



## GOVERNMENT OF GUAM

### CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

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### CSC RESOLUTION NO. 2010-02

**WHEREAS**, Public Law 28-68 ("PL 28-68") was drafted without collaboration with the Commission and enacted into law on September 30, 2005 and took effect on January 1, 2006; and

**WHEREAS**, PL 28-68 divested the Commission of critical jurisdiction and authority of certain functions key to protecting and upholding the merit system of employment within the government of Guam and has caused much confusion because of the statute's inconsistent demarcation of "adjudicatory" versus "non-adjudicatory" functions; and

**WHEREAS**, the Organic Act of Guam, codified in 48 U.S.C. § 1422c(a) states, in pertinent part, that "[t]he Legislature shall establish a merit system to the extent as far as practicable in the appointment and promotion in the merit system. The Government of Guam may by law establish a Civil Service Commission to administer the merit system[;]"and

**WHEREAS**, the "merit system" is defined in the case of *Hauser v. Dept. of Law, et al.*, 97 F.3d 1152 (9th Cir. 1996) as a system that encompasses the job protection of employees, including the ability to appeal adverse employment decisions and a system of promoting and appointing civil service personnel on the basis of merit, to be determined by competitive examinations; and

**WHEREAS**, Legislative Bill 92 was introduced on April 6, 2009 by Senators Judith Guthertz, Adolfo Palacios, and Rory Respicio after extensive collaboration with the Commission regarding necessary changes and additions to statutes affecting the Civil Service Commission functions and jurisdictions; and

**WHEREAS**, Bill 92 was entitled, "An Act to restore certain jurisdictions and clarify certain functions of the Civil Service Commission by repealing and reenacting Title 4 GCA §§ 4403, 4406, 4408, and 5105; subitems (b) and (c) of Title 4 GCA § 4405, and new §§ 4410 and 4411[;]" and

**WHEREAS**, Bill 92 was signed into law as Public Law 30-112 ("PL 30-112") and took effect on March 12, 2010; and

**WHEREAS**, PL 30-112 restored post audit authority of personnel actions to the Commission and the authority to declare null and void any government of Guam personnel action taken in violation of law or rules/regulations, which restoration was codified in 4 GCA § 4403(d) and (e); and

**WHEREAS**, PL 30-112 provides that the jurisdiction of the Commission extends to include investigatory functions in addition to all of its adjudicatory responsibilities as set forth in 4 GCA § 4403; and

**WHEREAS**, the Commission is now responsible for the conducting of investigations relating to such diverse areas of personnel matters as Public Employee Protection (4 GCA §§ 4403(i), 4501, *et seq.*), furlough appeals (4 GCA § 4403(c)), lay-off appeals (4 GCA § 4403(c)), Political Activity (4 GCA § 5105), and Ethics in Public Contracting (5 GCA § 5601 *et seq.*);

**WHEREAS**, the government of Guam has approved, in various forms, several systems of pay applicable to individual agencies and entities of the government of Guam; and

**WHEREAS**, such systems have been accompanied by varying sets of Personnel Rules and Regulations such that no single set of Personnel Rules and Regulations governs the entirety of the government of Guam; and

**WHEREAS**, as a result of the implementation of several systems of pay and the adoption of several sets of Personnel Rules and Regulations, the knowledge, ability, and skill set required to ensure that the merit system as a whole is upheld has increased greatly; and

**WHEREAS**, on September 7, 2010, in recognition of such increase in the responsibilities of the Commission as well as the outstanding performance and diligence of Naomi Lujan-Gonzales in executing her duties as the Commission's Executive Director, the Commission Board specifically approved a pay shift for Ms. Naomi Lujan-Gonzales.

**NOW THEREFORE BE IT RESOLVED**, that pursuant to final approval of the Governor, the salary of Ms. Naomi Lujan-Gonzales as Executive Director of the Commission is hereby adjusted an additional two steps from her current base salary effective as of date of approval by the Commission Board on September 7, 2010.

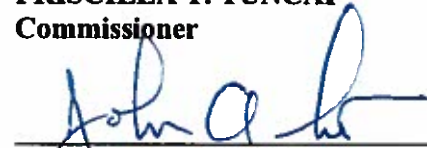
Duly and regularly adopted this 12<sup>th</sup> day of October, 2010.

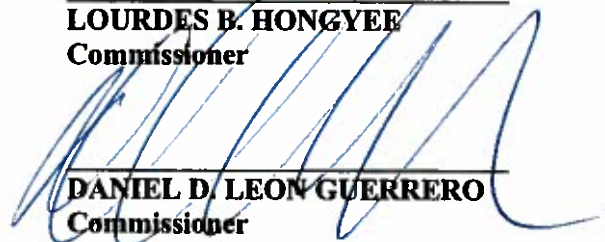
  
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**LUIS R. BAZA**  
Chairman

  
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**MANUEL R. PINAUIN**  
Vice-chairman

  
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**PRISCILLA T. TUNCAP**  
Commissioner

  
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**LOURDES B. HONGYEE**  
Commissioner

  
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**JOHN SMITH**  
Commissioner

  
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**DANIEL D. LEON GUERRERO**  
Commissioner