Speaker's Office <speaker@guamlegislature.org>

Fwd: Civil Service Commission Judgments

Jocelyn de Guia <jocedg@gmail.com>
To: speaker@guamlegislature.org

Thu, Dec 6, 2018 at 1:32 PM

---------- Forwarded message ---------
From: **Jean Cordero** <jean@guamlegislature.org>
Date: Thu, Dec 6, 2018 at 1:21 PM
Subject: Fwd: Civil Service Commission Judgments
Cc: Régine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Clerks <clerks@guamlegislature.org>

Håfa adai and good afternoon Jocelyn! Please forward the judgement from Civil Service Commission to the Acting Speaker as well as submission to the Clerk's office for inclusion as messages and communications. Thank you and have a great day!

---------- Forwarded message ---------
From: **Régine Biscoe Lee** <senatorbiscoelee@guamlegislature.org>
Date: Thu, Dec 6, 2018 at 1:13 PM
Subject: Fwd: Civil Service Commission Judgments
To: Jean Cordero <jean@guamlegislature.org>

Please process accordingly.

Vice Speaker Therese M. Terlaje
34GL-18-2631
DEC 06 2018
Time: 1:32 PM
Received by: JdG

2018 DEC -6 PM 3:54

---------- Forwarded message ---------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Thu, Dec 6, 2018 at 1:04 PM
Subject: Civil Service Commission Judgments
To: <senatorbiscoelee@guamlegislature.org>

Hafa Adai Senator Lee: Please find attached the Civil Service Commission Judgments (7) executed on November 29, 2018, for your information.

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

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Office of the People
Senator Régine Biscoe Lee
Legislative Secretary of the 34th Legislature
office: 671-472-3455/6 | senatorbiscoelee@guamlegislature.org
I Mina'Trentai Kuåttro Na Liheslaturan Guåhan | 34th Guam Legislature

2631

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Jeanenne P. Cordero "Jean"
Office Manager

Office of Senator Regine Biscoe Lee
671-472-3455/6 (office)
671-486-6926 (cell)

Civil Service Commission Judgments; November 29, 2018.pdf
422K

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

VIRGINIA PAYUMO,

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

ADVERSE ACTION APPEAL
CASE NO.: 18-AA10D

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the signed Withdrawal of Adverse Action Appeal, attached hereto.

SO ADJUDGED THIS 29th **day of** November **2018.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

LUIS R. BAZA
Commissioner

DANIEL R. DEL PRIORE
GFT LAY REPRESENTATIVE
FOR THE EMPLOYEE



CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM

IN THE MATTER OF: VIRGINIA PAYUMO, Employee, vs. PORT AUTHORITY OF GUAM, Management.	ADVERSE ACTION APPEAL CASE NO. **18-AA10D** WITHDRAWL OF ADVERSE ACTION APPEAL

Comes now the Employee, and herewith files her Withdrawal of the Above Captioned and Numbered Adverse Action Appeal. The Employee withdraws her appeal because Management has acted so as to satisfactorily address and remedy the matters and issues that are the subject of the Adverse Action Appeal.

Dated this 26th day of October, 2018.

Respectively submitted,

Daniel R. Del Priore
Daniel R. Del Priore
Employee Lay Representative

Virginia Payumo
Virginia Payumo
Employee

No Objection

PHILLIPS & BORDALLO, P.C.
Attorneys for Management

ORIGINAL

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

VINCENT BLAS, JR.,

Employee,

vs.

GUAM POWER AUTHORITY,

Management.

LAY OFF APPEAL
CASE NO.: 18-LPA02

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the signed Dismissal of Appeal, attached hereto.

SO ADJUDGED THIS 29th **day of** November **2018.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

LUIS R. BAZA
Commissioner

Robert E. Koss, Lay Representative
Guam Federation of Teachers
P.O. Box 2301
Hagatna, Guam 96910
Ph. (671) 735-4390 Fax (671) 734-8085
Email rkoss@gftunion.com

CIVIL SERVICE COMMISSION
RECEIVED
OCT 30 2018
GOVERNMENT OF GUAM

BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

VINCENT BLAS JR., **Employee,** **vs.** **GUAM POWER AUTHORITY,** **Management.**	LAYOFF APPEAL **CSC Case No. 18-LPA02** **DISMISSAL OF APPEAL**

Comes now, Vincent Blas, GPA Employee in the above captioned matter hereby dismisses his Layoff Appeal, CSC Case No. 18-LPA02 with prejudice.

Respectfully submitted this 29th day of October 2018 by:

VINCENT BLAS JR.

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

RONNIE P. CHIGUINA,

Employee,

vs.

GUAM FIRE DEPARTMENT,

Management.

POST AUDIT APPEAL
CASE NO.: 17-PA04

ORDER AFTER HEARING

This matter came before the Commission on December 12, 2017, for the presentation of an initial Post Audit Staff Assessment Report. Employee, Ronnie Chiguina, filed a Post Audit Complaint on November 1, 2017, alleging Guam Fire Department ("GFD") failed to provide the Certificate of the Fire-Fighter I course that he successfully completed in November, 2016 before the GFD promotion of the Fire Battalion Chief deadline in December, 2016. Vickilynn Sablan, Personnel Management Analyst III, presented the Post Audit Staff Assessment Report. Six members of the Commission present were Chairperson Edith

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Pangelinan, Vice-Chairperson Lourdes Hongyee, Commissioner Priscilla Tuncap, Commissioner John Smith, Commissioner Catherine Gayle, and Commissioner Michael Topasna. The Civil Service Commission Board voted 6 to 0 in favor of the staff's recommendation to proceed with an investigation.

