



**GOVERNMENT OF GUAM**

**CIVIL SERVICE COMMISSION  
KUMISION I SETBISION SIBIT**

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Tel: 475-1300/01 Fax: 477-3301



**CIVIL SERVICE COMMISSION  
RESOLUTION NO. 99-005**

**WHEREAS**, the position of Administrative Legal Counsel of the Civil Service Commission has come before the Commission, pursuant to 4 G.C.A. Section 6303, to determine whether it is practicable for the position to be part of the classified service of the Government of Guam, the Commission hereby finds and resolves as follows:

1) The Organic Act of Guam, 48 U.S.C. 1421 et seq, requires that employees of the Government of Guam be part of a civil service "merit system", unless it is "impracticable" to be so;

2. 4 G.C.A. Section 4102(10) defines the unclassified service to be comprised, in part, of, "All employment made, by law, to be at the pleasure of any board."

Law 4 G.C.A. Section 4405(b) mandates that any attorney hired by the Civil Service Commission "serve at the pleasure of the Commission".


Notwithstanding the mandates of 4 G.C.A. Sections 4102 and 4405, the Commission finds, for the following reasons, that it is not practicable that its Administrative Legal Counsel be included within the merit system:

1. Government of Guam employees' appeal of an adverse action is heard by the Civil Service Commission. It is not practicable for an Administrative Legal Counsel of the Civil Service Commission to appeal to the very Commission that took adverse action against him or her;

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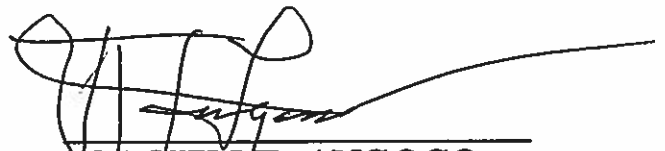
2. In order to effect the goals of the Commission, the Commission requires an attorney who, within the confines of legal ethics, will carry-out the directions of the Commission. The Administrative Legal Counsel is a key management person who must coordinate at the direction of the Director to drive the Commission's goals to fruition. As such, the Administrative Legal Counsel must serve at the pleasure of the board.


DULY AND REGULARLY ADOPTED this \_\_\_\_\_ day of March  
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