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Department of Social Welfare and Development
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ADMINISTRATIVE ORDER NO.: 14
Series of 2004

SUBJECT: **GUIDELINES ON THE ADOPTION OF PROGRESSIVE
DISCIPLINING IN THE DSWD**

I. RATIONALE

People are the key resource of an organization. To maximize employees' performance, the DSWD is committed to provide a work environment conducive to skills and career development. The Department's competency statement on Organizational Development states in part, "the Department adoptsprogressive administrative processes that help to maintain or improve its capacity to respond to current and emerging challenges. It employs competent staff to carry out its mandate, nurturing them towards a sense of personal pride and professional fulfillment under an atmosphere that is just, sensitive, humane, accountable, transparent, and responsible."¹

Employees of the Department are motivated by a range of personal and professional needs. Every employee has a need to be reassured that in all matters relating to career development, DSWD will consistently treat all employees with humaneness, openness, objectivity, respect, fairness and justice.² One such area is the discipline system of the Department which prescribes the rules and regulations governing infractions of work rules, unprofessional conduct and inappropriate behavior.

In general, severe or harsh disciplinary actions oftentimes polarize the relationship between the supervisor and supervisee. More so, it fails to observe the requirement of due process or the personal circumstances of the employee facing disciplinary sanction. This may lead to lower employee morale and job dissatisfaction which interferes with the performance of the employee, co-employees and the office as a whole.

The guidelines on progressive disciplining is intended to create a "win-win" situation both for the agency and the employees wherein discipline serves as a vehicle in the early determination of problem areas and constructive interventions are taken to resolve them. The process of progressive disciplining

¹ DSWD Memorandum Circular No. 23, Series of 2003

² Career Development and Management System in the DSWD A Conceptual Framework

emphasizes that discipline is not enforced as a punishment for an employee, but serves to assist the employee overcome performance problems and satisfy job expectations. Progressive discipline provides the opportunity for an employee to think of the importance of the job and to give a renewed commitment to the job. It is most successful when it puts the employee back on track to become an effective performing member of the organization.

The Department, as a policy, shall encourage employees' participation in resolving performance and behavioral problems in the workplace. Prior to the filing of formal charge and conduct of administrative investigation, the mechanism on progressive disciplining shall be observed first to understand and/or address the possible causes of an offense.

II. LEGAL BASIS

- Section 3, Article XIII of the 1987 Constitution which provides, " The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organizations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law. "

- The Omnibus Rules Implementing Book V of Executive Order 292 (also known as the Administrative Code of 1987) provides the following salient provisions:
 - ◆ Rule VIII, Section 1 states that, "Every official and employee of the government is an asset or resource to be valued, developed and utilized in the delivery of basic services to the public. Hence, the development and retention of a highly competent and professional workforce in the public service shall be the main concern of every department or agency".
 - ◆ Rule VIII, Section 23 states that, " To enable employees and officials to contribute meaningfully to organizational performance or productivity, heads of agencies shall encourage legitimate and relevant worker participation in problem-solving and decision-

making and other activities which will enhance quality of work life and public service. "

- Rule XI, Section 1 states that, "Each head of department or agency shall be responsible for the creation of an atmosphere conducive to good supervisor-employee relations and the improvement of employee morale. For this purpose, the head of each department or agency shall make provisions for the establishment of units responsible for the maintenance of employee health, welfare, counseling, recreation and similar activities, including the establishment of employee organization/union. "
- Rule XI, Section 3 states that, " Each head of department or agency shall encourage: (a) Discussion of ideas among officers and employees throughout the administrative hierarchy through assemblies, congress, dialogues and other forms of allied discussions, as well as their participation, to the greatest degree practicable, in the development of policies and other matters affecting them in their work. "
- The Implementing Rules of the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. 6713) under Rule III, Section 1 provides, " Every department, office and agency shall, as soon as practicable Start service and help conducting value development programs for its officials and employees in order to strengthen their commitment to public promote the primacy of public interest over personal interests in the performance of their duties. " In Section 4 of the same Rule, it is provided that, " Every department, office and agency shall conduct continuing studies and analyses of their work systems and procedures to improve delivery of public services. Towards this end, such studies and analyses shall : (1) identify systems and procedures that lead or contribute to negative bureaucratic behavior; (2) simplify rules and procedures to avoid red tape; (3) devise or adopts systems and procedures that promote official and employee morale and satisfaction. "
- Finally, Section 7, Chapter 2, Book IV of Executive Order No. 292 (also known as the Administrative Code of 1987), enables the Department Secretary to:
 - a) Establish the policies and standards for the operation of the Department pursuant to the approved programs of the government;
 - b) Promulgate rules and regulations necessary to carry out Department objectives, policies, functions, plans, programs and projects; and

- c) Promulgate administrative issuances necessary for the efficient administration of the Department and for proper execution of laws relative thereto.

