Messages and Communications, 34GL-18-2493: Fwd: Civil Service Commission Agenda and Minutes
1 message

Speaker's Office <speaker@guamlegislature.org>
To: Carl Sanchez <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Mon, Oct 29, 2018 at 11

Date Received	Time Received	Date of Document	Description of Document	Department/Agency	Document Number
10-29-18	**9:27**	**10-25-18**	Civil Service Commission - Agenda and Minutes for June 12, 2018; June 21, 2018 and July 31, 2018, executed on October 25, 2018 *	Civil Service Commission	34GL-18-2493

---------- Forwarded message ----------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Mon, Oct 29, 2018 at 9:27 AM
Subject: Civil Service Commission Agenda and Minutes
To: Speaker's Office <speaker@guamlegislature.org>

Hafa Adai Speaker Terlaje: Please find attached the Civil Service Commission Agenda of October 25, 2018, and the Minutes of June 12, 2018; June 21, 2018; July 3, 2018; and July 31, 2018, executed on October 25, 2018, for your information.

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

Vice Speaker Therese M. Terlaje
34GL-18-2493
OCT 29 2018
Time: 9:27am
Received by:

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OFFICE OF ACTING SPEAKER THERESE M. TERLAJE
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2 attachments

Civil Service Commission Agenda.Meeting of October 25, 2018.pdf
39K

Civil Service Commission Minutes (4). October 25, 2018.pdf
352K

2018 OCT 29 PM 12:03

2493

I GOBIETNON GUAHAN

CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

AGENDA
Thursday, October 25, 2018

I. CALL TO ORDER

II. APPROVAL OF MINUTES: June 12, 2018; June 21, 2018; July 3, 2018; and, July 31, 2018

III. OLD BUSINESS

1. Signing: Judgment of Dismissal
   John Glenn Taitague vs. Department of Parks and Recreation; Case No.: 18-GRE11

2. Signing: Decision and Order
   Clarice Peredo vs. Guam Behavioral Health and Wellness Center;
   CSC Case No.: 18-GRE04

3. Mini-Hatch Act Investigative Report
   Kozue Shimabukuro, M.D. vs. Guam Memorial Hospital; CSC Case No.: 18-MH02

4. Whistle Blower Hearing
   John D. Santos vs. Guam Fire Department; CSC Case No.: 17-WB01

5. Motion Hearing
   Manuel R. Santos, Jr. vs. Guam Fire Department; CSC Case No.: 18-GRE01

IV. NEW BUSINESS

1. Post Audit Staff Assessment
   Daniel Santos vs. Guam International Airport Authority;
   CSC Case No.: 18-PA05

2. Personnel Action Assessment
   Daniel Santos vs. Guam International Airport Authority;
   CSC Case No.: 18-NOPA01

3. Mini-Hatch Act Staff Assessment
   Andri Baynum vs. Department of Education; CSC Case No.: 18-MH05

V. NEW BUSINESS (Continued)

4. Notice of Layoff Staff Assessment Hearing
   Steven Cruz vs. Guam Power Authority; CSC Case No.: 18-LPA01

5. Notice of Layoff Staff Assessment Hearing
   Vincent Jr. Blas vs. Guam Power Authority; CSC Case No.: 18-LPA02

6. Notice of Layoff Staff Assessment Hearing
   Frank Camacho vs. Guam Power Authority; CSC Case No.: 18-LPA03

VI. GENERAL BUSINESS

1. Bills and Laws affecting CSC:
2. Litigation:

   (A) *Guam Police Department vs. Civil Service Commission and Mark C. Charfauros*; SP0133-17

   (B) Christopher Florig vs. Guam Fire Department; Civil Service Case No.: 18-AA07T

VII. ADJOURNMENT

Peter S. Calvo
Executive Director

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
Tuesday
June 12, 2018

The Civil Service Commission convened on Tuesday, June 12, 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
	Susan Corbin, Board Secretary, Acting

I. CALL TO ORDER

The meeting was called to order by Chairperson Pangelinan at 5:51 p.m.

II. APPROVAL OF MINUTES: April 3, 2018

Commissoner Hongyee moved to approve the minutes of April 3, 2018; seconded by Commissioner Smith; all the Commissioners concurred.

III. OLD BUSINESS

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

Roland Fejarang, Personnel Management Administrator, read the Order After Hearing on the record on the post audit investigation. Commissioner Smith moved to approve the Order After Hearing; seconded by Commissioner Tuncap. All the Commissioners concurred.

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IV. NEW BUSINESS:

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

Present for Management was Darlene Hiton for the Port Authority of Guam, and Joanne Brown, General Manager, Port Authority of Guam; and for the Employee, Simon Pinaula. Maria Masnayon, Personnel Management Analyst III, read the Post Audit Investigative Report on the record, accompanied by Roland Fejarang, Personnel Management Administrator. Commissioner Hongyee moved to accept the staff's recommendation to **"null and void'** and start the process over; seconded by Commissioner Tuncap. All the Commissioners concurred by a vote of 4 to 0. The Chairperson announced that Management had ten (10) days to respond to the recommendation.

