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## GUIDELINES IN THE HIRING OF CONTRACT OF SERVICE/JOB ORDER PERSONNEL

### I. RATIONALE

Section 12 (3), Chapter 3, Title I (A), Book V of the Administrative Code of 1987 provides that the Civil Service Commission (CSC) shall promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government.

Further, Section 1, Rule XI of the Revised Omnibus Rules on Appointments and Other Personnel Actions (CSC Memorandum Circular No. 40, series of 1998, as amended by CSC Memorandum Circular No. 15, series of 1999 and reiterated in MC No. 01, s. 2007) provides that contracts of service need not be submitted to the Civil Service Commission for further action as services rendered thereunder are not considered government service.

Finally, Section 2 of CSC Resolution No. 020790 of June 5, 2002 (Policy Guidelines for Contract of Services) requires the execution of either a contract of services or memorandum of agreement (MOA) or job order between the hiring government agency and the hired individual, in accordance with the rules and regulations of the COA.

There is, then, a need to strengthen University policies that govern contract of service/job order personnel so as not to circumvent Civil Service rules and regulations particularly the mandate on merit and fitness in public service. This is in consideration of the fact that the hiring of personnel under Contract of Service/Job Order is of paramount importance in that they augment the limited number of plantilla positions of the University to maintain and improve quality service.

### II. OBJECTIVES. This policy aims to:

1. Establish a system of hiring Contract of Service/Job Order Personnel in order to augment the regular workforce of the University without sacrificing the standards of merit and fitness.
2. Provide a clear definition of the various conditions where employment of such COS/JO personnel may be availed of so as to put the practice in its proper perspective given the scarce resources of the university.
3. Create equal opportunities to all qualified men and women, including person with disabilities (PWDs) to work in order to sustain effective and efficient service.

### III. DEFINITION OF TERMS

1. **Contract of Service Personnel** is the person who is contracted to cover lump sum work or services.

2. **Job Order Personnel** is the person who is contracted to undertake a specific work for a period not exceeding six (6) months and pay is on a daily basis (CSC MC 01, s. 2007).
3. **Qualification standard** refers to the qualifications and competencies for a position which shall include but not limited to education, experience, and training required in the performance of the job.
4. **Accomplishment Report** refers to the list of daily accomplishment of the CSP/JOP that serve as basis of their service payment.
5. **Daily Time Record** refers to the document (biometrics data and/or logbook) to be used in monitoring the service rendered by the CSP/JOP as maybe determined by the head of University.
6. **Service Payments** refers to the money value of the services rendered by the CSP/JOP upon submission of duly signed appropriate documents and accomplishment report and processed by concerned offices.
7. **Exigency of service/maintain and sustain quality service** – refers to the main reason of hiring JOP/CSP.
8. **First Level position** shall include clerical, trades, crafts, and custodial service positions which involve non-professional or sub-professional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.
9. **Second level position** shall include professional, technical, and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief Level.
10. **Special Trust Fund (STF)** – a fund sourced out from tuition fees, rentals and other fees collected from students, personnel and other clients (e.g. certifications).
11. **Income Generating Project (IGP) Fund** – a fund generated through the University's income generating projects or business activities.

#### IV. BASIC POLICIES

##### A. GENERAL POLICIES

1. The hiring of personnel under individual Contract of Service (CS) or Job Order (JO) shall be based on the need to augment the regular workforce of the University as may be warranted by any of the following cases:
  - a. When there is a regular function for which there are no or only a limited number of positions in the BSU Personal Services Itemization and Plantilla of Personnel (PSIPOP), e.g., Drivers, perform it and which cannot be performed by the existing or incumbents of co-terminus positions;
  - b. When there is a temporary, abnormal upsurge in the volume of a regular function that cannot, under normal circumstances, be performed by the existing personnel; or

