



MARIANO MARCOS STATE UNIVERSITY
Batac 2906, Ilocos Norte

**COMPLAINT AND
GRIEVANCE MACHINERY
FOR MMSU**
(CSC MC No. 2 s. 2001)



Mariano Marcos State University
Batac, Ilocos Norte

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COMPLAINT AND GRIEVANCE MACHINERY FOR MARIANO MARCOS STATE UNIVERSITY

Pursuant to Section 3, Rule XII of the Omnibus Rules Implementing Book V of EO 292, employees shall have the right to present their complaints and grievances to the management and have them settled immediately in the best interest of the agency, the government and the individual employee concerned.

The Mariano Marcos State University recognizes the importance of maintaining a wholesome atmosphere for harmonious and sustained relationship between and among employees, officials, supervisors, faculty and the University Administration. It considers the employees' feelings of dissatisfaction and discontentment. It respects their right to air their complaints and have them resolved within the university as expeditiously and judiciously as possible in the interest of the whole University community.

Rule XII on Complaints and Grievance of EO 292 directs every government agency to promulgate rules and regulations governing the expeditious, fair and equitable settlement of employees' complaints and grievances in accordance with the policies provided by law.

In line with the above Civil Service directive and in conformity with CSC MC. No.2, S. 2001 as well as the desire to reduce and resolve employees' misunderstandings, conflicts and complaints that undermine morale and effective performance in the delivery of public service, these rules and procedures on complaints and grievances are hereby established to serve as guidelines in handling and settling issues and disputes between and among university staff. This shall be known as the Complaints and Grievances Machinery for MMSU.

I. OBJECTIVES:

1. To promote understanding and harmony between and among employees, officials, supervisors, faculty and the university administration, thereby, fostering productivity and justice.
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2. To establish an orderly system of handling and settling disputes at the lowest possible level and in accordance with any agreement signed between management and the recognized negotiating unit within the prescribed rules.
3. To serve as catalyst for the development of capabilities of personnel on dispute settlement especially among supervisors in the University.

II. DEFINITION OF TERMS:

Accredited or Recognized Employee Union. It is an employee union accredited pursuant to Executive Order No. 180 and its implementing rules and regulations.

Complaint. It is a written or an oral expression of an employee's feeling of dissatisfaction with some aspects of his working conditions, relationship or status which are outside his control

Grievance. Is a work-related discontentment or dissatisfaction which has been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without due consideration.

Grievance Committee. Refers to the body whose members are appointed by the University President to conduct hearing and investigation and to recommend action on a particular case.

Grievance Machinery. It is a system or method of determining and finding the best way to address the specific cause or causes.

Grievance procedure. It is the process of determining or finding the best possible way to solve or remedy the specific cause or causes of the complaint or grievance.

Public Sector Labor-Management Council (PSLMC). This is the council responsible for the promulgation, implementation and administration of the guidelines for the exercise of the right of government employees to organize pursuant to EO NO. 180.

III. BASIC POLICIES

1. All employees/faculty of the University shall have the right to present their complaints or grievances orally or in writing and have them resolved as expeditiously as possible in the best interest of the employees concerned and the whole university community.
2. An employee may, without resorting to a formal grievance procedure, discuss informally with his immediate supervisor any problem relating to the conditions of his employment.
3. In presenting a complaint or grievance, the employee/faculty shall be assured freedom from coercion, discrimination, refusal and of speedy and impartial resolution of such complaint or grievance.
4. Complaints and grievances shall be resolved at the lowest possible level. An aggrieved party shall present his/her grievance step by step following the hierarchy of positions. However, if the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.
5. Grievance proceedings shall not be bound by legal rules or technicalities. Even verbal grievance shall be acted upon expeditiously. Employing the services of a counsel shall not be allowed.
6. An employee shall have the right to appeal decisions on his/her complaints or grievances to such higher level of authorities as prescribed by these rules.
7. All appeals to the Committee shall be considered as appeal to the University president. An appeal submitted to the University President shall be coursed to the committee provided that for the purpose of computing the period for decision, the actual date of transmittal to the committee shall be reckoned with.

