



MC No. 03, s. 2005

MEMORANDUM CIRCULAR

TO: ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT: Rules on Probationary Period for Permanent Appointment in the Career Service

The Civil Service Commission, in CSC Resolution No. 050001 dated January 6, 2005, prescribes the following rules on probationary period for permanent appointment in the Career Service:

Section 1. Title. These rules shall be called "Rules on Probationary Period for Permanent Appointment in the Career Service."

Section 2. Definition of Terms. For these rules on probationary period, the terms used shall be defined as follows:

- (a) *Probationary period* refers to the period of actual service following the issuance of a permanent appointment wherein the appointee undergoes a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF).
- (b) *Closed career positions* refer to positions that are scientific and highly technical in nature and include the faculty and academic staff of state universities and colleges (SUCs), and scientific and technical positions in scientific and research institutions which shall establish and maintain their own merit system.
- (c) *Want of capacity* refers to the failure of the appointee during the probationary period to perform the duties and responsibilities based on standards of work outputs agreed upon and reflected in the duly signed performance targets.
- (d) *Unsatisfactory conduct* refers to the failure of the appointees to observe propriety in their acts, behavior and human/public relations, and to irregular punctuality and attendance while performing their duties and responsibilities during the probationary period.

Section 3. Objectives of the Probationary Period. The probationary period for permanent appointment in the career service shall have the following objectives:

- (a) to serve as an on-the-job assessment of new appointees' knowledge, skills and attitudes necessary to perform the duties and responsibilities of the position as enumerated in the PDF and specified in the approved performance targets and work output standards;
- (b) to provide the appointees with appropriate technical assistance through human resource interventions, such as training, coaching, mentoring and other applicable interventions; and to closely supervise and monitor their performance;
- (c) to monitor and assess the conduct of the appointees and act appropriately on any incidence of unsatisfactory behavior; and
- (d) to determine whether the appointees shall continue to hold permanent appointment or be separated from the service within or at the end of the probationary period due to want of capacity or unsatisfactory conduct.

Section 4. Duration of the Probationary Period. The probationary period shall be for six months reckoned from the date of assumption to duty, except for the following:

- (a) teachers who are appointed on provisional status who shall undergo a period of probation for not less than one year from and after the date of provisional appointment as provided under Sec. 4 of Republic Act 4670;
- (b) appointees to closed career positions which shall undergo a period of probation for more than six months if so provided in their agency Charters; and
- (c) those who are appointed to positions which require a probationary period of less than or more than six months as may be provided by law.

Section 5. Coverage. The probationary period shall cover the following employees:

- (a) those who are issued original appointments under permanent status in the career service and who meet all the requirements of the positions including the civil service eligibility;
- (b) non-career service employees who are first-time appointees under permanent status in the career service;

- (c) holders of temporary appointments in the career service who, after meeting all the requirements of the positions, are issued permanent appointments;
- (d) those who are reemployed under permanent status;
- (e) first-time appointees to closed career positions, unless otherwise provided under the agency Charter; and
- (f) appointees whose positions require probationary period as may be provided by law.

A notation that the appointee is under probation for a specified period shall be indicated in the appointments issued to those covered by these Rules.

Section 6. Exemption. The following employees shall be exempted from these Rules:

- (a) teachers who, prior to issuance of regular permanent appointments, have acquired adequate training and professional preparation in any school recognized by the government, and possess the appropriate civil service eligibility pursuant to Section 4 of Republic Act No. 4670;
- (b) first-time appointees to closed career positions in state universities and colleges, and scientific and research institutions if so provided under their agency Charters; and
- (c) appointees to positions exempted from the probationary period as may be provided by law.

Section 7. Performance Targets and Standards. To facilitate the review and monitoring of employee performance, the performance targets and work output standards of a probationer shall be set and documented as follows:

- (a) they shall be set, agreed upon and duly signed by the probationer, the immediate supervisor (rater), and the head of agency within five (5) working days upon appointee's assumption to duty; and
- (b) they shall form part of the employee's 201 file with a copy furnished the CSC Field Office concerned.