- c. When there is a specific and urgent temporary work which is not normally performed by the University and cannot be assigned to any of the existing personnel (regular, or co-terminus positions).
2. The proposed workers must be qualified to perform the job to be assigned to them and that funds are available for the purpose.
3. In relation to the mandate of the university to deliver utmost quality services in all operations, JOP/CSP under programs/projects of partner agency/ies with conforming line item budget indicated therein shall be governed by the implementing guidelines pertinent thereto (such as salary, position, tenure and other qualifications).
4. Engagement of personnel under individual Contract of Service or Job Order may be allowed for the performance of the following functions, to wit:
  - a. The contract covers lump sum work or services where no employer-employee relationship exist;
  - b. Piece work or intermittent job of short duration not exceeding six (6) months and the service pay is on a daily basis;
  - c. Special or technical skills jobs to be accomplished within a specific period not exceeding six (6) months and the service pay is on a daily basis;
  - d. Jobs which does not cover special or technical skills or where the functions to be performed are clerical or administrative in nature or where the work is also performed by the regular personnel of the agency may be entered only when done in the exigency of the service and it is not feasible for the University to hire said services under a casual or contractual appointment.
5. Although workers hired under short duration are referred to as "Contract of Service Personnel (CSP)" or "Job Order Personnel (JOP)," there is no employer-employee relationship between them and the University. Their services will not be considered government service.
6. The contract of services and job order are not covered by Civil Service law, rules and regulations, but covered by Commission on Audit (COA) rules.
7. The services rendered shall not be considered government service, and while they are free to apply for any vacant regular position commensurate to their qualifications, they don't have the vested right to be automatically included in the evaluation.
8. It is the policy of the University to strictly adhere to the principles of merit, fitness and equality. The selection of CSP/JOP shall be based on their relative qualifications and competence to perform the duties and responsibilities of the position.
9. There shall be no discrimination in the selection of CSP/JOP on account of sex, gender preference, civil status, disability, religion, ethnicity, or political affiliation, but applicant/s must have the minimum qualification standards on education, experience, and competencies required to perform the job.

10. The qualifications and service pay rates of the CSP/JOP in the University will be standardized by the **Contract of Service/Job Order Personnel Selection and Evaluation Committee** to be created by the Office of the President.
11. CSP/JOP position titles and service payment rates shall be based on actual duties and responsibilities with due consideration to educational qualifications, relevant work experience. The CSP/JOP position titles corresponding qualification and service payment rate shall be subject to periodic review by the Committee.
12. All requests for CSP/JOP shall be reviewed and endorsed by the Committee for appropriate action by the university president. Other concerns not covered by the guidelines shall, likewise, be referred him/her for action.

## **B. PROHIBITIONS.**

The following are prohibited from being hired under a contract of service and job order [CSC MC #12, s. 2004]:

1. Those who have been previously dismissed from the service due to commission of an administrative offense;
2. Those who are covered under the rules on nepotism;
3. Those who are being hired to perform functions pertaining to vacant regular plantilla positions;
4. Those who have reached the compulsory retirement age except as to consultancy services.

## **V. PROVISIONS FOR HIRING**

1. No CSP/JOP workers shall be hired to fill the performance gap created by underperforming existing personnel. Offices concerned shall take the necessary step to bring the performance of their personnel up to par, or initiate their separation from the service, subject to existing civil service rules and regulations, and hire appropriate replacements.
2. No CSP/JOP workers shall be hired to perform general support services that are already outsourced, e.g., security guards or utility workers when there are existing contracts for security or janitorial services.
3. Under no circumstances shall CSP/JOP personnel be required to do work for which they were not hired, or not related to the nature of position for which they were hired, e.g., laborers doing office work, especially work that is not related to the official mandate, functions and activities of the University.
4. Assessment/Evaluation may be conducted even though there is only one (1) qualified candidate for the CSP/JOP position.
5. In cases where the service of the CSP/JOP is needed, a new contract may be made of at least one (1) day after the termination of the previous contract.

