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BENJAMIN CRUZ <speaker@senatorbjcruz.com>

Messages and Communications

BENJAMIN CRUZ <speaker@senatorbjcruz.com> Tue, Dec 26, 2017 at 9:25 AM
To: 34th Guam Legislature Clerks <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Hafa adai Clerk's see consolidated Minutes 12.7.17 (Amended) 12.12.17 and 12.14.17 and Agenda 12.19/17*

12/26/17	12/26/17	Civil Service Commission	Minutes 12.7.17 (Amended) 12.12.17 and 12.14.17 and Agenda 12.19/17*	34-17-1337

OFFICE OF SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication

I Mina'trentai Kuattro na Liheslaturan Guahan

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BENJAMIN CRUZ <speaker@senatorbjcruz.com>

AGENDA/MINUTES 12-19-17

Julita Santos <julita.santos@csc.guam.gov> Tue, Dec 26, 2017 at 9:09 AM
To: "B.J. CRUZ" <speaker@senatorbjcruz.com>, "TERLAJE, Therese M." <senatorterlajeguam@gmail.com>

Hafa Adai.

Per PL 31-233; attached is the following information for your files.

Have a great day!

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Si Yu'os Ma'åse'

Julita T. Santos
Board Secretary
Civil Service Commission
(671) 647-1856

4 attachments

AGENDA 12-19-17 .pdf
18K

MINUTES 12-07-17 w-Amended copy.pdf
121K

MINUTES 12-12-17.pdf
60K

MINUTES 12-14-17.pdf
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Doc. No. 34GL-17-1337.*

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
THURSDAY
December 07, 2017

The Civil Service Commission met on **December 07, 2017,** in the CSC Board Room, Bell Tower, 710 Marine Corps Dr., Suite 201, Hagatna, Guam 96910.

Commissioners present:	**CSC Employees present:**
Edith Pangelinan, Chairperson	Peter S. Calvo – Executive Director
Lourdes Hongyee, Vice Chairperson	R. Todd Thompson – Administrative Counsel (ALJ)
Priscilla Tuncap	Vickilynn Sablan – PMA III
John Smith	Cynthia Camacho – PMA II
Catherine Gayle	Susan Corbin-Legal Secretary

I. CALL TO ORDER:

The meeting was called to order by Chairperson Pangelinan at 5:49 p.m.

II. APPROVAL OF MINUTES:

None was submitted.

III. NEW BUSINESS:

1. Motion Hearing:
Johnny C. Toves vs. Department of Public Works; CSC Case No. 17-AA16T

Present for Management was Assistant Attorney General Debra Lefing and DPW Acting Director, Ms. Arlene Pierce. Lay Representative Robert E. Koss represented Employee Johnny C. Toves, whom was also present.

Due to the numerous amount of Motions filed in this case and the anticipated lengthy continuance for the Hearing On The Merits, the Commission decided to reschedule for Tuesday, December 19, 2017 at 5:45 p.m. This re-scheduling was also agreed upon by both parties.

IV. OLD BUSINESS:

1. Hearing On The Merits: (Continuation)
Juan P. San Nicolas vs. Guam Fire Department; CSC Case No. 17-GRE17

Present for Management was Assistant Attorney General David J. Highsmith, Esq. and Assistant Fire Chief Joey Manibusan. Attorney Jacqueline T. Terlaje, Esq. represented the Employee, Juan P. San Nicolas, whom was also present.

Witness: Vivian Perez Quichocho was questioned by Attorney Highsmith for Management, then cross-examined by Attorney Terlaje for Employee. Finally, questioned and then excused by the Commissioners.

Closing arguments was presented by Attorney Terlaje. Acting Chief Manibusan requested to postpone Management's closing arguments, which was approved by the Commission, and to also incorporate it with deliberations on Tuesday, December 12, 2017 at 5:45 p.m.

V. GENERAL BUSINESS:

Mr. Calvo gave updates regarding handling of CSC court cases and administrative matters.
Mr. Thompson gave updates regarding legal matters.

VI. ADJOURNMENT:

Upon a motion made by Commissioner Tuncap, and seconded by Vice Chair Hongyee, the Commissioners adjourned at approximately 8:07 p.m.

Submitted for Approval:

JULITA T. SANTOS
Board Secretary

APPROVED:

EDITH PANGELINAN, Chairperson

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
THURSDAY
(Approved as Amended)
December 07, 2017

The Civil Service Commission met on **December 07, 2017,** in the CSC Board Room, Bell Tower, 710 Marine Corps Dr., Suite 201, Hagatna, Guam 96910.

