clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, August 14, 2020 3:13 PM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Civil Service Commission Judgments of August 13, 2020
Attachments: Joe Marie Saloma vs. Department of Corrections; CSC19-AA06S.pdf; Johnny C. Toves vs. Department of Public Works; CSC 17-AA16T.pdf; Alicia Concepcion vs. Department of Education; CSC 20-AA04D.pdf; Marilyn Rivera vs. Guam Memorial Hospital; CSC 20-GRE01.pdf

08-14-20	2:29 PM	08-13-20	Judgments executed in its meeting of August 13, 2020.*	Civil Service Commission* Office of the Legislative Secretary	35GL-20-2154

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

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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: Fri, Aug 14, 2020 at 2:29 PM
Subject: Fwd: Civil Service Commission Judgments of August 13, 2020
To: Speaker's Office <speaker@guamlegislature.org>

Good afternoon Speaker Barnes:

Forwarding for your information.

Regards.

Evelyn Claros
Administrative Officer

---------- Forwarded message ---------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Fri, Aug 14, 2020 at 1:23 PM
Subject: Civil Service Commission Judgments of August 13, 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 13, 2020 listed herein. This is mandated under4 GCA, Section 4403.

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

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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

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

JOE MARIE SALOMA,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

ADVERSE ACTION APPEAL
CASE NO.: 19-AA06S

DECISION AND ORDER

This matter came before the Civil Service Commission (CSC) January 21, 2020, on Management's motions. Present for the hearing were Employee with his Lay Representative, Robert Koss. Also present were Antone F. Aguon, Department of Corrections Assistant Superintendent, with his counsel, Assistant Attorney General Donna Lawrence. Commissioners present were Chairman Juan K. Calvo, Vice Chairman John Smith, Commissioner Priscilla T. Tuncap, and Commissioner Anthony P. Benavente.

Management moved for the following:

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GOVERNMENT OF GUAM

1. That CSC issue a declaratory ruling invalidating any and all CSC's practices policies or rules that have not been promulgated under the Administrative Adjudication Law (AAL).

2. An order invalidating CSC's currently non –promulgated adjudicatory practices, rules and policies.

3. An order that procedural and evidentiary provisions of Article 2 of the AAL will not be applied to CSC hearings.

4. An order that Management be allowed to call witnesses, including Employee in any order.

5. That there be no time limits on examining witnesses.

6. An order that invalidates paragraph 10 of its Case Management Statement.

By a vote of 4 to 0 the Civil Service Commission voted to deny all of Management's motions described above.

SO ORDERED this 13th 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

IN THE MATTER OF:

JOHNNY C. TOVES,

Employee,

vs.

DEPARTMENT OF PUBLIC WORKS,

Management.

ADVERSE ACTION
CASE NO.: 17-AA16T

AMENDED DECISION AND JUDGMENT



This matter came before the Civil Service Commission (CSC) on June 18, 2020, regarding Management's Motion to Dismiss Employee's Appeal for failure to prosecute his appeal and his failure to attend the motion hearing scheduled on June 18, 2020.

Present at the hearing for Management were Assistant Attorney General Donna Lawrence, and Director Vincent Arriola, Department of Public Works. Robert Koss was present on behalf of Employee, and communicated that he had lost contact with Employee since April, 2020. Employee was not present.

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Commissioners present at the hearing were Chairman Juan K. Calvo, Vice Chairman John Smith, Commissioner Priscilla T. Tuncap, Commissioner Emilia Rice and Commissioner Andrew Benavente.

Jurisdiction

CSC has jurisdiction to hear adverse action appeals filed by classified employees under 4 GCA § 4403-44 (b) involving suspensions, demotions, and terminations of classified employees.

Background/Facts

Management terminated Employee pursuant to a Notice of Final Adverse Action served on Employee. Employee filed an adverse action appeal with the Commission in 2017 concerning his termination. Employee has failed to pursue his appeal. Employee failed to attend the scheduled motion hearing on June 18, 2020 before the Commission.

At the June 18, 2020, hearing, Employee's representative admitted he has lost contact with Employee since April, 2020.

Ruling by Commissioners

CSC AA Rule 9.6 allows the CSC to dismiss an appeal if the Employee is not present for a motion hearing. Employee was not present for the hearing and there was no reasonable excuse for his failure to attend the scheduled motion hearing.

Neither Employee nor his representative, Guam Federation of Teachers, filed a motion as required under CSC Adverse Action Rules (March 1, 2020) to allow the hearing to go forward in the absence of Employee.

After review of the file and hearing the arguments and information submitted as referenced above, the Commissioners voted 4 to 1 to dismiss Employee's adverse action appeal with prejudice. Chairman Calvo dissenting.

IT IS SO ADJUDGED on this 13th day of August, 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

ALICIA CONCEPCION,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

ADVERSE ACTION APPEAL
CASE NO.: 20-AA04D

JUDGMENT OF DISMISSAL

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

SO ADJUDGED this 13th day of August, 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

CIVIL SERVICE COMMISSION
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20-0427
8-14-20
11:22 am
GOVERNMENT OF GUAM

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

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BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

ALICIA CONCEPCION, **Employee,** **vs.** **DEPARTMENT OF EDUCATION,** **Management.**	CSC APPEAL CSC Case No: 20-AA04D **EMPLOYEE'S DISMISSAL OF APPEAL**

To: The Executive Director of the Civil Service Commission and Management.

COMES NOW, the Employee in the above captioned action hereby withdraws her appeal to the Civil Service Commission, CSC Case No. 20-AA04D.

Respectfully submitted this 14th day of July, 2020 by:

Alicia Concepcion

ALICIA CONCEPCION, EMPLOYEE

COPY

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

MARILYN RIVERA,

Employee,

vs.

GUAM MEMORIAL HOSPITAL,

Management.

GRIEVANCE ACTION APPEAL
CASE NO.: 20-GRE01

JUDGMENT OF DISMISSAL

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

SO ADJUDGED this 13th day of August 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice-Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

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11:23am.
GOVERNMENT OF GUAM

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

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7/13/2020

BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

MARILYN RIVERA, **Employee,** **vs.** **GUAM MEMORIAL HOSPITAL,** **Management.**	GRIEVANCE APPEAL **CSC Case No: 20-GRE01** **EMPLOYEE'S DISMISSAL OF GRIEVANCE APPEAL**

To: The Executive Director of the Civil Service Commission and Management.

COMES NOW, the Employee in the above captioned action hereby withdraws her grievance appeal to the Civil Service Commission, CSC Case No. 20-GRE01.

Respectfully submitted this 13 day of July, 2020 by:

MARILYN RIVERA, EMPLOYEE