



2019 Conversations with Local Chief Executives

(LOCAL EXECUTIVES PROGRAM)

Strengthening the Leadership and Managerial Competencies of Local Chief Executives, Local Leaders and HR Practitioners



Waterfront Cebu City Hotel and Casino
August 6-7, 2019



Module I.

Ethics and Parameters of Discretionary Powers Of the Local Chief Executives (LCEs)

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Topic Outline

- The Civil Service
- Ethical Decision Making
- Discretionary Power
- Parameters of Discretion



Central HR Agency

Establish career service

Promote morale, efficiency, integrity, responsiveness, progressiveness and courtesy in civil service

Strengthen merit and reward system

Integrate HR development programs for all levels and ranks

Institutionalize management climate conducive to public accountability



Career Service – shall be characterized by:

- Entrance based on merit and fitness to be determined as far as practicable by competitive examination or based on highly technical qualifications;
- Opportunity for advancement to higher career position; and
- Security of tenure.



Non-Career Service – shall be characterized by:

- Entrance on bases other than those of the usual tests of merits and fitness utilized for the career service;**
- Tenure which is limited to a period specified by law, or which is coterminous with that of the appointing authority or subject to his pleasure, or which is limited to the duration of a particular project for which purpose employment was made.**



Central HR Agency

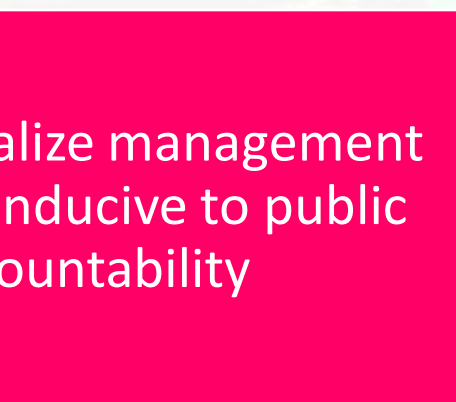
Establish career service

Promote morale, efficiency, integrity, responsiveness, progressiveness and courtesy in civil service

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Deciding what is right
and doing it.



Sources of Ethics



Rules



RESULTS

“

Relationship

QUOTES



”



Promoting ethics is an essential part of the jobs of public officials and employees



Et**H**i**C**S

www.MediaOrchard.com

Good Governance is about ethics
- it requires us to decide what is good

- **Public Service Ethics**
- requires us to give Quality Decision/Excellent service to the public.



Ethical Values in Public Service

- **Transparency**
- **Fairness, non-discrimination**
- **Integrity/ Honesty and Responsibility**
- **Participation**
- **Moral Courage**



Ethical Dilemma

- **What one experiences when making a tough choice between " Right vs. Right"**
- **Involves two equally important values**
- **Each side is firmly rooted in our basic core values:**



**THE ETHICAL
DILEMMA**



TRUTH

VS



individual

VS



VS



VS



Justice



Ethical dilemma in the workplace may occur in any of the following:

- Reorganization or restructuring
- Performance management
- Dealing with the public or stakeholders
- Managing your own career and dealing with power play in the organization
- **Hiring and promotion**



Discretion

- **the act or the liberty to decide, according to the principles of justice and one's ideas of what is right and proper under circumstances, without wilfulness or favour.**



Discretion

- Power or right conferred upon by law, to act officially, under certain circumstances, according to the dictates of ones own judgment and conscience, uncontrolled by the judgment or conscience of others.



Discretion is a synonym
for intelligence.

Eloisa Jaramas

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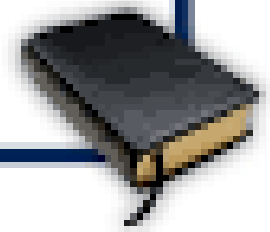


Adapted from www.addto500.com

Proverbs 2:10-11

When **wisdom** enters your heart,
And **knowledge** is pleasant to your soul,

Discretion will preserve you;
Understanding will keep you,



How wide is the “wide latitude of discretion in appointments?”



- Not limitless.....

There are parameters and boundaries.



- *Formula on the exercise of Discretion*

QS

+ RSP PROCESS

- Prohibitions

Sound Appointments



Appointments...

