existing COS/JO workers until December 31, 2022. Thereafter, the engagement of COS/JO workers shall be in accordance with the provisions of the said Joint Circular.

In line with this, we would like to reiterate the following DSWD guidelines on the Hiring/Filling up of Vacant Contract of Service (COS) Positions and Pre-Termination of Services of COS workers of the Department:

I. HIRING/FILLING-UP OF VACANT COS POSITION/S

1. DSWD Memorandum from the Secretary dated 17 March 2010 on the Hiring of MOA workers which provides that

“COS/MOA workers to be hired must meet the qualification standards of the Civil Service Commission (CSC) for equivalent regular position, including additional requirements prescribed by the Hiring Office, except eligibility.”

2. DSWD Memorandum Circular No. 21, series of 2009, or the Addendum/Clarification on DSWD Memorandum Circular No. 6, s. 2006¹:

“The Hiring Office should have at least two (2) weeks lead time in processing the COS prior to its effectivity. Applicant shall be allowed to assume the position only after the MOA has been signed by all parties.”

3. DSWD Memorandum Circular No. 6, s. 2006, or the Guidelines on Hiring, Renewal, Cost of Service and Work Requirements of Contract of Service Workers.

“In no case shall a COS and JO Worker be asked to assume the position without a signed contract.” (Emphasis, supplied)

¹ Guidelines on Hiring, Renewal, Cost of Service and Work Requirements of Contract of Service Workers

A. POSTING OF NEWLY APPROVED CREATION AND/OR VACANT COS/JO POSITIONS

Should the Hiring Office prefers to publish/post² the newly approved creation and/or vacant COS/JO Positions to the DSWD website (in case of Non-renewal and/or Pre-termination of MOA), the following supporting documents shall be submitted to the HRMDS:

1. Memorandum from the HOBS, requesting for publication of position;
2. Approved Competency Based Job Description (CBJD) of the position;
3. Copy of the approval of COS position/s, in the case of newly created COS position/s;
4. Proof of Separation of the last incumbent of the COS/JO position/s, in case of non-renewal or pre-termination of MOA;
5. Copy of Questionnaire for Technical Exam, in case the Hiring OBS should require (sealed in mail envelope).

B. RECOMMENDATION FOR HIRING

As a general rule, all applicants recommended to COS/JO position/s should meet the prescribed minimum qualification standards by the Civil Service Commission (CSC), qualification comparable to regular positions or set by the Hiring Office but not lower than the CSC minimum qualification standards, with the following supporting documents:

1. Recommendation for hiring duly approved by the Undersecretary Concerned for the Central Office and Regional Director for the Field Offices;
2. Competency Based Job Description (CBJD)/Terms of Reference (TOR) of the position;
3. Copy of the approval of the newly created position;
4. Copy of Approved Authority to Fill-up³ (for existing and vacated position/s);
5. Result of Initial Qualifying Test (IQT) of the recommended applicant;
6. Properly Accomplished Personal Data Sheet⁴ with recent picture;
7. Application letter and Comprehensive resume;
8. Photocopies of certificates of training attended if any;
9. Medical Certificate (original copy)
10. Certified True Copy⁵ of NBI Clearance
11. Certification of No Relative⁶ – DSWD (COS) Form No. 2, s. 2021;
12. Copy of Acceptance of Pre-termination/Acceptance of Non-renewal and/or Accomplished Clearance (for DSWD employees who have been separated from the Department and/or hired from Central Office to Field Office vice versa

Further, the recommendation and approval on Hiring/Filling up of vacant COS/JO positions rest with the following officials pursuant to existing Manual on Delegation and Delineation of Authority:

		RECOMMENDING AUTHORITIES	APPROVING AUTHORITIES
CENTRAL OFFICE	Regular Programs	HOBS	USEC Concerned
	FAPs or Special Projects	Project/Program Manager	
FIELD OFFICE	Regular Programs	DC Concerned	RD
	FAPs or Special Projects	Regional Project/ Program Manager	

² Publication of the vacant COS position as deemed necessary by the Hiring OBS/FOs. Said process is not mandatory in nature as the COS position is not covered by CSC rules and the Publication Law.

