clerks@guamlegislature.org

From: committeeonrules@guamlegislature.org
Sent: Tuesday, May 7, 2024 9:12 AM
To: 'Guam Legislature Clerks'
Cc: 'Speaker Therese M. Terlaje'
Subject: Messages & Communications Doc. No. 37GL-24-2040 through 2049.
Attachments: 05624 COMM Doc. No. 37GL-24-2040.pdf; 05624 COMM Doc. No. 37GL-24-2041.pdf; 05624 COMM Doc. No. 37GL-24-2042.pdf; 05624 COMM Doc. No. 37GL-24-2043.pdf; 05624 COMM Doc. No. 37GL-24-2044.pdf; 05624 COMM Doc. No. 37GL-24-2046.pdf; 05624 COMM Doc. No. 37GL-24-2047.pdf; 05624 COMM Doc. No. 37GL-24-2049.pdf

Håfa Adai Clerk's Office,

Please retrieve from link below:
Messages & Communications Physical Scanned Copy - Google Drive

Please see attached, **Messages & Communications Doc. No. 37GL-24-2040 through 2049** for processing:

37GL-24-2040	Department of Public Health and Social Services - Division of Environmental Health	Variance Request Monthly Report for GDOE Public Schools from Apr 1-30, 2024. GDOE Variance Request Monthly Report from April 1, 2024, to April 30, 2024*
37GL-24-2041	Guam Community College	Board of Trustees Quarterly Attendance Report for January, February, and March 2024. Board of Trustees Quarterly Attendance Report for January, February, and March 2024*
37GL-24-2042	Department of Administration - Director's Office	Monthly Income Tax Refund Efficient Payment Trust Fund Report and Bank Statement for April 2024 Monthly Income Tax Refund Efficient Payment Trust Fund Report and Bank Statement for April 2024*
37GL-24-2043	Department of Public Health and Social Services	Guam Board of Social Work Meeting Packet for May 2, 2024. Guam Board of Social Work Regular Board Meeting Packet for May 2, 2024*
37GL-24-2044	Department of Public Health and Social Services	Commission on the Hearing Arts of Guam Board Meeting Packet for December 14, 2023. Commission on the Healing Arts of Guam Regular Board Meeting Packet for December 14, 2023*
37GL-24-2045	Guam Memorial Hospital Authority	Board of Trustees Meeting Packet for Apr 24, 2024. Board of Trustees Meeting Packet for April 24, 2024*

37GL-24-2046	Guam Community College	Travel Report for Jan - Mar 2024 Travel Report 2nd Quarter FY 2024 (January 2024 - March 2024)*
37GL-24-2047	Civil Service Commission	Board Meeting Packet for April 23, 25, 30, and May 02, 2024. Board Meeting Packet for April 23, 25, 30, and May 02, 2024*
37GL-24-2048	Customs and Quarantine Agency, Guam	Prior Year Obligations - Port Authority of Guam, $16,207.59; and American Science & Engineering, Inc., $5,893.67. Notice of Payment for Prior Year Obligations - Port Authority of Guam total amount $16,207.59 and American Science & Engineering, Inc. total amount $5,893.67*
37GL-24-2049	Guam Power Authority	Un-Audited Financial Statement for March 2024. Financial Statement (Un-Audited) for March 2024*

Kindly reply to this email.

si Yu'os ma'åse',
Beatrice Cruz
Committee on Rules Assistant
COMMITTEE ON RULES
Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Disclaimer: The content of this email is intended for the person or entity to which it is addressed only. This email may contain confidential information. If you are not the person to whom this message is addressed, be aware that any use, reproduction, or distribution of this message is strictly prohibited. If you received this in error, please contact the sender at committeeonrules@guamlegislature.org and immediately delete this email and any attachments.

Messages and Communications for 37GL-24-2047

3 messages

Speaker Therese M. Terlaje <speaker@guamlegislature.org> Mon, May 6, 2024 at 7:34 AM
To: 37th Committee On Rules <committeeonrules@guamlegislature.org>, Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>

Håfa adai,

Please see attached M&C Doc. No. 37GL-24-2047

37GL-24-2047	Civil Service Commission	Board Meeting Packet for April 23, 25, 30, and May 02, 2024.

