


I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 386-32 (WR)

Introduced by:

B.J.F. Cruz 

**AN ACT TO CLARIFY CERTAIN FUNCTIONS OF THE
ADMINISTRATIVE LAW JUDGE UNDER THE CIVIL
SERVICE COMMISSION BY *AMENDING* SUBSECTION
(C) OF TITLE 4 GCA §4405.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Subsection (c) of §4405, Article 4, Chapter 4 of Title 4 of the
Guam Code Annotated is hereby *amended* to read:

“§4405. Commission Staff.

(a) The Executive Director of the Commission *shall* be appointed by
the Civil Service Commission with the approval of the Governor and with
the advice and consent of the Legislature.

(b) The Executive Director *may*, with Commission approval, hire such
professional, clerical, and other staff as may be deemed necessary to assist
the Commission in performing its duties and functions;

(c) The Commission *may* employ an full-time or part-time
Administrative Law Judge (ALJ), ~~full or part-time~~, to assist the Commission
with ~~the~~ adjudicatory responsibilities, or the Commission may retain a
private attorney or attorneys to serve as an ALJ on a case-by-case basis. The
Commission may grant the ALJ the authority to handle any such matters it
deems appropriate, including, but not limited to, hearings related to technical
and procedural motions, preliminary evidentiary motions, and full merits
hearings. All decisions by the ALJ shall be forwarded for review and

2014 JUL 28 PM 4:55 W

1 ratification to the Commission, which will have the authority to accept,
2 modify, or reject it in whole or in part, and to determine whether the
3 decision affects similarly situated matters being reviewed by the ALJ. The
4 ALJ shall follow applicable rules and procedures approved by the
5 Commission, and where any rule or procedure identifies the Commission,
6 the ALJ may at the direction of the Commission act in its place and will
7 assume all authority and responsibilities prescribed by such rules and
8 regulations, except as limited by this Act. An ALJ must be a Guam-licensed
9 attorney.”

10 **Section 2. Effective Date.** This Act shall be effective upon enactment.

11 **Section 3. Severability.** If any provision of this Act or the application of
12 any such provision to any person or circumstance should be held invalid by a court
13 of competent jurisdiction, the remainder of this Act or the application of its
14 provisions to persons or circumstances other than those to which it is held invalid
15 shall not be affected thereby.