III. DEFINITION OF TERMS

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

Department – refers to the DSWD 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, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.

Insubordination - A deliberate and inexcusable refusal to obey a reasonable order that relates to an employee's job function.

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 Misconduct – deliberate violation of a rule of law or standard of behavior especially by a government official (CSC Resolution No. 98-1231). “Misconduct” implies a wrongful intention and not mere error of judgment.

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.

V. COVERAGE

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

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

1. Discourtesy in the course of official duties
2. Violation of reasonable office rules and regulations
3. Frequent unauthorized tardiness (habitual tardiness)
4. Frequent unauthorized absences
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
10. Simple misconduct
11. Insubordination

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 shall issue written notice to concerned employee who:
 - a) Exhibited discourteous behavior in the course of official duties
 - b) Violated reasonable office rules and regulations
 - c) Incurred absences and or tardiness more than those allowed by existing CSC rules and regulations;
 - d) Refused to render overtime services
 - e) Failed 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
 - f) Failed 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
 - g) Failed to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions
 - h) Committed simple neglect of duty, simple misconduct or insubordination

The Personnel Division/Personnel Unit shall be furnished a copy of the notice issued.

3. In the event that the concerned employee failed to take heed of said notice, the immediate supervisor or the head of office/service/bureau may issue a written warning on the subject behavior copy furnished the Personnel Division/Unit. The written warning should clearly communicate the nature

of the rule broken or duty failed and the possible consequences if the conduct persists.

4. In the event that the concerned employee failed to take heed of the warning, the immediate supervisor or the head of office/service/bureau shall require the employee to undergo counseling or negotiation or mediation, whichever is appropriate.
5. Counseling or negotiation shall be conducted by the supervisor or the head of office/service/bureau 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 Division/Unit which shall facilitate the conduct of the counseling or negotiation or mediation session. The Personnel Division/Unit may tap qualified personnel to conduct the counseling or negotiation or mediation.

Counseling, negotiation or mediation shall include the following processes:

- a) Review and analyze 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) Develop possible alternative courses of action and decide on a basic course of action - the advantages 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 - a course of action is adopted which best accomplishes the basic objective(s) and resolve the performance problem and behavior.
6. Counseling, negotiation or mediation shall be documented. The parties involved in the counseling, negotiation 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 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; and
- e) a statement by the supervisor or counselor that he/she shall assist the employee in complying with the agreement.

All parties shall be given a copy of the signed agreement. The Personnel Division/Unit shall also keep on file a copy of the agreement.

- 7. Corrective actions specified in the agreement shall be taken within a reasonable time frame that will allow for a positive change in the employee's work performance or behavior.

At the end of the period specified in the agreement, the supervisor or counselor/negotiator/mediator shall make an evaluation report on the employee's work performance or behavior, copy furnished the Personnel Division/Unit.

- 8. No formal charge and/or administrative investigation shall be advanced if the employee complied with the terms of the agreement.

On the other hand, failure of the employee to abide by the signed agreement after a reasonable time frame, may subject him/her to a preliminary investigation that shall be undertaken by the disciplining authority.

- 8. The provisions of these guidelines shall not prejudice sworn, written complaint of any other person filed against officials and employees of the Department in the course of official transaction.
- 9. In case of conflict between these guidelines and existing Civil Service rules and regulations, the latter shall prevail.

VII. TRANSITORY PROVISIONS

- 1. The Human Resource Management and Development Service in coordination with the Personnel Units of the Field Offices shall identify qualified personnel who will serve as counselors or negotiators or mediators both from the Central Office and the Field Offices. A Special Order shall be issued for the purpose.

2. Identified counselors, negotiators or mediators shall be apprised/oriented of their duties and responsibilities within three (3) months after the signing of these guidelines.

VIII.EFFECTIVITY

This Circular takes effect fifteen (15) days after the date of signing and supersedes, amends or modifies previous issuances inconsistent herewith.

Copies of this Circular shall be disseminated to all the bureaus, services, and offices at the Central Office, Field Offices and attached DSWD agencies.

Signed in Quezon City, this 24th day of February 2004.


CORAZON JULIANO-SOLIMAN
Secretary 17

