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MC Fwd: Civil Service Commission Agenda and Minutes

1 message

BENJAMIN CRUZ <speaker@senatorbjcruz.com>
To: 34th Guam Legislature Clerks <clerks@guamlegislature.org>
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Thu, Aug 2, 2018 at 4:06 PM

08/02/18	08/02/18	Civil Service Commission	Civil Service Commission Agenda of July 31, 2018, and the Minutes of May 15, 2018	34-18-2188

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From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Wed, Aug 1, 2018 at 2:08 PM
Subject: Civil Service Commission Agenda and Minutes
To: speaker@senatorbjcruz.com

Hafa Adai Speaker Cruz: Please find attached the Civil Service Commission Agenda of July 31, 2018, and the Minutes of May 15, 2018, for your information.

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

GL#34-18-2188
Speaker Benjamin J.F. Cruz

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OFFICE OF SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication

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Civil Service Commission Agenda-Minutes.Meeting of July 31, 2018.pdf
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CIVIL SERVICE COMMISSION
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AGENDA
JULY 31, 2018

I. CALL TO ORDER

II. APPROVAL OF MINUTES: May 15, 2018

III. OLD BUSINESS

1. Signing: Judgment of Dismissal
   Ronnie P. Chiguina vs. Guam Fire Department; Case No. 17-GRE24

2. Signing: Judgment of Dismissal
   Mark P. Ada vs. Guam Fire Department; Case No. 17-GRE26

3. Signing: Judgment of Dismissal
   Aaron Cruz vs. Guam Fire Department; Case No. 18-GRE03

4. Motion to Reconsider:
   Juanita Aguon vs. Department of Corrections; Case No. 17-GRE25

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

IV. NEW BUSINESS

1. Hearing on the Merits: Kenneth Blas vs. Guam Waterworks Authority;
   Case No. 18-AA04T

2. Mini-Hatch Act Staff Assessment: Kozue Shimabukuro vs. Guam Memorial Hospital; Case No. 18-MH02

3. Whistle Blower Hearing (Assessment): Kozue Shimabukuro vs. Guam Memorial Hospital; Case No. 18-WB02

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
May 15, 2018

The Civil Service Commission convened on Thursday, May 15, 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	Vickilynn Sablan, PMA III
John Smith, Commissioner	Cynthia Camacho, PMA II
	Susan Corbin, Board Secretary, Acting

I. CALL TO ORDER

The meeting was called to order by Chairperson Pangelinan at 5:59 p.m.

II. APPROVAL OF MINUTES: Chairperson: No minutes.

III. NEW BUSINESS

1. Post Audit Staff Assessment:
   Thomas Tedtaotao vs. Guam Fire Department; Case No. 18-PA04

Present was Employee, Thomas Tedtaotao, and present for Management was Joey San Nicolas, Fire Chief, Acting, Guam Fire Department. The Staff Assessment Report was read into the record by Cynthia Camacho, Personnel Management Analyst II, accompanied by Mr. Roland Fejarang, Personnel Management Administrator. The staff recommended proceeding forward with an investigation to determine if Mr. Thomas Tedtaotao's complaint was valid.

Commissioner Tuncap moved to proceed forward with the investigation to determine whether Mr. Tedtaotao's complaint is valid; seconded by Commissioner Gayle; the Commissioners all concurred. The Chairperson announced that the investigation should be completed within sixty (60) days.

IV. OLD BUSINESS

2. Notice of Staff Investigative Report:
Patrick Artero vs. Department of Agriculture; Case No. 18-PA01

Present was Mr. Robert Koss, Lay Representative for Employee, Patrick Artero, and present for Management was Mr. Russell Campbell, representing the Director of the Department of Agriculture. The Staff Investigative Report was read into the record by Cynthia Camacho, Personnel Management Analyst II, accompanied by Mr. Roland Fejarang, Personnel Management Administrator. The staff recommended that the Commission, by an affirmative vote, *to not* null and void Mr. Phillip Santos' leave sharing or medical special examination.

Commissioner Tuncap moved to adopt the staff's recommendation; seconded by Commissioner Smith to *not* null and void; all the Commissioners concurred.

3. Notice of Staff Investigative Report:
Mark P. Ada vs. Guam Fire Department; Case No. 17-PA06

Present was Employee, Mark P. Ada, and his Lay Representative, Mr. Robert Koss, and present for Management was Joey San Nicolas, Fire Chief, Acting, Guam Fire Department. The Staff Investigative Report was read into the record by Vickilynn Sablan, Personnel Management Analyst III, accompanied by Mr. Roland Fejarang, Personnel Management Administrator. The staff recommended that the Commission, by an affirmative vote, *to not* null and void the recruitment efforts of the Fire Captain position.