Section 8. Performance Review During the Probationary Period. The appointee's performance during the probationary period shall be reviewed as follows:

- (a) the immediate supervisor (rater) shall regularly gather feedback on the appointee's performance, and conduct feedback sessions to determine appropriate interventions to improve the appointee's performance;

- (b) the performance appraisal/evaluation shall be done at least twice during the probationary period and within every three (3) months or six (6) months depending on the duration of the probationary period as required by the position;
- (c) the performance review shall be conducted within 10 days after the end of every rating period during the probationary period;

Illustrative Examples:

Employee A	
Date of appointment:	Jul. 7, 2004
Assumption to duty:	Jul. 12, 2004
Probationary period:	6 months
Duration:	Jul. 12, 2004 – Jan. 11, 2005
Setting of performance targets:	Jul. 12, 2004 – Jul. 16, 2004
Performance periods:	
1 st – 3 rd months:	Jul. 12, 2004 – Oct. 11, 2004
evaluation period:	Oct. 12, 2004 – Oct. 21, 2004
4 th – 6 th months:	Oct. 12, 2004 – Jan. 11, 2005
evaluation period:	Jan. 12, 2005 – Jan. 21, 2005

Employee B	
Date of appointment:	Aug. 23, 2004
Assumption to duty:	Aug. 24, 2004
Probationary period:	12 months
Duration:	Aug. 24, 2004 – Aug. 23, 2005
Setting of performance targets:	Aug. 24, 2004 – Aug. 30, 2004
Performance periods:	
1 st – 6 th months:	Aug. 24, 2004 – Feb. 23, 2005
evaluation period:	Feb. 24, 2005 – Mar. 5, 2005
7 th – 12 th months:	Feb. 24, 2005 – Aug. 23, 2005
evaluation period:	Aug. 24, 2005 – Sep. 2, 2005

- (d) the critical factors to be reviewed shall be based on the performance dimensions indicated in the agency Performance Evaluation System (PES) and may include aptitude, learning ability, work quality, human/public relation, attitude (service orientation, accountability, dependability, reliability, resourcefulness, team spirit, courtesy, initiative, loyalty, and ambition), and job-related critical incidents, such as habitual tardiness and continuous absence from work;
- (e) the performance evaluation report shall be reviewed and certified by the agency Performance Evaluation and Review Committee (PERC) or any duly constituted review committee; and
- (f) the probationers shall be furnished with copies of the records of feedback, job-related critical incidents, and performance evaluation reports with comments on their capability to meet the performance

targets and work output standards and/or recommendation for the continuity of the permanent appointment of the probationer. Corresponding copies shall be included in the 201 file of the appointees.

Section 9. Assessment of Conduct During the Probationary Period.

The agency, through the immediate supervisor of the probationers, shall do the following to assess the conduct of new appointees during the probationary period:

- (a) gather feedback regarding the personal conduct/behavior of the new appointees from the persons whose names were indicated in their Personal Data Sheets as references;
- (b) discuss issues and concerns relative to the conduct of the probationers to ensure that they have clear understanding of the conduct expected of them;
- (c) record critical incidence of unsatisfactory conduct such as habitual tardiness and absenteeism, leaving the workplace without permission, loafing, unusual behaviors such as rumor-mongering, scandal-mongering, ego-tripping, arrogance, abrasive behavior, bullying, and the like; and
- (d) monitor and assess the conduct of the probationer and give timely and appropriate counseling to immediately correct any unsatisfactory conduct.

Section 10. Addressing Unsatisfactory Performance or Conduct.