Si Yu'os ma'åse',
Patsy Cruz
Office Manager

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice, and Culture
I Mina'trentai Siette na Liheslaturan Guåhan 37th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
(671) 472-3586
senatorterlajeguam@gmail.com
www.senatorterlaje.com

---------- Forwarded message ---------
From: **Christine Quinata** <christine.quinata@csc.guam.gov>
Date: Fri, May 3, 2024 at 4:10 PM
Subject: Fwd: Civil Service Commission - Board Meeting Tuesday, April 23, 2024
To: Litigation Division <civillitigation@oagguam.org>, gll@guamlawlibrary.org <gll@guamlawlibrary.org>, Office of Senator Amanda L. Shelton <officeofsenatorshelton@guamlegislature.org>, Speaker Therese M. Terlaje <speaker@guamlegislature.org>, Office of Public Accountability <admin@guamopa.com>, Eliza G. Dames <eliza.dames@guam.gov>, Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, Jean S. Taitano <jean.taitano@guam.gov>

Hafa Adai,

In compliance with *Chapter 18 of Title 1, Guam Code Annotated, Article 4 Section 1840*, and mandated under *4 GCA, Section 4403 (a)*, the Civil Service Commission submits the following documents that were presented and heard at its Board meeting that was conducted on, ***Tuesday, April 23, Thursday, April 25, Tuesday, April 30, and Thursday, May 02, 2024.***

Kindly acknowledge receipt of this email and its attachments.

14 attachments

APRIL 23, 2024 - Agenda.pdf
70K

CSC Attendance Roster April 23, 2024.pdf
56K

APRIL 25, 2024 - Agenda.pdf
77K

CSC Attendance Roster April 25, 2024.pdf
69K

Decision and Judgment re Jordan L. Pauluhn _ 23-GRE09 (1).pdf
73K

Order After Hearing re Vivian Nisperos_ CSC Case No. 23-AA08T -2 Orders.pdf
177K

APRIL 30, 2024 - Agenda.pdf
65K

CSC Attendance Roster April 30, 2024.pdf
46K

Decision and Judgment 23-AA04S M. Sayeh vs GBHWC (1).pdf
58K

Judgment of Dismissal re Rex Enriquez 23-GRE10 signed on 04302024 (1).pdf
187K

CSC Agenda May 02,2024.pdf
74K

CSC Attenance Roster May 02, 2024.pdf
67K

CSC Judgment of Dismissal re Kamille Ssn Nicolas.pdf
49K

37GL-24-2047.pdf
275K

Office of Senator Amanda L. Shelton <officeofsenatorshelton@guamlegislature.org> Mon, May 6, 2024 at 8:02 AM
To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>
Cc: 37th Committee On Rules <committeeonrules@guamlegislature.org>

Hafa adai,

Confirming receipt of M&C Doc. No. 37GL-24-2047.

Respectfully,

Renee Pope | *Community Liaison*

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

37th Guam Legislature
163 Chalan Santo Papa, *Hagåtña*, Guam 96910

T +1 (671) 969-2574 • (671) 989-2572
E officeofsenatorshelton@guamlegislature.org

[Quoted text hidden]

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committeeonrules@guamlegislature.org <committeeonrules@guamlegislature.org> Mon, May 6, 2024 at 8:16 AM
To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>, Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>

Håfa Adai!

Received and thank you.

si Yu'os ma'åse',

Beatrice Cruz

Committee on Rules Assistant

COMMITTEE ON RULES

Senator Chris Barnett, Chairperson

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

Disclaimer: The content of this email is intended for the person or entity to which it is addressed only. This email may contain confidential information. If you are not the person to whom this message is addressed, be aware that any use, reproduction, or distribution of this message is strictly prohibited. If you received this in error, please contact the sender at committeeonrules@guamlegislature.org and immediately delete this email and any attachments.

[Quoted text hidden]

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image001.png
97K

Guam Legislature

Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Fwd: Civil Service Commission - Board Meeting Tuesday, April 23, 2024

Christine Quinata <christine.quinata@csc.guam.gov> Fri, May 3, 2024 at 4:10 PM
To: Litigation Division <civillitigation@oagguam.org>, "gll@guamlawlibrary.org" <gll@guamlawlibrary.org>, "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>, Office of Public Accountability <admin@guamopa.com>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, "Jean S. Taitano" <jean.taitano@guam.gov>

Hafa Adai,

In compliance with *Chapter 18 of Title 1, Guam Code Annotated, Article 4 Section 1840*, and mandated under *4 GCA, Section 4403 (a)*, the Civil Service Commission submits the following documents that were presented and heard at its Board meeting that was conducted on, ***Tuesday, April 23, Thursday, April 25, Tuesday, April 30, and Thursday, May 02, 2024.***

Kindly acknowledge receipt of this email and its attachments.

