

Primer on

Public Sector Union ACCREDITATION



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Understanding ACCREDITATION OF PSU



The determination of the sole and exclusive collective negotiating agent shall be through accreditation by the CSC. (Section 1, Rule VIII, IRR of EO 180)

WHAT IS ACCREDITATION OF EMPLOYEES' ORGANIZATION?

Accreditation is a recognition granted by the Civil Service Commission to a registered employees' organization the status of sole and exclusive collective negotiating agent.

The employees' organization enjoys the majority support of the rank-and-file in the agency.

WHAT IS EXCLUSIVE COLLECTIVE NEGOTIATING AGENT?

It is an authority granted to an accredited union to represent a particular negotiating unit with the management for purposes of collective negotiation.

NOTE:

For purposes of Accreditation, "Negotiating Unit" refers to the following:

1. constitutional bodies and their regional offices;
2. the executive department including services and staff bureaus and regional offices;
3. line bureaus and their regional offices;
4. attached agencies;
5. the legislature;
6. the judiciary;
7. state universities and colleges;
8. government owned and controlled corporations with original charters; and
9. provinces, cities and municipalities.

Supporting Documents for Accreditation
of Employees' Organization/Union
(Amendment to Section 4, Rule VIII
of the Amended Rules and Regulations
of Executive Order No. 180)

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PSLMC RESOLUTION No. 2, s. 2008

WHEREAS, Section 2, Rule VIII of the Amended Rules and Regulations of Executive Order (EO) No. 180 provides that an employees' organization seeking accreditation shall file with the Civil Service Commission – Personnel Relations Office a sworn petition for accreditation signed by a majority of the rank-and-file employees of the negotiating unit it seeks to represent;

WHEREAS, Section 4 of the same Rule enumerates the supporting documents accompanying the petition for the accreditation of unions, as follows: a) certified true copy of the latest agency plantilla of positions; b) certified true copy of the latest approved payroll; and c) certification from the Department of Labor and Employment – Bureau of Labor Relations (DOLE-BLR) that the employees' organization seeking accreditation is the only registered employees' organization in the negotiating unit and that no other employees' organization in the same negotiating unit is seeking registration;

WHEREAS, the plantilla of positions is required to ensure that only legitimate or existing employees who hold rank-and-file positions in the agency support the employees' organizations/unions' petition for accreditation;

WHEREAS, the employees' organizations/unions oftentimes find it difficult to secure an updated plantilla of positions from their respective agencies, which results in the disapproval of their petition for accreditation for non-compliance with said requirement, and thereby prolonging the period by which an employees' organization/union gets accredited by the Civil Service Commission;

WHEREAS, the Council finds the agency's latest approved payroll as a document sufficient to establish the requirements for the approval of the petition for accreditation of an employees' organization/union as provided for in Section 3, Rule VIII of the Amended Rules and Regulations of E.O. 180;

WHEREAS, Section 1, Rule VIII of the same Amended Rules and Regulations provides that proceedings to determine the sole and exclusive collective negotiating agent are expeditious, non-litigious in nature, and free from technicalities of law and procedure, hence, the Council sees the need to simplify and expedite the process of accreditation of employees' organizations/unions;

WHEREFORE, the Council **RESOLVES**, as it hereby **RESOLVED**, to amend Section 4, Rule VIII (Accreditation of Employees' Organization), as follows:

“Sec. 4. Supporting Documents. – The following documents shall accompany the petition for accreditation:

- (a) *Certification signed by the President and the Board of Directors/ Officers of the employees' organization/union attesting to the accuracy and authenticity of the names and signatures of the employees appearing in the petition for accreditation, and that the list of names are devoid of duplicate/double entries;*

Applying for ACCREDITATION



WHAT ARE THE SUPPORTING DOCUMENTS TO THE APPLICATION FOR ACCREDITATION?

The following documents shall accompany the application for accreditation:

- (a) Certification signed by the President and the Board of Directors/Officers of the employees' organization attesting to the accuracy and authenticity of the names and signatures of the employees appearing in the petition for accreditation, and that the list of names are devoid of duplicate/double entries;
- (b) Latest approved payroll, duly signed/certified by authorized official/s of the organizational unit where such employees' organizations/unions belong, regardless of whether salaries of employees are drawn from the agency's Cashier or through the Automated Teller Machine (ATM);
- (c) DOLE-BLR Certification that the employees' organization seeking accreditation is the only registered employees' organization in the negotiating unit and that no other employees' organization in the same negotiating unit is seeking registration; and
- (d) Accreditation Fee (P750.00) or such amount as may be determined by the Council.

President and the Board of Directors/Officers of the employees' organization/ union shall be held liable for any misrepresentation, false statement or fraud committed in the declaration of names and signatures in the petition for accreditation. (PSLMC Res. No. 2, s. 2008)

The Procedure in Challenging Accreditation



With Complete Form and Contents and Merit

The petitioner files with the CSC-PRO at least two (2) copies of the verified under oath petition and its supporting documents.

CSC-PRO evaluates the same and determine its completeness in form and contents.

