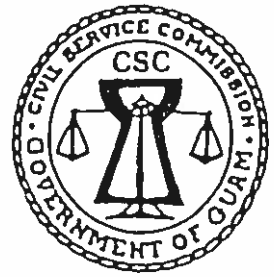


GOVERNMENT OF GUAM

CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

490 Chalan Palasyo, Agana Heights
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Tel: 475-1300/01 Fax: 477-3301



**CIVIL SERVICE COMMISSION
RESOLUTION NO. 99-003**

**RELATIVE TO THE ADOPTION OF THE
RULES FOR LAY REPRESENTATIVES**

WHEREAS, the Civil Service Commission desires to implement rules for Lay Representatives to include these rules in the rules for Adverse Action Appeals; and

WHEREAS, the Civil Service Commission, at its meeting on 28 January 1999, voted and approved the following rules,

NOW, THEREFORE, IT IS RESOLVED:

that the following rules are duly adopted:

RULES FOR LAY REPRESENTATIVES

Hearing Procedure for Adverse Action Appeals

CSC 700 - LAY REPRESENTATIVE

- A. Jurisdiction:** 4 G.C.A. §4402 provides, in part, that, "The Commission may adopt rules to govern its procedures".
1. 4 G.C.A. §4409 expressly exempts the Commission from compliance with the "Administrative Adjudication Law" as to its "rules" and "procedures".
- B. Lay Representative:** 7 G.C.A. §9215(c)(16) permits a person who is not an attorney to represent an employee before the Civil Service Commission in actions related to government service.

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1. 7 G.C.A. §9215(c)(12) permits a government employee to represent a government agency in "administrative hearings" as part of such person's official duties.

C. Rules Relative to Lay Representatives:

1. A non-lawyer who represents an employee before the Commission, shall be called a "**Lay Representative**".
2. A Lay Representative shall enter his or her appearance in a matter by filing with the Commission an entry of appearance which shall contain the employee's or director's express consent to said representation.

D. By entering his or her appearance before the Commission, the Lay Representative becomes subject to the Orders of the Civil Service Commission and to reasonable discipline and to contempt proceedings by the Civil Service Commission.

1. Reasonable discipline may include, but is not limited to, the following:
 - a. Disqualification from appearing before the Commission, so long as disqualification does not prejudice the client's interest; and
 - b. A monetary fine; and
 - c. Incarceration.

E. By agreeing to be a Lay Representative, the Lay Representative assumes an ethical and agency relationship with the employee that he or she represents.

F. No Lay Representative may withdraw from representing an employee except upon motion, cause shown, and an Order of the Commission.

G. Every Lay Representative shall agree in writing that he or she has read, and is familiar with, 4 G.C.A., Chapter 4, the Civil Service Commission's Hearing and Motion Procedures, and the Personnel Rules applicable to the Government Agency that took adverse action against the employee.

BE IT FURTHER


RESOLVED, That these rules shall take effect as of the execution of this Resolution; and be it further

RESOLVED, That the Executive Director, with the advice of the Administrative Counsel, shall provide the necessary guidelines for the implementation of these rules.

DULY AND REGULARLY ADOPTED this 4th day of February 1999.



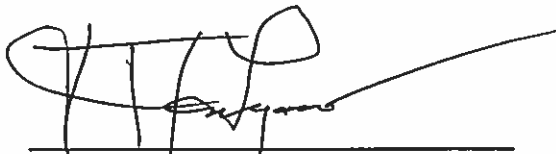
RICHARD J. UNTALAN
Chairman



MANUEL R. PINAUIN
Vice Chairman




JULIA R. CRUZ
Commissioner



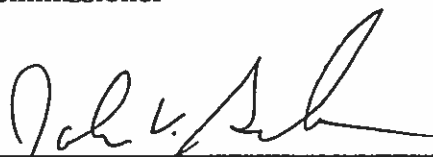
JOAQUIN T. ANGO
Commissioner



ZENON J. BELANGER, JR.
Commissioner



PRISCILLA T. TUNCAP
Commissioner



JOHN V. GERBER
Commissioner