Doc Type: 37GL-24-2047
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
May 3, 2024
Time: 4:10 PM
Received:

13 attachments

- **APRIL 23, 2024 - Agenda.pdf** 70K
- **CSC Attendance Roster April 23, 2024.pdf** 56K
- **APRIL 25, 2024 - Agenda.pdf** 77K
- **CSC Attendance Roster April 25, 2024.pdf** 69K
- **Decision and Judgment re Jordan L. Pauluhn _ 23-GRE09 (1).pdf** 73K
- **Order After Hearing re Vivian Nisperos_ CSC Case No. 23-AA08T -2 Orders.pdf** 177K
- **APRIL 30, 2024 - Agenda.pdf** 65K
- **CSC Attendance Roster April 30, 2024.pdf** 46K
- **Decision and Judgment 23-AA04S M. Sayeh vs GBHWC (1).pdf** 58K
- **Judgment of Dismissal re Rex Enriquez 23-GRE10 signed on 04302024 (1).pdf** 187K
- **CSC Agenda May 02,2024.pdf** 74K
- **CSC Attenance Roster May 02, 2024.pdf** 67K
- **CSC Judgment of Dismissal re Kamille Ssn Nicolas.pdf** 49K

Civil Service Commission
BOARD MEETING
(IN-PERSON AND LIVE STREAM)

Location: CSC BOARD HEARING ROOM
Date: TUESDAY, APRIL 23, 2024
Time: 9:00 A.M.

AGENDA

I. **CALL TO ORDER.**

II. **APPROVAL OF MINUTES:** March 22, 2024.

III. **NEW BUSINESS:**

HEARING ON THE MERITS.
Javin Cruz vs. Guam Police Department; CSC Case No.: 23-AA10S.

IV. **OLD BUSINESS:**

SIGNING: DECISION AND JUDGEMENT.
Juan P. San Nicolas vs. Guam Fire Department; CSC Case No.: 21-AA23T.

SIGNING: DECISION AND JUDGEMENT.
John-Anthony Blas Muna (Complainant) vs. Guam Fire Department; CSC Case No.: 23-PA03.

SIGNING: DECISION AND JUDGEMENT.
William N. Kando vs. Guam Memorial Hospital Authority; CSC Case No.: 23-PA05.

V. **GENERAL BUSINESS:**

1) **Bills and Laws affecting CSC:** None.
2) **Administrative Counsel Litigation Update;** focused on SP0055-23.
   - Three (3) Guam Fire Department employees (J.J. Cruz, R.T. Candaso, and J.A. Pangelinan) vs. Guam Fire Department.
3) **Administrative Matters:**
   a) Board Training; Civil Service Commission Board Members.

VI. **ADJOURNMENT.**

----- NOTHING ELSE FOLLOWS -----

DANIEL D. LEON GUERRERO
Executive Director

37GL-24-2047
Messages and Communications
RECEIVED
Committee on Rules
May 6, 2024
7:34 a.m.
Beatrice Cruz

Doc. No. 37GL-24-2047.*

LOU A. LEON GUERRERO
Governor
JOSHUA TENORIO
Lieutenant Governor

CIVIL SERVICE COMMISSION
Kumision I Setbision Sibit
GOVERNMENT OF GUAM
I Gobietnon Guahan

P.O. Box 2950 • Hagåtña, Guam 96932
Tel: (671) 647-1855/1857 • Fax: (671) 647-1867

DANIEL D. LEON GUERRERO
Executive Director

BOARD OF COMMISSIONERS – ATTENDANCE ROSTER

Subject:	CSC BOARD MEETING	**Meeting Date:**	**TUESDAY, APRIL 23, 2024**
Agency:	Civil Service Commission (CSC)	**Location:**	CSC Board Hearing Room

COMMISSIONER	Title	SIGNATURE OF ATTENDANCE
JUAN K. CALVO	Chairman	
ANTHONY P. BENAVENTE	Vice Chairman	
ROBERT C. TAITANO	Commissioner	Robert C. Taitano
FRANCISCO T. GUERRERO	Commissioner	

For CSC Board Secretary only.

