

# *HIRING AND DISMISSAL OF THE EXECUTIVE DIRECTOR AND STAFF*

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**POLICY NUMBER: GETHC POLICY 1**  
**Effective Date: 12/29/2023**

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## **I. GOVERNANCE**

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TITLE 4 GUAM CODE ANNOTATED CHAPTER 15 §15407

- (A) The Guam Ethics Commission may employ such persons as it deems necessary for the performance of its functions. They shall submit an annual budget request to the Legislature for its required operations.
- (B) The Commission shall appoint an Executive Director who shall:
- 1) Administer the laws under this Chapter and all Commission policies, and ensure that investigations and subsequent hearings are held in accordance with the procedures outlined in this Chapter;
  - 2) Manage the daily operations of the Commission and perform duties as assigned by the Commission or specified by law or rule or regulation;
  - 3) Be the ex-officio secretary for the Commission but shall not be a voting member thereof. As such secretary, the Executive Director shall keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe;
  - 4) Be a member of the unclassified service and shall receive an annual salary within a range of compensation to be prescribed by the Commission in accordance with the laws of Guam. Said Executive Director shall serve at the pleasure of the Commission; provided, however, that the Executive
- (C) Staffing for the Guam Ethics Commission.
- 1) With the consent of the Guam Ethics Commission, the Executive Director is authorized to hire and dismiss staff to support the operations of the Guam Ethics Commission.
  - 2) The Executive Director shall be supervised by the Commission, and staff of the Commission shall be under the direct supervision of the Executive Director.
  - 3) The Executive Director is responsible for developing, initiating, and implementing workplace policies.

## II. APPLICABILITY

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This policy shall apply to the Executive Director, an unclassified employee of the Guam Ethics Commission, and staff. It shall contain the procedures for the recruitment and dismissal of said positions.

## III. POLICY

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### Executive Director

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The Executive Director works under the supervision of the Commission and through the administrative guidance of the Chairperson and exercises executive and administrative authority as delegated by the Commission. The Executive Director also supervises the professional and support staff of the Commission in accordance with established duties and responsibilities, and within this context, oversees the operations, programs and activities of the Commission. The Executive Director provides technical and logistical support to the Ethics Commissioners in the performance of their duties and responsibilities.

### HIRING

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In the event a permanent vacancy occurs in the Executive Director position the Commission shall, through action at a publicly announced / open Commission meeting, announce the start of the search for an Executive Director. The Commission shall form an ad hoc search committee and identify whom among their membership shall serve as the Chairperson of the Search Committee. All Commissioners may serve on the Search Committee.

The Chairperson of the Search Committee shall direct the Commission staff to prepare the public announcement on the opening of the search and shall set the process for which applications are to be received and reviewed by the Search Committee. The Search Committee shall make a report on progress made on the hiring of an Executive Director at each publicly announced / open Commission meeting until the search is complete.

The Chairperson of the Search Committee shall preside over all proceedings concerning the recruitment of the Executive Director and shall direct Commission staff to prepare a committee report along with a recommendation of a candidate to offer the Executive Director position to. The report of the Search Committee's recommendation shall be given at a publicly announced / open Commission meeting.

Though discussions and deliberations regarding the hiring of an Executive Director may be conducted amongst Commissioners during an executive session, the final vote on the hiring shall be made out of executive session and in an open meeting. A vote of four (4) or more Commissioners at a publicly announced / open meeting shall be required to hire an Executive Director.

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The Chairperson of the Guam Ethics Commission shall direct the Commission staff to prepare the necessary employment forms and shall sign, on behalf of the Commission, all pertinent forms formalizing the hiring of the Executive Director.

## DISMISSAL

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### *Termination by the Commission with Cause*

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The Guam Ethics Commission, by affirmative vote of four (4) or more members, may terminate the employment of the Commission's Executive Director for cause. The Executive Director shall not be removed from office before a written bill of particulars is presented to the Executive Director.

### *Resignation*

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The Executive Director may terminate his or her employment with the Commission provided that he or she furnish, no less than sixty (60) days, a written resignation letter to the Chairperson of the Commission.

## TEMPORARY ABSENCE OF EXECUTIVE DIRECTOR

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The Executive Director may request for time off which is subject to approval by the Commission. If the leave request is made when the Commission is not in session, the Commission Chairperson may review and grant the request on behalf of the Commission. If a leave request is denied by the Commission Chairperson, the Executive Director may present his/her leave request for consideration by the full Commission at an open/public meeting.

When on leave status, the executive director shall designate a member of the staff to serve as acting executive director for the duration of the temporary absence and shall ensure for detailed assignments exceeding 30 days all reporting and compensation actions is processed in accordance with existing laws.

## PERFORMANCE EVALUATION

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The Commission shall meet annually to evaluate and discuss the performance of the Executive Director. The Commission shall conduct the evaluation based on a performance evaluation outline and process mutually agreed upon by the Commission and the Executive Director. The Executive Director shall support the Commission in the development of the evaluation tool. Following the meeting, the Executive Director shall prepare a written report which outlines the successes of the Commission in achieving its goals, as well as challenges currently being faced and the plans for improvement.

To ensure operational effectiveness through positive and productive Commission / Executive Director relations, the Commission shall set a strategic planning retreat at least once a

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year to outline the goals of the Commission and key performance indicators desired from the Executive Director and all Commission staff.

## COMMISSION STAFF

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Professional staff shall be recruited and maintained to support the Commission and Executive Director in effectively executing their duties and responsibilities.

## HIRING

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The Executive Director, with concurrence of the Commission, may initiate a search for vacant staff positions. Recruitment of staff positions may be for the following appointments: temporary, limited-term, unclassified, or probationary. The Executive Director or his/her designee shall serve as chair for the search committee. Commission members and staff are eligible to serve as members on the search committee.

The chairperson of the search committee shall be responsible for coordinating the posting of the job announcement. When a list of eligibles is established, the search committee chairperson shall coordinate with the remaining members of the committee interviews with the job candidates.

After the interviews are completed, the chairperson of the search committee will compile the committee's notes and present their recommendations to the executive director for consideration and action. The executive director has the option to choose a candidate from those interviewed by the committee or inform the committee that no candidate has been selected. In the event that no candidate is selected, the search committee may request a supplementary list of eligible candidates to conduct additional interviews. They will then present their recommendations to the executive director for review and action.

If the executive director selects from among the search committee's recommendation, the executive director may direct the staff to prepare the necessary recruitment forms for the onboarding of the selected candidate.

## DISMISSAL

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Dismissal of staff serving in the classified service shall be made following the personnel rules and regulations. Staff serving in a temporary, limited-term, or unclassified appointment may be dismissed at the discretion of the executive director, with the concurrence of the Commission.

## IV. EFFECTIVE DATE

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This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

## V. AMENDMENTS

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The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of four (4) or more members at a publicly announced / open meeting.

APPROVED AND ADOPTED



CHRISTOPHER A. CRUZ  
CHAIRMAN

12/29/2023

Date

Adopted: February 2021  
Reviewed and Modified: December 2023