



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
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PETER S. CALVO
Executive Director

CSC RESOLUTION NO.: 2018-002
ADVERSE ACTION APPEAL TIME STANDARDS
PUBLIC LAW 33-55 ADVERSE ACTION TIME STANDARDS

WHEREAS, Public Law No. 33-55 has directed the Civil Service Commission to commence a Hearing on the Merits in adverse action appeals no later than four (4) months from the initial filing of the appeal; and,

WHEREAS, the Civil Service Commission intends to comply with the law on the mandated time standards; and,

WHEREAS, CSC Resolution No. 2016-001 required the parties to submit a Case Management Statement.

NOW, BE IT HEREBY RESOLVED that the CSC adopts the attached Case Management draft as the official Case Management Statement form.

Duly and regularly adopted this 18TH of SEPT., 2018.



EDITH PANGELINAN
Chairperson



LOURDES HONGYEE
Vice-Chairperson

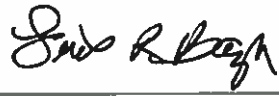


PRISCILLA TUNCAP
Commissioner



JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner



LUIS R. BAZA
Commissioner



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CASE MANAGEMENT STATEMENT

Instructions:

- 1) Case Management Statements must be filed within fourteen (14) days of the Notice of Appeal being filed or one (1) day prior to the second Scheduling Conference Call whichever comes first.
- 2) No dates for a Hearing on the Merits or Pre-Hearing Conference will be set until the Case Management Statement is filed.
- 3) Parties are required to meet and confer regarding completion of the Case Management Statement. "Meet and confer" does not require that the parties meet in person, but does require that the parties take reasonable time to discuss in good faith all the issues contained in the statement.
- 4) Parties are encouraged to file a Joint Case Management Statement. If the parties disagree on an issue, a Joint Case Management Statement can still be filed, expressing the respective position of the parties.
- 5) Failure to meet and confer or cooperate in the completion of the Case Management Statement can be grounds for an unfavorable disposition of the case.
- 6) The Case Management Statement shall include the case number, names of the parties, as well as the names, addresses, and contact information of the representatives. It shall be signed by the representatives.
- 7) Each of the issues listed below shall be addressed in the Case Management Statement.

Issues:

- 1) Jurisdiction: Do the parties agree that the Civil Service Commission has jurisdiction to hear this matter? If not, briefly explain.
- 2) If this is an Appeal of an Adverse Action, do the factual allegations correspond to statutory prohibitions in the **Criminal Code** (therefore requiring the CSC to apply the substantial evidence standard of proof as opposed to the clear and convincing standard applied in all other matters)?
- 3) Settlement: What are the prospects for settling this case? Have the parties discussed settlement?
- 4) Motions: Do either of the parties intend to file any motions? If so, please describe.
- 5) Discovery: What discovery is anticipated in this case? When can discovery be completed and witnesses and exhibits filed for a Pre-Hearing Conference?
- 6) Time for Hearing: How many nights do the parties anticipate will be needed before the Commission to have this case heard on the merits? (Note: More than four (4) nights requested will require an evidentiary hearing with the Administrative Counsel).
- 7) Procedural Issues: Are there any procedural issues the Commission should be aware of?
 - (A) (Grievance Only): Have the requisite steps for the grievance complaint been completed with the agency before this case was filed?
 - (B) (Adverse Action Only): Do the parties agree that management provided adequate notice within the sixty (60) day timeframe? If not, briefly explain.
- 8) Other Issues: Are there any other issues that affect this case that need to be addressed?
- 9) Meet and Confer: Did the parties meet and confer in completing this Statement?
- 10) Do the parties agree that they have read the Order of Presentation which is as follows?
 - (A) Opening Statement: 15 minutes each party
 - (B) Witness Examination: 15 minutes each party
 - (C) Witness Cross-Examination: 8 minutes
 - (D) Employee Examination: 30 minutes each party
 - (E) Employee Cross-Examination: 15 minutes
 - (F) Closing Statement: 15 minutes