8. Supervisors or officials of the University who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing Civil Service law rules and regulations. If the immediate supervisor of the complainant unreasonably refuses to endorse the complaint or grievance, the complainant may directly file his appeal to the committee indicating therein the reasons for said direct appeal.
9. There shall be a Grievance Committee who shall be responsible for carrying out the rules and procedures for an expeditious, fair and equitable settlement of complaints and grievance. Permanent officials and employees, whenever applicable shall be appointed as member of the grievance committee. In their appointment or election, their integrity, probity, sincerity and credibility shall be considered.
10. If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.
11. A complaint against an employee who does not belong to the same college/unit shall be referred to the employee's immediate supervisor. If the grievance is orally resolved within the level of the immediate supervisor, there is settlement. If not, the employee's immediate supervisor shall have to elevate it in the next higher supervisor, who, if cannot resolve, may elevate the same to the Grievance Committee who have jurisdiction over the ground. Each college Grievance Committee may create its own rules and procedures that is deemed most appropriate in the settlement of grievance in its respective level.

IV. SCOPE OF GRIEVANCE MACHINERY

The grievance machinery shall apply to all levels of officials and employees in the University holding career or non-career positions. It shall be applied when the employee's discontent or dissatisfaction arises from work

related issues between and among employees, faculty and officials.

V. APPLICATION OF GRIEVANCE MACHINERY

Complaints and grievances may cover the following cases:

1. 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 other related terms and conditions;
2. Non-implementation of policies, practices and procedures which affect employees from recruitment or promotion, detail, transfer, retirement, termination, lay-offs and other related issues that affect them;
3. Physical working conditions;
4. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;
5. Protest on appointment and other personnel actions;
6. Inadequate physical working condition such as lack of proper ventilation in the workplace, and insufficient facilities equipment necessary for the security and protection of employees whose nature and place of work are classified as high risk or hazardous.

The grievance machinery shall not apply to cases of dissatisfaction with official action finally taken by the agency in disciplining cases. The following cases shall not be acted through the grievance machinery:

1. Disciplinary cases which shall be resolved pursuant to the University Rules and Administrative Cases.
2. Sexual Harassment case as provided for in RA 7877 and
3. Union related issues and concerns.

VI. COMPLAINTS AND GRIEVANCE COMMITTEE

The complaints and grievance committee shall be responsible for carrying out the provisions of the grievance machinery for expeditious, fair and equitable settlement of complaints and grievances of any official or employee in the University. Any complaint/grievance before it is acted upon by the University Grievance Committee shall pass through the College/Unit Grievance Committee. Hence, there shall be one grievance committee that shall be formed for each college/unit to settle complaints and grievances. The college dean/unit director shall serve designation to members which shall include representatives from teaching and non-teaching personnel to compose the college/unit grievance committee.

A. Composition

1. University Grievance Committee

- a) Chairman to be designated by the University President.
- b) HRMO - Secretary
- c) Two (2) division chiefs or their equivalent position chosen from among members;
- d) Two (2) representatives each from the Faculty Association and ANTAP

One for the first level - who shall have participation in the resolution of the grievance of first level employee.

One for the second level - to participate in the resolution of the grievance of second level employee.

e) Dean/Director/Unit head where the employee complainant belongs.

2. College/Unit Grievance committee

Composition shall be designated by the college dean/unit director, which shall include representation for both teaching and non-teaching staff.

B. Functions of the Committee

1. Conduct investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.
2. To establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the member's regular duty.
3. Interrogate any Office, Board, Committee or employee of the University who may be involved in a complaint or controversy.
4. To make the proper report to the President on the result of the investigation.
5. To recommend to the President any action, which the committee must take, based on University rules and policies as well as Civil Service Law and rules.
6. To inform the complainant of its decision and recommendation and the final action the President has made about the matter of the complaint or grievance; and

7. Issue Certification or the Final Action on the Grievance (CFAG) which shall contain, among other things, the following information:
 - history
 - final action taken by the agency on the grievance
8. Submit a quarterly report of its accomplishments and status of unresolved grievances to the CSC Field Office through the University President.

VII. CONTENTS OF A WRITTEN GRIEVANCE

A written grievance/complaint/ shall contain the following information which the complaint shall fill-up in a form provided for this:

- Name of the Complainant
- Position Title
- Designation (if any)
- Present Section or Division of Assignment
- Immediate Supervisor
- Present Department or Unit of Assignment
- Higher Supervisor
- Nature/Description of Grievance (brief)
- Adjustments desired
- Signature of employee
- Signature of Association Official/Representative
- Date of filing with the lowest level in the agency

VIII. GRIEVANCE PROCEDURE

Complaints and grievance shall be presented as follows:

A. Grievance in Verbal

1. Oral presentation of the grievance. The employee-complainant shall present the grievance to the immediate supervisor. If, however, the object of the grievance is the immediate supervisor, the aggrieved

party may bring the grievance to the next higher supervisor.

