



GOVERNMENT OF GUAM

CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

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CIVIL SERVICE COMMISSION RESOLUTION NO. 2003-002

- WHEREAS,** the position of Administrative Legal Counsel of the Civil Service Commission had been a classified position prior to March 2, 1999 without a problem; and
- WHEREAS,** the position of Administrative Legal Counsel of the Civil Service Commission had come before the Civil Service Commission ("Commission") on March 2, 1999, to determine whether or not it is practicable for that position to be part of the classified service of the Government of Guam; and
- WHEREAS,** the Commission on March 2, 1999 felt that it would be more practicable to be an unclassified position because "...it is not practicable for an Administrative Legal Counsel of the Civil Service Commission to appeal to the very Commission that took adverse action against him or her; and
- WHEREAS,** the Commission felt that it would be more practicable to remain in the unclassified position for the "...administrative legal counsel must serve at the pleasure of the board"; and,
- WHEREAS,** the Commission on March 2, 1999, change the status of the Administrative Legal Counsel from a classified position to that of an unclassified position; and
- WHEREAS,** the Commission has since reviewed its initial determination that the Administrative Legal Counsel should continue to be in the unclassified service; and
- WHEREAS,** the bases for the initial review was 4 GCA section 6303, which was for the creation of a new position within the government of Guam is not applicable to the position of Administrative Legal Counsel as the position was already created prior to March 2, 1999; and
- WHEREAS,** if the Commission was to continue with its position that the Administrative Legal Counsel should be unclassified pursuant to its statute, then all of the Civil Service Commission staff should also be deemed unclassified under the same statute; and
- WHEREAS,** action has not been shown to make impracticable for the Administrative Legal Counsel or for the Civil Service Commission staff to be in the classified service as originally indicated;

NOW THEREFORE, the Civil Service Commission makes the following decisions:

1. Upon further review of its prior decision, the Civil Service Commission has determined that the position of Administrative Legal Counsel should be placed back into the classified service.
2. That if there is a need for any disciplinary action, an outside counsel will act with the Civil Service Commission to ensure impartiality.

DULY AND REGULARLY ADOPTED THIS 3rd **day of NOVEMBER 2002.**


RICHARD J. UNTALAN
Chairman


MANUEL R. PINAUIN
Vice-Chairman


RUTH AFLAGUE-MCQUEEN
Commissioner


JOAQUIN T. ANGOCO
Commissioner


JOHN V. GERBER
Commissioner


PRISCILLA T. TUNCAP
Commissioner