

**JUDICIAL COUNCIL RESOLUTION NO. 04-016
RELATIVE TO AMENDING THE JUDICIARY
OF GUAM PERSONNEL RULES AND REGULATIONS**

WHEREAS, the Judiciary of Guam Personnel Rules and Regulations adopted in 1984 do not contain a provision regarding the sixty-day time limit to serve an adverse action as set forth in Title 4 GCA § 4406;

WHEREAS, the Administrator of the Courts requested the Supreme Court Staff Attorney to research the issue of whether the sixty-day rule is applicable to the Judiciary of Guam;

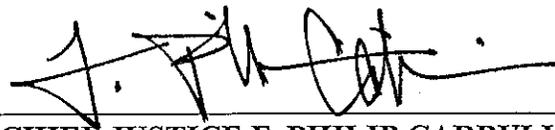
WHEREAS, the Supreme Court Staff Attorney determined in a legal opinion dated April 12, 2004, a copy of which is attached hereto as Exhibit "A", that the sixty-day rule is applicable to the Judiciary of Guam; and

WHEREAS, the Judicial Council agrees with the findings of the Staff Attorney's legal opinion;

NOW, THEREFORE BE IT RESOLVED, that the Judicial Council of Guam hereby adopts the following amendment to the Judiciary of Guam Personnel Rules and Regulations:

Rule 11.11. An employee must be given the final notice and statement of the charges no later than sixty (60) days after management knew, or should have known the facts or events which form the alleged basis for the adverse action. "Management" is defined as an employee's performance rating supervisor or other official who has been assigned supervisory responsibilities over the employee who is in a position to activate or cause the activation of an investigation to determine whether adverse action should be taken or recommended.

DULY ADOPTED this 16th day of September, 2004 at a duly noticed meeting of the Judicial Council of Guam.

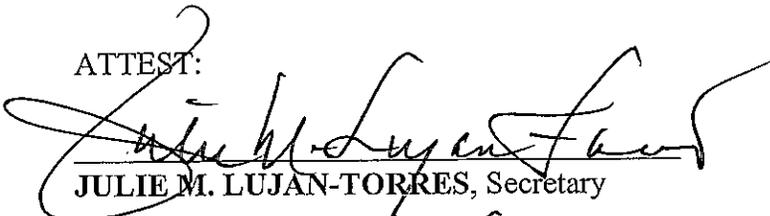


CHIEF JUSTICE F. PHILIP CARBULLIDO,
Chairman

Date: _____

10/6/04

ATTEST:



JULIE M. LUJAN-TORRES, Secretary

Date: _____

10/6/04