Call to Order: (Meeting START Time)	9:16 (✓) A.M. / ( ) P.M.	**Adjourn:** (Meeting END Time)	9:42 (✓) A.M. / ( ) P.M.

Sent to Admin. Services Officer (ASO) for processing of Board Stipends as of:	Board Secretary signature of Certification for ASO process:

Civil Service Commission
BOARD MEETING
(IN-PERSON AND LIVE STREAM)

Location: CSC BOARD HEARING ROOM
Date: THURSDAY, APRIL 25, 2024
Time: 9:00 A.M.

AGENDA

I. **CALL TO ORDER.**

II. **APPROVAL OF MINUTES:** None.

III. **NEW BUSINESS:**

1) **HEARING ON THE MERITS.**
Johnny C. Toves vs. Department of Public Works; CSC Case No.: 17-AA16T SP.

IV. **OLD BUSINESS:**

1) **SIGNING: DECISION AND JUDGEMENT.**
Jordan L. Pauluhn vs. Office of the Attorney General/LAW; CSC Case No.: 23-GRE09.

2) **SIGNING: DECISION AND JUDGEMENT.**
Vivian Nisperos vs. Office of the Attorney General/LAW; CSC Case No.: 23-PA04.

V. **GENERAL BUSINESS:**

1) **Bills and Laws affecting CSC:** None.
2) **Administrative Counsel Litigation Update.**
3) **Administrative Matters:**
   a) Board Training; Civil Service Commission Board Members.

VI. **ADJOURNMENT.**

----- NOTHING ELSE FOLLOWS -----

DANIEL D. LEON GUERRERO
Executive Director

Doc. No. 37GL-24-2047.*

LOU A. LEON GUERRERO
Governor
JOSHUA TENORIO
Lieutenant Governor

CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
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P.O. Box 2950 • Hagåtña, Guam 96932
Tel: (671) 647-1855/1857 • Fax: (671) 647-1867

DANIEL D. LEON GUERRERO
Executive Director

BOARD OF COMMISSIONERS – ATTENDANCE ROSTER

Subject:	CSC BOARD MEETING	**Meeting Date:**	**THURSDAY, APRIL 25, 2024**
Agency:	Civil Service Commission (CSC)	**Location:**	CSC Board Hearing Room

COMMISSIONER	Title	SIGNATURE OF ATTENDANCE
JUAN K. CALVO	Chairman	
ANTHONY P. BENAVENTE	Vice Chairman	
ROBERT C. TAITANO	Commissioner	Robert C. Taitano
FRANCISCO T. GUERRERO	Commissioner	

For CSC Board Secretary only.

Call to Order: (Meeting START Time)	9:45 (✓) A.M. / ( ) P.M.	**Adjourn:** (Meeting END Time)	11:15 (✓) A.M. / ( ) P.M.

Sent to Admin. Services Officer (ASO) for processing of Board Stipends as of:	Board Secretary signature of Certification for ASO process:

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

JORDAN L. PAULUHN,

Employee,

vs.

OFFICE OF THE ATTORNEY GENERAL,

Management.

GRIEVANCE APPEAL CASE NO.: 23-GRE09

DECISION AND JUDGMENT

This matter came before the Civil Service Commission ("Commission") on February 13, 15, and 21, 2024 for a Grievance Hearing.

Commissioners present were Chairman Juan K. Calvo, Vice Chairman Anthony P. Benavente, Commissioner Robert C. Taitano and Commissioner Francisco T. Guerrero.

Present at the hearing were Jordan L. Pauluhn ("Employee") who was representing himself *pro se*. Present for the Office of the Attorney General was John R. Salas, Lay Representative, Attorney Nathan Tennyson, and Douglas B. Moylan ("Management").

After hearing from the witnesses, the Commission deliberated on the Grievance.

Vice-Chairperson Benavente made a motion to order Management to provide a written apology to the Employee. Management argued that ordering an apology would violate the First Amendment. Employee acknowledged that a written apology could likely not be issued in this matter anymore, because the individual who signed the letter of reprimand recently passed away. The Commission voted and the motion failed.

Second, Vice Chair Benavente motion to not dispose or expunge the Grievance file. The Commission voted 3 to 1 to dispose of the Grievance file, the motion failed.

Finally, Vice-Chairperson Benavente moved to officially recognize that the letter of Reprimand has been expunged (withdrawn). The Commission voted four (4) to zero 0) to grant the motion.

SO ORDERED this 25th day of April, 2024.

