



**GOVERNMENT OF GUAM**

**CIVIL SERVICE COMMISSION  
KUMISION I SETBISION SIBIT**

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**TO AMEND CIVIL SERVICE COMMISSION RESOLUTION NUMBER  
2003-008 REGARDING THE PROCEDURES FOR THE EMPLOYEE  
PROTECTION ACT FOR DETERMINING JURISDICTION**

**CIVIL SERVICE COMMISSION RESOLUTION NUMBER 2004-005**

**WHEREAS**, the Civil Service Commission on September 23, 2003 passed Civil Service Commission resolution number 2003-08 as it relates to establishing procedures for those government employees who “whistle blow” on the workings of the government; and

**WHEREAS**, the procedures did not take into consideration whether such action is appropriate as a “whistle blower” complaint or that of a grievance; and

**WHEREAS**, such a determination would be important for both the complaining employee and management to determine from the outset so that time, money and effort could be directed appropriately; and

**WHEREAS**, such a determination should have been included in the initial Civil Service Commission resolution;

**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 determine whether such action is more appropriately a grievance or a personnel action appeal instead of a whistle-blower complaint.
3. If the Executive Director determines that such a complaint is more appropriate of that of a grievance or a personnel action appeal, he shall report such findings before the Civil Service Commission for their action.
4. If the Civil Service Commission agrees with the determination of the Executive Director, the Civil Service Commission shall dismiss such charges and have the employee complaint re-evaluated as a grievance or a personnel action appeal.
5. If the Executive Director determines that the complaint meets the requirements for a “whistle-blower” complaint, the Executive Director of the Civil Service Commission is hereby directed to first investigate whether the employee had first complied with the written evidence requirement of the statute. If so, then the Executive Director shall then determine whether the complaining employee satisfied the prior notice to employer requirement of the statute; and
6. If the employee fails to provide proof or showing that he has complied with item 5 above, the Executive Director shall recommend the dismissal of the complaint subject to the Commission’s approval.

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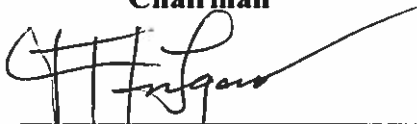
7. If the investigation fails to provide proof for a reasonable basis for the charges, the Executive Director shall recommend the dismissal of the complaint subject to the Commission's approval.
8. If the Executive Director of the Civil Service Commission believes that there is a reasonable basis for the charges, he will inform the agency of the investigation findings and recommendations.
9. 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 29<sup>th</sup> DAY OF June 2004



LUIS R. BAZA  
Chairman

MANUEL R. PINAUN  
Vice-Chairman



JOQUIN T. ANGOCO  
Commissioner



PRISCILLA T. TUNCAP  
Commissioner

JOHN V. GERBER  
Commissioner

JOSE L.G. TECHAIRA  
Commissioner



MARIA T.C. RAMOS  
Commissioner



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