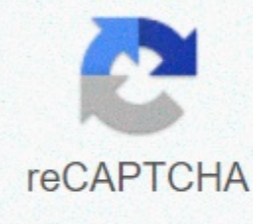




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Awol guidelines philippines

November 17, 2020 - Absence from public sector work due to the imposition of community quarantine in light of the COVID-19 pandemic can be treated as excused absence or holiday or sick leave. This is based on the temporary guidelines recently issued by the Civil Service Commission (CSC). 2000953 or the interim guidelines for the absence of public servants and employees of the community quarantines due to COVID-19 Pandemic, On November 9, 2020, it was announced and circularized through the CSC Memorandum Circular No. 23, p. 2020 dated November 16, 2020, recognizing that many public officials and employees could not report for work during the period of imposition of community quarantine due to suspension of public transport, lockdown conditions and lack of agency support mechanisms. CSC sees this new policy as a way to provide a more considerate treatment of absences incurred by officials and employees due to circumstances beyond their control. The interim guidelines list the conditions in which an absence can be considered either as an excused absence or as a holiday or sick leave. Excused absence Absence during the imposition of community quarantine shall be considered an excused absence if due to any of the following circumstances: • Being stranded abroad or locally while on official travel, or while on approved personal travel (holiday or sick leave), due to suspension of all forms of transport. In the case of personal travel, the employee must have proof of intent to report back to work, such as a flight/bus/boat ticket cancellation of travel and other competent evidence due to lockdown or localized declaration of enhanced/modified enhanced/general community quarantine (ECQ/MECQ/GCQ). Moreover, the excused absence should only cover the period they are scheduled to report back to work and for the duration of ECQ/MECQ/GCQ; • Cannot report for work due to health risks, provided they are not eligible for work-from-home arrangement; • Cannot report for work due to the imposition of lockdown declared by the President or a localized lockdown; • Cannot report for work due to suspension of public transport, or the agency has not provided a service vehicle or shuttle for employees of skeletal workforce, subject to the internal guidelines adopted by the agency covering the permitted distance between place of residence and place of work; and • Jobs/tasks for the employee cannot be performed through work-from-home arrangements, and the agency has not assigned any other tasks. Leave On the other hand, absence shall be regarded as holiday or sick leave, which may be charged against the employee's earned leave credits, if due to any of the following reasons: • Failure to report for work after being stranded abroad or locally while on approved personal could not present evidence of intention to report back to work; • Failure to report for work after undergoing the necessary quarantine leave and/or necessary COVID-19 treatment leave (pursuant to CSC Memorandum Circular No. 8, p. 2020), except for certain conditions; • Failure to report for work by those whose alternative work arrangements require physical presence in the office and assigned as skeletal force, and support mechanisms such as transport or living quarters are provided by the agency, except for certain conditions; • Failure to make themselves available during working hours, such as not answering calls or messages, for no justified reason while at home in cases where no assignment is given. Additional guidelines If the employee's request for vacation and/or sick leave was approved prior to the imposition of community quarantine and entered into force in the community quarantine, it shall still be considered leave unless a request for cancellation or deferral of leave has been submitted by the employee and approved by the authorized official. In the meantime, those who were in absence without an approved leave (AWOL) before 16 May 2015 will be in the united nations. Furthermore, the absence of employees who were stranded abroad with approved leave, but without travel authority, shall be charged against their remaining holiday or sick leave credits, as may be the case. If the absence falls under excused absence, but was already deducted from the employee's leave credits, 7-mission credits shall be restored accordingly. These guidelines shall apply to all public officials and employees of all government agencies and functioning functionalities, Namely: Constitutional bodies, departments, agencies and agencies of the national government, state-owned or controlled companies (GOCs) with original charters, local government entities (LGUs), and state universities and colleges (SUCs) regardless of the status of appointment (permanent, temporary, provisional, replacement, coterminous, casual, contractual or fixed term), including local optional officials. It is due to take effect retroactively on 16 May 2018. It should apply until the state of public health crisis is repealed by the president. When you are unhappy with your work, it seems tempting to leave without notice. Why bother with a graceful exit when you can move on to greener pastures as fast as possible? There is a good reason to make a clean exit. Absence without official leave (AWOL) is a serious neglect that has several consequences. Set up AWOL absence leave (AWOL) includes unapproved absence from duty or terminations. This gives employers the right to terminate their employees' services as long as they comply with the legal process. However, as an employee, the termination of your contract is the least of your concerns. Leaving your job without official notice affects two things: your current and future career path. Effects on current employment official layoffs come with financial benefits Most companies have policies on back pay, which cope with cash conversion of unused leave credits. Other forms of official termination entitle employees to termination pay, which equates to at least one month's salary for each service year. Going AWOL automatically disqualifies you from enjoying the financial benefits of an official termination. Employers have the right to sue Too many companies there is enough penalty to deprive AWOL employees of a refund. Other employers are not so milder; they could choose to involve the law and do so would be well within their rights. Moreover, although the fine print may vary from company to company, Article 285 of the Working Code of the Philippines states that employees must give their employers a written notice of termination at least a month in advance. Employees who are unable to request a dismissal notice break the code. This gives their former employers the right to sue for damages. Failure to give a court notice also counts as a breach of contract, which is contrary to the law. Effects on future employment You may