³ Administrative Order No. 16, series of 2019, or the 2019 Delegation and Delineation of Authority (Applicability of the approved Authority to Fill -up is within the year only)

⁴ Memorandum Circular No. 16, series of 2017 or the Clarification on the Filling out of Personal Data Sheet (CS Form No. 212, Revised 2017)

⁵ Certifying Officer – The Head of the Office and those in the Order

⁶ Section V. Policy on Nepotism of Memorandum Circular No. 21, series of 2012

It is understood that the effectivity of the MOA/Contract of the recommended individual shall be based on the submission of complete and in order supporting documents upon the review of HRPPMD's action officer and engagement of the COS/JO worker shall take effect upon signing of all parties concerned of the MOA/Contract.

Retroactivity on the effectivity of MOA/Contract is highly discouraged, as this will have adverse implications on the financial management report submitted to the Department of Budget and Management (DBM). In addition, retroactive effectivity of MOA/Contract is not allowed under existing rules, hence, may also result findings from the Commission on Audit (COA) and may result in non-payment or disallowance of services rendered.

In addition, it is highly imperative to hire individuals/candidates who meet the qualification standards of the position as prescribed by the CSC so as to support the thrust and priorities of the administration particularly on the regularization and reorganization of the Department. Hiring of individuals/candidates that failed to meet the CSC minimum qualification standards, including the eligibility requirement, is highly discouraged.

Furthermore, it was noted that during the period of renewal (November to December), there are offices who still recommend applicants to fill up vacant COS positions which coincides in reviewing and preparation of renewal of services of the COS and JO workers for the coming year. On this, it is advised that as much as possible, submission/recommendation on Hiring of new COS and JO Workers must be until mid of November of the current year, where the effectivity is on the 1st week of December. This will give the HRMDS ample time in reviewing the recommendation for hiring as well as the recommendee to comply with the required documents (i.e. NBI, Medical, PDS, among others). In the event of the exigency of the service, recommendation for hiring where the effectivity is beyond the first week of December shall be supported by the strong justification to be approved by the Undersigned on the need of such services. Additionally, usual recommendations for hiring received beyond November of the Calendar Year shall take effect on the 1st working day of the following year as supported by the complete and in order documents.

C. SIGNING OF MEMORANDUM OF AGREEMENT

1. Contractor/COS worker to sign the MOA as the Second Party, and by two witnesses⁷ in all pages.
2. Have the MOA signed by the First Party, in accordance with Administrative Order No. 16, series of 2019, or the 2019 Delegation and Delineation of Authority and/or by the approving authority.
3. Contractor/COS worker to notarize the MOA upon signing by **ALL PARTIES** concerned. The 2nd original copy of duly notarized MOA shall be forwarded to the Finance and Management Service – Accounting Division (FMS-AD), for stamping of the Fund Controller to certify the availability of funds.

D. REQUIREMENTS FOR INITIAL SALARY

1. Submit immediately to the HRMDS-Human Resource Planning and Performance Division (HRMDS-HRPPMD) the following documents with *original signature of the Certifying Officer*⁸ as basis of payment of services rendered:
 - 1.1 Five (5) certified true copies of MOA and fifteen (15) certified true copies of Obligation Request thereof, all with original signature of the Certifying Officer⁹ for onward endorsement to HRMDS-PAD, and keep the original copy;
 - 1.2 2nd original copy of duly notarized MOA;

⁷ The HRMDS Director and the Head of Office/Bureau/Service (OBS) of the concerned COS Worker

⁸ The Head of the Office and those in the Order of Succession whenever the Head of the OBS is on leave or on official travel

⁹ The Head of the Office and those in the Order of Succession whenever the Head of the OBS is on leave or on official travel

- 1.3 One (1) original copy of updated and duly accomplished Personal Data Sheet¹⁰ with recent ID picture passport size, right thumb mark affixed;
- 1.4 Medical Certificate¹¹ including the results of Blood Test, Urinalysis, Drug Test, Psychological Test and Chest X-ray. (Medical Certificate may be issued by the Medical Officer accredited by the government upon presentation of the result of the said laboratory tests);
- 1.5 Certified True Copy of NBI Clearance;
- 1.6 Certification of Assumption to Duty (DSWD (COS) Form No.1 January 2020).

