BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

Speaker Hon. Benjamin J.F. Cruz

IN THE MATTER OF:

DANIEL T.C. SANTOS,

Employee,

vs.

GUAM INTERNATIONAL AIRPORT AUTHORITY,

Management.

Time: 3:18 Received By

34-475 GCH 34-17-556

GRIEVANCE APPEAL
CASE NO. 16-GRE01

DECISION AND JUDGMENT

Office of the Public Senator Received Civil Service Commission Legislative Date/Time: 5/24/17 @ 2:48 pm Initials:

2017 MAY 24 P 5:08

THIS MATTER CAME before the Civil Service Commission ("Commission") for a motion hearing on November 29, 2016. Present for the Management of the A.B. Won Pat International Airport Authority, Guam ("GIAA" or "Management") was Pedro Roy Martinez along with GIAA legal counsel Janalynn Cruz Damian of Calvo Fisher & Jacob LLP. Present for the employee, Daniel T.C. Santos ("Mr. Santos" or "Employee"), was his lay representative Juan K. Calvo.

I. ISSUE

Whether Employee's Motion for Reconsideration and to Hear Grievant's Timeline as Evidenced by the CSC Decision and Judgment Issued on November 3, 2016 and to Hear the Merits of the Case ("Motion") should be granted.

II. JURISDICTION

The Commission has jurisdiction over Employee's Motion under general principles allowing administrative agencies to review their decisions.

ORIGINAL

III. BACKGROUND FACTS

On March 21, 2016, Mr. Santos filed his Notice of Appeal of the Grievance Review Board's ("GRB") decision. On June 29, 2016, a hearing was held on Mr. Santos's grievance appeal. The Commission, by a vote of 5-0 sustained Management's objection that the Commission does not have jurisdiction to hear Mr. Santos's Grievance Appeal issue No. 3, and that the Commission's jurisdiction is to determine the timeliness of Mr. Santos's grievance appeal. The Commission, by a vote of 3-2 in favor of GIAA, ratified the findings and recommendations of the Step 4 GRB that Mr. Santos's grievance was untimely. On November 3, 2016, the Decision and Judgment was approved.

On November 10, 2016, Mr. Santos filed his Motion. GIAA filed an opposition on November 22, 2016. The hearing on Employee's Motion was held on November 29, 2016.

IV. FINDINGS AND ANALYSIS

The Commission determined that the Commission's reconsideration of the Decision and Judgment is strictly limited to the untimeliness of the grievance. The Commission further found that Employee has presented no new arguments or evidence to show that his grievance was timely.

V. HOLDING

By a vote of 4-2, the Commission determined that Employee has not met his burden and Employee's Motion is denied.

VI. CONCLUSION

Based on the foregoing, the Commission denies Mr. Santos's requests for reconsideration to hear Mr. Santos's timeline as evidenced by CSC's Decision and Judgment issued on November 3, 2016, and to hear the merits of the case.

SO ORDERED this 17th day of January, 2017 *nunc pro tunc* to November 29, 2016.

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice Chairperson

PRISCILLA T. TUNCAP
Commissioner

Not present
JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

MICHAEL G. TOPASNA
Commissioner