SO ADJUDGED THIS 29th **day of** November **2018, nunc pro tunc.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

Resigned January 2018
MICHAEL TOPASNA
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

ANDRI BAYNUM,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

POLITICAL ACTIVITY
Aka: Mini-Hatch Act
CASE NO.: 18-MH05

ORDER AFTER HEARING

This matter came before the Commission October 25, 2018 on the request of Mr. Troy Torres, a private citizen, to conduct a Political Activity aka Mini-Hatch Investigation on Mr. Andri Baynum, a Teacher IV at Simon Sanchez High School, Guam Department of Education.

Commission members present were: Chairperson Edith Pangelinan, Vice-Chairperson Lourdes Hongyee, Commissioner Priscilla Tuncap, Commissioner John Smith, Commissioner Catherine Gayle, and Commissioner Luis Baza.

Mr. Baynum identified himself as the Chairman of the Political Action Group called "Guamanians for Fair Government". On Friday September 7, 2018, Mr. Baynum posted on

his public Facebook account an invitation for people to come to an event and give his organization money to fund the campaign of Aguon/Limtiaco for Governor and Lt. Governor.

Maria P. Masnayon, Personnel Management Analyst III, presented her Assessment Report to the Commission recommending that an investigation be conducted.

By a vote of 6 to 0, the Commission voted to approve to proceed with an investigation.

SO ADJUDGED THIS 29th **day of** November **2018.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

LUIS R. BAZA
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

JOHN D. SANTOS,

Employee,

vs.

GUAM FIRE DEPARTMENT,

Management.

PUBLIC PROTECTION ACT
Aka WHISTLE BLOWER
CASE NO.: 17-WB01

ORDER AFTER HEARING

INTRODUCTION

This matter came before the Civil Service Commission ("CSC") on October 25, 2018 for a hearing on Guam Fire Department's Request to Reconsider Provisional Decision. Present for the hearing were Robert E. Koss, representing the Employee, and the Employee, John D. Santos; Guam Fire Chief, Joey C. San Nicolas, representing the Guam Fire Department ("GFD"). The six members of the commission present were Edith Pangelinan, Chairperson;

Lourdes Hongyee, Vice-Chairperson; Commissioner Priscilla Tuncap; Commissioner John Smith; Commissioner Catherine Gayle; and Commissioner Luis Baza.

JURISDICTION

The jurisdiction of the Commission is based upon the Organic Act of Guam, § 4401 et. seq., Title 4 of the Guam Code Annotated ("GCA"), and relevant portions of the Department of Administration Personnel Rules and Regulations.

FINDINGS OF FACT

Employee, John D. Santos, filed a Public Employee Protection Act complaint on September 7, 2017, pursuant to Title 4, Article 5, GCA. Employee was demoted following the PNC News broadcast wherein Employee accused the GFD of "cherry picking" promotions, i.e. promotions were not handled in the correct manner. The Civil Service Commission ordered an assessment. In the assessment report Vickilynn Sablan, CSC Personnel Management Analyst III, found:

"On April 20, 2017, Mr. Santos believed that his submission of evidence and documents to Senator Nelson's office was sufficient in his attempt to comply with the Public Employee Protection Act, 4 GCA, 4503(b); it was not. Mr. Santos did not have the document stamped receive, nor did he affix his name and contact number on the evidence and documents. Furthermore, it was not officially accepted at Senator Nelson's office. "CSC Staff Investigation Report, page 7."

The CSC issued a Provisional Decision that Employee was protected by the Public Employee Protection Act. GFD filed a Request to Reconsider Provisional Decision.

The Commission, having heard testimony and argument from the parties decided by a vote of five (5) to one (1) that the employee did not meet the requirements of Public Employee Protection Act (A.K.A. Whistle Blower Law), and is therefore not protected under said statue. Commissioner Priscilla Tuncap dissenting.

SO ADJUDGED on this 29th day of November, 2018.

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

(Dissenting)
PRISCILLA TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

LUIS R. BAZA
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

MANUEL R. SANTOS, JR.,

Employee,

vs.

GUAM FIRE DEPARTMENT,

Management.

GRIEVANCE
CASE NOs.: 17-GRE27 and 18-GRE01

ORDER AFTER HEARING

This matter came on before the Commission on November 20, 2018 for a Grievance Hearing. Present for the hearing were Employee, Manuel R. Santos Jr., with Representative Daniel Del Priore; Guam Fire Department representative, Joey Manibusan, Acting Fire Chief. Mr. Del Priore moved to remand the matter back to the Department of Administration (DOA) to complete Step 4 Grievance Procedure on both Civil Service Commission case numbers 17-GRE27 and 18-GRE01. The Commission voted 4-0 to remand the matter to DOA to

complete Step 4 Grievance Procedure and require DOA to complete the Grievance Procedure within three weeks of the signing of this order (to be completed by December 20, 2018).

SO ADJUDGED THIS 29th day of November, 2018.

EDITH PANGELINAN
Chairperson

(Absent)
LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

(Absent)
CATHERINE GAYLE
Commissioner

LUIS R. BAZA
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

KOZUE SHIMABUKURO,

Employee,

vs.

GUAM MEMORIAL HOSPITAL AUTHORITY,

Management.

WHISTLE BLOWER
CASE NO.: 18WB02

ORDER AFTER HEARING

This matter came before the Civil Service Commission for a Post Audit Assessment hearing on July 31, 2018. The Post Audit Assessment was presented by Vickilynn Sablan, Personnel Management Analyst III. Four members of the Commission present were Chairperson Edith Pangelinan, Vice-Chairperson Lourdes Hongyee, Commissioner John Smith, and Commissioner Catherine Gayle.

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By a vote of 4 to 0, the Commission voted to approve the staff's recommendation to proceed with an investigation.

SO ADJUDGED THIS 29th **day of** November **2018.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

(Absent)
PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner