IMPLEMENTING GUIDELINES ON THE ESTABLISHMENT OF THE DEPARTMENT OF ENERGY

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In the implementation of RA 7638 creating the Department of Energy (DOE), the following guidelines are hereby promulgated:

I
General Policy and Procedures
1. In the implementation of the DOE establishment plan, the protection of the right to security of tenure of career officers and employees in the OEA shall be, among others, a primary concern of the appointing authority, consistent with Sec. 19, Chapter IV, R.A. 7638 which provides "That in the filling of positions created, preference shall be given to the personnel of the Office of Energy Affairs, Energy Coordinating Council and the Energy Regulatory Board: Provided, however, That such individuals comply with the qualification standards set by the Civil Service Commission for the positions that they shall be appointed to: and Provided, finally, That if such individuals possess the same qualifications, seniority shall be given priority."

2. No permanent officer or employee shall be separated from the service unless there is a reduction in the number of positions in the new staffing pattern and the employee separated from the service is the least competent and qualified.

3. No appointment of new personnel to career positions, whether transfer, reinstatement or original, shall be made until incumbent personnel are placed in the following order of preference: permanent, temporary, casual, contractual.

4. Officers and employees holding permanent appointments shall be given preference for appointment to the new positions in the approved staffing pattern comparable to their former positions.

5. The agency shall prepare a certified list of all employees separated as a result of DOE establishment indicating therein their respective qualifications, civil service eligibilities, last position held and remarks as to the employees' conduct and performance. The agency shall furnish copies of the list to the Civil Service Commission for possible reemployment in other agencies.

6. All officers and employees, including casuals and temporary employees who have been separated pursuant to DOE establishment under any of the valid causes, except those as a result of final disciplinary action, shall, if entitled thereto, be paid the appropriate separation pay and other benefits under existing laws within sixty (60) days from the date of the effectivity of their separation or from the date of the receipt of the resolution of their appeals as the case may be: Provided that application for clearance has been filed and no action thereon has been made by the corresponding agency.

Such separation pay benefits shall have priority of payment.

II
Selection and Placement of Personnel
A. A Placement Committee (PC) shall be created to assist the appointing authority in the judicious selection and

placement of personnel.

It shall undertake the following duties and functions:

1. Screen employees who will be placed in the first and second level positions in the agency. In the performance of this task, the following factors shall be considered:

- performance;

- education and training;

- experience and outstanding accomplishments; and

- physical characteristics and personality traits.

2. Recommend to the appointing authority the best qualified candidate to the position.

3. Answer/act on inquiries/requests for information on how selection was done in cases of appeals.

The Committee shall consists of:

1. Two (2) members appointed by the head of the department or agency and a representative of the appointing authority, one of whom will be the Chairman of the Committee.

2. Two (2) members duly elected by the employees holding positions in the first and second levels of the career service.

3. The Human Resources Division (HRD) shall act as the Secretariat of the Committee.

Whenever it deems necessary, the Committee may invite a representative of the Civil Service Commission to render assistance to the Committee.

B. Placement Procedure

1 Within five (5) days from receipt of the DOE's Organization Staffing and Classification Action Summary (OSCAS) from the Department of Budget and Management (DBM), the appointing authority shall cause copies thereof to be posted in the bulletin boards and other conspicuous places in its central and regional/field offices.

2. The Committee shall evaluate/assess within ten (10) days the qualifications and competence of all the existing OEA employees based on the criteria and preference provided for in these Rules.

3. The Committee shall prepare the Personnel Placement List (PPL) and submit the same to the appointing authority for his approval.

4. Within thirty (30) days from submission of the PPL by the PC, the appointing authority shall approve, modify or revise the PPL which shall then constitute the New Plantilla of Personnel (NPP).

5. The appointing authority shall cause to be posted in the bulletin boards and other conspicuous places in the central and regional/field offices the lists of personnel appointed to the positions in the approved staffing pattern, within five (5) days from the effectivity or issuance of the appointment, whichever is earlier. The posting should not be less than fifteen (15) days.

The Human Resource Management Officer V shall certify as to the date of the first date of posting and the duration thereof.

6. Individual appointments on the prescribed CS Form together with the supporting papers shall be issued to those

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reappointed and shall be submitted to the CSC Field Office within thirty (30) days from their issuance.

III
Appeals
1. An employee who is aggrieved by any action taken in the DOE establishment particularly as regards personnel placement may within ten (10) days from notice thereof register in writing his protest or complaint before the appointing authority.

The appointing authority shall within thirty (30) days from receipt of the appeal, dispose of the case through written notification to the complainant, of the action taken and stating the grounds therefor.

2. The appointing authority shall not entertain any appeal unless the same is filed by the employee personally and directly affected by the decision of the Placement Committee.

3. An employee adversely affected by the decision on appeal may file a letter of reconsideration within five (5) days from receipt thereof. The appointing authority shall then dispose of the same within five (5) days from receipt of the letter of reconsideration.

4. Action by the appointing authority shall not preclude appeal to the Civil Service Commission.

Adopted: 13 Jan. 1993

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Secretary

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