CSC-PRO requires the accredited employees' organization to comment on the said petition within ten (10) calendar days from receipt thereof.

The CSC-PRO forwards to the Council the complete records, together with its findings and recommendation.

The Council either orders the CSC-PRO to revoke the accreditation of the employees' organization and delete its name in the roster of accredited employees' organizations or directs the parties to file a petition for the conduct of a certification election before the DOLE-BLR.

With Incomplete Form and Contents

The petitioner files with the CSC-PRO at least two (2) copies of the verified under oath petition and its supporting

CSC-PRO evaluates the same and determine its completeness in form and contents.

CSC-PRO may deny outright the petition.

Observing the PROCEDURE in ACCREDITATION



WHAT IS THE RESPONSIBILITY OF THE EMPLOYEES' ORGANIZATION AFTER IT HAS BEEN ACCREDITED?

Within one (1) year from issuance of the Certificate of Accreditation, the accredited employees' organization shall submit to management a Collective Negotiation Agreement (CNA) proposal, which has been approved by a majority of the general membership, copy furnished the CSC-PRO.

CAN THE STATUS OF AN ACCREDITED EMPLOYEES' ORGANIZATION BE CHALLENGED/CONTESTED?

Yes, through the filing of a petition challenging the accreditation of an employees' organization, except during the contract-bar rule period.

WHO MAY FILE A PETITION CHALLENGING ACCREDITATION?

- any registered employees' organization within the negotiating unit, or
- at least 20% of the rank-and-file employees within the negotiating unit.



Challenging ACCREDITATION

IN WHAT INSTANCES CAN THE STATUS OF AN ACCREDITED EMPLOYEES' ORGANIZATION BE CHALLENGED?

- Failure of the accredited employees' organization to maintain the support of the majority of the rank-and-file employees after one (1) year from the issuance of its certificate of accreditation, subject to the contract-bar rule; and
- Failure of the accredited employees' organization to submit a CNA proposal to management, within one (1) year from the issuance of a Certificate of Accreditation. (Section 13, Rule VIII, 1RR of EO 180)

WHAT IS CONTRACT-BAR RULE?

Contract-Bar Rule is the protection of the incumbent union from being challenged regarding its accreditation by a rival union if there is an agreement in effect having a term of not more than three (3) years, except during the agreement's "freedom period" ---i.e., 60 days prior to the expiration of the agreement.



Challenging ACCREDITATION

WHAT ARE THE FORM AND CONTENTS OF THE PETITION TO CHALLENGE ACCREDITATION?

1. Form

The petition shall be **in writing and verified under oath** by the President of the petitioner-employees' organization or at least twenty percent (20%) of the rank-and-file employees in the negotiating unit.

