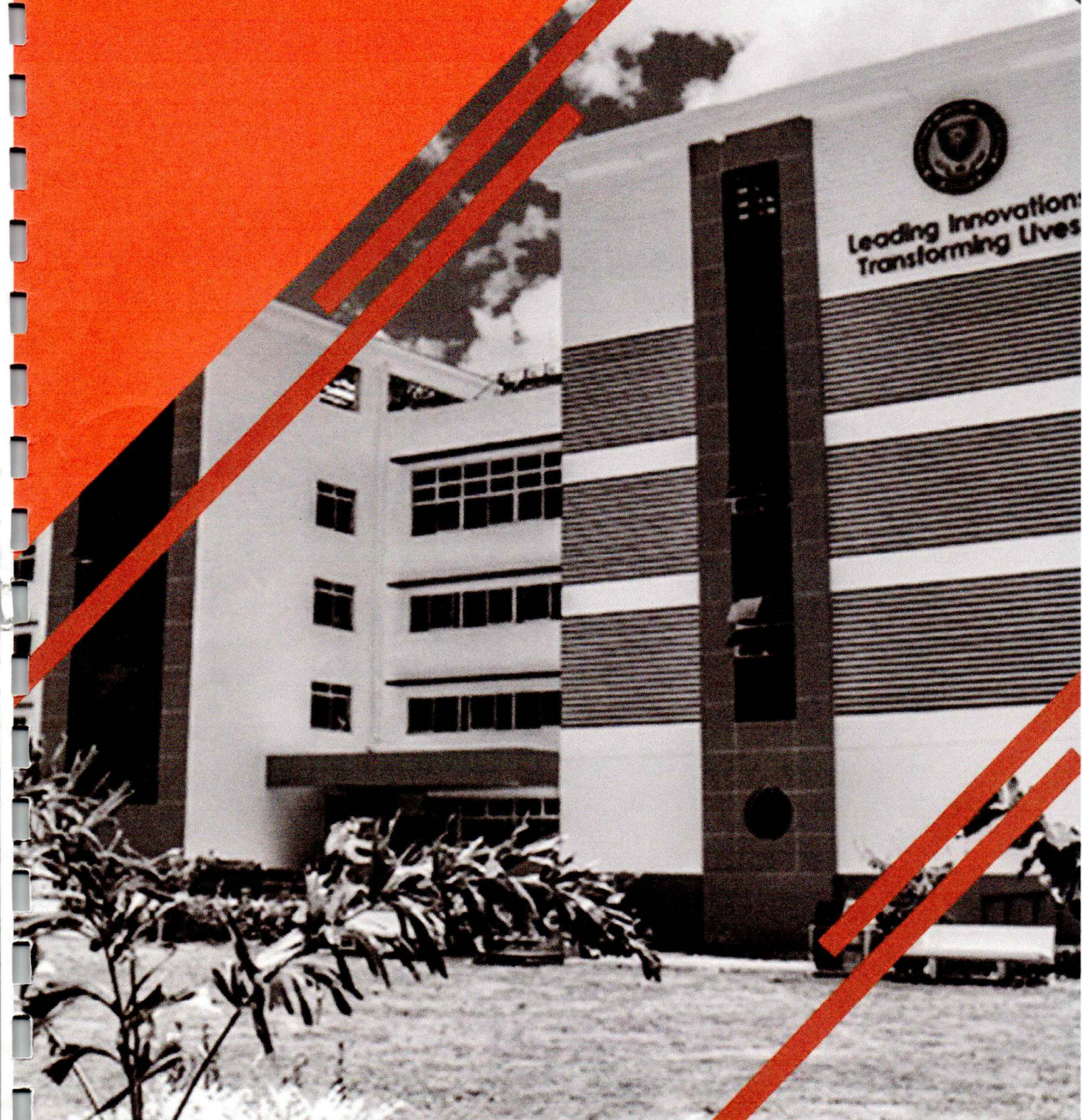


**PORTION OF THE
BATSTATEU MERIT
PROMOTION AND
SELECTION PLAN (MPSP)
THAT IS RESPONSIVE OF
INDICATOR NO. 8.2.8**



Batangas State University

MERIT PROMOTION SELECTION PLAN



3.5. During the interview process, all questions directed to applicants shall be related to the position for which they have applied for. Questions concerning color, religion, sex, gender identity or expression, ethnicity, age, physical conditions and any other characteristic protected by law shall not be asked.