III. OLD BUSINESS (Continued)

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

Present for Management was Graham Botha, Guam Power Authority ("GPA") General Counsel, and Beatrice Limitaco, Assistant General Manager. Present for Employee was lay representative Robert Koss, as well as the Employee, Steven Cruz.

Edward Leon Guerrero, Management's witness, was sworn and testified. Both parties questioned Mr. Leon Guerrero. The Commissioners also questioned the witness.

Zachary Luis Crisostomo, Management's witness, was sworn and testified. Both parties questioned Mr. Camacho. The Commissioners also questioned the witness.

Mr. Koss subpoenaed his witnesses to attend the hearings scheduled in July so his witnesses were not present. He asked that the hearing be continued to the dates previously scheduled for July 24. The Chairperson reported that there will not be a quorum on July 25th due to some members being off-island, and that Mr. Fejerang will call the parties to reschedule the hearings.

V. GENERAL BUSINESS

1. Bills and Law Affecting CSC
2. Pending Litigation

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VI. ADJOURNMENT

Commissioner Tuncap moved to adjourn; second by Commissioner Hongyee; by a majority vote of 4 to 0, the Commissioners concurred. The meeting adjourned at approximately 7:00 p.m.

Submitted for Approval:

Susan L. Corbin
Board Secretary, Acting

APPROVED:

EDITH PANGELINAN, Chairperson

I GOBIETNON GUAHAN

CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
Thursday
June 21, 2018

The Civil Service Commission convened on Thursday, June 21, 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 5:45 p.m.

II. APPROVAL OF MINUTES

III. OLD BUSINESS

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

The Employee, John S. Leon Guerrero was present. Present for Management was Beatrice Limitaco, Assistant General Manager, Administration, and Melinda Mafnas, Acting General Manager, Guam Power Authority.

The Chairperson reported that the Commission provided Mr. Leon Guerrero with time to retain counsel or a representative. Mr. Leon Guerrero stated that he did not have a representative, and wanted to move forward and would be representing himself. The Chairperson stated that the Civil Service Commission staff will schedule this matter for a status call conference to set hearing dates. Management requested that the Commission hear its motion to dismiss.

Commissioner Hongyee moved to proceed with the Hearing on the Merits; seconded by Commissioner Smith. All the Commissioners concurred by a vote of 4 to 0 to have the matter set for a status call conference.

IV. NEW BUSINESS:

1. Post Audit Staff Assessment:
   Mario Garcia vs. Department of Land Management; CSC Case No.: 18-PA03

Present for the Employee was Robert Koss, GFT lay representative, and the Employee, Mario Garcia. Vickilynn Sablan, Personnel Management Analyst III, read the Post Audit Staff Assessment on the record; accompanied by Roland Fejerang, Personnel Management Administrator.

Commissioner Hongyee moved to accept the staff's recommendation to not proceed with the investigation regarding this complaint. Mr. Garcia reported on the detail appointments being held by George Tydingco, and that any opportunity for openings cannot be realized when Mr. Tydingco is holding several positions. Mr. Koss reiterated the details of the complaint, and that the Commission did not include key aspects in the assessment report.

Nicolas Toft, Assistant Attorney General, representing Department of Land Management, but did not have prior knowledge of the case, and is unable to provide any information in the matter. Commissioner Hongyee moved to accept the recommendation of the staff and to have the Employee explore another avenue for his grievance; seconded by Commissioner Tuncap. All the Commissioners concurred by a vote of 4 to 0.

3. Hearing on the Merits:
   Lydia Taleu vs. Department of Land Management; CSC Case No.: 18-AA02T

Present for Management, Nicolas Toft, Assistant Attorney General, representing Department of Land Management; accompanied by Michael Borja, Director, Department of Land Management. Present for the Employee was Robert Cruz, Staff Attorney for Guam Legal Services, accompanied by the Employee, Lydia Taleu.

The parties confirmed that they stipulated to the exhibits filed with the Commission. Attorney Toft explained the position of the Department of Land Management, regarding Employee's excessive absences, some with doctor's excuses, but without confirmed dates of her medical treatment. Attorney Cruz explained that the Employee is not denying the facts introduced by Management, but emphasized that she has a debilitating medical condition that is long term in nature.

Ruth S. Sakuma, Management's witness, was sworn and testified. The Commissioners questioned the witness.

Margarita Borja, Management's witness, was sworn and testified. Both parties questioned the witness. The Commissioners also questioned the witness.

