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MC Fwd: Civil Service Commission Agenda and Minutes

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Wed, Jun 13, 2018 at 2:51 PM

06/13/18	06/13/18	Civil Service Commission	Civil Service Commission agenda of June 12, 2018*	34-18-1991

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From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Wed, Jun 13, 2018 at 2:47 PM
Subject: Civil Service Commission Agenda and Minutes
To: speaker@senatorbjcruz.com

Hafa Adai Speaker:

Please find attached the Civil Service Commission agenda of June 12, 2018, and the minutes of April 3, 2018 for your information.

Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1855

GL#34-18-1991
Speaker Benjamin J.F. Cruz

JUN 13 2018
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Committee on Appropriations and Adjudication

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Civil Service Commission Agenda & Minutes. Meeting of June 12, 2018.pdf
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CIVIL SERVICE COMMISSION
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AMENDED AGENDA
JUNE 12, 2018

I. CALL TO ORDER

II. APPROVAL OF MINUTES: April 3, 2018

III. OLD BUSINESS

1. Signing: Order After Hearing:
   Thomas Tedtaotato vs. Guam Fire Department; Case No. 18-PA04

2. Hearing on the Merits:
   Steven A. Cruz vs. Guam Power Authority; Case No. 17-AA22S

IV. NEW BUSINESS

1. Post Audit Hearing:
   Simon Pinaula vs. Port Authority of Guam; Case No. 18-PA02

V. GENERAL BUSINESS

1. Bills and Laws affecting CSC
2. Pending Litigation

VI. ADJOURNMENT

Peter S. Calvo
Executive Director

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CIVIL SERVICE COMMISSION
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MINUTES OF MEETING
Tuesday
April 3, 2018

The Civil Service Commission met on Tuesday, April 3, 2018, in the CSC Board Room, Bell Tower, 710 Marine Corps Drive, Suite 201, Hagatna, Guam.

Commissioners Present:	**CSC Employees Present:**
Edith Pangelinan, Chairperson	Peter S. Calvo, Executive Director
Lourdes Hongyee, Vice Chairperson	Roland Fejarang, PM Administrator
Priscilla Tuncap, Commissioner	Maria Masnayon, PMA III
John Smith, Commissioner	Cynthia Camacho, PMA II
Catherine Gayle, Commissioner	

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES:

The Minutes for March 15, 2018 was submitted for approval. There was a motion to approve by Vice-Chair Hongyee, and seconded by Commissioner Smith. All present concurred.

III. OLD BUSINESS:

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

Present for Management was David Rivera of the Attorney General's Office, and Lay Representative, Robert Koss, representing the Employee, Jonathan Esteves. Mr. Koss stated that the parties were in the process of a settlement, and are awaiting for the personnel action to be approved by upper management. Attorney Rivera reaffirmed the information regarding the pending documentation that would allow for the reinstatement

of the employee. The parties requested for a continuance of at least thirty (30) days. The Chairperson reiterated the parties request on the record, and responded that the CSC staff will issue a notice for the matter to be rescheduled in thirty (30) days for a status call.

IV. NEW BUSINESS:

1. Post Audit Hearing:
   Frank Camacho, et al. vs. Guam Power Authority; CSC Case No.: 17-PA05

Present for Management was Graham Botha, Esquire, and Beatrice Limtiaco, Assistant General Manager for Operations. Also present was the Employee and the Lay Representative, Robert Koss, representing the Employee, Frank Camacho.

Maria Masnayon, Personnel Analyst III, read the Post Audit Investigative report on the record and recommended that the Commission, by an affirmative vote, to provisionally null and void the involuntary transfer of Mr. Frank M. Camacho, Customer Service Electrician Supervisor, Personnel Action #0319-16, Mr. Steven M. Cruz, Electric Meter Reader II, Personnel Action #0322-16, and Vincent F. Blas Jr., Customer Service Electrician I, Personnel Action #0320-16, from Customer Service to the Transmission and Distribution Division, and to allow the agency head ten (10) calendar days to respond to the Commission's proposed action.

