

**AMENDMENT TO CSC RESOLUTION NO. 88-002
(Second Amendment)**

A new Section 4 is added to CSC Resolution 88-002, to read:

Section 4. Delegation. Administrative Matters and Non-Adjudicatory Decisions.

- a. The Chairperson, or if unavailable, the Vice-Chairperson, is authorized to issue and sign on behalf of the Commission, memoranda and other documents of an administrative and routine nature.
- b. The Chairperson, or if unavailable, the Vice-Chairperson, is authorized to sign decisions, rulings, and opinions of a non-adjudicatory nature on behalf of the Commission provided the Commission had previously voted on the matter addressed in the decision, ruling, or opinion. This provision will only be applicable where a quorum of those who voted on the matter is unavailable.

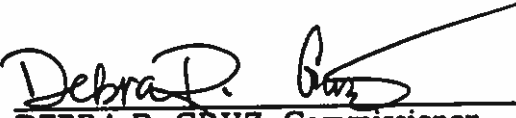
Dated this 4th day of October, 1988.



MARIA S. CONNELLEY, Chairperson



FELIX P. CAMACHO, Commissioner



DEBRA R. CRUZ, Commissioner



EDWARD P. MENDIOLA, Commissioner

VICENTE P. PEREZ, Commissioner

AMENDMENT TO CSC RESOLUTION 88-002

Section 3 on Delegation is hereby repealed and the following provisions are added to Section 2:

The Chairperson, or if unavailable, the Vice-Chairperson, or the Presiding Officer if other than the Chairperson or Vice-Chairperson, may issue a written decision or ruling in the event that at least four (4) of the Commissioners who voted and concurred in the majority decision or ruling during deliberations are unavailable for signing, provided that whoever signs must have concurred in the majority decision, otherwise the most * senior available Commissioner who concurred in the majority decision may issue the decision.

The effective date of the decision or ruling shall be the date of signing.

The Chairperson, or if unavailable, the Vice-Chairperson, is authorized to issue routine procedural orders.

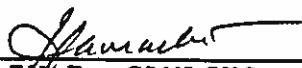
Dated this 10th day of May, 1988.



MARIA S. CONNELLEY
Chairperson



WILLIS S. CANNON
Vice-Chairperson



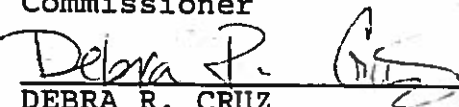
FELIX P. CAMACHO
Commissioner

JOHN D. ISHMAEL
Commissioner

EDWARD P. MENDIOLA
Commissioner



VICENTE P. PEREZ
Commissioner



DEBRA R. CRUZ
Commissioner

* most work experience with CSC

CSC RESOLUTION NO. 88-002

BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION:

WHEREAS, Section 4403 of Title 4 of the Guam Code Annotated vests the Civil Service Commission with authority to adopt rules to govern its procedures; **NOW, THEREFORE, BE IT**

RESOLVED, that the Civil Service Commission hereby duly adopts its procedures for deliberations, decisions and rulings, and delegation.

1. **Deliberation.** Deliberations involving EEO complaints, adverse action appeals, grievance appeals, or other adversarial appeals must be conducted and concluded by at least four (4) Commissioners who were present at the hearing.

In the event that a decision must be rendered after a hearing and the fourth Commissioner who heard the matter is unavailable due to separation or prolonged absence, a Commissioner who was not present at the hearing may be allowed to participate in the deliberation after reviewing the record on the matter to be decided, including tapes of the hearing, and a transcript, if one is available.

2. **Decisions and Rulings.** Decisions or rulings on motions or the merits of a case made during deliberations of EEO complaints, adverse action appeals, grievance appeals, or other adversarial appeals shall be reduced to writing and contain the findings of the Commission or the basis of the decision or ruling.

In cases where a decision is not reached because four (4) concurring votes were not obtained, the appeal or complaint shall be disposed of against the party with the burden of proof. A written ruling shall issue dismissing the action.

Decisions or rulings on motions may be included in the final written decision disposing of the appeal or complaint, unless a motion decision or ruling is itself dispositive of the appeal or complaint, in which case a final written decision or ruling on the motion must issue.

A written decision or ruling shall be considered final and shall be dispositive of the issues presented therein.

Notwithstanding any other Civil Service Commission and EEO Review Board rule, regulation, or policy, written decisions and rulings mentioned herein may issue within thirty (30) working days from the conclusion of the deliberation in which a decision or ruling is made which forms the basis of the final written decision or ruling.

3. **Delegation.** The Chairperson, or the Vice-Chairperson in the absence or incapacitation of the Chairperson, may be delegated authority to sign written decisions or rulings on behalf of a Commissioner(s) who, because of extended unavailability, is(are) unable to be present to review and sign a majority decision or ruling in which s/he concurred. This shall be allowed only with the written consent of the unavailable Commissioner. This delegation is only operable in cases where the Chairperson, or the Vice-Chairperson, where applicable, concurred in the majority decision or ruling. In their absence or when delegation to the Chairperson or Vice-Chairperson is not permitted as provided herein, delegation, when made, shall be made in the same manner to the presiding officer, if other than the Chairperson or Vice-Chairperson, if the presiding officer concurred in the majority decision; otherwise, the delegation may be made to any other Commissioner who concurred in the majority decision.

DULY AND REGULARLY ADOPTED ON THE 10th DAY OF MARCH,
1988.



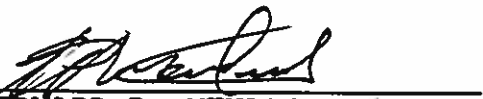
MARIA S. CONNELLEY
Chairperson



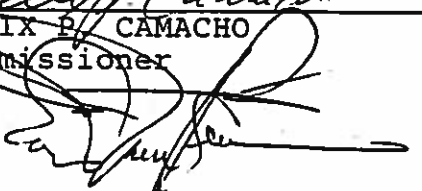
WILLIS S. CANNON
Vice-Chairperson




FELIX P. CAMACHO
Commissioner



EDWARD P. MENDIOLA
Commissioner



EDUARDO F. DELA PENA
Commissioner



JOHN D. ISHMAEL
Commissioner