To ensure that unsatisfactory performance or conduct is immediately addressed during the probationary period, guidelines and procedures shall be formulated by the agency to include the following strategies:

- (a) reasons/causes for separation of those who were reemployed under permanent status from their former offices or agencies shall be verified or validated with their previous employers;
- (b) issues on performance shall be discussed by the immediate supervisor (rater) with the appointees citing both positive and negative feedback on their performance;
- (c) unsatisfactory conduct shall be addressed by the immediate supervisor and the probationers through a private meeting with the intention of giving the latter a warning that the unsatisfactory behavior must be corrected immediately and that failure to do so shall mean termination of their service during the probationary period;
- (d) the probationers shall be furnished a copy of a written warning as a documentation of the private meeting duly signed by the immediate

supervisor and the head of the office, and shall state the nature of the unsatisfactory conduct, the specific improvement to be made, the time within which they must improve and the consequence of failure to make the improvement; and

- (e) guidelines/procedures in addressing unsatisfactory work performance and conduct shall be used only when performance or conduct problem has not been corrected through the normal mentoring and coaching, appropriate counseling, constructive criticism, and specific training provided by the immediate supervisor (rater).

Section 11. Continuity of Permanent Appointment During or After the Probationary Period. The permanent status of the new appointees shall continue after the completion of the probationary period provided that:

- (a) the average rating they obtained in the last two (2) performance rating periods is at least **very satisfactory** and the appointing authority has approved the continuity of the permanent appointment based on the recommendation of the immediate supervisor (rater); or

Illustrative Example

Probationary period:	6 months
Performance rating periods:	1 st - 3 rd month and 4 th - 6 th month
Rating on the 1 st - 3 rd month:	7.40 (Satisfactory)
Rating on the 4 th - 6 th month:	8.83 (Very Satisfactory)
Average rating:	$(7.40 + 8.83) / 2 = 8.12$ (Very Satisfactory)

- (b) no notice of termination of service is issued by the appointing authority during the probationary period or within ten (10) days after its completion due to unsatisfactory conduct or want of capacity.

Section 12. Notice of Termination of Service. The new appointees or probationers shall be issued notice of termination of service by the appointing authority within ten (10) days immediately after it was proven that they have demonstrated unsatisfactory conduct or want of capacity during the probationary period. Such notice shall state, among other things, the reasons for the termination of service and shall be supported by at least two of the following:

- (a) Performance Evaluation Report;
- (b) Report of the immediate supervisor (rater) on job-related critical and unusual incidents and on unsatisfactory conduct or behavior of the appointee; or
- (c) Other valid documents that may support the notice of termination of service.

The notice of termination of service shall be immediately executory, pending appeal.

A copy of the Notice of Termination of Service shall be included in the 201 file of the probationers, and the CSC Field Office concerned shall be furnished a copy for recording in the Service Card.

Section 13. Facilitative Action on Appeal. The new appointee whose service has been terminated during or at the end of probationary period may contest the termination of the service subject to the following procedures:

- (a) A formal appeal shall be filed by the affected employee with the CSC Regional Office (CSCRO) concerned within fifteen (15) days from receipt of the Notice of Termination of Service;
- (b) The appellant shall furnish the appointing authority with a copy of the appeal who, in turn, shall submit comments, together with the records, to the CSCRO concerned within ten (10) days from receipt thereof;
- (c) All appeals filed with the CSCRO or the Commission Proper shall be acted upon within fifteen (15) working days from receipt thereof;
- (d) The appeal filed with the CSCRO shall be acted upon within fifteen (15) days from receipt thereof;
- (e) If the CSCRO denies the appeal in favor of the appointing authority or decides it in favor of the employee, an appeal may be filed with the Commission Proper within fifteen (15) days from receipt of the decision, and all pertinent documents, including the CSCRO's comments, shall be forwarded by the CSCRO to the Commission;
- (f) The Commission Proper shall act on the appeal within fifteen (15) days from receipt thereof; and
- (g) If the Commission dismisses the appeal, a motion for reconsideration may be filed with the Commission within fifteen (15) days upon receipt of the decision, which shall be acted upon with finality within fifteen days (15) upon receipt thereof.

An appeal fee shall be paid to the CSCRO or the CSC-Central Office depending on where the appeal is filed.

