



CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM

**RELATIVE TO FURLOUGH, LAYOFF, AND PRIORITY PLACEMENT
APPEAL PROCEDURES
CSC RESOLUTION NO. 2018-001**

WHEREAS, the Civil Service Commission has implemented the Lay-Off Appeal Procedures through CSC Resolution CSC-001-84; and,

WHEREAS, it was implied that this procedure was applicable to Furlough appeals and Priority Placement appeals; and,

WHEREAS, the Civil Service Commission recognizes the need to address specifically the Furlough and Priority Placement Procedures in the Lay-Off Procedures as adopted by CSC-001-84; and,

WHEREAS, the Commission recognizes that Furloughs, Lay-Offs and Priority Placement rules and procedures go hand in hand and apply to each other; and,

WHEREAS, the Civil Service Commission further recognizes that the Lay-Off Appeal Procedures were created by resolution in 1984.

BE IT HEREBY RESOLVED that the Lay-Off Appeal Procedures created by CSC-001-84 are hereby amended to be applicable to Furlough, Lay-Off and Priority Placement Appeal Procedures.

Duly and regularly adopted this 8th day of March, 2018.



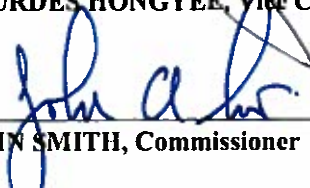
EDITH PANGELINAN, Chairperson



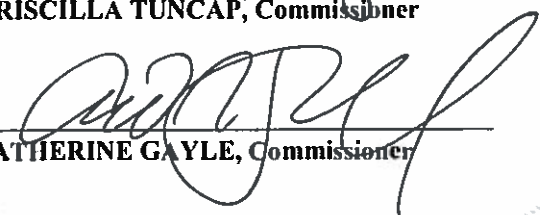
LOURDES HONGYEE, Vice Chairperson



PRISCILLA TUNÇAP, Commissioner



JOHN SMITH, Commissioner



CATHERINE GAYLE, Commissioner



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**CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM**

**RELATIVE TO FURLOUGH, LAYOFF, AND
PRIORITY PLACEMENT APPEAL PROCEDURES**

The following procedures shall apply to appeals filed under Section GG-140 of the layoff procedures.

**I. APPEALS ALLEGING THE INCORRECT APPLICATION OF FULOUGH,
LAYOFF, OR PRIORITY PLACEMENT PROCEDURES**

A. Writing

The appeal must be in writing, and must state specifically what provisions of the furlough, layoff, or priority placement procedures were incorrectly applied.

B. Investigation

The Civil Service Commission staff will commence an investigation into the allegations within ten (10) calendar days from receipt of the appeal.

C. Decision

Upon conclusion of the investigation, a report will be submitted to the Civil Service Commission Board for disposition of the appeal. The Board may either make a final decision or refer the matter back to the staff for further investigation.

If further investigation is necessary, it shall be completed as expeditiously as possible, and a final report submitted to the Board immediately thereafter.

A final decision will be issued by the Board within ten (10) work days after the submission of the final investigation report.

Parties will have thirty (30) calendar days from receipt of the Board's decision to appeal to the Superior Court, unless otherwise provided by law.

II. APPEALS ALLEGING BAD FAITH

A. Writing

1. The appeal must be in writing and must specify the reasons or actions constituting bad faith.
2. The Civil Service Commission will provide a copy of the appeal to the department or agency involved within three (3) work days, and schedule a hearing as soon as possible.

B. Pre-Hearing Requirements

1. Each party must submit the following to the Commission office, and to the opposing party, within ten (10) work days prior to the hearing.
 - a. List of witnesses to be examined.
 - b. List of documents or exhibits to be examined.

C. Hearing

1. Parties must appear at the hearing when called to testify; otherwise, parties may appear in order to present oral or written statements at the start of the hearing or to examine witnesses. Written statements may be submitted prior to the hearing.
2.
 - a. Witnesses will be examined by the parties and/or the Board. Neither party may object to the questions or the testimonies.
 - b. A party who chooses not to appear to examine witnesses may submit a list of questions for each witness. These questions will be asked by the Board on behalf of the party.
 - c. Subpoenas for GovGuam employees (witnesses) must be served by the department or agency head or designees. Subpoenas for their witnesses will be served by the party calling these persons as witnesses.

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3.
 - a. Parties may offer documents or exhibits into evidence without the necessity of formal presentation. The board on its own, may admit other documents or exhibits. Neither party may object to the admission of documents or exhibits.
 - b. Copies of public documents within the control or possession of a department or agency will be provided to the appellant and to the Board upon request.
 - c. Copies of documents within the control or possession of the appellant will be provided upon request to the department or agency and to the Board.

D. Decision

Upon conclusion of the testimonies and the submission of all documents required by the Commission, the hearing will be deemed closed and the Board will issue a decision within thirty (30) calendar days. The Board may extend this deadline whenever necessary. Parties will have thirty (30) calendar days from receipt of the Board's decision to appeal to the Superior Court, unless otherwise provided by law.

E. Assistance

A party may seek the advice and assistance of an attorney or any other person at any stage of the appeal process.

F. Bad Faith

As used in these procedures, the term "bad faith" is defined to mean the absence of honesty in the purpose, conduct, or transaction concerned. That is, the furlough, layoff, or priority placement of an appellant must have been based on economy, efficiency, or the lack of work or funds, and not for any dishonest reason.

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