D. Selection and Appointment

3.6. For qualified applicants with disabilities, the person must be able to perform essential functions of the position. Selection criteria for people with disabilities shall be valid if they are job related and consistent with job requirements/ is a bona fide occupational qualification.

3.7. Decisions on appointment shall be based on merit, fitness and suitability of the candidates, the need of the University and the office concerned. All candidates shall be assessed based on their abilities, experience, commitment and qualifications compared to the requirements of the position.

E. Work Environment

3.8. The University shall make sure to create a positive and safe environment that is free from discrimination and prejudice, should an applicant from vulnerable and disadvantaged group be selected for appointment.

ARTICLE VII – GRIEVANCE

A qualified next-in-rank employee may present the grievance with the University grievance machinery under the following conditions:

- a. Non-compliance with the selection process;
- b. Discrimination on account of age, sex, sexual orientation and gender identity, civil status, disability, pregnancy, religion, ethnicity, or political affiliation⁹⁴
- c. Disqualification of applicant to a career position for reason of lack of confidence of the appointing authority; and
- d. Other violations of the provisions of this Merit Promotion and Selection Plan.

ARTICLE VIII - COMPOSITION OF THE HUMAN RESOURCE MERIT PROMOTION AND SELECTION BOARD (HRMPSB)

Two (2) Human Resource Merit Promotion and Selection Boards (HRMPSB) may be established in the University – one for the first and second level positions and another for second level executive/managerial positions.

A special HRMPSB for specialized and highly technical positions may likewise be established.⁹⁵

The HRMPSB shall be composed of the following:

⁹⁴ Sec. 83 par. 2, 2017 ORAOHRA

⁹⁵ Sec. 84, 2017 ORAOHRA

PORTION OF THE
BATSTATEU
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Republic of the Philippines
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Batangas City

ADMINISTRATIVE MANUAL

- employees while the second level representative shall participate in the resolution of second level employees; per MC #2, s. 2001;
- (4) The Human Resource Management Officer duly designated as "Bilis Aksyon Partner".

The HRM unit shall extend secretariat services to the grievance committee.

COMPLAINTS COGNIZABLE BY THE GRIEVANCE COMMITTEE

Policies

1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the university. However, if not settled at the lowest level possible, an aggrieved party shall present his/her grievance step by step following the hierarchy of positions.
2. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
3. Legal rules and technicalities shall not bind grievance proceedings. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.
4. The aggrieved party shall present a grievance verbally or in writing in the first instance to his / her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

5. Grievance refers to work related issues giving rise to faculty and employee dissatisfaction. The following cases shall acted upon through the grievance machinery:
 - a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits and related terms and conditions
 - b. Non-implementation of policies, practices and procedures which affect faculty and employee from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and related issues that affect them;
 - c. Physical working conditions;
 - d. Interpersonal relationship and linkages;
 - e. Protest on appointments; and,
 - f. All other matters giving rise to faculty and employee dissatisfaction and discontentment outside of those cases enumerated herein.
6. The following cases shall not be acted upon through the grievance machinery:
 - a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;
 - b. Sexual harassment cases as provided for in RA 7877 and its implementing rules; and,
 - c. Union-related issues and concerns.
7. Only permanent officials and faculty members whenever applicable shall be appointed or elected as members of the Grievance Committee.
In the appointment or election of the Grievance Committee members, their integrity, probity, sincerity, and credibility shall be considered.
8. The university shall constitute a "Complaints Grievance Committee" to receive, hear, and resolve complaints and grievances. *This Committee shall be composed of the following:*

- a. A ranking officer chosen by the president as Chairman.
- b. The administrative officer;
- c. The chairman of the department or head of the unit where the complainant is assigned;
- d. The HRM Officer as Secretary; and
- e. A representative of the CSC accredited Faculty Association / Union, or if there is no accredited faculty association / union, representative chosen through general election.

If any member is the one facing a complaint, another faculty shall be designated in his place.

9. The Grievance Committee shall establish its own internal procedures and strategies. Membership in the Grievance Committee shall be considered part of the member's regular duties.

