

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 72-19

RULES AND REGULATIONS
REGARDING DEMOTION, SUSPENSION
DISMISSAL AND APPEAL OF SUCH
ADVERSE ACTIONS TO THE
CIVIL SERVICE COMMISSION

WHEREAS, Section 4006, Government Code of Guam, provides that the Civil Service Commission shall adopt rules and regulations for matters relating to administrative appeals to the Civil Service Commission; and

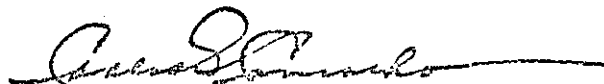
WHEREAS, the Civil Service Commission has approved rules and regulations regarding demotion, suspension, dismissal and appeal of such adverse actions to the Civil Service Commission.

NOW, THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, the policy attached hereto is hereby approved and promulgated as a standard policy for all employees in the classified service except those excluded in Section CSC-115 (a) of the policy.

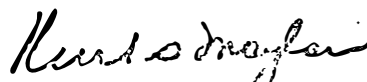
All prior rules, regulations, policies, memoranda or Executive Orders in conflict with this Order are hereby superseded.

This order shall be effective upon approval of the Governor.

Signed and promulgated at Agana, Guam, this 19th day of
May, 1972.


CARLOS G. CANACHIO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lieutenant Governor

GOVERNMENT OF GUAM

RULES AND REGULATIONS RELATIVE TO DEMOTION, SUSPENSION, DISMISSAL AND APPEAL OF SUCH ADVERSE ACTIONS

AS APPROVED AND PROMULGATED BY EXECUTIVE ORDER NO. 72-19

CSC-100 DEFINITIONS:

- (a) Suspension means either the temporary removal of an employee from his position with loss of pay as a disciplinary measure or his removal preliminary to investigation of charges pending demotion or dismissal.
- (b) Demotion means the involuntary reduction of an employee for cause from a position which he occupies in a specific class to a position in another class where the maximum rate of pay is less than the maximum rate of pay for the class from which he was transferred, or a reduction to a lower salary increment in the same class.
- (c) Dismissal means the separation, discharge, or removal for cause of an employee from his position.

CSC-105 AUTHORIZED CAUSES FOR ADVERSE ACTION:

Each of the following shall constitute cause for adverse action against an employee:

- (1) Fraud in securing appointment;
- (2) Incompetence;
- (3) Inefficiency;
- (4) Inexcusable neglect of duty;
- (5) Insubordination;
- (6) Dishonesty;
- (7) Drunkenness on duty;
- (8) Intemperance;

- (9) Addiction to the use of narcotics or habit-forming drugs;
- (10) Unexcusable absence without leave;
- (11) Conviction of a felony or of a misdemeanor involving moral turpitude;
- (12) Discourteous treatment of the public or other employees;
- (13) Improper political activity;
- (14) Wilful disobedience;
- (15) Misuse of government property;
- (16) Refusal to take and subscribe any oath or affirmation which is required by law in connection with his employment; and
- (17) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to his agency or his employment.

CSC-110

PROHIBITIONS:

- (a) A department may not take an adverse action against an employee covered by Section CSC-115 (a) except for such cause as will promote the efficiency of the service. Among the reasons that constitute such cause as will promote the efficiency of the service are the authorized causes for adverse action listed in Section CSC-115 of these rules.
- (b) A department may not take an adverse action against an employee covered by Section CSC-115 (a) that is based on discrimination because of race, color, religion, sex, or national origin, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

CSC-115

ADVERSE ACTION PROCEDURES:

- (a) Employees covered:

All employees in the classified service of the Executive Branch of the Government of Guam except the following:

1. Regular contract employees whose contracts are not renewed upon expiration; and
2. Employees whose employment are temporary, seasonal, intermittent, part-time or only for a specific project.

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(b) Adverse Actions Covered:

1. Dismissal;
2. Suspension; and
3. Demotion.

(c) Notice of Proposed Adverse Action:

An employee against whom adverse action is sought is entitled to immediate written notice stating any and all reasons, specifically and in detail, for the proposed action.

(d) Employee's Answer:

An employee is entitled to 20 days for answering charge and a notice of proposed adverse action and for furnish affidavits in support of his answers. If the employee answers, the department shall consider his answer in reaching its decision. The employee is entitled to answer personally, or in writing, or both. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision of his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the appointing authority shall make himself or representative(s) available to hear his answer.

(e) Duty Status During Notice Period:

Except as provided in Section CSC-115 (a), an employee against whom adverse action is proposed is entitled to be retained in an active duty status during the notice period. When circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the department may temporarily assign him to duties, in which these conditions will not exist or place him on leave with his consent.

(f) Suspension During Notice Period:

In an emergency case, when, because of the circumstances described in paragraph (e) of this section, an employee cannot be kept in an active duty status during the notice period, the department may suspend him.