- ✓ Made only according to merit and fitness
 - ✓ to be determined, as far as practicable, by competitive examinations.
- ✓ this does not apply to appointments to positions which are policy determining, primarily confidential or highly technical.



There shall be no discrimination in the selection of employees on account of age, sex, sexual orientation and gender identity, civil status, disability, religion, ethnicity, or political affiliation.



Section 83, Rule IX, 2017 ORAOHRA Revised July 2018



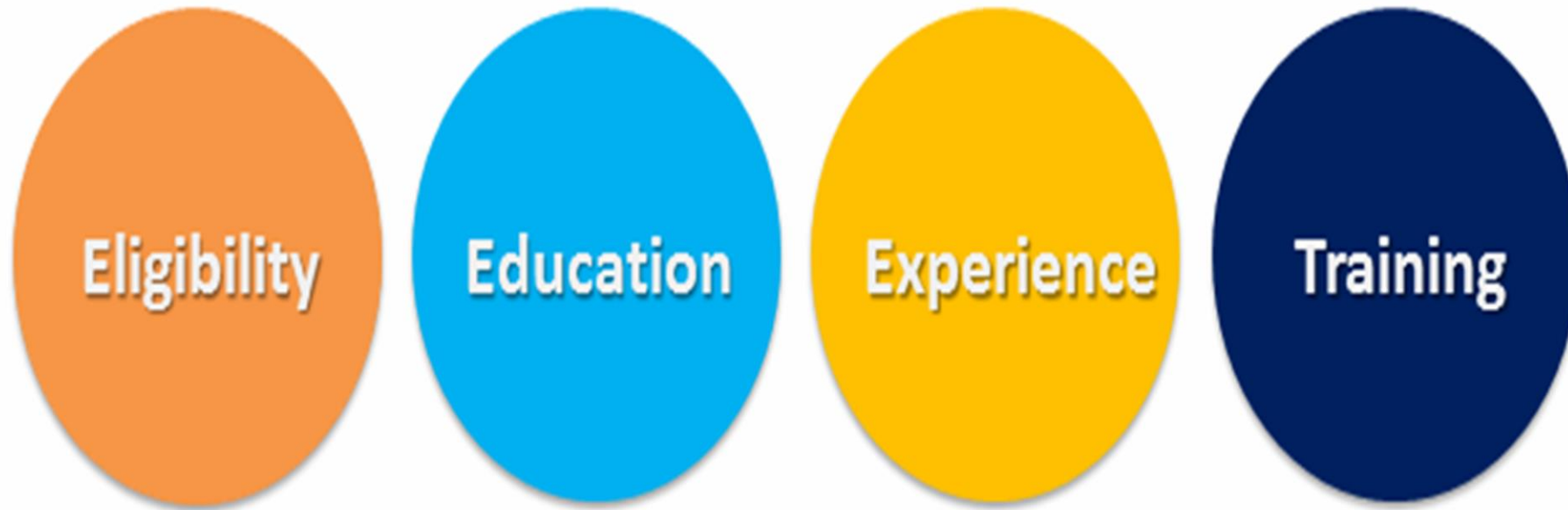
- *Formula on the exercise of Discretion*

QS ★
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Sound Appointments



QUALIFICATION STANDARDS (QS)



Minimum/Basic

Section 31, Rule VIII, 2017 ORAOHRA Revised July 2018



QUALIFICATION STANDARDS (QS)

- **Shall serve as the basic guide in the selection of the employees and in the evaluation of appointments to all positions in the government.**

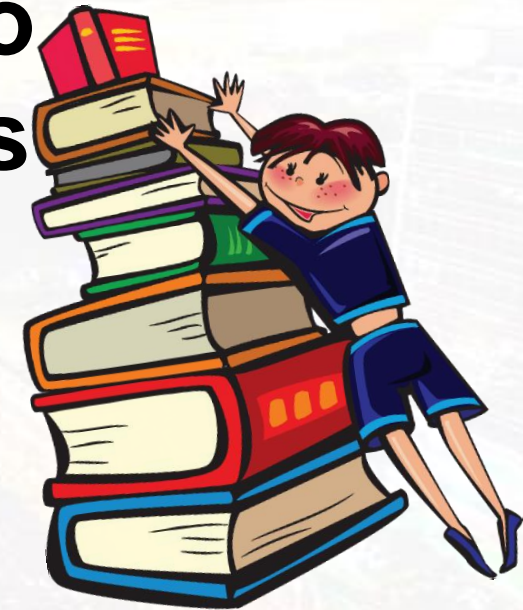
Section 31, Rule VIII, 2017 ORAOHRA Revised July 2018





EDUCATION

Formal/ Non-formal academic, technical or vocational studies that will enable the candidate to successfully perform the duties and responsibilities of the position to be filled.