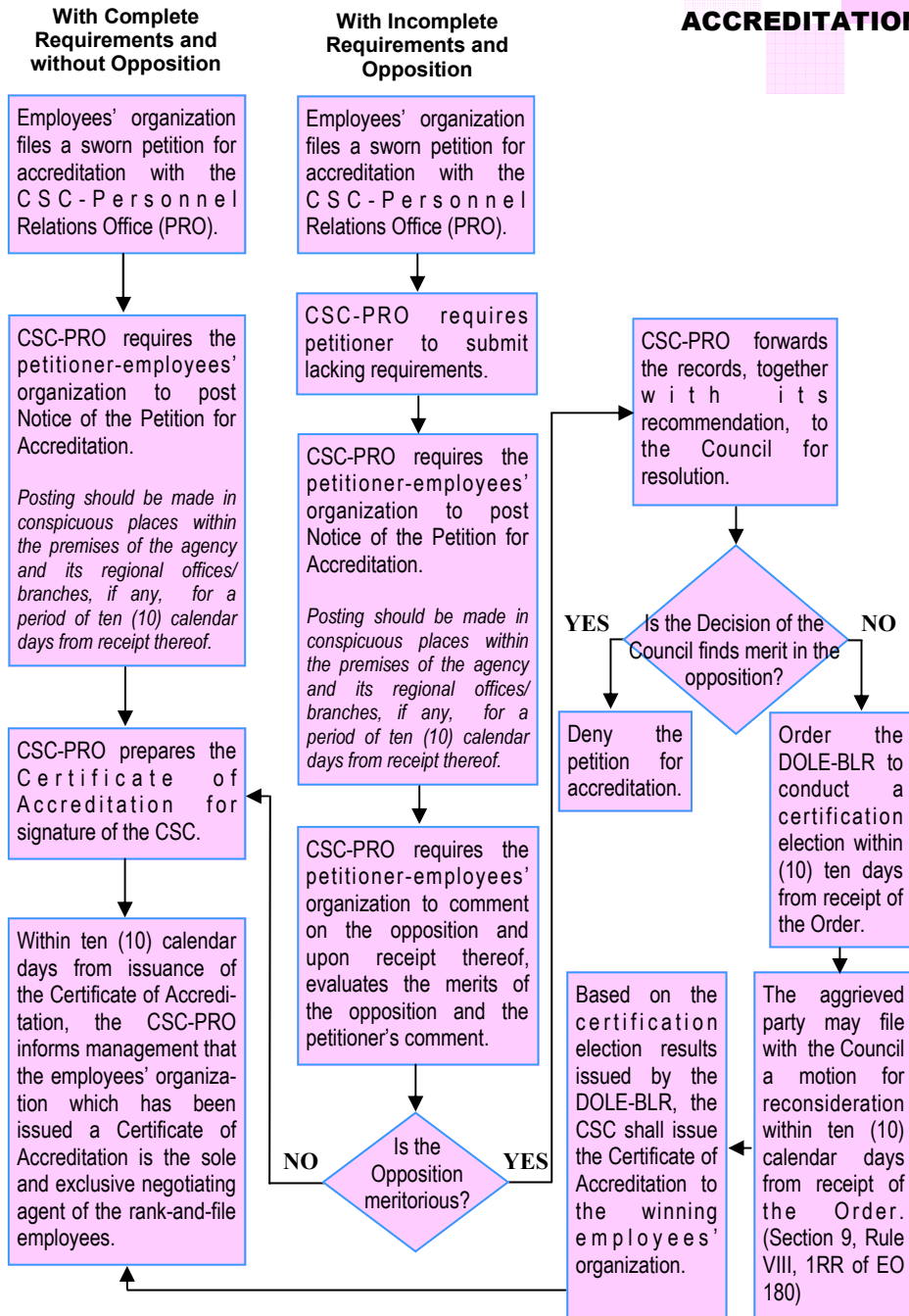
2. Contents

The petition shall contain the following:

1. name/s and address/es and other necessary circumstances relating to the petitioner/s;
2. name and address of the agency where the negotiating unit belongs;
3. name of the accredited employees' organization; and
4. the bases for the challenge.

Steps in

ACCREDITATION



FAQS

Other Frequently Asked Questions

Q: Is it necessary to renew the accreditation of a union once it has become inactive for many years? Does accreditation expire?

A: No. Accreditation does not expire. However, the status of an accredited union may be challenged under Sections 13, Rule VIII of the Amended IRR of E.O. 180.

Q: Can a union lose its accreditation?

A: Yes, provided a petition challenging the accreditation on any of the following grounds is filed before the Council through the CSC-PRO:

- a. failure of the accredited employees' organization to maintain the support of the majority of the rank-and-file employees after one (1) year from the issuance of its certificate of accreditation, subject to the contract-bar rule under Section 3(d), Rule IX of the Amended IRR of E.O. 180; or
- b. failure of the accredited employees' organization to submit a CNA proposal to management, pursuant to Section 12 of the Amended IRR of E.O. 180.

Q: Is there a certain period that is required for a union to be accredited?

A: None. There is no policy/provision in the Amended IRR of E.O. 180 on the required period for a registered union to be accredited.



Applying for ACCREDITATION

WHAT ARE THE FORM AND CONTENTS OF THE PETITION FOR ACCREDITATION?

1. Form

The petition shall be **in writing and verified under oath** by the president of the employees' organization.

2. Contents

The petition shall observe the following:

1. The petitioner is a duly registered employees' organization;
2. The petitioner-employees' organization is the lone employees' organization within the negotiating unit. - The petition contains the names and signatures of the majority of rank-and-file who support the accreditation;
3. The petitioner-employees' organization is the mother employees' organization composed of several registered employees' organizations. - that it has the majority membership of all the rank-and-file employees in the negotiating unit; and
4. It is in the best interest of the rank-and-file employees in the negotiating unit that the petitioner-employees' organization be accredited as their sole and exclusive negotiating agent.

- b) Latest approved payroll, duly signed/certified by authorized official/s of the organizational unit where such employees' organizations/unions belong, regardless of whether salaries of employees are drawn from the agency's Cashier or through the Automated Teller Machine (ATM); and
- (c) Certification from the Department of Labor and Employment - Bureau of Labor Relations (DOLE-BLR) that the employees' organization seeking accreditation is the only registered employees' organization in the negotiating unit and that no other employees' organization in the same negotiating unit is seeking registration.

The President and the Board of Directors/Officers of the employees' organization/union shall be held liable for any misrepresentation, false statement or fraud committed in the declaration of names and signatures in the petition for accreditation."

This Resolution shall take effect fifteen (15) days from its publication in a newspaper of general circulation.

Quezon City, January 29, 2008

(Sgd.) KARINA CONSTANTINO-DAVID
Chairperson, Civil Service Commission
CHAIRMAN

(Sgd.) ARTURO D. BRION
Secretary, Department of Labor and Employment
VICE-CHAIRMAN

(Sgd.) RAUL M. GONZALEZ
Secretary, Department of Justice
MEMBER

(Sgd.) MARGARITO B. TEVES
Secretary, Department of Finance
MEMBER

(Sgd.) ROLANDO G. ANDAYA, JR.
Secretary, Department of Budget and Management
MEMBER

Attested By:

(Sgd.) MARIA LETICIA G. REYNA
Director IV, Personnel Relations Office
Civil Service Commission
Chair, PSLMC Secretariat