



**CIVIL SERVICE COMMISSION**  
**KUMISION I SETBISION SIBIT**  
**GOVERNMENT OF GUAM**

**CSC RESOLUTION NO.: 2024-002**

**RELATIVE TO AMENDING TITLE 4 GUAM CODE ANNOTATED,  
SECTION 4403 (d) and (e) THE POST AUDIT STATUTE.**

**WHEREAS**, the current Title 4 Guam Code Annotated, Section 4403 (d), requires the Civil Service Commission (Commission) to resolve Post Audit Complaints within one hundred eighty (180) days of the filing of the complaint; and,

**WHEREAS**, the Commission has had difficulties meeting this deadline due to budgetary constraints, open government obligations, and complications meeting quorum requirements; and,

**WHEREAS**, not meeting the one hundred eighty (180) day requirement results in the Commission having no jurisdiction to continue a Complaint; and,

**WHEREAS**, lack of jurisdiction in a Post Audit Complaint brings about a concern that an employee's due process rights may be negatively impacted; and,

**WHEREAS**, the expansion of this period would allow the Commission to better protect the merit system; and,

**WHEREAS**, the recent opinions of the Guam Supreme Court have led to difficulties for the Commission to enforce its actions when null and voiding certain personnel actions which are in violation of existing laws or regulations; and,

**WHEREAS**, those Guam Supreme Court opinions have also led to confusion in the Adverse Action Appeals heard by the Commission; and,

**WHEREAS**, the current statute Title 4 Guam Code Annotated, Section 4403(e) requires the Commission to review personnel actions, and it does not specifically authorize the Commission to null and void, modify, or order corrections when violations are discovered; and

**WHEREAS**, the current statute Title 4 Guam Code Annotated, Section 4403(e) does not allow for consequences if an Agency does not turn in documents without the CSC taking action first; and,

**WHEREAS**, the current statute Title 4 Guam Code Annotated, Section 4403(e) omits the authority for CSC to take action on a received Notice of Personnel Action that includes an error; and,

**WHEREAS**, the current statute Title 4 Guam Code Annotated, Section 4403(e) does not currently allow for consequences if an Agency does not make the recommended change to a Notice of Personnel Action; and,

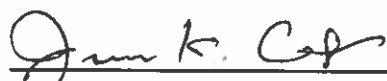
**WHEREAS**, the Commission would better be able to protect the merit system if these issues are addressed, **NOW THEREFORE:**

**BE IT RESOLVED THAT the Civil Service Commission** staff be authorized to lobby the Legislature to improve the issues described above, and recommend other amendments as necessary; and,

**BE IT RESOLVED that the prior Civil Service Commission Resolutions** regarding lobbying the Legislature regarding these specific sections of Title 4 GCA Section 4403(d) or Title 4 GCA Section 4403(e) be superseded by this Resolution; and,

**BE IT RESOLVED that this Civil Service Commission Resolution** shall continue until a change in Legislation within Title 4 GCA section 4403(d) or Title 4 GCA Section 4403(e) or until February 13, 2026, whichever comes first.

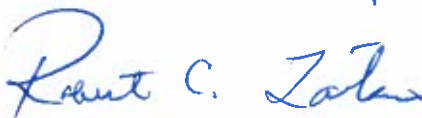
Duly and regularly adopted on this 13<sup>th</sup> day of FEBRUARY, 2024.



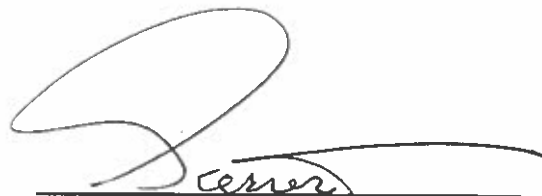
**JUAN K. CALVO,**  
*Chairman*



**ANTHONY P. BENAVENTE,**  
*Vice Chairman*



**ROBERT C. TAITANO,**  
*Commissioner*



**FRANCISCO T. GUERRERO,**  
*Commissioner*