

Standard Operating Procedure (SOP) for Administrative Counsel

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**Policy:** To ensure the Board of Commissioners and the staff of the Civil Service Commission are in compliance with the law.

**Purpose:** To give legal assistance to the Board and staff with processing the hearings, other associated functions of the Civil Service Commission, and to represent the Civil Service Commission in courts of Guam.

**Scope:** All activities of the Civil Service Commission.

**Procedures:**

**1.0 Conduct Status Conferences**

- 1.1 Review calendar and cases pending for Status Conferences.
- 1.2 Conduct Status Conference: setting matters for hearing or future status conference; confirm with parties they completed the Case Management Statement. Determine if Employee is waiving time standards of Public Law 13-145.

**2.0 Counsel to Commission**

- 2.1 Advise Chair of legal issues concerning pending appeals, motions, etc.

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- 2.2 Answer legal questions of Commissioners.
  - 2.3 Review all incoming documents relative to pending appeals. Initial document and deliver to Legal Secretary for filing.
  - 2.4 Prepare Orders After Hearing, Judgments, and Decisions.
  - 2.5 Be present at Commission meetings to provide Commission with Counsel.
  - 2.6 Serve as Administrative Law Judge as designated by the Commission.
  - 2.7 Schedule and preside over hearings.
  - 2.8 Make written recommendations to the Commission.
- 3.0 Counsel to Director and staff regarding legal issues presented in their work on pending cases**
- 3.1 Review investigation reports, case file(s) appeals, court filings, proposed legislation applicable to the issue(s) at hand.
  - 3.2 Provide legal guidance to correct any deficiencies.
- 4.0 Litigation in Court**
- 4.1 Represent the Commission in cases pending in Superior Court and Supreme Court taking a position or not, depending on instructions from the Commission or Director.
- 5.0 Training**
- 5.1 Provide training to the Board as requested.

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**Effective Criteria:**

1. Status Conference take place on time and move cases forward in compliance with time standard law pursuant to 4 GCA, §4406.02.
2. Director and staff receive understandable legal counsel regarding their work.
3. Commission is represented competently in court.
4. Board receives effective training as requested.
5. Orders After Hearing, Judgments, and Decisions are prepared accurately and timely.
6. Administrative Counsel is present and helpful at all meetings.
7. Administrative Counsel provides parties a fair hearing as an Administrative Law Judge.

**References:**

4GCA: §4406.2 Time Standards  
§4405 Commission Staff  
§4403 Duties of Commission  
§4407 Civil Service Commission

**Documents:**

Approved by:

  
Daniel Leon Guerrero

3/18/2019  
Date