## VI. PROCEDURE

1. The concerned head of office will fill-out and submit a **Request Form to Hire CSP/JOP** to the CJSEC indicating the specific need, scope of work, required qualifications and particular time frame or period of hiring.
2. The request must be supported by a justification for hiring and the description of the work to be performed by the proposed JOP/CSP, including expected outputs and indicators for a specific or a particular program or activity.
3. Before approval has to be made by the head of agency, the appropriation/funds availability must be signed by the authorized budget officer/accountant before such appointment will be prepared by the HRMO.
4. Approved request will be submitted to the Human Resource Management Office (HRMO) for evaluation and allocation of proposed position in accordance to duties and responsibilities needed for such office, and for recruitment of qualified applicants.
5. Allocation of proposed position for CSP/JOP will be matched in the Index of Occupational Services, Position Titles, and Salary Grades (IOS) of DBM for consistency with the plantilla position unless it is provided.
6. Positions not included in the IOS, such as those under Income Generating Projects (IGP), will be matched under the Philippine Standard of Occupational Classification. Provided that the approved organizational chart of the IGP provides such a position.
7. For every contract of service, the name, position and service pay rate of the concerned CSP/JOP and the particular time frame and period of hiring should be indicated.
8. All contracts of services of CSP/JOP hired in the University shall be signed by the Head- Human Resource Management Office (HRMO), Chief- Administrative Service Division (ASD), Chief- Finance Service Division (FSD), and the University President [RA 9485].
9. The basis of termination of the CSP/JOP will depend on the performance appraisal, and need of the service.
10. Submission of clearance is needed when CSP/JOP is terminated.

## VII. QUALIFICATIONS AND OTHER REQUIREMENTS

1. For 2<sup>nd</sup> level positions, applicant CSP/JOP shall meet the minimum qualification standards and competencies required to the positions as prescribed under the QS Manual approved by the CSC, including the eligibility requirements.
2. For 1<sup>st</sup> level positions, applicant CSP/JOP shall meet the minimum qualification standards and competencies required per QS of the positions as prescribed under the QS Manual approved by the CSC.

3. Aside from their application letter and resume, the hiring of new CSP/JOP is also subject to the submission of the following documents at their own expense:
  - a. Medical clearance from any government hospital, certifying that the applicant is mentally and physically fit to work. This requirement may be waived if the duration of the contract of service is less than six (6) months.
  - b. Clearance from the National Bureau of Investigation (NBI)
  - c. Drug testing, may also be required before hiring or anytime during the stay of the CSP/JOP workers in the University.
  - d. Psychological assessment/evaluation.

#### VIII. ATTENDANCE MONITORING AND SERVICE PAYMENTS

1. The hired CSP/JOP shall be required to report to her/his workplace observing a work schedule as may be required by his/her immediate supervisor to be able to perform his/her assigned task efficiently and effectively.
2. The CSP/JOP shall be required to submit a duly accomplished Daily Time Record (DTR) and Accomplishment Report to support the claim for service payment covering the period of services rendered. Service payment shall be prepared by the CBOO and paid out every 15<sup>th</sup> and 30<sup>th</sup> day of each month.
3. The service payments of the CSP/JOP shall be commensurate to Step 1 of the Salary Grade (SG) of the equivalent regular plantilla positions to which they are being hired. The minimum service payment or daily rate of these personnel shall not be less than the daily rate of positions allocated to Step 1, SG-1, of civilian personnel, as prescribed under DBM NBC No. 540 dated 10 May 2012, subject to future adjustments, if any, as approved by the Board of Regents.
4. The service payment of the CSP/JOP under STF may be paid in daily rate depending on the nature/complexities of their duties and responsibilities.
5. For CSP/JOP under IGP, service payment will be in accordance to the IGP Manual.
6. For CSP/JOP under programs/projects of partner agency/ies service payment will be in accordance to the policy standards set by the funding agency.