Mr. Koss announced that he conferred with the Fire Chief prior to the hearing, and that a settlement was being discussed regarding the Employee's grievance and post audit appeal, and the Employee agreed to withdraw the request for the post audit, and allow the parties to propose a settlement for the grievance. Mr. San Nicolas confirmed that he was in agreement with the discussion of settlement which would include several other employees: Aaron J. Cruz, Ronnie Chiguina, and Mark Ada.

4. Motion to Reconsider:
Annie Sablan vs. Guam Waterworks Authority; Case No. 17-AA13T

Present was Daniel Del Priore, Lay Representative for the Employee, and present for Management was Attorney Kelly Clark and Gina Pangelinan, head of the HR Department of Guam Waterworks Authority.

The Chairperson announced that the Commissioners will be deliberating on the matter, and that the Commissioners listened to the testimony of Dr. Aurelio Espinoza. Commissioner Tuncap yielded to the recommendation of counsel (ALJ) that Management prevailed; Commissioner Smith reiterated the same; all the Commissioners concurred. The Chairperson reminded Management to submit the proposed decision within ten (10) days.

5. Motion Hearing:
John Leon Guerrero vs. Guam Power Authority; Case No. 16-AA23T

Present was the Employee, John Leon Guerrero, and present for Management was Graham Botha, General Counsel, and Beatrice Limtiaco, Assistant General Manager for Administration, Guam Power Authority. Commissioner Tuncap moved to grant Mr. Leon Guerrero an additional thirty (30) days, by June 15, to retain a representative; seconded by Commissioner Smith; all the Commissioners concurred.

6. Motion Hearing:
Juanita Aguon vs. Department of Corrections; Case No. 17-GRE25

Present was the Employee, Juanita Aguon, and her Lay Representative, Robert Koss; and present for Management was Alberto Lamorena, Director, Department of Corrections. The Chairperson stated that the motion to be heard was on Management's motion to dismiss.

Commissioner Gayle moved in favor of Management to dismiss the case in favor of the timing issue; Commissioner Smith seconded the motion; all the Commissioners concurred.

NOTE FOR THE RECORD:
Grievance Hearing:
Juanita Aguon vs. Department of Corrections; Case No. 17-GRE25
The previous action of the Commission vacated the grievance case.

7. Hearing on the Merits:
Erwin Aquino vs. Guam Memorial Hospital; Case No. 18-AA01S

Present for the Employee was Erwin Aquino, with Lay Representative, Robert Koss, and present for Management was Attorney Minakshi Hemlani and Peter John Camacho, CEO and Hospital Administrator.

Angela Gaminde, Chief Respiratory Therapist, was sworn in by the Chairperson as Management's witness. The Chairperson noted because of the late hour, the matter will be continued on Thursday, May 17, 2018.

V. GENERAL BUSINESS

The Executive Director reported in the matter of Mark Charfauros vs. Guam Police Department, SP0092-17, regarding Mr. Chafauros' Motion to Dismiss, and that the court found that the Commission's action was warranted. In the case of Liberty Perez vs. Department of Public Works, SP0150-15, the court remanded the case back to the Civil Service Commission based on the fact that the Supreme Court deemed the matter as two separate adverse actions. The Commission only entertained the settlement dismissal which is separate from the second dismissal. The matter has been scheduled for a status call. In the case of Eric Santos vs. Department of Corrections, SP0124-16, the Employee filed an appeal with the Supreme Court in his suspension case under the guise that the incident happened while he was off-duty. In the case

of Jose Guevara vs. Port Authority of Guam, CVA 16-018, the Supreme Court upheld the sixty (60) day rule in favor of the Employee, and that the Employee was a classified employee; however, the court admonished the Commission for not entertaining the matter of jurisdiction. In the case of Eddie Castro vs. Port Authority of Guam, CVA18-016, a petition for permission to appeal an interlocutory order was filed; the Commission would not be involved in that proceeding.

In another matter concerning the financial situation of the government, and for cost-cutting measures, the Commission may be able to share the office space with the Agana Restoration Development Authority. The decision has not been finalized but is being considered.

V. ADJOURNMENT.

Commissioner Tuncap moved to adjourn; seconded by Commissioner Gayle; all the Commissioners concurred. The meeting adjourned at approximately 8:20 p.m.

Submitted for Approval:

Susan L. Corbin
Acting Board Secretary

APPROVED:

EDITH PANGELINAN, Chairperson