2. **Discussion with the immediate supervisor.** The complainant shall have to discuss the object of the grievance with the immediate supervisor. If the answer to the complaint is simple and obvious, the immediate supervisor shall make a verbal decision right there and then, otherwise, when in doubt, the supervisor shall inform the aggrieved party of the corresponding action within three (3) days from the date of the grievance presentation.

In cases, where the supervisor, at the first instance, is the one who has complaint against the subordinate, the supervisor shall find means to settle it amicably within his level. The supervisor may have an oral discussion with the subordinate and personally inform about the grievance. The subordinate shall be encouraged to explain his side, if necessary, during the oral discussion. A decision shall be reached at the end of the discussion for which the supervisor must have to clearly inform the subordinate.

If the subordinate does not agree with the decision of the supervisor, the complaint has to be made in writing to be submitted by the supervisor to the Grievance Committee who has the jurisdiction over the grievance. If grievance is still not settled, it shall be elevated to the University Grievance Committee.

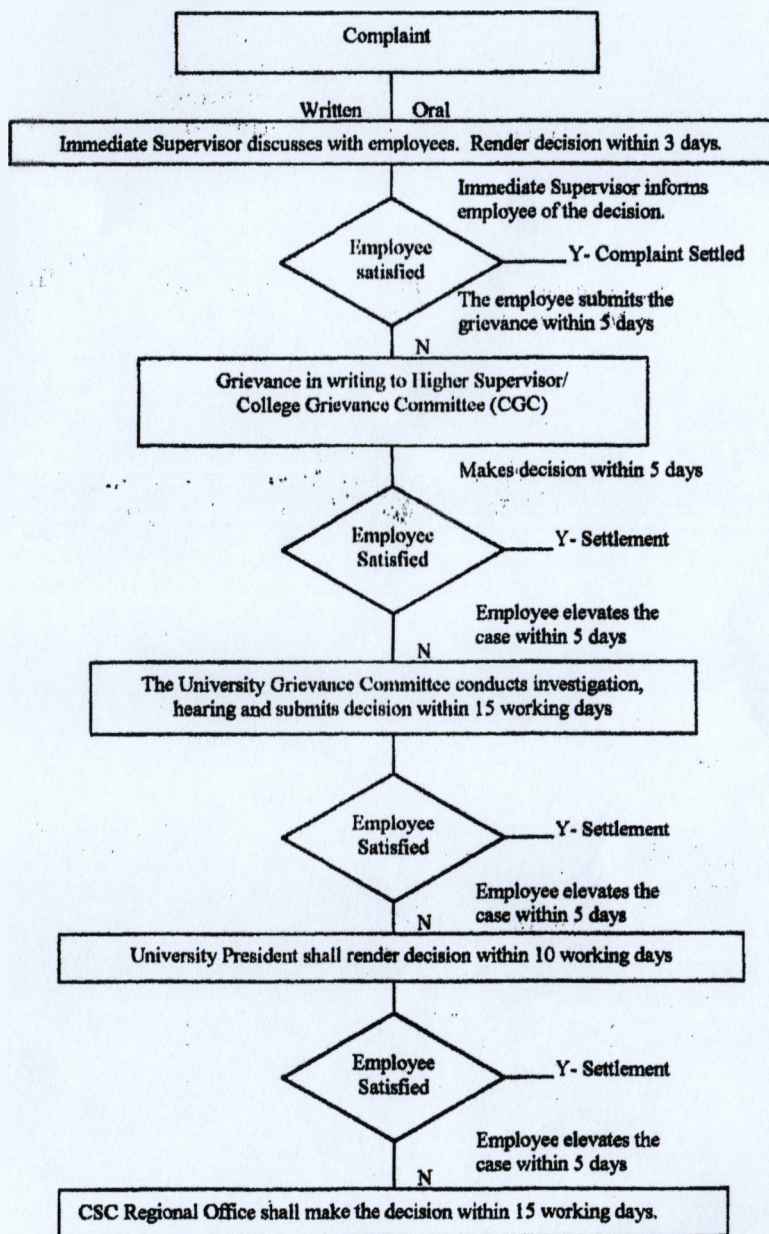
3. **Appeal to the next higher supervisor.** If the aggrieved party is not satisfied with the verbal decision of the immediate supervisor, he/she may submit his grievance in writing to the next higher supervisor who shall render decision within five (5) days from the receipt of the grievance. In case the aggrieved party is still not satisfied with the decision, he may elevate the case to the grievance committee.