PROCEDURES

- a. Any faculty member with a complaint or grievance may air his / her complaint or grievance orally to his / her immediate superior who shall resolve the complaint at his level by holding a dialogue with the persons involved. If the complainant is not satisfied with the result, he / she may request his / her immediate supervisor to endorse in writing his / her complaint to the committee through channels. In case the complaint or grievance is against the immediate supervisor, it may be aired directly to the next higher supervisor.
- b. The Committee shall resolve any complaint within five days.
- c. In case any dispute remains unresolved after exhausting all the available remedies under existing laws and procedures, the grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification on the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain among other things, the following information; history and final action taken by the agency on the grievance.

PERSONNEL DISCIPLINE PROCEEDINGS

THE PERSONNEL DISCIPLINE COMMITTEE

The President shall create a Personnel Discipline Committee which shall hear cases involving academic and non-academic personnel of the University. This Committee shall be composed of the Legal Officer from the Office of the University Legal Counsel, as Chairman, and such other officers as may be designated by the President, as members. It shall forward its investigation report, together with its recommendations, to the President for decision. (Sec. 46, Book V, E.O. 292, Rule XIV, CSC Omnibus Rules a).

PENALTY, JURISDICTION

When the penalty imposed in the decision is suspension of not more than 30 days or a fine in an amount equivalent to salary for a period not exceeding 30 days, the decision of the President shall be final and executory. When the penalty imposed is suspension exceeding 30 days or fine in an amount exceeding the equivalent salary for 30 days, the decision of the President may be appealed to the Board of Regents within a period of fifteen (15) days from respondent's receipt of the decision. After the lapse of such period without an appeal being made, the President's decision shall become final; Provided, however, that if the penalty is dismissal from the service, it shall be automatically appealable to the Board of Regents: During an appeal, the decision shall be executory, except when the penalty is dismissal, in which case the respondent shall be considered under indefinite suspension for all intents and purposes, pending final action by the Board (CSC MC No. 19, s. 1999a).

PROCEDURE FOR INVESTIGATION

In case of complaints filed against a University employee by persons other than the President, or by the head of office, the complaint should be in writing and under oath, supported by documentary evidence, if any; and by the statements, also under oath, of witnesses. If on the basis thereof a prima facie case is found not to exist, the case shall be dismissed. However, if a prima facie case exists, the respondent shall be notified in writing of the charges, together with copies of the complaint, sworn statements and other documents submitted, and shall be given at least 72 hours from receipt of the complaint to file his/her explanation in writing. The explanation must be under oath and accompanied by supporting sworn statements and other documents, if any. In his/her explanation the respondent shall indicate whether or not he/she elects a formal investigation. If, on the basis of the explanation, no prima facie case is found to exist, the complaint shall be dismissed outright. On the other hand, if a prima facie case exists, and the respondent elects the holding of a formal investigation, the President shall issue a formal charge against him/her and he/she shall be given five (5) days from receipt of the formal charge within which to submit his/her answer.

Upon receipt of the answer, the President shall refer the case to a Discipline Committee for the reception of evidence. The Committee shall submit a report of its findings to the President within thirty (30) days from the conclusion of the investigation, together with its recommendations and the entire records of the case and the proceedings. The President shall render a decision within thirty (30) days from his/her receipt of the said report (CSC MC No. 19, series of 1999 a).

RIGHT TO SERVICES OF COUNSEL

Any employee under investigation for the commission of an offense shall have the right to counsel of his/her own choice.

PREVENTIVE SUSPENSION

The University President may preventively suspend any officer or employee pending an investigation if the charges against such officer or employee involves dishonesty, oppression, grave misconduct, neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his/her removal from the service. A preventive suspension shall be effective for a period of 90 days. When the administrative case against an officer or employee under preventive suspension is not finally decided within ninety (90) days from the date of suspension from the service, shall be automatically lifted, unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which event the period of delay shall not be counted in computing the period of suspension (Section 19 and 22, CSC MC No. 19, 1999 a).

APPEALS

Appeals or petitions for reconsideration, whenever allowable, shall be governed by Civil Service law, rules and regulations (Book V, EO 292, Sec. 43, CSC MC No. 19, 1999).

MISCELLANEOUS PROVISIONS

HABITUAL ABSENTEEISM

In this pursuit, the University strictly observes the provisions of CSC Memorandum Circular No. 4, s. 1991 entitled "Policy on Absenteeism and Tardiness". To wit:

An officer or employee shall be considered habitually absent if he/she incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under