Hon. Cielo Krisel Lagman
City Mayor

EXECUTIVE ORDER NO. 024-A SERIES 2023

AN EXECUTIVE ORDER PROVIDING THE POLICY GUIDELINES FOR THE HIRING OF PERSONNEL UNDER CONTRACT OF SERVICES/ JOB ORDER

WHEREAS, the pattern of hiring individuals through a contract of service or job order always gives bearings on public administration, although such contract of service or job order does not establish an employer-employee relationship;

WHEREAS, in the necessity to enhance the LGU-Tabaco City manpower complement by way of outsourcing personnel services in the exigency of service, a clear definition of the various conditions whereby employment of such job order personnel may be availed to put its practice in its proper perspective given the scarce resources in terms of manpower of the local government, following OP Memo Circular # 1, s. 2010, and its implementing guidelines; CSC Resolution No. 02-0790 dated 5 June 2002 (as circularized in CSC Memorandum Circular No. 17 s. 2002), its amendment particularly CSC MC 12 s. 2004, the pertinent DBM and Civil Service rules and regulations and the usual government rules and regulations.

NOW, THEREFORE, I, CIELO KRISEL LAGMAN, City Mayor of the City Government of Tabaco, Albay, by virtue of the power vested upon me by section 455, b, 2, iii of R.A. 7160, otherwise known as the Local Government Code of 1991 do hereby **ORDER** the following:

SECTION 1. TITLE. This Executive Order shall be referred to as the "Policy Guidelines for the Hiring Under Contract of Services/Job Orders".

SECTION 2. DEFINITIONS.

"Contract of Service" or **"COS"** refers to the engagement by a government agency of the services of a person to undertake a specific work or job requiring special or technical skills not available in the agency, to be accomplished within a specific period not exceeding one (1) year.

"Job Order" or **"JO"** refers to a contract whereby a worker is hired by a government agency to do a piece work or intermittent job of short duration not exceeding six (6) months and paid daily.

For purposes of this Executive Order, contracts of service and job orders shall include similar arrangements, regardless of designation, where no employer-employee relationship exists between the hiring agency and the worker such as confidential employees and consultants not covered by Republic Act No. 9184 if they are paid under an agency's MOOE budget.

SECTION 3. Execution of Contract of Service or Job Order – Employment stated in Section 1, requires the execution of a contract of service or job order between the City

and the individual concerned, following the rules and regulations of the COA and it shall contain the following stipulations:

1. The COS/JO shall automatically cease upon its expiration as stipulated in the contract unless renewed. However, the services of a person under a job order can be terminated before the expiration of said job order for lack of funds or when his/her/their services are **NO LONGER NEEDED**.
2. The services rendered by COS/JO personnel are not considered government services;

3. The JO personnel are made to augment the deficiency of personnel in the Office and that he/she/they is/are bound to obey the rules and regulations set forth by this City;

4. The JO personnel hired by this City shall report to their post on official government working days and office hours unless otherwise specified by other laws as in the case of urgency;

5. The contract of JO personnel is covered by the "'No Work, No Pay" policy.

6. The JO personnel are **NOT** entitled to receive PERA-ACA, year-end bonus, and all other benefits accruing to regular employees unless otherwise provided by the law;

7. The COS/JO personnel are not covered by CSC rules and regulations, but are covered by COA rules;

8. The Job Order Contract shall have the following signatories:
    a. City HRMO to certify the authenticity of the contract;
    b. City Budget Officer for funds availability; and
    c. City Mayor for approval.

SECTION 4. JOBS/FUNCTIONS TO BE DIRECTLY OUTSOURCED. In general, hiring of personnel under individual contracts of service/job order may be allowed for the following jobs/functions:

a. For cases where specific jobs demand specialized or technical skills not readily available within the organization, these tasks must be completed within a defined timeframe of no more than one year. This includes contracts for services, hiring of consultants, and engaging personnel for special projects, following the guidelines of Republic Act 9184 if applicable;

b. For tasks categorized as piece work or intermittent work with a brief duration not exceeding six months, such as job orders with daily wage payments, individuals are responsible for carrying out these tasks independently with minimal supervision from the hiring agency;

c. For tasks involving clerical or administrative functions, or when they are typically performed by regular employees but are urgently needed due to operational demands and budgetary constraints preventing hiring regular personnel;

d. For roles involving drivers, chauffeurs, bodyguards, and utility workers;

e. For cases where the agency requires frontline and critical services;

SECTION 5. STAFFING PATTERN PLAN AND PROCEDURES OF HIRING.

1. To determine the number of job orders/contracts of service personnel/COS, the head of offices shall prepare and issue a staffing pattern plan and organizational structure of their job orders to avoid the hiring of excessive jobs and the duplication of work performed by permanent employees and job order personnel before the start of the ensuing year and submit such at the HRMO.

