BEFORE THE 2013 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC13-002

RELATIVE TO RECLASSIFICATION OF THE POSITION OF TRAFFIC VIOLATIONS BUREAU CLERK

WHEREAS, in 2005, the Judicial Council underwent a determination of whether certain specific positions should remain unclassified pursuant to applicability standards adopted by the Judicial Council in Resolution 05-007. In the application of the "impracticability" standards, the Judicial Council, in Resolution No. 05-008, decided that the position of Traffic Violations Bureau Clerk was re-classified to an unclassified position on the basis that the TVB Clerk was under the direct supervision of the Traffic Court judge and had duties of a uniquely fiduciary nature;

WHEREAS, Resolution No. 05-008 provided that the position of Traffic Violation Bureau Clerk would be converted from classified to unclassified only when the position became vacant through attrition, i.e., retirement or resignation; and

WHEREAS, since that 2005 reclassification, the position of Traffic Violation Bureau Clerk has remained occupied by a classified employee until January 2013. Today's assessment prompted by legislative inquiry, Human Resources Division further indicates that for the last several years, the Clerk of Court has had supervisory and functional oversight of the Traffic Violations Bureau Clerk not a judge. Historically and since the creation of the Traffic Violations Bureau Clerk in July 30, 1982, the position of TVB Clerk has been categorized as a classified permanent position. The Human Resources Division is affirming that the position can be filled internally thus providing promotional opportunities. The Clerk of Court has historically treated this position as a classified permanent position.

WHEREAS, on examination of the criteria which permit the Judicial Council to de-classify positions when it is impracticable for those positions to remain classified, it appears that the TVB Clerk should remain a classified position at this time;

NOW THEREFORE BE IT RESOLVED, that for the reasons stated above, that the position does not have uniquely fiduciary duties and is traditionally answerable to the Clerk of the Court, the position of Traffic Violation Bureau Clerk is taken out of the list promulgated in Judicial Council Resolution No. 05-008, and is hereby re-classified to be a classified position within the Clerk of Court division of the Judiciary.

DULY ADOPTED this 26th day of February, 2013 at a duly-noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: 2/27/13

ATTEST:

JOANNA S. McDONALD, Assistant Secretary

Dated: 2/27/2013