



CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT
GOVERNMENT OF GUAM

"CIVIL SERVICE COMMISSION IS THE VAN GUARD OF THE MERIT SYSTEM"

**A RESOLUTION REQUIRING THE PROPOSED RULES AND REGULATIONS
GOVERNING PERSONNEL POST-AUDITS BE SUBJECT TO PUBLIC HEARING
AND FOLLOW THE ADMINISTRATIVE ADJUDICATION PROCESS
CONSISTENT WITH 5 GCA §§ 9301
CSC RESOLUTION NO. 2026-001**

WHEREAS, the Guam Civil Service Commission (*Kumision I Setbision Sibit*) is vested with responsibility and authority to ensure transparency, accountability, and fairness in the administration of government of Guam personnel matters; and

WHEREAS, pursuant to 4 GCA § 4403 (d) 3 the *Kumision I Setbision Sibit* shall adopt post audit rules and regulations to effectuate its duties and responsibilities; and

WHEREAS, personnel post-audits are conducted by the *Kumision I Setbision Sibit* to determine compliance with applicable personnel laws, rules, and regulations, and may result in findings that affect government of Guam classified employees' status, compensation, or benefits; and

WHEREAS, the adoption or amendment of rules and regulations governing personnel post-audits constitutes agency action that is subject to public scrutiny and participation pursuant to the principles of open and transparent government; and

WHEREAS, strengthening post-audit oversight promotes fairness, consistency, and accountability across Government of Guam departments and agencies; and

NOW, THEREFORE, BE IT RESOLVED by the *Kumision I Setbision Sibit* adopts the proposed rules and regulations for the purposes of initiating the Administrative Adjudication Law process; and

BE IT RESOLVED, that the Executive Director of the *Kumision I Setbision Sibit* comply and execute the attached Post Audit Rules and Regulations consistent with 5 GCA §§ 9301.

DULY AND REGULARY ADOPTED this 12 day of February 2026.

JUAN K. CALVO
Chairman

ANTHONY P. BENAVENTE
Vice Chairman

FRANCISCO T. GUERRERO
Commissioner

CATHY O. CATLING
Commissioner

ROSE MARIE A. MORALES
Commissioner

Proposed 2/12/26

Post Audit

Rules and Regulations

§ 2401. Jurisdiction

The Civil Service Commission (CSC) adopts these Rules and Regulations under the authority granted by 4 GCA §4403(d)(3) and §4409. These Rules become effective on _____, 2026.

§ 2402. Intent, Purpose and Commitment to Fair Employment

The Government of Guam operates under the Organic Act of Guam, which mandates that every appointment and promotion within governmental departments and agencies be based on a merit system. This ensures that employment decisions are made fairly, using competitive tests and evaluations rather than personal or political influence. To uphold these standards, the Guam Legislature established the Civil Service Commission (CSC). The CSC is tasked with the oversight and management of this system, ensuring that every personnel action reflects the integrity of the government's personnel policies (4 G.C.A. § 4101).

- (a) The role of a "Post-Audit" is a formal review process used to verify that personnel actions comply with the merit system. The Legislature has granted the CSC discretionary authority to investigate these actions. A Post-Audit is a safeguard—it is a fact-finding inquiry designed to maintain transparency and accountability across all departments and agencies.
- (b) When a personnel action is reviewed, the process follows a structured path to ensure due process for all parties involved:
- (c) CSC Staff conduct a thorough inquiry into the actions taken by Management. This phase concludes with a report that determines whether allegations of a law, regulation or rule violation are "sustained" or "not sustained."

- (d) If the investigation reveals sufficient evidence of a violation, the CSC may issue a Notice of Alleged Violation (NAV) to the Agency Head. This formal notice outlines the suspected non-compliance.
- (e) Fairness is central to our process. Upon receiving a NAV, the Agency Head is granted 10 days to provide a formal written response to the allegations. This ensures that the Commission reviews all sides of the matter before taking action.
- (f) After reviewing the investigation and the agency's written response, the CSC will schedule a hearing. During this session, the Commission will make a final decision to either uphold the personnel action or, if a violation is confirmed, declare it **null and void**.