Commissioners present:	**CSC Employees present:**
Edith Pangelinan, Chairperson	Peter S. Calvo – Executive Director
Lourdes Hongyee, Vice Chairperson	R. Todd Thompson – Administrative Counsel (ALJ)
Priscilla Tuncap	Vickilynn Sablan – PMA III
John Smith	Cynthia Camacho – PMA II
Catherine Gayle	Susan Corbin-Legal Secretary

I. CALL TO ORDER:

The meeting was called to order by Chairperson Pangelinan at 5:49 p.m.

II. APPROVAL OF MINUTES:

None was submitted.

III. NEW BUSINESS:

1. Motion Hearing:
Johnny C. Toves vs. Department of Public Works; CSC Case No. 17-AA16T

Present for Management was Assistant Attorney General Debra Lefing and DPW Acting Director, Ms. Arlene Pierce. Lay Representative Robert E. Koss represented Employee Johnny C. Toves, whom was also present.

Due to the numerous amount of Motions filed in this case tonight, and the anticipated lengthy continuance for the Hearing On The Merits for Juan P. San Nicolas vs. Guam Fire Department; CSC Case No. 17-GRE17, the Commission decided to reschedule for

Tuesday, December 19, 2017 at 5:45 p.m. This re-scheduling was also agreed upon by both parties.

IV. OLD BUSINESS:

1. Hearing On The Merits: (Continuation)
Juan P. San Nicolas vs. Guam Fire Department; CSC Case No. 17-GRE17

Present for Management was Assistant Attorney General David J. Highsmith, Esq. and Assistant Fire Chief Joey Manibusan. Attorney Jacqueline T. Terlaje, Esq. represented the Employee, Juan P. San Nicolas, whom was also present.

Witness: Vivian Perez Quichocho was questioned by Attorney Highsmith for Management, then cross-examined by Attorney Terlaje for Employee. Finally, questioned and then excused by the Commissioners.

Closing arguments was presented by Attorney Terlaje. Acting Chief Manibusan requested to postpone Management's closing arguments due to the expulsion of Attorney Highsmith for his unbecoming behavior in the boardroom. This request was approved by the Commission, and they also decided to incorporate it with deliberations on Tuesday, December 12, 2017 at 5:45 p.m.

V. GENERAL BUSINESS:

Mr. Calvo gave updates regarding handling of CSC court cases and administrative matters.
Mr. Thompson gave updates regarding legal matters.

VI. ADJOURNMENT:

Upon a motion made by Commissioner Tuncap, and seconded by Vice Chair Hongyee, the Commissioners adjourned at approximately 8:07 p.m.

Submitted for Approval:

JULITA T. SANTOS
Board Secretary

APPROVED:

EDITH PANGELINAN, Chairperson

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
TUESDAY
(Amended)
December 12, 2017

The Civil Service Commission met on **December 12, 2017,** in the CSC Board Room, Bell Tower, 710 Marine Corps Dr., Suite 201, Hagatna, Guam 96910.

Commissioners present:	**CSC Employees present:**
Edith Pangelinan, Chairperson	Peter S. Calvo – Executive Director
Lourdes Hongyee, Vice Chairperson	R. Todd Thompson – Administrative Counsel (ALJ)
Priscilla Tuncap	Maria Masnayon – PMA III
John Smith	Cynthia Camacho – PMA II
Catherine Gayle	Julita Santos – Board Secretary
Michael Topasna	

I. CALL TO ORDER:

The meeting was called to order by Chairperson Pangelinan at 5:45 p.m.

II. APPROVAL OF MINUTES:

The Minutes for December 06, 2017 was submitted for approval. There was a motion to approve by Commissioner Smith and seconded by Commissioner Tuncap. All present concurred.

III. NEW BUSINESS:

1. Post Audit Assessment Hearing:
Ronnie P. Chiguina vs. Guam Fire Department; CSC Case No. 17-PA04

Personnel Management Analyst III presented the Assessment report.

By a vote of 6-0, the Commissioners approved Staff's recommendation to proceed with an investigation in order to determine if there were any recruitment improprieties.

Chairperson Pangelinan was advised the investigation would take about thirty (30) days for completion.

IV. OLD BUSINESS:

1. Hearing On The Merits:
Robert Garrido vs. Guam Waterworks Authority; CSC Case No. 17-AA12T

CSC received a Dismissal of Adverse Action Appeal, and a Stipulated Settlement Agreement on December 12, 2017. This case was not heard because of the documents received.