Section 14. Supporting Documents for the Appeal. The appeal on the termination of service shall be supported by at least two (2) of the following pertinent documents:

- (a) Record of the actual duties and their work outputs duly certified by the immediate supervisor (rater);
- (b) Performance rating (which includes behavioral aspects) received from immediate supervisor (rater), peer or customer, if any; or

- (c) Other valid documents that may support the appeal/motion for reconsideration.

Section 15. Effect of Decisions. The CSCRO decisions on appeals are final and executory after fifteen (15) days from receipt thereof, provided no appeals are filed with the Commission within the prescriptive period by the parties adversely affected by the said decisions.

In case appeals are filed with the Commission, the decisions shall be final and executory after fifteen (15) days from receipt thereof, provided no motions for reconsideration are filed within the prescriptive period.

If motions for reconsideration are filed with the Commission and the decisions are in favor of the probationers, they shall be immediately reinstated to their former positions.

Section 16. Repealing Clause. All issuances on probationary period for permanent appointment inconsistent with these Rules shall be deemed modified accordingly.

Section 17. Effectivity. These Rules shall take effect after fifteen (15) days from publication in a newspaper of nationwide circulation.



KARINA CONSTANTINO-DAVID
Chairman

January 12, 2005



**Rules on Probationary Period for Permanent
Appointment in the Career Service**

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RESOLUTION NO. 050001

WHEREAS, pursuant to Section 1 (2), Article IX-B of the 1987 Constitution, all appointments in the Civil Service shall be made only according to merit and fitness;

WHEREAS, Section 12 (14) of Book V of Executive Order No. 292 (also known as the Administrative Code of 1987) provides that the Civil Service Commission shall take appropriate action on all appointments and other personnel matters in the Civil Service;

WHEREAS, Section 2 (a), Rule VII of the Omnibus Rules Implementing Book V of EO 292 provides that following their original appointment, all employees must serve a probationary period of six (6) months and must undergo a thorough character investigation;

WHEREAS, the probationary period is important in keeping with the principle of merit and fitness, and the new employees' conduct and performance during this period can be used to determine the continuity of their permanent appointments or their separation from the service;

WHEREAS, the probationers may be separated from the service for unsatisfactory conduct or want of capacity anytime before the expiration of the probationary period;

WHEREAS, the law on probationary period falls short of protecting the interest of the new employees whose services have been terminated despite their demonstrating satisfactory conduct and performance in the same manner that it fails to provide for adequate mechanism to be followed by the appointing authority or head of the agency in terminating the services of employees within the probationary period;

WHEREAS, the Commission recognizes the need for a clear-cut policy on probationary period, particularly its duration and coverage, assessment of new employees' performance and conduct, conditions for continuity of permanent appointment or termination of service, and mechanism for facilitative action on appeal or motion for reconsideration;

NOW, THEREFORE, foregoing premises considered, the Commission resolves as it is hereby resolved to prescribe the following rules on probationary period:

Section 1. Title. These rules shall be called "Rules on Probationary Period for Permanent Appointment in the Career Service."

Section 2. Definition of Terms. For these rules on probationary period, the terms used shall be defined as follows:

- (a) *Probationary period* refers to the period of actual service following the issuance of a permanent appointment where the appointee undergoes a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF).
- (b) *Closed career positions* refer to positions that are scientific and highly technical in nature and include the faculty and academic staff of state universities and colleges (SUCs), and scientific and technical positions in scientific and research institutions which shall establish and maintain their own merit system.
- (c) *Want of capacity* refers to the failure of the appointee during the probationary period to perform the duties and responsibilities based on standards of work outputs agreed upon and reflected in the duly signed performance targets.
- (d) *Unsatisfactory conduct* refers to the failure of the appointees to observe propriety in their acts, behavior and human/public relations, and to irregular punctuality and attendance while performing their duties and responsibilities during the probationary period.