§ 2403. Definitions

The following shall be used in interpreting this article.

- (a) **Agency Head** means the Appointing Authority,
- (b) **Classified Service** as defined in 4 G.C.A. §4102(b)- Refers to a "position" an employee occupies not what the personnel action may read.
- (c) **Complaint** is a written allegation that a personnel action has been issued in violation of law, rule or regulation.
- (d) **Complainant** is a person(s) filing complaint.
- (e) **Filed Personnel Action** is a completed personnel action submitted to the CSC that complies with these Rules. Note agencies are required to file all personnel actions in compliance with 4 G.C.A. §4403(e).
- (f) **Personnel Action** is any action affecting an employee's status by law or rule. Usually memorialized in the form of a Notice of Personnel Action.
- (g) **Null and Void** is the CSC action invalidating a personnel action as if never existed. Void ab initio- void from the beginning.
- (h) **Notice of Personnel Action** is the official notification of personnel change (NOPA).
- (i) **Unclassified Service:** As defined in 4 G.C.A. §4102(a)- Refers to a "position" an employee occupies not what the personnel action may read. Note: the fiscal year budget may identify additional unclassified service positions.

§ 2404. Complainant

- (a) Any person believing a personnel action violates laws, rules or regulations may file a complaint.
- (b) The Executive Director may initiate a written complaint under his or her authority or at the recommendation of the staff of the CSC. The Executive Director may define the scope of the post-audit to include the agency and which types of personnel actions will be audited.

§ 2405. Requirements for Personnel Action or Complaint to be Filed.

- (a) All Personnel Actions. Must include:
 - (1) Notice of Personnel Action (NOPA)
 - (2) Abstract- Summary of each NOPA
- (b) Written Complaint: (4 G.C.A. §4403(d)(3))
 - (1) The Executive Director may file a written complaint as stated in rule §2404 above.
 - (2) All other parties filing a complaint must include:
 - (A) Complainant's name, agency, job title (if applicable)
 - (B) Description of the personnel action, the alleged violation or the circumstances that form the basis of the complaint.
 - (C) Representative's name (if any)
 - (D) Contact information (mailing address, email, phone)
 - (E) Signature (electronic/fax accepted)
- (c) Incomplete Complaints
 - (1) The CSC staff will notify a Complainant if a Complaint is incomplete.
 - (2) If the Complaint is not completed by the Complainant, within 10 days of initial contact, it shall be noted in a staff report to include communications with the Complainant to complete the Complaint.
 - (3) The Commissioners will make a determination on how to proceed with the matter based on the staff report of the incomplete Complaint.
- (d) The 180-day clock as described in § 2408 below shall begin to run beginning the day after or a complaint is filed. A personnel action may only be post audited once.

§ 2406. Filing Personnel Actions (Agencies Only)

- (a) Personnel Actions must be complete and filed by an agency:
 - (1) In person, 8a.m. – 5p.m. Monday - Friday (excluding: weekends & holidays)
 - (2) Hard copy
 - (3) Filed Personnel Actions are those Personnel Actions that comply with § 2405 above.
 - (4) Incomplete Personnel Actions shall not be considered filed and shall be returned to the agency to be completed and resubmitted.

§2407. Complaints and Withdrawals of Complaints:

- (a) Complaints
 - (1) Complaint forms must be completed and signed by the Complainant.
 - (2) In person, between the hours of 8a.m. – 5p.m. Monday - Friday (excluding: weekends & holidays)
 - (3) Complaints may not be filed anonymously
- (b) Withdrawal of Complaints
 - (1) Once a Complaint has been completed and filed, it may only be withdrawn by the filing of a written request to withdraw by the Complainant. A request for withdrawal shall be decided at hearing before the Commissioners. Investigations shall **not** automatically stop upon the filing of request for withdrawal but shall continue until

the Commission votes to terminate the investigation. All filed complaints, even if withdrawn, shall remain in the CSC files as a permanent record.