Matthew Leon Guerrero, Management's witness, as sworn and testified. Both parties questioned the witness. The Commissioners also questioned the witness.

Michael Borja, Director, Department of Land Management, Management's witness, as sworn and testified. The Commissioners questioned the witness.

Arrangements were made to continue the matter for one more day and set the hearing for July 10th.

V. GENERAL BUSINESS

1. Bills and Law Affecting CSC
2. Pending Litigation

VI. ADJOURNMENT

Commissioner Hongyee moved to adjourn; second by Commissioner Tuncap; all the the Commissioners concurred. The meeting adjourned at approximately 8:30 p.m.

Submitted for Approval:

Susan L. Corbin
Board Secretary, Acting

APPROVED:

EDITH PANGELINAN, Chairperson

I GOBIETNON GUAHAN

CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
Tuesday
July 3, 2018

The Civil Service Commission convened on Tuesday, July 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 PSC
Lourdes Hongyee, Vice Chairperson	Roland Fejarang, PM Administrator
Priscilla Tuncap, Commissioner	Maria Masnayon, 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 5:49 p.m.

II. APPROVAL OF MINUTES: April 12, 2018, and May 1, 2018

Commissioner Smith moved to approve the minutes of April 12, 2018 and May 1, 2018; seconded by Commissioner Tuncap; all the Commissioners concurred.

III. NEW BUSINESS

1. Whistle Blower Hearing (Assessment):
   Jonathan Diaz vs. Department of Education; Case No.: 18-WB01

The Employee, Jonathan Diaz, was present. Present for Management was Phyllis Blas. Cynthia Camacho, Personnel ManagementAnalyst II, read the staff assessment report on whistle blower complaint on the record; accompanied by Roland Fejerang, Personnel Management Administrator. Mr. Diaz objected to the dates provided in the report, and presented a summary of his endeavors to have his complaint heard by various government entities.

Commissioner Hongyee move to approve the staff's recommendation to ***not proceed*** into an investigation; seconded by Commissioner Smith; all the Commissioners concurred.

IV. OLD BUSINESS:

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

The Employee, Simon Pinaula, was present. Present for Management was Michael F. Phillips, counsel for Port Authority of Guam, and Joanne Brown, General Manager, Port Authority of Guam ("PAG"). Also present was Roland Fejerang, Personnel Management Administrator, and Maria Masnayon, Personnel Management Analyst III.

Maria Masnayon, Personnel Management Analyst III, read the response from PAG on the Supplemental Report on the post audit on the record. Ms. Brown questioned procedurally why the report from PAG was not given the same opportunity to respond verbally to the Commission. The Commissioners questioned Management on the Port Authority's hiring process.

Commissioner Hongyee moved to continue the matter to allow the Civil Service Commission staff to meet with the Port Authority's human resource staff to work together to review the ratings of the applicants; Commissioner Smith seconded the motion; all the Commissioners concurred.

2. Grievance Hearing:
   Clarice Peredo vs. Guam Behavioral Health and Wellness Center; CSC Case No.: 18-GRE04

Present for the Employee was Robert Koss, lay representative, GFT, and the Employee, Clarice B. Peredo. Present for Management was Benny Pinaula, Deputy Director, Guam Behavioral Health and Wellness Center. Mr. Koss presented his opening statement. Mr. Pinaula presented his opening statement. Mr. Koss countered Management's oral motion that the Employee did submit her grievance within the fifteen (15) day grievance timeline.

Commissioner Hongyee moved to go forward with the grievance hearing; seconded by Commissioner Tuncap. On a rule of 4 to 0, the Commission voted to proceed with the grievance hearing.

Clarice B. Peredo, Employee's witness, was sworn and testified. The Commissioners questioned the witness. The Chairperson announced that because the matter was taking longer than anticipated, it will be recessed until July 12, 2018, and for the parties to prepare for closing statements. The Chairperson excused the remaining witnesses for the evening.

3. Signing: Decision and Judgment
Juanita Aguon vs. Department of Corrections; CSC Case No.: 17-GRE 25

Roland Fejerang, Personnel Management Administrator, read the Decision and Judgment on the record. Commissioner Hongyee moved to approve the Decision and Judgment; seconded by Commissioner Smith; all the Commissioners concurred.

4. Signing: Decision and Judgment
Mercy G. Grino v. Guam Police Department; CSC Case No.: 17-GRE 28

Roland Fejerang, Personnel Management Administrator, read the Decision and Judgment on the record. Commissioner Smith moved to approve the Decision and Judgment; seconded by Commissioner Hongyee; all the Commissioners concurred.

5. Signing: Decision and Judgment
Erwin Aquino vs. Guam Memorial Hospital; CSC Case No.: 17-GRE30

Roland Fejerang, Personnel Management Administrator, read the Decision and Judgment on the record. Commissioner Smith moved to approve the Decision and Judgment; seconded by Commissioner Hongyee; all the Commissioners concurred.