Section 42, Rule VIII, 2017 ORAOHRA Revised July 2018





Experience refers to the previous jobs in either the **government or private sector, whether full-time or part-time**, which, as certified by the HRMO or authorized officials of the previous employer, are functionally related to the duties of the position to be filled.

Section 56, Rule VIII, 2017 ORAOHRA Revised July 2018



EXPERIENCE

Experience Acquired through Job Order or Contract of Service?

- May be considered relevant experience **provided covered by a contract or MOA.**

Section 57, Rule VIII, 2017 ORAOHRA Revised July 2018



Training refers to formal or non-formal training courses and HRD interventions such as coaching, mentoring, job rotation, seminars, workshops, and others that are part of the employee's IDP/ CDP.



Section 61, Rule VIII, 2017 ORAOHRA Revised July 2018



TRAINING

NOT considered for purposes of meeting the training requirement:

- **Attendance to annual agency planning sessions/ workshops/ conferences as a requirement for operations**
- **Services rendered as facilitator/resource persons in seminars/ workshops/training.**

Section 65, Rule VIII, 2017 ORAOHRA Revised July 2018



Eligibility refers to the result of passing a merit and fitness test which may be determined as far as practicable by competitive examination, or based on highly technical qualifications or other tests of merit and fitness

Section 71, Rule VIII, 2017 ORAOHRA Revised July 2018



WHEN should appointee meet Qualification?

At the time of the
issuance of the appointment.

Section 87, 2017 RRACS



• *Formula on the exercise of Discretion*

Q.S
+ RSP PROCESS 
- Prohibitions

Sound Appointments

REQUIREMENTS



SEARCH



CANDIDATE

RECRUITMENT



JOB



VITAE



HIRING



INTERVIEW



SKILL



LOCAL EXECUTIVES PROGRAM

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What is Recruitment?

- Process by which organizations attract **qualified** applicants



- Activities that influence on the number and/or types of applicants who apply for a position



IF THERE IS SUCH A THING AS
CONSUMER BRAND, THERE IS ALSO
WHAT WE CALL THE

EMPLOYER BRAND



“Talent-focused companies understand that, more than compensation, it is the **corporate ecology**, the **challenge of the role**, and the **personal development opportunities** that drive choice and loyalty.”



Publication and Posting of Vacant Positions

**Not less than 15 days for LGUs
pursuant to Section 80 (a), Title
III, Book I of RA 7160**

What Public Service Value(s)?

Rule VII, ORA-OHRA



Ethical Values in Public Service

- **Transparency**
- **Fairness, non-discrimination**
- **Integrity/ Honesty and Responsibility**
- **Participation**
- **Moral Courage**