- (2) At the withdrawal hearing the Commissioners may decide by a minimum vote of 4 to:
 - A) Grant or deny the written withdrawal request of the Complainant; and
 - B) Order the Executive Director to either continue or discontinue with the investigation and post audit process
 - C) If the motion fails to receive the required minimum of four (4) affirmative votes from the Commissioners, the request to remove or withdraw the complaint is denied.

§ 2408. Service of Documents

- (a) Once a complaint has been filed, documents must be served by one of the following:
 - (1) In person, between the hours of 8a.m. – 5p.m. Monday – Friday (excluding: weekends & holidays)
 - (2) Personal delivery (Agencies must serve hard copies when required)
 - (3) Email or e-filing

§ 2409. 180-Day Limitation

- (a) CSC must act within 180 calendar days from the completed filing of a personnel action or complaint. Final decisions of the CSC must be sent to *I Liheslatura* the next working day.
- (b) Agency heads must cooperate with the investigation.
- (c) If the agency head fails to cooperate and assist with the Commission's investigation. The Executive Director shall transmit a FOIA request notice¹ informing the agency head that the failure to cooperate with the investigation, as required pursuant to 4 GCA §4403(d)(1) may lead to action against the agency head as permitted under FOIA.
- (d) A post-audit complaint must be filed no later than one year (365 days) from the date of the personnel action. Complaints filed after one year (365 days) shall not be investigated. This self-imposed time limitation is a choice made by the Commission as authorized 4 G.C.A. §4303(d).² (See also § 2406(D) above)

§ 2410. Representatives

All representatives must file an "Entry of Appearance" including: name, mailing address, phone, fax, email, and other contact info.

§ 2411. Notice to Management

¹ See 5 G.C.A. §10103

² 4 G.C.A. §4403(d) The Commission "may" investigate... The Commission chooses to not investigate or post-audit personnel actions that have been issued for more than a year. (365 days)

Upon the filing of a completed written complaint, the Executive Director shall notify the agency head that a complaint has been filed and that the staff of the CSC will be contacting the agency regarding the complaint.

§ 2412. Filed Personnel Action Report

- (a) The CSC “may” conduct investigations as authorized by 4 GCA §4403(d).
- (b) The staff of the CSC shall review all personnel actions filed with the CSC.
- (c) If violations of law, rules or regulations are discovered through the review process the matter shall be brought to the attention of the Executive Director who in turn may initiate a complaint under Section 2405(B).
- (d) Thereafter the matter shall proceed as a Complaint outlined in Section 2413 below.

§ 2413. §4403(d) Investigation

- (a) CSC staff may meet and interview the Complainant to begin the investigatory process. If the Complainant refuses to cooperate with the staff it shall be documented by the staff and a recommendation to dismiss the matter may be forwarded for the CSC to consider dismissing the investigation. The matter may be dismissed with or without prejudice given the time standard established by 4 GCA §4403(d)(1)(B)
- (b) CSC staff shall meet and interview the agency head, other agency or government employees, including the affected employee, and others if necessary.
- (c) CSC staff may require documentation to be provided as part of the investigation. All individuals being interviewed should provide a hard copy or scanned copy to the CSC staff on the same day of the interview.
- (d) In order to ensure that the Commission complies with the 180 day time standard established by 4 GCA §4403(d)(2)(B). The agency head shall ensure documents requested in (c) above are provided on the same day of the interview. If the CSC staff does not receive scanned copies of documents requested, the Executive Director shall notify the agency head that a freedom of information request will be issued and made part of the report. The agency head may work with the CSC staff if the documents requested are not readily available.
- (e) The agency head is required to cooperate and assist with the §4403(d) investigation. (See 4 GCA §4403(d)(1)(a)). If the agency head fails to cooperate or assist in the investigation then the CSC staff shall notate the attempts that were made to secure interviews requested information and submit the information as part of the investigation report.