2. The concerned department/section offices shall endorse to the City Mayor's Office a request for authority to hire personnel under a contract of service/job order. The request must be supported by a justification for hiring and the statement of functions to be performed, as well as the Annual Work Program of the concerned office reflecting the hiring of job order or contract of service personnel for a specific program, project, or activity;

3. Once the City Mayor approves the recommendations submitted by the office head, a job order contract shall be prepared by the HRMO Payroll staff. The prospective appointee shall be required by HRMO to complete the Personal Data Sheet Form in a single copy;

4. A certification of availability of funds and a duly signed Obligation/Request (OBR) must support the contract;

5. Said contract shall be endorsed to the Office of the City Administrator for review before the signature of the appointing authority;

6. If so required, the prospective appointee shall be requested to undergo physical and medical examinations by a government medical officer to ensure fitness for the job and shall be required to submit the following documents:
    a. Police clearance
    b. Tax Identification Number (TIN); and
    c. Pag-Ibig Member's Data Form (MDF).

7. Once the contract is signed by the appointing authority, the job order or contract of service personnel may already assume the position.

SECTION 6. ATTENDANCE MONITORING AND PAYMENT OF SALARIES.

1. Personnel hired on a contract of service/job order shall be required to report to the office observing a work schedule as may be required by his/her immediate supervisor to be able to perform his/her assigned tasks efficiently and effectively. A written advice on the chosen schedule, duly signed by the immediate supervisor and acknowledged by the individual concerned must be furnished to the HRMO for timekeeping purposes;

2. He/she shall be required to submit a duly signed Daily Time Record (DTR) together with the Accomplishment Report and Certification of Services Rendered or an official travel order with the attached appearances to support the claim for payment of wages covering the period of services rendered. Payment of salaries shall be done after every 15th day of every month;

3. DTRs and supporting documents shall be submitted to the Payroll Staff of the HRMO a day after the period. No payroll shall be made if the documents required are not completed.

4. Processing of the wages shall be done through a general payroll. Individual vouchers shall be done for initial and last wages; and

5. Any absences, tardiness, and undertime incurred shall be deducted against his/her wages based on the number of working days/hours as per the schedule agreed upon;

SECTION 7. OTHER COMPENSATION. It is understood that the contracted individual is expected to deliver the required services/obligation as specified under the contract within the period covered.

1. Contract of service or job-order personnel may be allowed to go on official local travel for (a) undertaking official mission/tasks that cannot be performed by/or assigned to any other regular/permanent official and/or employee of the agency, and/or (b) performing tasks/activities necessary to be able to fulfill the obligations as contained in his/her contract of service. In both cases, the travel shall involve the minimum expenditure and is expected to bring immediate benefit to the agency;

2. The purpose of official local travel as herein provided shall be clearly and specifically stated in the approved travel request/order which shall likewise contain the corresponding entitlements, duly supported by an approved itinerary of travel to provide the basis for payment of travel expenses (meals, hotel/lodging, and incidental expenses), on a reimbursement basis, based on the rates provided under the provisions for official local travel as prescribed by COA Circular No. 96-004 dated April 19, 1995, and Executive Order No. 298 dated March 23, 2004.

3. Said reimbursement of actual travel expenses, not to exceed the prescribed rates, including land transportation fares, shall be subject to the submission of receipts, bus tickets, and a Certificate of Travel Completed, together with other evidence/proof of travel completed including a Terminal Report. Procurement of air tickets, for such official travels shall be made through canvass to establish the lowest cost offered through a send-bill arrangement with the airline company/travel agency.

4. He/she may be allowed to attend in-house and/or outside seminars/training programs of short duration (maximum of five (5) days) related to/or in connection with his/her task/functions, as recommended by his immediate supervisor and approved by the Local Chief Executive concerned, to enable him/her to be more efficient and effective in the rendition of the contracted service, provided that such attendance shall not hinder the operation of the workplace to which he/she is assigned. In the case where the number of slots/participants is limited, priority, however, shall be given to regular employees of the agency.

SECTION 8. RENEWAL OF CONTRACT OF SERVICE/JOB ORDER.

1. For renewal of job orders and contract of service personnel, a recommendation to be renewed or not shall be prepared by the department head or section chief and to be submitted to the Office of the Mayor, fifteen (15) days before the end of the contract.

2. All approved recommendations shall be sent to the Human Resource Management Office for preparation of the contract upon submission of required documents.

3. Renewal of contract of service/job order shall be subject to availability of funds as certified by the City Budget Officer.

4. In this case, the JO personnel will be required to sign a contract for the Job Order every six months thereafter and until such time that a Notice of Termination is furnished to the job order concerned indicating the last day of the service for purposes of payroll computation. For COS the renewal shall be yearly.

SECTION 9. EFFECTIVITY. This Executive Order shall take effect immediately.

ISSUED this 13th day of Aug., 2023 at Tabaco City, Albay.

CIELO KRISEL LAGMAN
City Mayor