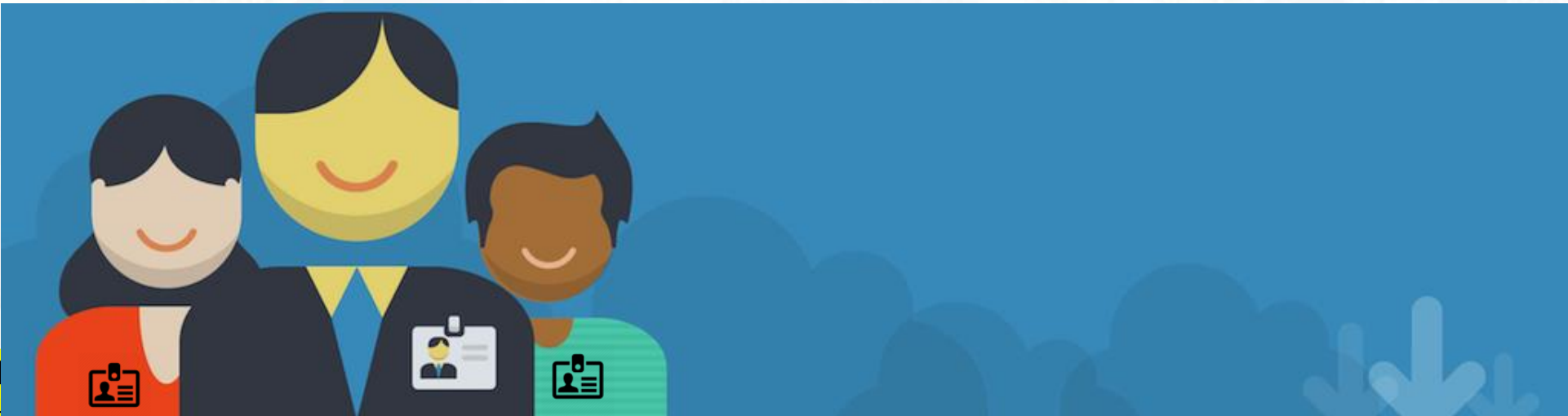


Selection



Selection

Processes for evaluating and selecting most qualified candidates based on objective job- related criteria



Goals of Effective Talent Selection



Accuracy

Equity

Buy-in



Accuracy

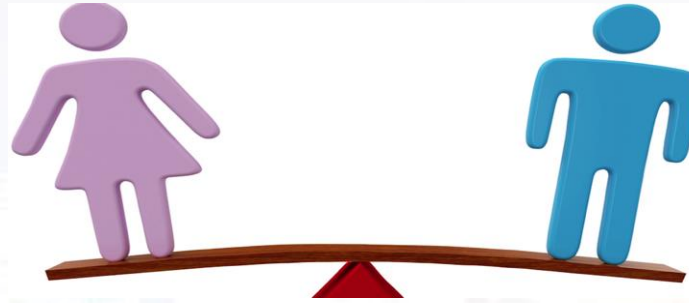


Person appointed...

- Is enthusiastic about job and organization
- Exceeds average tenure for position
- Demonstrates effective behaviors that translate to performance
- Applies technical knowledge needed to do job well



Equity



Job-related hiring criteria consistently used

Candidates given fair chance to demonstrate or provide evidence of capabilities

Candidates believe they have an equal chance

No legal challenges to process



Buy-In

Candidates



- Believe in accuracy and fairness of system
- Believe time is well-spent
- Benefit from selection process regardless of selection decision

Managers and staff



- Believe in accuracy and fairness of system
- Actively invite others to apply for jobs in the organization



Process

Selection/ Screening

The HRMPSB shall **assist** the appointing officer/authority in the judicious and objective selection of candidates for appointment in the agency in accordance with the approved Agency Merit Selection Plan (MSP).

Section 85, 2017 ORAOHRA Revise July 2018



Selection/ Screening Process

The Agency MSP signed by the head of the agency shall be considered as a valid contract binding among the head of agency, the employees and the CSC.

Non-compliance:

- ground for disapproval/invalidation of appointment
- administrative disciplinary action against the official or employee who caused the violation

Section 103, 2017 ORAOHRA Revise July 2018



For LGUs, the HRMPSB shall be chaired by the LCE/Vice or authorized representative, and its members shall be determined by resolution of the Sanggunian.

Section 88, 2017 ORAOHRA Revise July 2018



In **NO** instance should the HRMPSB be composed entirely of the members of the local Sanggunian.

Section 90, 2017 ORAOHRA Revise July 2018



- The HRMPSB shall be represented by at least the majority of its members during the deliberation of candidates for appointment.

Section 93, 2017 ORAOHRA Revise July 2018



Selection/ Screening Process

The appointing officer/authority shall be guided by HRMPSB's assessment and in the exercise of **SOUND DISCRETION**, select, insofar as practicable, from among the **top five (5)** candidates or less, deemed most qualified for appointment to the vacant position.

Section 86, 2017 ORAOHRA Revise July 2018



Selection/ Screening Process

LCEs shall ensure that the responsibilities of the Human Resource Management Officer are strictly complied under **Rule XIII of the 2017 ORAOHRA Revised July 2018.**





The secret of my success is that we have gone to exceptional lengths to hire the best people in the world.