§ 2414. Investigatory Report Presentation

Upon completing an investigation, the Executive Director or his/her designee shall prepare a written report which may include a recommendation that the allegations made in the complaint are sustained or not sustained. The report shall be presented to the CSC at a noticed Public Hearing.

The purpose of the report is to inform the CSC that sufficient facts do or do not exist to sustain the allegations of the Complaint. As a result of the presentation of the report the CSC may decide by a vote of 4 or more members to do the following:

- (a) Conclude that insufficient facts exist to warrant the issuance of a Notice of Alleged Violation.
- (b) Request the staff to gather more information as part of the investigation and report back to the CSC.
- (c) Issue a Notice of Alleged Violation to the agency head.
- (d) If less than 4 votes are secured the matter shall be dismissed.

§2415. Notice of Alleged Violation (NAV)

A written NAV detailing alleged violation(s) and proposed nullification of the personnel action shall be delivered to the agency head.

- (a) The agency head shall be given 10 calendar days after receipt of the Notice of Alleged Violation to respond to the allegations before the CSC makes a final decision.
- (b) Note any responses received by the agency head after ten (10) calendar days will not be considered. (See 4 GCA §4303(d)(2)(A) fixing ten calendar day by statute) (See also Guam Public School System v. Narcisso and CSC, Superior Court of Guam, SP0245-08 (Sept. 2009))

§ 2416. Agency Head Response

The agency head shall respond in writing within ten (10) calendar days after receipt of the Written Notice of Alleged Violation. The agency head's response to the alleged violation shall include, but not limited to, the following:

- (a) A statement if the agency head agrees or disagrees with the allegations made in Notice of Alleged Violation.
- (b) An explanation why the personnel action is/was appropriate or inappropriate.
- (c) Any additional documents or declarations supporting the agency head's decision in issuing the personnel action in question.
- (d) Hard copy, original and twelve (12) sets of documents including any declarations must be submitted in person to the CSC.
- (e) Agency Head responses will be deemed served by filing via facsimile or email up to 11:59 p.m. of the 10th calendar day. Hard copies must be submitted no later than 10:00 a.m. the following working day.
- (f) Any other information requested by the CSC.

4 GCA §4403(d)(2)(A) requires the agency head to provide a written response in 10 calendar days. If the agency head fails to submit a written response in ten (10) calendar days, such nonresponse shall be deemed the agency head's response. Any written response submitted after the tenth calendar day, as provided under 4 G.C.A. § 4403(d)(2)(A), may be noted for the record

but shall be returned and neither considered nor included in the packet prepared for the Commission's final consideration as outlined in Section 2417 below.

§ 2417. NAV and Response Review

Before taking final action, the Commission shall review both the NAV and the agency head's timely response. Any response submitted after the deadline shall be noted as untimely and excluded from consideration.

§ 2418. Decision Hearing (4 G.C.A. §4403(d))

- (a) The CSC shall convene a hearing to review and deliberate the NAV findings and the agency head's written response. The CSC shall only consider written documents at the hearings. There shall be no oral arguments made by parties. After considering the evidence, the CSC shall issue its decision. Any action, including a decision to nullify a personnel action, shall require a minimum of four (4) affirmative votes.
- (b) When the CSC issues a final decision to nullify a personnel action, a copy of the decision shall be served on the agency head. The decision shall clearly state that the nullification was caused by a violation committed by the agency.
- (c) The Commission shall issue a written judgment with a copy being transmitted to the agency head and one copy transmitted to the Legislature.

§ 2419. Judicial Review

Judicial review may be had by filing a petition in the Superior Court for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Any petition shall be filed within thirty (30) days of the CSC written judgment.

§ 2420. Nullification Not an Adverse Action

A CSC determination to null and void a personnel action is not considered an adverse action under 4 G.C.A. § 4403(b) and does not give the affected employee a right to a hearing under that provision. Accordingly, any adverse action of appeal filed by an employee concerning a personnel action that has been null and void by the CSC shall be dismissed for lack of jurisdiction.

§ 2421. Provisions Remain in Effect

If any provisions in these rules and regulations are found in violation of law, the remaining provisions remain in effect.