not escape breach of contract Failure to provide an official termination corresponding to the breach of your contract, which prevents you from receiving good reviews from your former employer. This leaves the status of your previous employment in question. Some former employees sidestep questions about past hiring by not mentioning their AWOL status in their employment history. Exclude it from your resume or dodge the question during interviews do not exonerate you from the problem, however. Vigilant recruiters can still look at your background and past employment history before hiring you. They can easily track your employment history by checking your TIN, SSS/GSIS, PAG-IBIG and Philhealth records. These discrepancies will cause potential employers to question your credibility. A broken reputation that leaves a previous job raises the question of personal credibility and loyalty. How can potential employers trust you not to do the same in their company? Businesses want to work with people they can trust; awol status invalidates this trust. Good talent can only get you this far. Even when you are the most qualified candidate for the job, if you have a familiar history of leaving your job, then the chances of you landing the position are slim. When work problems become too difficult to deal with, never the solution to go AWOL. Awol. make a clean break by submitting your termination correctly and earning the number of days specified in your contract with integrity. Should wait not to be an option, contact your human resources department and superiors about what your next steps should be. It is best to leave right than to deal with the fallout of a decision, after all. If you still have more questions about employee etiquette or career path suggestions, contact TrueLogic today. ProcessDoing Business in PhilippinesFiring Philippine employees Yes, you can quit for frequent tardiness and absence. You have an employee who is often late and always absent on his hands, and wonder if it is possible to fire him under Philippine law. That's it. I'll explain below how and under what circumstances you need to do this. At the end of this post you should have an idea of what the legal basis, common definitions and necessary processes are. A common problem for Filipino HRs is when employees have timekeeping problems. Frequent tardiness and absence reduce productivity and severely inhibit operations. These questions are grounds for termination under certain conditions and fall under section b, Art. 297 (formerly 282) of the working code. (b) Gross and common neglect of the employee in his duties; In these cases, it is important to build the case that behavior is common. Do you have an employee who's always late? You will also be well served by having good HR guidelines for timing, as well as following the rule of twin alerts to simply end the case. Note to Explain hearing where the employee can air his page Notice of termination Always remember to talk to your corporate lawyer in case you have clarifications and make sure you have the correct documentation. If you have an employee who often tardy, his manager might want to dismiss him. There are Supreme Court cases in support of this. One of the most obvious cases of tardiness and absence occurred in the case of a driver for a small printing plant. [G.R. No. 168120, January 25, 2012] The driver was late 19 times out of the 47 days he reported for work and absent 19 days out of 66 in the first quarter of 2000.The frequent tardiness and absence of the company's only driver caused the company great difficulties. He was the only driver of the business and his tardiness and absence delayed deliveries and the retrieval of supplies. He was warned several times and even met with management to discuss his timing issues. He was eventually terminated and pleaded guilty to unlawful dismissal. The Supreme Court classified his tardiness and absence as usual and upheld his resignation. Note that the sole proprietorship in this case followed the legal process and did as much as they could to try to come to terms with him, but the employee was steadfastly adamant in his conduct. If have been absent only once, firing should not be your first option. However, you may start considering dismissal if he has been absent several times. Do you have an employee who is often absent? In Japos vs. FarmCoop [G.R. 208000, July 26, 2017], the court upheld the termination when the employee had been absent on 6 different occasions and had been issued several written warnings. The court viewed positively the fact that the company had followed the legal process. It also cited the company's absence guidelines and the documentation it presented on the employee's journal. Frequent absences can damage your business. Termination for absence is very clear in this case. Make sure that you have a good employee policy in place, that the documentation is in order, and that you are following the legal process. With this, you can easily explain your reasoning to the employee and best represent management. Abandonment and absence without leave (AWOL) can sometimes be confused with each other. But they are different things and have different effects. Absence without leave (AWOL) is when an employee is absent and has not followed internal company's leave policies. Do you have an employee who was gone without leave? AWOL is not abandonment, although it may lead to abandonment. In the eyes of the law, abandonment must consist of 2 cases in order for it to be argued: failure to report for work or absence without valid or justified reason, and a clear intention to violate the employer-employee relationship, with the second element as the more determinative factor and being manifested by some overt actions. [R. 218384, July 3, 2017] How do you prove the second claim? Well, in Agabon vs. NLR [G.R. 158693, Nov 17, 2004] when the company asked 2 employees to return to work, they did not because they were already working for another company. Needless to say, their request for unlawful termination was denied. Contact your AWOL employee to get his For abandonment to work as a hill, you need to try to contact your employee several times and through several different media. Keep a log of the times you've tried. If these attempts fail, you have clearly demonstrated that the employee does not intend to return to work and can substantiate it. Review the correct process to terminate an employee You must go through the overdue process that is outlined for only reasons of the work code. For only reasons, there is the rule of twin notification: Note to explain hearing where the employee can send his page Notice of termination The process is quite clearly laid out in the 2018 guidance to terminate regularized employees for the Philippine HR and can be referred to for clarification. Remember to always consult your lawyer when considering termination so that you are properly guided in more complex cases. Cases.