After due deliberation, a motion was made by Commissioner Tuncap to approve the staff's recommendation, and to allow ten (10) days for Guam Power Authority to respond by the close of business on April 13, 2018, to the Commission's proposed action; seconded by Commissioner Hongyee (third by Commissioner Smith). By a majority vote of 5 to 0 the Commissioners concurred.

2. Whistleblower Investigative Report:
   John D. Santos vs. Guam Fire Department; CSC Case No. 17-WB01

Vickilynn Sablan, Personnel Analyst III read the Whistleblower Investigative Report on the record and recommended that the Commissioners determine whether or not Mr. Santos met the disclosure of evidence requirement, and whether there was retaliation.

After extensive deliberation, Commissioner Hongyee moved to accept that the Employee met the disclosure of evidence requirement; seconded by Commissioner Tuncap. The Commissioners voted 4 to 1 to provisionally null and void the adverse action, and to allow Management ten (10) days to respond to the Commission's proposed action.

3. Post Audit Staff Assessment Hearing:
Simon Pinaula vs. Port Authority of Guam; CSC Case No.: 18-PA02

Present for Management was Dalene Hiton, Esquire, representing the Port Authority of Guam, with Joanne Brown, General Manager. The Employee, Simon Pinaula, was present.

After deliberation, a motion was made by Commissioner Hongyee to move forward with the investigation as recommended by the staff based on the findings of the post audit report; seconded by Commissioner Tuncap. By a majority vote of 4-0, the Commissioners concurred.

For the Record:

The Chairperson announced that Commissioner Tuncap had to leave for an emergency which leaves the remaining four (4) Commissioners.

4. Motion Hearing:
Ken Yoshida vs. Port Authority of Guam; CSC Case No.: 14-AA32T

The Chairperson announced that there were two motions filed in the matter: (1) Employee's Motion to Void His Termination for a 60-day Rule Violation; and, (2) Management's Opposition to Employee's Motion to Void His Termination for a 60-day Rule Violation, and Management's Request for Evidentiary Hearing.

Present for Management was Darlene Hiton, Esquire, representing the Port Authority of Guam, with Joanne Brown, General Manager. Also present was the Lay Representative, Daniel Del Priore, for the Employee, Ken Yoshida who was also present.

Mr. Del Prior commenced his opening statement referring to exhibits that supports Employee's motion to void his termination for the 60-day rule, and request that the Commission grant the 60-day rule motion and void the termination. Attorney Hiton commenced her opening statement referring to exhibits, and the Employee's previous reprimands, expounding on Employee's absence from work.

The Commissioners did not have any further questions. Commissioner Gayle moved to dismiss Employee's motion to void his 60-day rule based on the July dates are clear, and that the rules have been followed accordingly; seconded by Commissioner Hongyee. By a majority vote of 4-0, all the Commissioners concurred, and the matter would be scheduled for a hearing on the merits.

5. Grievance Hearing:
Mark P. Ada vs. Guam Fire Department; CSC Case No. 17-GRE26

Present for Management was Mr. Joey San Nicolas. The Employee was not present. The Chairperson stated that the case could not be heard without the Employee's presence. The CSC staff was directed to reschedule the hearing.

Mr. Joey San Nicolas reported on the status of other matters before the Commission that may be resolved.

V. GENERAL BUSINESS

Financial Disclosures were distributed to the Commissioners. The Director updated the Commissioners on the financial situation regarding the Administrative Law Judge, as well as a directive to reestablish the position of the Administrative Counsel. An explanation of the furlough process was discussed which was in coordination with the Department of Administration, and the financial tribulations that are still unresolved.

VI. ADJOURNMENT

Commissioner Hongyee moved to adjourned; seconded by Commissioner Smith; all present concurred; the meeting adjourned at approximately 8:10 p.m.

Submitted for Approval:

Susan L. Corbin
Acting Board Secretary

APPROVED:

EDITH PANGELINAN, Chairperson