6. Signing: Decision and Judgment
Patrick Artero vs. Department of Agriculture; CSC Case No.: 18-PA01

Roland Fejerang, Personnel Management Administrator, read the Decision and Judgment on the record. Commissioner Smith moved to approve the Decision and Judgment; seconded by Commissioner Hongyee. Commissioner Tuncap noted that the votes on the Decision and Judgment should be corrected to reflect the actual Commissioners present; the vote was corrected on the Decision and Judgment to reflect 4 to 0; all the Commissioners concurred.

V. GENERAL BUSINESS

1. Bills and Law Affecting CSC
2. Pending Litigation

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VI. ADJOURNMENT

Commissioner Hongyee moved to adjourn; second by Commissioner Smith; all the Commissioners concurred. The meeting adjourned at approximately 8:40 p.m.

Submitted for Approval:

Susan L. Corbin
Board Secretary, Acting

APPROVED:

EDITH PANGELINAN, Chairperson

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CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

MINUTES OF MEETING
Tuesday
July 31, 2018

The Civil Service Commission convened on Tuesday, July 31, 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	Maria Masnayon, PMA III
Catherine Gayle, Commissioner	Vickilynn Sablan, PMA III
John Smith, Commissioner	Susan Corbin, Board Secretary, Acting

I. CALL TO ORDER

The meeting was called to order by Chairperson Pangelinan at 5:51 p.m.

II. APPROVAL OF MINUTES: May 15, 2018

Commissioner Hongyee moved to approve the minutes of May 15, 2018; seconded by Commissioner Smith; all the Commissioners concurred.

III. OLD BUSINESS

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

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

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

Maria Masnayon, Personnel Management Analyst III, read the Judgments of Dismissal on the record for all three Employees listed above. Commissioner Hongyee moved to approve the three (3) Judgments of Dismissals; seconded by Commissioner Smith; all the Commissioners concurred.

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

Present for Management was Jim McDonald, Deputy Director, Department of Corrections, and Tony Lamorena, Director, Department of Corrections. Present for Employee was Robert Koss, lay representative, GFT, and the Employee, Juanita Aguon. Commissioners deliberated on the motion for reconsideration, and allowed the Employee to present its motion for reconsideration. Management presented its facts on the case.

The Commissioners voted 3 to 1 to deny Employee's motion for reconsideration.

IV. NEW BUSINESS:

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

Vickilynn Sablan, Personnel Management Analyst III, stated that the dates on the Whistle Blower Assessment should reflect June 21st, instead of July 21st. Ms. Sablan read the Whistle Blower Assessment on the record; accompanied by Maria Masnayon, Personnel Management Analyst III. Commissioner Gayle recommended that the Commission be more specific in its terminology in the Assessment report. Commissioner Hongyee moved to proceed with the investigation; seconded by Commissioner Smith; all the Commissioners concurred.

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

Maria Masnayon, Personnel Management Analyst III, read the Mini-Hatch Assessment on the record. Commissioner Hongyee moved to accept the staff's recommendation and proceed with the investigation; seconded by Commissioner Smith; all the Commissioners concurred.

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

Present from Management was Kelly Clark, representing Guam Waterworks Authority, and Miguel Bordallo, General Manager, Guam Waterworks Authority. Present for the Employee was Robert Koss, lay representative, GFT; the Employee was not present. The Chairperson questioned the Employee's absence, and Mr. Koss replied that the Employee was notified of the hearing. Commissioner Hongyee moved to dismiss the case; seconded by Commissioner Gayle; all the Commissioners concurred.

OLD BUSINESS (Continued)

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

Present for Management was Graham Botha, Guam Power Authority General Counsel, with Beatrice Limtiaco, Assistant General Manager for Administration. Present for the Employee was Robert Koss, lay representative, GFT, and the Employee, Steven A. Cruz.

Jarret John Cruz, Employee's witness, was sworn and testified. The Commissioners questioned the witness.

Steven Alcantra Cruz, Employee's witness, was sworn and testified. Both parties questioned the witness, and the Commissioners also questioned the witness.

The Chairperson noted that the time was approaching 8:30 p.m., therefore, the matter would be continued at the next scheduled hearing, with the presentation of closing arguments from both parties.

V. GENERAL BUSINESS

1. Bills and Law Affecting CSC

2. Pending Litigation: The Executive Director reported that the Javelosa case has been decided, and the Commissioners will be provided copies of the decision.

VI. ADJOURNMENT

Commissioner Hongyee moved to adjourn; second by Commissioner Smith; all the Commissioners concurred. The meeting adjourned at approximately 8:30 p.m.

Submitted for Approval:

Susan L. Corbin
Board Secretary, Acting

APPROVED:

EDITH PANGELINAN, Chairperson