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- (a) to serve as an on-the-job assessment of new appointees' knowledge, skills and attitudes necessary to perform the duties and responsibilities of the position as enumerated in the PDF and specified in the approved performance targets and work output standards;
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- (c) to monitor and assess the conduct of the appointees and act appropriately on any incidence of unsatisfactory behavior; and
- (d) to determine whether the appointee shall continue to hold permanent appointment or be separated from the service within or at the end of the probationary period due to want of capacity or unsatisfactory conduct.

Section 4. Duration of the Probationary Period. The probationary period shall be for six months reckoned from the date of assumption to duty, except for the following:

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- (c) the performance review shall be conducted within 10 days after the end of every rating period during the probationary period;



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Date of appointment:	Aug. 23, 2004
Assumption to duty:	Aug. 24, 2004
Probationary period:	12 months
Duration:	Aug. 24, 2004 – Aug. 23, 2005
Setting of performance targets:	Aug. 24, 2004 – Aug. 30, 2004
Performance periods:	
1 st – 6 th months:	Aug. 24, 2004 – Feb. 23, 2005
evaluation period:	Feb. 24, 2005 – Mar. 5, 2005
7 th – 12 th months:	Feb. 24, 2005 – Aug. 23, 2005
evaluation period:	Aug. 24, 2005 – Sep. 2, 2005

- (d) the critical factors to be reviewed shall be based on the performance dimensions indicated in the agency Performance Evaluation System (PES) and may include aptitude, learning ability, work quality, human/public relation, attitude (service orientation, accountability, dependability, reliability, resourcefulness, team spirit, courtesy, initiative, loyalty, and ambition), and job-related critical incidents, such as habitual tardiness and continuous absence from work.
- (e) the performance evaluation report shall be reviewed and certified by the agency Performance Evaluation and Review Committee (PERC) or any duly constituted review committee; and
- (f) the probationers shall be furnished with copies of the records of feedback, job-related critical incidents, and performance evaluation reports with comments on their capability to meet the performance targets and work output standards and/or recommendation for the continuity of the permanent appointment of the probationer. Corresponding copies shall be included in the 201 file of the appointees.

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- (b) discuss issues and concerns relative to the conduct of the probationers to ensure that they have clear understanding of the conduct expected of them;
- (c) record critical incidence of unsatisfactory conduct such as habitual tardiness and absenteeism, leaving the workplace without permission, loafing, unusual behaviors such as rumor-mongering, scandal-mongering, ego-tripping, arrogance, abrasive behavior, bullying, and the like; and
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To ensure that unsatisfactory performance or conduct is immediately addressed during the probationary period, guidelines and procedures shall be formulated by the agency to include the following strategies:

- (a) reasons/causes for separation of those who were reemployed under permanent status from their former offices or agencies shall be verified or validated with their previous employers;
- (b) issues on performance shall be discussed by the immediate supervisor (rater) with the appointees citing both positive and negative feedback on their performance;
- (c) unsatisfactory conduct shall be addressed by the immediate supervisor and the probationers through a private meeting with the intention of giving the latter a warning that the unsatisfactory behavior must be corrected immediately and that failure to do so shall mean termination of their service during the probationary period;
- (d) the probationers shall be furnished a copy of a written warning as a documentation of the private meeting duly signed by the immediate supervisor and the head of the office, and shall state the nature of the unsatisfactory conduct, the specific improvement to be made, the time within which they must improve and the consequence of failure to make the improvement; and



- (e) guidelines/procedures in addressing unsatisfactory work performance and conduct shall be used only when performance or conduct problem has not been corrected through the normal mentoring and coaching, appropriate counseling, constructive criticism, and specific training provided by the immediate supervisor (rater).

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- (a) the average rating they obtained in the last two (2) performance rating periods is at least **very satisfactory** and the appointing authority has approved the continuity of the permanent appointments based on the recommendation of the immediate supervisor (rater); or

Illustrative Example

Probationary period:	6 months
Performance rating periods:	1 st - 3 rd month and 4 th - 6 th month
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Average rating:	$(7.40 + 8.83) / 2 = 8.12$ (Very Satisfactory)

- (b) no notice of termination of service is issued by the appointing authority during the probationary period or within ten (10) days after its completion due to unsatisfactory conduct or want of capacity.