B. Grievance/Complaint in Writing

1. **Grievance or complaint in writing must be signed.**
2. **Discussion with the immediate supervisor.** The complaint or grievance must be presented and discussed with the immediate supervisor.
 - 2.1 If the complaint is simple and clear and can be resolved immediately the immediate supervisor shall give and answer outright.
 - 2.2 If the complaint cannot be resolved immediately, the immediate supervisor shall inform the aggrieved party of the corresponding action or may submit the complaint to the next higher supervisor within three (3) working days from the date the complaint was presented.
 - 2.3 If the object of the complaint is the immediate supervisor, the aggrieved party may bring the grievance to the next higher supervisor.
3. **Appeal to the next higher supervisor/college grievance committee.** If the aggrieved party is not satisfied with the verbal decision, he may submit the grievance in writing within five (5) days to the next higher supervisor or the college grievance committee as the case may be, who shall render decision within five (5) days from receipt of the grievance.
4. **Appeal to the university grievance committee.** In case the aggrieved party is still not satisfied with the decision he may elevate the case to the university grievance committee who shall take final action over the object of the complaint. The University grievance committee before formally taking cognizant of the complaint shall determine whether;

- it has jurisdiction over the matter
 - it needs further information from the complainant or from the College Grievance Committee
 - if other forum or committee is in better position to settle the complaint
- 4.1. When the university grievance committee finds that the complaint/grievance is not within its jurisdiction or finds that another forum or committee/board is in a better position to settle the object of the complaint, it shall dismiss the same and it shall properly indorse the matter to the proper forum.
The grievance committee shall, in this case, inform the complainant of its action.
- 4.2. However, when the university grievance committee finds that the subject matter of the complaint is within its jurisdiction, it may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and shall render decision within five (5) working days after the investigation.
5. **Appeal to the University President.** If the aggrieved party is not satisfied with the decision of the university grievance committee, he may elevate his grievance within five (5) working days from receipt of the decision to the top management who shall make the decision within ten (10) working days after the receipt of the grievance.

DIAGRAM OF COMPLAINT/GRIEVANCE PROCEDURE

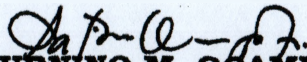


IX. EFFECTIVITY

This Complaint and Grievance Machinery for MMSU shall become effective after final evaluation by the CSC. Subsequent amendments shall likewise be submitted to CSC for evaluation and shall take effect immediately.

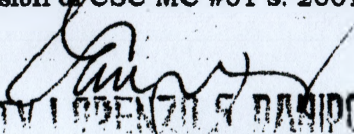
X. COMMITMENT

I hereby commit implementation and abide by the provisions of this Complaint and Grievance Machinery for MMSU.


SATURNINO M. OCAMPO, JR.
Agency Head

CIVIL SERVICE COMMISSION Action:

I have evaluated the herein Complaint and Grievance Machinery for MMSU and found it to be in accordance with the provision of CSC MC #01 s. 2001 and may now be implemented.


ATTY. LORENZO S. DANIDOG

CSC Regional Director
(Signature over Printed Name)

JUL 29 2002

(Date)

GRIEVANCE FORMS

MMSUGF - 1 (CSC MC No. 2, s. 2001)

GRIEVANCE FORM

(Date Filed)

Name of Aggrieved Party

Section/Division/Office

Position Title/Designation (if any)

Aggrieved Party's Higher
Supervisor/College
Grievance Committee

Nature/Subject of Grievance:

Action Desired:

Signature of Aggrieved Party

GRIEVANCE AGREEMENT FORM

Name of Parties to a Grievance: _____

Nature of the Grievance: _____

Steps toward Settlement: _____

Agreement/s Reached: _____

We promise to abide by the above-stated agreement.

Aggrieved Party

Subject of Grievance

Chairman, Grievance Committee

**CERTIFICATE OF FINAL ACTION ON
THE GRIEVANCE FORM**

This certifies that the grievance filed by _____
(Aggrieved Party)
on _____ has been acted upon by this
Committee on _____.

Final Action Taken: _____

Chairman
Grievance Committee

Date: _____