From: Speaker's Office
Sent: Monday, August 10, 2020 12:26 PM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Civil Service Judgments of August 6, 2020

08-10-20	11:28 AM	08-07-20	Judgments executed in its meeting of August 06, 2020.*	Civil Service Commission* Office of the Legislative Secretary	35GL-20-2143

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

This e-mail message is intended only for the use of the individual or entity named above and may contain confidential and privileged information. If you are not the intended recipient, any disclosure, copying, distribution or use of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by replying to speaker@guamlegislature.org and delete the message immediately. Thank you very much.

Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Office of Senator Shelton Guam Legislature** <officeofsenatorshelton@guamlegislature.org>
Date: Mon, Aug 10, 2020 at 11:28 AM
Subject: Fwd: Civil Service Judgments of August 6, 2020
To: Speaker's Office <speaker@guamlegislature.org>

Good morning Speaker Barnes:

Forwarding for your information.

Regards.

Evelyn Claros
Administrative Officer

---------- Forwarded message ---------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Mon, Aug 10, 2020 at 11:16 AM
Subject: Civil Service Judgments of August 6, 2020
To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

Hafa Adai Senator Shelton: Please find attached judgments executed by the Civil Service Commission in its meeting of August 6, 2020 listed herein. This is mandated under4 GCA, Section 4403.

Thank you.

Si Yu'os Ma'åsé
Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1855

--

Si Yu'os Ma'åse,

Office of the People • Senator Amanda L. Shelton
Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910
T: (671) 989-2572/969-2574
officeofsenatorshelton@guamlegislature.org

Speaker's Office <speaker@guamlegislature.org>

Fwd: Civil Service Judgments of August 6, 2020

1 message

Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org> Mon, Aug 10, 2020 at 11:28 AM
To: Speaker's Office <speaker@guamlegislature.org>

35GL-20-2143
Speaker Tina Rose Muña Barnes
AUG 10 2020
Time 11:28 AM PM
Received By: Matt

Good morning Speaker Barnes:

Forwarding for your information.

Regards.

Evelyn Claros
Administrative Officer

---------- Forwarded message ---------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Mon, Aug 10, 2020 at 11:16 AM
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To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

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Si Yu'os Ma'åse,

Office of the People • Senator Amanda L. Shelton
Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910
T: (671) 989-2572/969-2574
officeofsenatorshelton@guamlegislature.org

4 attachments

Civil Service Commission [Daniel T.C. Santos] vs. Guam Power Authority - CSC 20-PA02.pdf
100K

Civil Service Commission [John V. Santiago] vs. Guam International Airport Authority - CSC 20-PA04.pdf
58K

Civil Service Commission [Rose B. Salas] vs. Department of Revenue & Taxation - CSC 20-PA03.pdf
58K

CSC vs. Guam Power Authority [Edward Garrido]-CSC20-PA01.pdf

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

CIVIL SERVICE COMMISSION
RECEIVED
8-7-2020
#20-406
1:30 pm
GOVERNMENT OF GUAM

IN THE MATTER OF:

CIVIL SERVICE COMMISSION, [Daniel T.C. Santos]

Employee,

vs.

GUAM INTERNATIONAL AIRPORT AUTHORITY,

Management.

POST AUDIT ACTION APPEAL
CASE NO.: 20-PA02

DECISION AND ORDER DECLARING PERSONNEL ACTION PROVISIONALLY NULL AND VOID

INTRODUCTION

This matter came before the Commission (CSC) for an Investigation Hearing on July 30, 2020. Present were the Employee represented by Attorney Curtis Van De Veld and Management, Guam International Airport

Authority (GIAA) represented by Deputy Executive Manager Artemio Hernandez, and Attorney Jay Arriola.

JURISDICTION

The jurisdiction of the Commission is based upon the Organic Act of Guam, 4 GCA, §4401 et al., and relevant portions of the Government of Guam Personnel Rules and Regulations.

FINDINGS OF FACT

On October 4, 2015, Mr. Santos was reassigned from Airport Police Officer I to a Clerk III position pursuant to medical disability. The GIAA has two policies regarding placement that apply to Mr. Santos.

GIAA Personnel Rules and Regulations 4.204, A. Compensation Adjustment Following an Involuntary Demotion states:

"A pay adjustment resulting from an involuntary demotion is effectuated by identifying from the amended pay grade the salary (sub-steps) closest to, but not more than the salary (sub-step) currently being received prior to demotion less an additional six (6) sub-steps. This identifies the new base salary."

//

GIAA Personnel Rules and Regulations, 6.01, A.2 Placement of Employees with Disabilities provides:

"If the disability is not work-related, the employee shall be compensated at the lowest sub-step of the new implementation range of the lower graded position. This identifies the employee's new base salary." Santos is both "involuntarily demoted," and, "an employee with a disability". These two policies are in the same set of Personnel Rules and cannot be reconciled with each other. Section 6.101 singles out disabled employees and places them in a lower slot than non-disabled employees who are demoted and slotted by Section 4.204. This clearly discriminates against disabled employees based on their disability. Discrimination on the basis of disability is strictly prohibited by the Americans with Disabilities Act. 42, USC 12112 which provides:

"**No covered entity shall discriminate against a qualified individual on the basis of disability in regard to … employee compensation.**"

CSC staff concluded that Section 4.204 must be followed because Section 6.101 would be illegal as applied to Mr. Santos. Staff recommended that the personnel action herein based on Section 6.101 should be provisionally null and void.

