



**GOVERNMENT OF GUAM**

**CIVIL SERVICE COMMISSION  
KUMISION I SETBISION SIBIT**

490 Chalan Palasyo, Agana Heights  
P.O. Box 3156 Agana, Guam 96910  
Tel: 475-1300/01 Fax: 477-3301



**CIVIL SERVICE COMMISSION  
RESOLUTION NO. 2003-006**

**CIVIL SERVICE COMMISSION RESOLUTION REGARDING AWARDING OF MONETARY  
COMPENSATION**

**WHEREAS,** under 4 GCA Section 4406 provides that the Civil Service Commission may sustain, modify or revoke any action taken by management through an adverse action appeal; and

**WHEREAS,** under 4 GCA Section 4406.1, if the employee prevails in whole or in part, the employee may be entitled to back wages and benefits, attorney fees, and its associated costs; and

**WHEREAS,** the Civil Service Commission has been for many years, instructing the amount of reimbursement that the employee is entitled to and the attorney fees that should be paid after a decision is made on the adverse action in which the employee has won in whole or in part; and

**WHEREAS,** the purpose of the Civil Service Commission to instruct the payment by the agency or department has been, to ensure that the employee receives his due back wages and benefits in a timely manner, as well as the attorney fees, and

**WHEREAS,** in 1983, in the case of J.R. Mariano, Director of the Department of Public Safety, Government of Guam v. the Guam Civil Service Commission and Marion A. Desoto, in the District Court of Guam Appellate Division, the court ruled "We do realize, however, that the Civil Service Commission had no jurisdiction to award monetary compensation and salary to the Appellant since such award can only be effectuated pursuant to the provisions of the Government Claims Act, Section 6500 et. seq. of the Government Code of Guam"; and

**WHEREAS,** this matter was brought to the attention of the Civil Service Commission at its regularly scheduled meeting of May 8, 2003; and

**WHEREAS,** the Civil Service Commission desires to ensure compliance with the Court ruling since it has not been overruled;

**NOW THEREFORE,** the Civil Service Commission resolves the following:

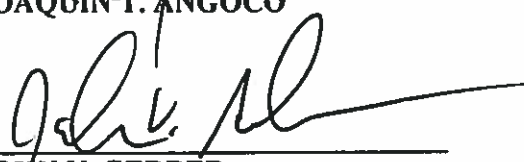
1. That after a decision is made regarding an adverse action appeal that is presented before the body in favor, in whole or in part, for the employee, the Civil Service Commission will not determine the monetary compensation for the employee or the attorney fees that are to be awarded.
2. That the Civil Service Commission shall instruct the employee, or the representative for the employee, to file a government claim for the amount that they considered due to the employee and the attorney, with the attached Decision and Judgement as its basis for award.

Duly and regularly adopted this 15th day of May 2003 in the year of our Lord


  
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MANUEL R. PINAUIN

  
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JOAQUIN T. ANGOCO

  
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PRISCILLA T. TUNCAP

  
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JOHN V. GERBER

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JOSE L.G. TECHAIRA

  
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MARIA T.C. RAMOS

FILE