Steve Jobs



- *Formula on the exercise of Discretion*

Q.S
+ RSP PROCESS
- Prohibitions 

Sound Appointments



Prohibitions

No appointment shall be made in favor of a relative of the appointing or recommending officer/authority, or of the chief of the bureau or office or of the person exercising immediate supervision over the appointee (**within the 3rd degree either of consanguinity or of affinity**)

Nepotism covers all kinds of appointments REGARDLESS OF STATUS including casual, contractual and coterminous BUT ARE NOT PRIMARILY CONFIDENTIAL

The Rule on Nepotism applies to DESIGNATION



Prohibitions

Rule on Nepotism in LGUs

- Prohibition on appointment in the career service extends to relatives of Appointing or Recommending (A/R) officer/authority with the **4th civil degree of consanguinity or affinity.**
- However, in the non-career service the prohibition extends to the 3rd degree relatives of consanguinity or affinity of appointing or recommending officer.



Prohibitions

- a. persons employed in a confidential capacity**
- b. teachers**
- c. physicians**
- d. members of the Armed Forces of the Philippines**
- e. science and technology personnel under RA No. 8439**
- f. other positions as may be provided by law**



When in Doubt, don't hire- Keep looking!

The moment you feel the need to tightly manage someone, you've made a hiring mistake.

Source: 2001: Good to Great: Why Some Companies Make the Leap ... And Others Don't
by Jim C. Collins



Other HR Actions involving Discretion

Reassignment

movement of an employee across the organizational structure within the same department or agency, **which does not involve a reduction in rank, status, or salary**

Section 13, 2017 ORAOHRA Revised July 2018



Parameters of Reassignment

1. Reassignment of employees with station-specific place of work indicated in their respective appointments **within the geographical location of the agency** shall be allowed only for a maximum period of one (1) year.

Section 13, 2017 ORAOHRA Revised July 2018



Parameters of Reassignment

2. Reassignment is presumed to be regular and made in the interest or exigency of public service and must not constitute **constructive dismissal.**



What is Constructive Dismissal?

- **Exists when an official or employee quits work because of agency head's **unreasonable, humiliating, or demeaning** actuations, which render continued work impossible.**
- **This may occur although there is no diminution or reduction in rank, status or salary of the employee.**



What is Constructive Dismissal?

- When an employee performs duties and responsibilities inconsistent with the duties and responsibilities of his/her position such as from a position of dignity to a more servile or menial job;



What is Constructive Dismissal?

- Reassignment to an office not in the existing organizational structure;



What is Constructive Dismissal?

- Reassignment to an existing office but the employee is not given any definite set of duties and responsibilities.



What is Constructive Dismissal?

- Reassignment that will cause significant financial dislocation or hardship on the part of the employee because of geographic location.



What is Constructive Dismissal?

- Reassignment that is **done indiscriminately** or whimsically because the law is not intended as a convenient shield to harass or oppress a subordinate on the pretext of advancing and promoting public interest.



Other HR Actions involving Discretion

Designation

- **Imposition of additional and/or higher duties** to be performed by a public official/employee which is **temporary and can be terminated anytime** at the pleasure of the appointing officer/authority.



Designation

- **acting capacity** - ministerial functions attached to the position but also the exercise of discretion since the person designated is deemed to be the incumbent of the position
- **officer-in-charge** - enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities



Parameters of Designation

- 1. Employees to be designated should hold permanent appointments to career positions.**



Parameters of Designation

2. Designees can only be designated to positions within the level they are currently occupying.



Parameters of Designation

3. Designation should be synchronized with the absence of the incumbent (who temporarily cannot perform the position). The designation may be renewed every year but not to exceed two years.



Parameters of Designation

4. A designation to positions without incumbent may be only made for a maximum of one year, may be renewed but not to exceed two years.



Parameters of Designation

5. For designation to critical positions in the LGUs such as Department Head, a copy of the office order shall be furnished by the HRMOs to the CSC FO concerned within THIRTY (30) DAYS upon its issuance.



Parameters of Designation

6. Employees designated to positions with duties involving practice of positions shall be required to possess the necessary professional license.



Parameters of Designation

7. Designation shall be made through An office order issued by the appointing authority concerned.





It's all about...
Having the **right** people,
With the **right**
abilities,
In the **right** place,
At the **right** time.

SHR Blog by Hannah Robinson, <https://han08hrm.wordpress.com/>





Deciding what is right
and doing it.





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