By a vote of 4 to 0 the Commission adopted the recommendations of the staff and provisionally null and voided the personnel action and provided Management ten (ten) days to respond. Chairman Calvo abstained having recused himself because he previously represented Mr. Santos.

SO ORDERED this 6th day of August, 2020.

Abstain
JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

CIVIL SERVICE COMMISSION
RECEIVED
8-7-2020
#20-408
1:32 pm.
&
GOVERNMENT OF GUAM

IN THE MATTER OF: **CIVIL SERVICE COMMISSION, [John V. Santiago]** **Employee,** **vs.** **GUAM INTERNATIONAL AIRPORT AUTHORITY,** **Management.**	**POST AUDIT ACTION APPEAL CASE NO.: 20-PA04** **ORDER AFTER HEARING**

This matter came before the Guam Civil Service Commission (CSC) for a Post Audit Staff Assessment Report July 30, 2020. Present were Employee, Guam International Airport Authority (GIAA) Executive Manager, Artemio Hernandez, with this attorney Jay Arriola.

Maria Masnaynon, Personnel Management Analyst III, read the Assessment Report. Employee requested a Post Audit Investigation under 4 GCA, Section 4403(d) regarding his involuntary demotion from Airport Police Officer II to Clerk III.

The Commission voted 5 to 0 to proceed forward with an investigation to determine if the GIAA complied with its policies and procedures.

SO ORDERED this 6th day of August, 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

CIVIL SERVICE COMMISSION
RECEIVED
8-7-2020
#20-407
1:31 pm
GOVERNMENT OF GUAM

IN THE MATTER OF: **CIVIL SERVICE COMMISSION, [Rose B. Salas]** **Employee,** **vs.** **DEPARTMENT OF REVENUE AND TAXATION,** **Management.**	**POST AUDIT ACTION APPEAL CASE NO.: 20-PA03** **ORDER AFTER HEARING**

This matter came before the Guam Civil Service Commission (CSC) for a Post Audit Staff Assessment Report July 30, 2020. Edmond Villanueva was present representing Management. Employee was not present. Personnel Management Analyst II, Cynthia KM Camacho, read the Post Audit Assessment report. Employee requested a Post Audit into her incorrect Promotion Personnel Action dating back to 1996.

The Commission voted 5 to 0 to proceed forward with an investigation to determine if the Department of Revenue and Taxation complied with policies and procedures.

SO ORDERED this 6th day of August, 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice-Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

CIVIL SERVICE COMMISSION
RECEIVED
8-7-2020
#20-405
1:29 pm.
&
GOVERNMENT OF GUAM

IN THE MATTER OF:

CIVIL SERVICE COMMISSION, [Edward Garrido]

Employee,

vs.

GUAM POWER AUTHORITY,

Management.

POST AUDIT ACTION
APPEAL
CASE NO.: 20-PA01

DECISION AND ORDER
PROVISIONALLY NULL AND VOIDING PERSONNEL ACTION OF ANTONIO MERCADO

INTRODUCTION

This matter came before the Guam Civil Service Commission (CSC) for a Continued Investigation Hearing on July 30, 2020. Present for the hearing were Edward Garrido, Complainant, with his Lay Representative,

Robert Koss, and Guam Power Authority (GPA) General Manager Beatrice Limtiaco, with her attorney, Graham Botha.

JURISDICTION

The jurisdiction of the Commission is based upon the Organic Act of Guam, 4 GCA 4401 et. seq., and relevant portions of the Government of Guam Personnel Rules and Regulations.

FINDINGS OF FACT

On July 7, 2020, the Commission remanded this matter back to CSC staff to address the following issues:

1. Life of an Eligibility List;

2. Proof of receipt of applications prior to closing of announcement;

3. Interview of Edward Leon Guerrero, Superintendent, T&D.

ISSUE 1

Staff found that five (5) applicants were interviewed even though their applications had expired prior to the current job announcement. One of those five is Antonio Mercado. Selection of Mercado violates GPA Personnel Rules and Regulations, Sections 4.06, 4.18, and 4.A.3.4.:

4.06 APPLICATION FORM

"Applications for competitive examinations shall be accepted only during the period specified in the announcement."

4.18 DURATION OF EXAMINATION RATINGS:

"Examination ratings are good only for the live of the eligibility list. Examination ratings received through performance test shall not be carried to a new list after a period of one year."

4.A.3.4 DURATION OF ELIGIBILITY LISTS:

"The life of an eligibility list, other than a reemployment list, shall be for a period of not more than one (1) year unless extended by the General Manager, but such extension shall not exceed three (3) months."

ISSUE 2

Staff found that the application was verified by GPA officials but still recommends that GPA stamp receive all applications to ensure that they are submitted prior to the closing of the positon announcement.

ISSUE 3

Staff found that Mr. Leon Guerrero was interviewed and the interview was accidently left of the post audit report. Mr. Leon Guerrero denied making a preselection statement.

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CONCLUSION

The selection of Antonio Mercado is provisionally null and void. Management shall have ten (10) days to respond pursuant to 4 GCA § 4403(d).

SO ORDERED this 6th day of August, 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner