

CIVIL SERVICE COMMISSION

GOVERNMENT OF GUAM

RESOLUTION CSC-001-84

RELATIVE TO LAYOFF APPEAL PROCEDURES

BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION:

WHEREAS, Public Law 17-4, as amended by Public Law 17-5, mandates the Commission to adopt procedures for layoff or reduction in force; and

WHEREAS, the Commission has duly adopted procedures for layoff or reduction in force; and


WHEREAS, the procedure for layoff or reduction in force was duly promulgated by Executive Order; and

WHEREAS, the Commission recognizes the need to provide a right to appeal to employees who are subject to layoff or reduction in force; now, therefore, be it

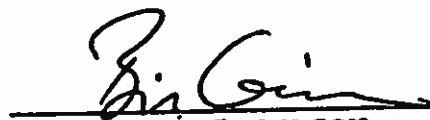
RESOLVED, that the Civil Service Commission hereby duly adopts the attached document entitled: "LAYOFF APPEAL PROCEDURES".

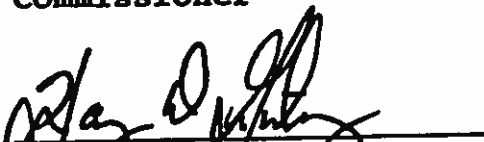
DULY AND REGULARLY ADOPTED ON THE 5TH DAY OF JUNE,
1984.



VICENTE P. PERBE
Chairperson


JUNE S. REGALADO
Vice-Chairperson


WILLIS S. CANNON
Commissioner


E.L. "BILL" GIBSON
Commissioner


HARRY D. GUTIERREZ
Commissioner


FRANK T. LIZAMA
Commissioner


LUCIA A. VALENTIN
Commissioner

**CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM**

LAYOFF APPEAL PROCEDURES

The following procedures shall apply to appeals filed under Section GG-140 of the layoff procedures.

I. APPEALS ALLEGING THE INCORRECT APPLICATION OF LAYOFF PROCEDURES

A. Writing

The appeal must be in writing, and must state specifically what provisions of the layoff procedures were incorrectly applied.

B. Investigation

The Civil Service Commission staff will commence an investigation into the allegations within ten (10) calendar days from receipt of the appeal.

C. Decision

Upon conclusion of the investigation, a report will be submitted to the Civil Service Commission Board for disposition of the appeal. The Board may either make a final decision or refer the matter back to the staff for further investigation.

If further investigation is necessary, it shall be completed as expeditiously as possible, and a final report submitted to the Board immediately thereafter.

A final decision will be issued by the Board within ten (10) work days after the submission of the final investigation report.

Parties will have thirty (30) calendar days from receipt of the Board's decision to appeal to the Superior Court, unless otherwise provided by law.

II. APPEALS ALLEGING BAD FAITH

A. Writing

The appeal must be in writing and must specify the reasons or actions constituting bad faith.

The Civil Service Commission will provide a copy of the appeal to the department or agency involved within three (3) work days, and schedule a hearing as soon as possible.

B. Pre-Hearing Requirements

1. Each party must submit the following to the Commission office, and to the opposing party, within ten (10) work days prior to the hearing:
 - a. List of witnesses to be examined.
 - b. List of documents or exhibits to be examined.

C. Hearing

1. Parties must appear at the hearing when called to testify; otherwise, parties may appear in order to present oral or written statements at the start of the hearing or to examine witnesses. Written statements may be submitted prior to the hearing.
2.
 - a. Witnesses will be examined by the parties and/or the Board. Neither party may object to the questions or the testimonies.
 - b. A party who chooses not to appear to examine witnesses may submit a list of questions for each witness. These questions will be asked by the Board on behalf of the party.
 - c. Subpoenas for GovGuam employees (witnesses) must be served by the department or agency head or designee. Subpoenas for other witnesses will be served by the party calling these persons as witnesses.
3.
 - a. Parties may offer documents or exhibits into evidence without the necessity of formal presentation. The Board, on its own, may admit other documents or exhibits. Neither party may object to the admission of documents or exhibits.
 - b. Copies of public documents within the control or possession of a department or agency will be provided to the appellant and to the Board upon request.

c. Copies of documents within the control or possession of the appellant will be provided upon request to the department or agency and to the Board.

D. Decision

Upon conclusion of the testimonies and the submission of all documents required by the Commission, the hearing will be deemed closed and the Board will issue a decision within thirty (30) calendar days. The Board may extend this deadline whenever necessary. Parties will have thirty (30) calendar days from receipt of the Board's decision to appeal to the Superior Court, unless otherwise provided by law.

E. Assistance

A party may seek the advice and assistance of an attorney or any other person at any stage of the appeal process.

F. Bad Faith

As used in these procedures, the term "bad faith" is defined to mean the absence of honesty in the purpose, conduct, or transaction concerned. That is, the layoff of an appellant must have been based on economy, efficiency, or the lack of work or funds, and not for any dishonest reason.

APPEAL ALLEGING BAD FAITH

Summary Flow Chart

HEARING

1. Parties need not appear at the hearing unless called to testify, to present oral or written statements at the start of the hearing, or to examine witnesses.
2. CSC Board and the parties may examine witnesses.
3. Parties may offer documents or exhibits.
4. The hearing will be deemed closed upon conclusion of the testimonies and the submission of all documents required by the Commission.

DECISION
CSC Board will issue a decision within 30 calendar days from the close of the hearing.

APPEAL
Parties have 30 calendar days to appeal to the Superior Court.

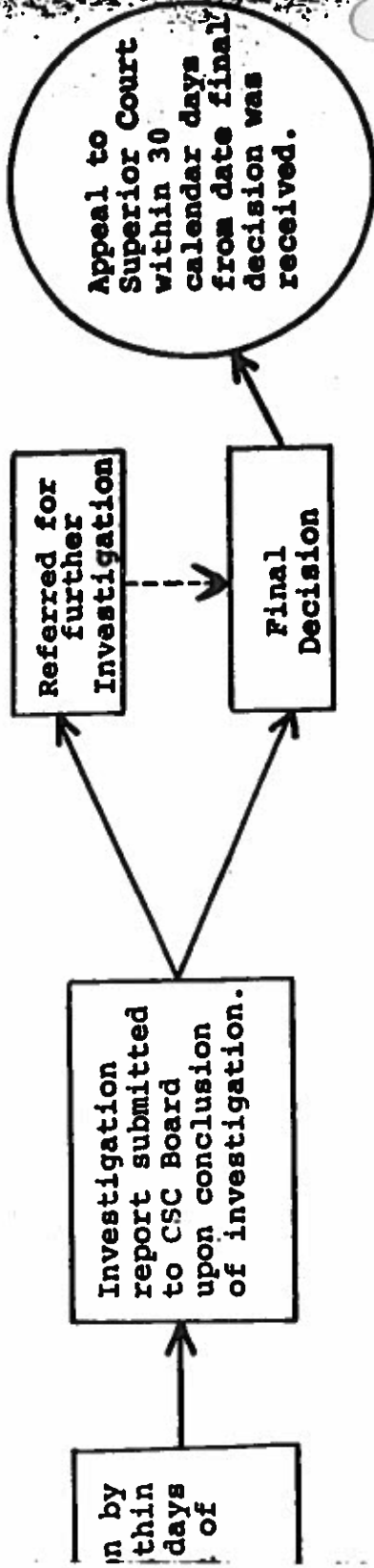
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LAYOFF APPEAL PROCEDURES FOR FURTHER INFORMATION.

ING THE INCORRECT APPLICATION OF LAYOFF PROCEDURES

Summary Flow Chart



LAYOFF APPEAL PROCEDURES FOR FURTHER INFORMATION.