II. ONBOARDING

To appraise the Department of Social Welfare and Development (DSWD) personnel, the new employee/s including the existing workers, as well as the Contract of Service (COS) workers of the Department, the Human Resource Management and Development Service (HRMDS) commences the Employee Boarding Program for COS, with the following objectives:

1. To welcome and orient the DSWD personnel and instill a sense of belongingness as members of the Department;
2. To ensure the DSWD personnel are prepared to effectively and efficiently play a part in attaining the Department's mandates and goals;
3. To help DSWD personnel understand and share the Department's Vision, Mission, Goals (VMG) Core Values, and Mandates;
4. To highlight the Department's organizational structure, legislation, policies, and the functions of the Offices/Bureaus/Services;
5. To increase proficiency level of the required competencies on the new job functions and bridge competency gaps;
6. To build positive connections and openness with and between the employees, co-workers, and the Department;
7. To clarify expectations and to reduce mistakes, misunderstanding or confusion in the future.

Likewise, the following are timelines to be considered:

1. The HRMDS through the Human Resource Planning and Performance Management Division (HRPPMD) will inform the recommended individual/candidate via email, short messaging service (sms) and/or phone call on the approval of the recommendation for hiring. When the recommended individual/candidate accepts the offer, the HRMDS-HRPPMD will send a welcome letter comprising what to expect with the Department. In addition, the HRMDS-HRPPMD will notify the Hiring Office that the recommended individual/candidate will be reporting for work two (2) weeks reckoned from the date of signing of the Memorandum of Agreement (MOA)/Contract.
2. The HRMDS-Learning and Development Division (HRMDS-LDD) will schedule the Agency Orientation (face-to-face or via online) to discuss the following:
 - 2.1 DSWD Mandates, Vision Statement, Mission Statement, DSWD Core Values
 - 2.2 Organizational Outcomes, History of the Department
 - 2.3 DSWD Organizational Structure, Information Networks
 - 2.4 Personnel Policies and Compensation Benefits
 - 2.5 Performance Management System
 - 2.6 Learning and Development Program
 - 2.7 HR Welfare Programs and Services
 - 2.8 CSC PRIME HRM Accreditation Journey of DSWD

¹⁰ CSC Form 212 revised 2017

¹¹ Civil Service Commission website (www.csc.gov.ph)

III. PRE-TERMINATION/NON-RENEWAL OF SERVICES OF COS/JO WORKERS

Notice of Pre-termination and/or Non-renewal shall be forwarded to the Human Resource Management and Development Service (HRMDS) for preparation of acceptance of Non-renewal and/or Pre-termination to be approved by the Cluster concerned and other Human Resource action. Be reminded on the following to ensure effective and smooth financial human resource management:


1. Section VI Termination of Contract of Services of DSWD Memorandum Circular No. 21, series of 2009, or the Addendum/Clarification on DSWD Memorandum Circular No. 6, s. 2006 or the Guidelines on Hiring, Renewal, Cost of Service and Work Requirements of Contract of Service Workers which provides that:
 - 1.1 Should any of the parties in the memorandum of agreement decide to terminate the contract before its expiry date for whatever reason, the party who desires to terminate the same shall issue a written notice thirty (30) days before the actual date of termination. In case the COS worker, is absorbed by the Department, the MOA shall be considered automatically terminated on the last hour of the working day prior to the effectivity or assumption to the plantilla position.
 - 1.2 Notice of pre-termination should be forwarded immediately or at least fifteen (15) calendar days prior to its effective date to the Personnel Administration Division (PAD) in order to avoid overpayment in cost of services. In case of overpayment due to the delay in the submission of notice of termination, the immediate supervisor of the concerned MOA worker shall be held liable for the said overpayment.
 - 1.3 COS workers who intend to resign shall be required to accomplish a Clearance from respective Office, Bureaus, Services and Units.
2. Item number 3 Other Conditions in the Memorandum of Agreement, to wit:
 - h. Contractor or the COS worker shall inform his/her Head of Office and the Personnel Administration Division (PAD) at least thirty (30) working days prior to the effectivity of his/her pre-termination/non-renewal of contract to be excluded from the payroll in accordance with COA rules.

He/she shall be paid based on the actual service rendered upon compliance with all the requirements, including the Daily Time Record (DTR) for the period and clearance from Money, Property, Legal and Work-related accountabilities.

Last month payment shall be put on hold and only be released subject to submission of clearance and accomplishment reports

Should there be any cases not covered by this Memorandum, the same may be referred to the Undersecretary for GASSG for resolution.

The cooperation of all concerned is hereby enjoined and provision herein shall take effect immediately.


ROLANDO JOSELITO D. BAUTISTA

Date: MAR 31 2021