



**MERIT!**

**CIVIL  
SERVICE  
COMMISSION**  
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**CSC RESOLUTION NO. 89-004**

**RELATIVE TO MOTION PROCEDURES  
FOR ADVERSE ACTION APPEALS AND  
DISCRIMINATION COMPLAINTS.**

**BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION:**

**WHEREAS, 4 GCA Section 4402 vests the Civil Service Commission with authority to adopt rules to govern its procedures; and**

**WHEREAS, the Civil Service Commission has adopted motion procedures for adverse action appeals pursuant to CSC Resolution No. 87-004; and**

**WHEREAS, there is a need to establish motion procedures for discrimination complaint proceedings before the Civil Service Commission; now, therefore, be it**

**RESOLVED, CSC Resolution No. 87-004 is hereby repealed and a new CSC Resolution 89-004 is hereby enacted to implement motion procedures for adverse action appeals and discrimination complaints; and be it further**

**RESOLVED, all time frames applicable to pending motions filed pursuant to CSC Resolution 87-004 shall carry-over to the corresponding provisions of CSC Resolution 89-004 without change; be it further**

**RESOLVED, CSC Resolution No. 89-004 be effective on the date of signing.**

**DULY AND REGULARLY ADOPTED ON THE 26th DAY OF January, 1989.**

  
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MARIA S. CONNELLEY, Chairperson

  
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WILLIS S. CANNON, Vice-Chairperson

  
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EDWARD P. MENDIOLA, Commissioner

  
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JOHN D. ISHMAEL, Commissioner

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VICENTE P. PEREZ, Commissioner

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DEBRA R. CRUZ, Commissioner



# MERIT

Government of Guam

  
**CIVIL  
SERVICE  
COMMISSION**  
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**MAR 07 1989**

CSC No. 89-260

MEMORANDUM

**TO: All Department and Agency Heads**

**FROM: Executive Director  
Civil Service Commission**

**SUBJECT: Motion Procedures for Adverse Action  
Appeals and Discrimination Complaints**

The Civil Service Commission Board, at its meeting on January 26, 1989, has duly adopted the attached rules and procedures governing motions relative to proceedings for Adverse Action Appeals and Discrimination Complaints (CSC Resolution No. 89-004).

These rules are now in effect. All time frames applicable to pending motions filed pursuant to CSC Resolution 87-004 shall carry-over to the corresponding provisions of CSC Resoltuion 89-004 without change.

Please be guided accordingly.

  
NORMA J. AFLAGUE

Attachment (CSC Resolution 89-004)

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MOTION PROCEDURES:  
ADVERSE ACTION APPEALS  
and  
DISCRIMINATION COMPLAINTS

DEFINITIONS

1. "Moving Party": refers to the party or parties filing a motion, including the attorneys or representatives of the party or parties.
2. "File": refers to the filing of a motion and or required documents with the Civil Service Commission during office hours.
3. "Days": as used in these procedures, refers to calendar days, unless otherwise specified.
4. "Opposing Party": refers to the party or parties opposing the motion, including the attorneys or representatives of the party or parties.
5. "Dismissal With Prejudice": involves a final decision of the Civil Service Commission dismissing an adverse action appeal or discrimination complaint, and barring a re-adjudication of the appeal or complaint.

RULE I: MOTION CALENDAR

1. The Civil Service Commission (Commission) shall maintain a motion calendar for adverse action appeals and discrimination complaints for the purpose of dealing with preliminary procedural issues or questions of law raised by a party which

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3 must be decided or addressed prior to hearing the merits of  
4 an appeal.

5 2. Oral arguments in support of a motion, if required to be  
6 heard, shall be heard separately and prior to hearing the  
7 merits of an appeal or complaint. Either the parties or  
8 their attorneys or representatives may present oral argu-  
9 ments. The Commission may, at its discretion, rule on a  
10 motion without argument.

11 3. The Commission may at any time raise issues not raised by  
12 motion which in its judgment must be decided or addressed  
13 prior to hearing the merits of an appeal. In this event, the  
14 matter shall be heard separately from the merits of the  
15 appeal or complaint. Parties shall be afforded ten (10) days  
16 to submit a written response before the matter is set for  
17 hearing.

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19 **RULE II: FILING OF MOTIONS**

20 1. A moving party shall file a motion anytime after an appeal or  
21 complaint has been filed but not later than thirty (30) days  
22 before the original date set for hearing the merits of the  
23 appeal or complaint.

24 2. A motion shall be supported, where appropriate, or when  
25 required by the Commission, by affidavit, memorandum of  
26 authority, or stipulation of the parties, or other supporting  
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3 documents. The motion shall include a request for, or waiver  
4 of, oral argument.

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7 **RULE III: NOTIFICATION OF THE PARTIES**

- 8 1. A party filing a motion with the Commission shall provide the  
9 opposing party with a copy of the motion and accompanying  
10 documents no later than the next working day after the motion  
11 has been filed.  
12 2. An opposing party shall be allowed ten (10) days from the  
13 date of receipt of the motion to file with the Commission an  
14 opposition to the motion. The opposing party shall provide a  
15 copy of the opposition to the moving party no later than the  
16 next working day after the opposition has been filed. The  
17 moving party shall have three (3) working days to file a  
18 reply with the Commission.  
19 3. If the Commission desires to hear oral argument on any  
20 motion, it shall set the matter for hearing upon ten (10)  
21 days notice of the parties.

22 **RULE IV: MOTION**

23 The Commission will entertain the following Motions:

- 24 1. Motion to Postpone Hearing. The motion shall set forth the  
25 factual basis for the motion and may be accompanied by signed  
26 stipulation of the parties. Postponements based on illness-  
27 es, emergencies, or stipulations may be granted without  
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hearing by the Chairperson or the Executive Director.

2. Motion to Dismiss Adverse Action Appeal or Discrimination Complaint. Motion to Void Adverse Action. The grounds for the motion may be in regard to jurisdiction, untimely filing of the appeal, the statute of limitation, or procedural defects. The legal and factual basis supporting the motion must be sufficiently set forth in the motion. A motion to dismiss may also be made upon stipulation of the parties. The signed stipulation of the parties shall be attached with the motion.
3. Motion to Allow Hearing in the Absence of Appellant. The motion shall set forth the factual basis for the motion and may be accompanied by signed stipulation of the parties. In its discretion, the Commission may require affidavits in support of the motion.
4. Other Motions. The Commission may entertain other motions which it believes must be decided or addressed prior to hearing the merits of an appeal.

**RULE V: TIMELY FILING**

1. Unless good cause is shown, documents which are not filed on time shall be disregarded by the Commission.

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**RULE VI: COPIES**

1. Parties shall submit to the Commission ten (10) copies of all documents filed.

**RULE VII: PARTIES NOT REPRESENTED BY ATTORNEYS**

1. The Commission reserves the power to limit or adjust the application of these rules at anytime to a party not represented by attorneys whenever it is clear to the Commission that there is a genuine misunderstanding of a rule or rules which would operate unfairly to the party if strictly applied.