Section 12. Notice of Termination of Service. The new appointees or probationers shall be issued notice of termination of service by the appointing authority within ten (10) days immediately after it was proven that they have demonstrated unsatisfactory conduct or want of capacity during the probationary period. Such notice shall state, among other things, the reasons for the termination of service and shall be supported by, at least two of the following:

- (a) Performance Evaluation Report;
- (b) Report of the immediate supervisor (rater) on job-related critical and unusual incidents and on unsatisfactory conduct or behavior of the appointee; or
- (c) Other valid documents that may support the notice of termination of service.

The notice of termination of service shall be immediately executory, pending appeal.

A copy of the Notice of Termination of Service shall be included in the 201 file of the probationers, and the CSC Field Office concerned shall be furnished a copy for recording in the Service Card.

Section 13. Facilitative Action on Appeal. The new appointee whose service has been terminated during or at the end of probationary period may contest the termination of the service subject to the following procedures:

- (a) A formal appeal shall be filed by the affected employee with the CSC Regional Office (CSCRO) concerned within fifteen (15) days from receipt of the Notice of Termination of Service;
- (b) The appellant shall furnish the appointing authority with a copy of the appeal who, in turn, shall submit comments, together with the records, to the CSCRO concerned within ten (10) days from receipt thereof;
- (c) The appeal filed with the CSCRO shall be acted upon within fifteen (15) days from receipt thereof;
- (d) If the CSCRO denies the appeal in favor of the appointing authority or decides it in favor of the employee, an appeal may be filed with the Commission Proper within fifteen (15) days from receipt of the decision, and all pertinent documents, including the CSCRO's comments, shall be forwarded by the CSCRO to the Commission;
- (e) The Commission Proper shall act on the appeal within fifteen (15) days from receipt thereof; and
- (f) If the Commission dismisses the appeal, a motion for reconsideration may be filed with the Commission within fifteen (15) days upon receipt of the decision, which shall be acted upon with finality within fifteen days (15) upon receipt thereof.

An appeal fee shall be paid to the CSCRO or the CSC-Central Office depending on where the appeal is filed.

Section 14. Supporting Documents for the Appeal. The appeal on the termination of service shall be supported by at least two (2) of the following pertinent documents:

- (a) Record of the actual duties and their work outputs duly certified by the immediate supervisor (rater);
- (b) Performance rating (which includes behavioral aspects) received from immediate supervisor (rater), peer or customer, if any; or

- (c) Other valid documents that may support the appeal/motion for reconsideration.

Section 15. Effect of Decisions. The CSCRO decisions on appeals are final and executory after fifteen (15) days from receipt thereof, provided no appeals are filed with the Commission within the prescriptive period by the parties adversely affected by the said decisions.

In case appeals are filed with the Commission, the decisions shall be final and executory after fifteen (15) days from receipt thereof, provided no motions for reconsideration are filed within the prescriptive period.

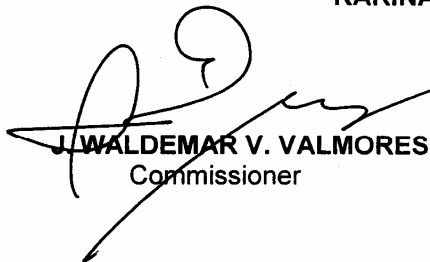
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Section 16. Repealing Clause. All issuances on probationary period for permanent appointment inconsistent with these Rules shall be deemed modified accordingly.


Section 17. Effectivity. These Rules shall take effect after fifteen (15) days from publication in a newspaper of nationwide circulation.

Quezon City, JAN 06 2005


KARINA CONSTANTINO-DAVID
Chairman


J. WALDEMAR V. VALMORES
Commissioner


CESAR D. BUENAFLOR
Commissioner

Attested by:

REBECCA A. FERNANDEZ
Director IV
Commission Secretariat and Liaison Office