#### IX. THE CSP/JOP SELECTION AND EVALUATION COMMITTEE (CJSEC)

All request for CSP/JOP shall be acted upon by the CSP/JOP Selection and Evaluation Committee (CJSEC) within five (5) working days upon submission of the request.

##### A. COMPOSITION

1. Chairmanship shall depend on the sector where the position to be filled up comes from:
  - Vice President for Academic Affairs for CSP/JOP position under academe
  - Vice President for Administration and Finance for CSP/JOP position under support services

- Vice President for Research and Extension for CSP/JOP position under research and extension services

2. Members:

- a. Supervising Administrative Officer, HRMO
- b. President or duly authorized representative of BSUNTA for non-teaching or President or duly authorized representative of Faculty Club
- c. Head of the Unit where the request for CSP/JOP originated
- d. Representative, Budget office

3. Secretariat: HRMO Staff

**B. FUNCTIONS AND RESPONSIBILITIES OF CJSEC.** The CSP/JOP Selection and Evaluation Committee shall have the following duties and responsibilities:

1. Perform job analysis to standardize qualifications and salary of JOP/CSP.
2. Review and endorse request to hire JOP/CSP, for appropriate action to the University President.
3. Adopt a formal selection and evaluation procedure for assessment of the applicants, taking into consideration the following:
  - a. Reasonable and valid standards and methods of evaluating the competencies and qualifications of all applicants for a particular position.
  - b. Criteria for evaluation of qualifications of applicants for appointment must conform to the job requirements of the position.
4. Disseminate selection procedure and criteria to all University officials and employees and interested applicants. Any modifications thereof shall also be disseminated.
5. Prepare a comprehensive assessment of the competencies and qualifications of applicants. Maintain fairness and equality in the assessment of applicants.
6. Evaluate and deliberate en banc the qualifications of those listed in the selection line-up.
7. Submit the comparative assessment report for the JOP/CSP position to be filled, from which the appointing authority shall choose the applicants to be selected.
8. The list of recommended applicants shall specify the ranking of the applicants whose over-all scores are comparatively at par based on the assessment and;
9. Maintain records of the deliberations which must be accessible to interested parties upon written requests and for inspection and audit.

**X. APPROVING AUTHORITY.** The authority to hire CSP/JOP shall be approved by the President. If and when the services of a CSP/JOP is still needed even after contract expiration, there must be a request for rehiring with justifications for authority to rehire. Said request can either be granted or denied upon the instance of the CJSEC.

The appointing authority shall have the following duties and responsibilities:

1. Establish a CSP/JOP Selection Committee and see to it that the committee undertake orientation and workshop on the selection and evaluation process regarding policies on hiring JOP/CSP.
2. Ensure equal opportunity for men and women to be represented in the committee for all levels.
3. Assess the merits of the committee assessment report and in the exercise of sound discretion, select, in so far as practicable, from among the three (3) highest ranking applicants the one who possesses the qualifications and competencies that meets the requirements of the position to be filled.

**XI. REPEALING CLAUSE.** In cases where provisions of this internal policy overlap or is inconsistent with laws, rules and regulations enacted by proper authority, the latter shall prevail.

**XII. EFFECTIVITY.** This policy on contract of service/job order personnel of Benguet State University, and subsequent amendments thereto shall take effect immediately after the approval of the Board of Regents.

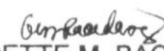
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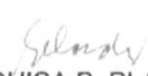
**AD-HOC COMMITTEE  
TO FORMULATE GUIDELINES AND POLICIES ON SPECIFIED AREAS**  
[Admin. Memo. No. 8, s. 2016 of April 7, 2016 amended by  
Admin. Memo. No. 22, s. 2016 of August 1, 2016]

  
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**NOTE:** Approved by the University Administrative Council under ADCO Action No. 2425, s. 2016. and endorsed to the University's Board of Regents for final action