



GOVERNMENT OF GUAM

**CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT**

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CSC RESOLUTION NO. 2005-002

**PROCEDURES FOR LUMP SUM PAYMENT FOR EMPLOYEE UPON
PROMOTION WHEN ON A DETAIL ASSIGNMENT**

WHEREAS, an Attorney General's Opinion (Ref: DOA89-1196) discussed that the appropriate payment for accrued annual leave on retirement or resignation indicated that such pay would be at the rate of the individual employee's permanent pay; and

WHEREAS, 4 GCA Section 4109(e) provides in pertinent part that:

Any employee who transfers from one branch of the government of Guam to another, or from one department, agency instrumentality or corporation of the government of Guam to another department, agency, instrumentality or corporation at his option may accept the cash value of his earned leave at the time of his transfer or transfer his accumulated leave to this new government position, notwithstanding the fact that such transfer may appear on the employee's personnel records as a resignation and re-employment; and

WHEREAS, some personnel departments and agencies and instrumentalities of the government of Guam have used this opinion to give detailed employees only their permanent pay upon promotions without properly adjusting the employee's personnel action to reflect a termination of detail prior to the transfer; and

WHEREAS, these same personnel departments and agencies and instrumentalities of the government of Guam have failed to ensure that the detailed employee's final paycheck with that department or agency or instrumentality of the government of Guam reflect the permanent base pay of the employee rather than earning the detail pay;

NOW THEREFORE, BE IT RESOLVED that the Guam Civil Service Commission adopts the following procedures regarding the lump sum payment for detailed employees who are transferred:

1. Any employee who transfers from one branch of the government of Guam to another department, or from one department, agency, instrumentality or corporation of the government of Guam may choose to receive the cash value of his accumulated annual leave as stated in 4 GCA Section 4109(e).
2. The determination of the cash value will be based upon the personnel action taken by the department, agency, instrumentality or corporation of the government of Guam.
3. When a personnel action is processed to revert the employee back to his permanent position, the pay for the accrued annual leave will be based upon the employee's permanent base pay.
4. Otherwise, the rate of pay for the accrued annual leave will be that of the detail pay when there is no personnel action reflecting a termination of the detail appointment prior to the employee's last work date of employment with the department, agency, instrumentality or corporation of government of Guam.

SO ADOPTED THIS 27th DAY OF January 2005.

LUIS R. BAZA
Chairman

JOAQUIN T. ANGO
Commissioner

NOT PRESENT

JOHN V. GERBER
Commissioner

MANUEL R. PINA
Vice-Chairman

PRISCILLA T. TUNCA
Commissioner

JOSE L.G. TECHA
Commissioner