

**GOVERNMENT OF GUAM**  
**CIVIL SERVICE COMMISSION**  
**KUMISION I SETBISION SIBIT**



**PROCEDURES FOR THE EMPLOYEE PROTECTION ACT FOR  
DETERMINING JURISDICTION**

**CIVIL SERVICE COMMISSION RESOLUTION NO. 2003-008**

**WHEREAS,** 4 Guam Code Annotated 4501 et, Seq. states that the Guam Legislature desires to establish a procedure for protecting employees who "whistle blow" on the workings of the government of Guam to reduce waste and mismanagement on public funds, or to reduce abuses in government authority, or to prevent illegal and unethical practices; and

**WHEREAS,** the Guam Legislature has indicated the Civil Service Commission will be one of the personnel boards responsible for ensuring that the employees who "whistle blow" are adequately protected; and

**WHEREAS,** the statute provides that the "personnel board shall cause an investigation to be made of the charges in the complaint;" and

**WHEREAS,** the statute further provides that the employee must first indicate a good faith effort must be made to provide to his supervisor or appoint authority or member of the Guam Legislature, the information to be disclosed prior to the time of its disclosure; and

**WHEREAS,** prior to a hearing before the Guam Civil Service Commission, the investigation shall establish whether there is a reasonable basis for the charges, the appointing authority or supervisor shall be given written notice;

**NOW THEREFORE BE IT RESOLVED,** that the Guam Civil Service Commission adopts the following for clarifying the procedures that it will follow:

1. Once a complaint is filed claiming the provisions of 4 GCA Sections 4501 et. Seq., the Civil Service Commission shall order an investigation to take place.
2. The Executive Director of the Civil Service Commission is hereby directed to first investigate whether the employee had complied with informing his supervisor, appointing authority or a member of the Guam Legislature of his complaint as stated in 4 GCA Section 4501 (a).
3. If the employee fails to provide proof or showing that he has complied with item number 2 above, the Executive Director shall recommend the dismissal of the complaint subject to the Commission's approval.
4. If the Employee is able to show that he has complied with item two (2) above, the Executive Director of the Civil Service Commission will then cause the investigation to determine whether there is reasonable basis for the charges.
5. If the investigation fails to provide proof a reasonable basis for the charges, the Executive Director shall recommend the dismissal of the complaint subject to the Commission's approval.
6. If the Executive Director of the Civil Service Commission believes that there is a reasonable basis for the charges, he will inform the agency of the investigations findings and recommendations.

**ORIGINAL**

7. If the agency or department under the authority of the Civil Service Commission desires to challenge the findings of the staff of the Civil Service Commission, a hearing between the parties (employee and management) shall be set for the resolution of the matter.

SO ADOPTED THIS 23<sup>rd</sup> DAY OF September 2003.



LUIS R. BAZA  
Chairman

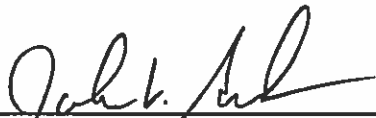


MANUEL R. PINAUIIN  
Vice Chairman

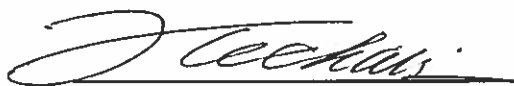


JOAQUIN T. ANGOCO  
Commissioner

PRISCILLA T. TUNCAP  
Commissioner



JOHN V. GERBER  
Commissioner



JOSE L.G. TECHAIRA  
Commissioner

MARIA T.C. RAMOS  
Commissioner

**ORIGINAL**