

GOVERNMENT OF GUAM
CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

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CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

RESOLUTION NO. 99-015

WHEREAS, 4 G.C.A. Section 4401 states that, "The Commission may adopt rules to govern its procedures"; and

WHEREAS, 4 G.C.A. Section 4409 expressly exempts the Commission from compliance within the Administrative Adjudication Law in the formation of its Rules and Procedures; and

WHEREAS, the Open Government Law, 5 G.C.A. Section 8101 et seq., does not expressly apply its provisions regarding deliberation to the Commission; and

WHEREAS, the Commission is called upon to decide many actions involving drugs in the work place and matters that constitute crimes in the work place; and

WHEREAS, Commissioners are at times reluctant to frankly discuss the merits of actions in the presence of employees, their family and friends; and

WHEREAS, the reluctance referred to above diminishes the deliberative process because honest points of view are not shared;

NOW, THEREFORE, BE IT RESOLVED that the Rules of Procedure for Adverse Actions be amended to include Rule 200 (G) as follows:

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Rule G: Deliberations

The deliberation of the Commission regarding the merits of actions and motions shall be made outside the presence of the public, the parties and the representatives of the parties, unless otherwise decided by a majority vote of the Commission.

1. In addition to the Commissioners, the Executive Director, the Personnel Management Administrator, Administrative Counsel, and Board Secretary, may be present during deliberations, as the Commission may see fit.
2. The Commissioners shall have available to them during their deliberation all items received into evidence in the action.
3. An audio tape recording of the deliberation shall be made and maintained by the Commission. No minutes of the deliberation shall be made.
4. For good cause shown, a court of competent jurisdiction may require the Commission to produce the audio tape recording of its deliberations; otherwise the audio tape recording shall remain unavailable to the public.

5. After the Commission completes its deliberation, it shall convene in public whereupon each Commissioner shall state his or her conclusions regarding the merits and shall cast his or her vote.

DULY ADOPTED AND RATIFIED THIS 2ND DAY OF SEPTEMBER

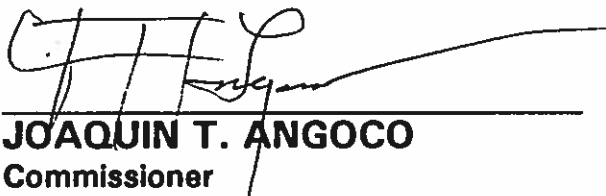
1999.



RICHARD J. UNTALAN
Chairman



MANUEL R. PINAUI
Vice Chairman



JOAQUIN T. ANGO
Commissioner



JULIA R. CRUZ
Commissioner



ZENON J. BELANGER, JR.
Commissioner



PRISCILLA T. TUNCAP
Commissioner



JOHN V. GERBER
Commissioner