

**DENR Circular
No. 02
April 14, 1992**

**Subject : Rules and Regulations that shall Govern
the Adjustment of Complaints and
Grievances of Officers and Employees of
DENR**

The DENR Grievance and Complaint Committee in pursuit of more efficiency, competence and responsiveness in the Civil Service, hereby promulgates the following Rules and Regulations that shall govern the adjustments of grievances and complaints of DENR employees and officials in all units of the Department.

1.0 Purpose - The grievance procedure is intended to help promote wholesome and desirable employee relations in this Office and to prevent employee discontent and dissatisfaction.

2.0 Definition - As used in these regulations, the following terms shall have the following meanings indicated.

2.1 Complaint - means all employee's expressed feelings of dissatisfaction with some aspects of his working conditions, relationships or status which are outside his control.

2.2 Grievance - is a complaint which has, in the first instance and in the employee's opinion been ignored, overridden or dropped without due consideration.

2.3 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.

3.0 Scope - The grievance procedure shall be applied when the dissatisfaction arises in the day-to-day working relationship between employees or between employees and supervisor. It shall not apply to cases of dissatisfaction with official actions finally taken by this Office nor in disciplinary cases.

Complaints and/or grievances may refer to any of the following:

3.1 Unsatisfactory working conditions

- 3.2 Improper, tedious or laborious work assignments
- 3.3 Faulty tools or equipment
- 3.4 Unsatisfactory personnel and/or work processes
- 3.5 Improper placements
- 3.6 Improper appreciation of the factors relative to lay-offs, promotions, salary increases and transfers.
- 3.7 Arbitrary exercise of discretion
- 3.8 Inter-personal relations
- 3.9 Policies, practices and procedures which affect employees.
- 3.10 Any and all matters giving rise to employee dissatisfaction.

4.0 Guiding Principle - Officers and employees of this Office shall have the right to present their complaints and or grievances to the Management and to have such complaints and/or grievances resolved in accordance with these regulations.

The following principles shall govern implementation of these regulations.

- 4.1 the employee shall first discuss his problem informally with the immediate supervisor before considering the filing of a formal written complaint.
- 4.2 an employee presenting a complaint or grievance shall be assured freedom from coercion, discrimination or reprisal and of a speedy and impartial adjustment of such complaint or grievance.
- 4.3 complaint and/or grievances shall be settled at a lowest possible level.
- 4.4 the grievance proceedings shall be kept as simple as possible and shall not be bound by legal rules or technicalities. Employing the services of counsel is not necessary.
- 4.5 the grievance proceedings shall be aimed at determining what is right, not who is right.
- 4.6 a complaint or grievance shall be considered not only in relation to its alleged object, but also in relation to the personal situation of the complainant.

4.7 the right to appeal decisions on grievance in accordance with the provisions of these regulations shall not be curtailed.

5.0 Procedure - The procedure for seeking redress of complaints/grievances shall be as follows:

5.1 **Oral discussion** - a complaint shall be presented at first instance to the employee's immediate supervisor who shall, within three days from the date of presentation, inform the employee orally of his decision. In the oral discussion, the following shall be observed.

5.1.1 **The employee shall be put at ease** - every effort shall be exerted to make the employee who has a grievance feel at ease during the oral discussion.

5.1.2 **The employee shall be encouraged to talk** - the employee shall be allowed to tell or explain his side during the oral discussion.

5.1.3 **Privacy in discussion** - oral discussion shall be held in a quiet and secluded place where the conversation cannot be interrupted or overheard.

5.1.4 **The case shall be heard fully** - the supervisor shall seek to keep his views and opinion entirely to himself until after the employee has explained his side.

5.1.5 **A definite closure of the grievance shall be reached** - At the end of the discussion the supervisor must be prepared to state his position clearly, accurately and without any ill feeling towards the employee. He needs definite decision, but it shall be rendered within three (3) days from the presentation of the complaint.

5.2 **Grievance in writing** - If the employee is not satisfied with oral decision, he may submit his grievance in writing through his immediate supervisor, who shall forward the grievance with his comments within 24 hours to the Chief of the primary unit, or to the next higher supervisor as the case may be, who shall, within five (5) days from receipt thereof, inform the complainant in writing through the immediate supervisor of his decision. Provided, however, that if the object of his complaint or grievance is the

Chief of his Unit or Section in the same Division or the personnel of another Division, the personnel may bring his complaint or grievance orally, in the first instance, and then in writing directly to his Chief of Division who in the latter case, shall refer the complaint or grievance to the Division Chief concerned who shall render his decision within five (5) days from his receipt of the complaint. Provided, furthermore, that where the object of his complaint or grievance is the Chief of Division, the complainant may bring his complaint or grievance orally, in the first instance, and then in writing, to the next higher supervisor (Director).

5.2.1 if the complainant is not satisfied with the decision of his immediate supervisor or of the Chief of Division, he may appeal his complaint or grievances in writing to the next higher supervisor, his Chief of Division, who shall forward the same to the next higher supervisor (Director) together with any comment he wishes to make within five (5) days from receipt.

5.2.2 Upon receipt of the complaint or grievance, the next higher supervisor shall review the issues involved and resolve such complaint or grievance within ten (10) days.

5.3 **Appeal to the Secretary** - if the employee is still not satisfied with the action of the Director or officer equivalent in rank, he may elevate, through channels, his grievance to the Secretary who may forthwith decide the case or refer it to a Grievance Committee constituted for the purpose.

6.0 The Grievance Committee Procedure

6.1 Upon receipt of the complaint or grievance, the chairman shall immediately schedule a Hearing within a reasonable period during office hours at a suitable time and place.

6.2 All members of the Committee shall be present during the Hearings, and all proceedings before the Committee shall be reduced to writing. For this purpose, the Committee may avail of the services of any stenographer in this office.

- 6.3 The procedures enumerated under No. 5.1.1 to 5.1.3 of these regulations shall also apply in Committee adjustments or employee grievance.
- 6.4 The complainant shall be given ample time for an oral exposition of his grievance, citing, if possible, the management principles or sound personnel practices violated by inaction on his grievance, or detriment to his rights and privilege or to the public interest if correction is not made on the complained aspect of his working condition, relationships or status.
- 6.5 The complainant shall not be permitted to dwell on aspects not covered by his grievance in writing.
- 6.6 The officer or employee affected by the grievance shall be allowed by the Committee ample chance to present his side before it.
- 6.7 Both complainant and respondent or any officer or employee involved shall be allowed to submit evidence or present witnesses before the Committee Hearing.
- 6.8 The committee shall immediately set in consultation and shall submit its findings and recommendations to the Secretary, within ten (10) days after termination of the Hearing. A draft of decision shall be prepared for the signature of the Secretary.
- 7.0 Secretary's Decision** - unless otherwise provided, the decision of the Secretary shall take effect immediately after receipt thereof by the complainant and all parties affected.
- 8.0 Secretariat** - the Chief of Personnel Division shall designate two staff from the Personnel Division who shall compose the Grievance Secretariat.
- 9.0 Responsibilities of the Secretariat** - All written proceedings and records involving complaints and grievances shall be kept by the Secretariat.

This Order shall take effect immediately.

VICTOR O. RAMOS
OIC, Secretary