2. Hearing On The Merits: (Continuation)
Juan P. San Nicolas vs. Guam Fire Department; CSC Case No. 17-GRE17

Present for Management was Assistant Attorney General David J. Highsmith, Esq. and Deputy Fire Chief Joey C. San Nicolas. Attorney Jacqueline T. Terlaje, Esq. represented the Employee, Juan P. San Nicolas, whom was also present.

Attorney Highsmith presented his closing arguments for Management.
Chairperson Pangelinan requested both parties to vacate the counsel tables in order for the Commissioners to deliberate without interruption.

By a vote of 5-1, the Employee prevails. Chairperson Pangelinan, Vice Chair Hongyee, Commissioner Tuncap, Commissioner Smith, and Commissioner Gayle all voted in favor of the Employee. Commissioner Topasna, voted in favor of Management.

V. GENERAL BUSINESS:

Mr. Calvo gave updates regarding CSC court cases. He also apprised the Commissioners of the CSC luncheon on Friday, December 29, 2017.

Commissioner Gayle will be off-island, December 27th through January 14th for training.

VI. ADJOURNMENT:

Upon a motion made by Commissioner Gayle, and seconded by Commissioner Tuncap, the Commissioners adjourned at approximately 6:52 p.m.

Submitted for Approval:

JULITA T. SANTOS
Board Secretary

APPROVED:

EDITH PANGELINAN, Chairperson

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
THURSDAY
(Amended 2)
December 14, 2017

The Civil Service Commission met on **December 14, 2017,** in the CSC Board Room, Bell Tower, 710 Marine Corps Dr., Suite 201, Hagatna, Guam 96910.

Commissioners present:	**CSC Employees present:**
Edith Pangelinan, Chairperson	Peter S. Calvo – Executive Director
Lourdes Hongyee, Vice Chairperson	R. Todd Thompson – Administrative Counsel (ALJ)
Priscilla Tuncap	Maria Masnayon – PMA III
John Smith	Vickilynn Sablan – PMA III
Catherine Gayle	Julita Santos – Board Secretary
Michael Topasna	

I. CALL TO ORDER:

The meeting was called to order by Chairperson Pangelinan at 5:47 p.m.

II. APPROVAL OF MINUTES:

None was submitted.

III. NEW BUSINESS:

1. Motion Hearing:
Jonathan Esteves vs. Department of Public Works; CSC Case No. 17-AA14T

Present for Management was Assistant Attorney General Debra Lefing and DPW Director, Mr. Glenn A. Leon Guerrero. Lay Representative Robert Koss represented Employee Jonathan Esteves, whom was also present.

The two (2) motions being addressed was:
1. Management's Motion to Dismiss Adverse Action Appeal.
2. Employee's Motion to Void Personnel Action.

Both parties presented oral arguments. The Commissioners raised a few questions, and also gave some comments. On advice from the interim legal counsel regarding Management's Motion to Dismiss Adverse Action Appeal with prejudice for lack of subject matter jurisdiction, Commissioner Gayle motioned to set this aside temporarily in order to address and determine the jurisdictional issue raised by Management and was seconded by Vice Chair Hongyee. The Motion passed with four (4) votes in favor, and two (2) against. A Pre-Hearing Conference is set for January 16, 2018 and the Jurisdictional Hearing is set for February 21, 2018.

Employee's Motion to Void Personnel Action was tabled.

IV. OLD BUSINESS:

1.Signing: Judgment Of Dismissal
Franklin J. Quitugua vs. Department Of Education; CSC Case No. 16-AA24D

Mr. Calvo read into record. There was a motion to approve by Vice Chair Hongyee and seconded by Commissioner Tuncap. All present concurred.

V. GENERAL BUSINESS:

Mr. Thompson discussed legal matters.

VI. ADJOURNMENT:

Upon a motion made by Vice Chair Hongyee and seconded by Commissioner Tuncap, the Commissioners adjourned at approximately 6:30 p.m.

Submitted for Approval:

JULITA T. SANTOS
Board Secretary

APPROVED:

EDITH PANGELINAN, Chairperson

ORIGINAL

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

AGENDA
Tuesday, December 19, 2017

I. CALL TO ORDER

II. APPROVAL OF MINUTES

December 07, 12, & 14, 2017

III. NEW BUSINESS

1. Motion Hearing:
   Johnny C. Toves vs. Department of Public Works; CSC Case No. 17-AA16T

IV. OLD BUSINESS

V. GENERAL BUSINESS

1. Bills and Laws affecting CSC
2. Pending Litigation
3. Training

VI. ADJOURNMENT

Peter S. Calvo
Executive Director

ORIGINAL