JUAN K. CALVO
Chairperson

ANTHONY P. BENAVENTE
Vice Chairperson

ROBERT C. TAITANO
Commissioner

FRANCISCO T. GUERRERO
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

VIVIAN NISPEROS,

Employee,

vs.

OFFICE of the ATTORNEY GENERAL (OAG),

Management.

ADVERSE ACTION APPEAL
CASE NO.:23-AA08T

ORDER AFTER HEARING

This matter came before the Civil Service Commission on February 20, 2024, on Employee's Motion to Lodge Supplemental Exhibits and Management's Motion to Strike Employee Witness and Exhibit Lists and Supplemental Exhibits.

Commissioners present were Chairperson Juan K. Calvo, Vice Chairperson Anthony P. Benavente, Commissioner Robert E. Taitano and Commissioner Francisco T. Guerrero.

Employee, Vivian Nisperos was present with her attorney, Jacqueline Taitano Terlaje. Present for Management, was attorney Graham Botha of the Office of the Attorney General of Guam.

The Commission having considered the Motion to Strike Employee Witness and Exhibit Lists and Supplemental Exhibits filed by Management and the Employee's Motion to Lodge Supplemental Exhibits and their respective responses.

The Commission voted 4 to 0 to deny Management's Motion to Strike Employee Witness and Exhibit Lists and Supplemental Exhibits and voted 4 to 0 to accept Employee's Motion to Lodge Supplemental Exhibits.

SO ADJUDGED THIS 25th day of April 2024.

JUAN K. CALVO
Chairperson

ANTHONY P. BENAVENTE
Vice-Chairperson

ROBERT C. TAITANO
Commissioner

FRANCISCO T. GUERRERO
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

VIVIAN NISPEROS,

Employee,

vs.

OFFICE of the ATTORNEY GENERAL (OAG),

Management.

ADVERSE ACTION APPEAL
CASE NO.:23-AA08T

ORDER AFTER HEARING

This matter came before the Civil Service Commission on November 30, 2023, on Management's Motion to Dismiss Employee's adverse action appeal.

Commissioners present were Chairperson Juan K. Calvo, Vice Chairperson Anthony P. Benavente, Commissioner Robert E. Taitano and Commissioner Francisco T. Guerrero.

Employee, Vivian Nisperos was present with her attorney, Jacqueline Taitano Terlaje. Present for Management, was attorney Graham Botha and Deputy Gary Gumataotao of the Office of the Attorney General of Guam.

The Commission having considered the Motion to Dismiss filed by Management and the Employee's Opposition to the Motion to Dismiss.

The Commission voted 3 to 1 to deny Management's Motion to Dismiss.

SO ADJUDGED THIS 25th day of April 2024.

JUAN K. CALVO
Chairperson

ANTHONY P. BENAVENTE
Vice-Chairperson

ROBERT C. TAITANO
Commissioner

FRANCISCO T. GUERRERO
Commissioner

Civil Service Commission
BOARD MEETING
(IN-PERSON AND LIVE STREAM)

Location: CSC BOARD HEARING ROOM
Date: TUESDAY, APRIL 30, 2024
Time: 9:00 A.M.

AGENDA

I. **CALL TO ORDER.**

II. **APPROVAL OF MINUTES:** None.

III. **NEW BUSINESS:** None.

IV. **OLD BUSINESS:**

1) **SIGNING: DECISION AND JUDGEMENT.**
Mahmoud F.F. El Sayeh vs. Guam Behavioral Health and Wellness Center;
CSC Case No.: 23-AA04S.

2) **SIGNING: JUDGEMENT OF DISMISSAL.**
Rex Cezar Enriquez vs. Guam Behavioral Health and Wellness Center;
CSC Case No.: 23-GRE10.

3) **HEARING ON THE MERITS.**
Vivian Nisperos vs. Office of the Attorney General/LAW; CSC Case No.:23-AA08T

V. **GENERAL BUSINESS:**

1) **Bills and Laws affecting CSC:** None.
2) **Administrative Counsel Litigation Update.**
3) **Administrative Matters:**
   a) Board Training; Civil Service Commission Board Members.

VI. **ADJOURNMENT.**

----- NOTHING ELSE FOLLOWS -----

DANIEL D. LEON GUERRERO
Executive Director

Doc. No. 37GL-24-2047.*

LOU A. LEON GUERRERO
Governor
JOSHUA TENORIO
Lieutenant Governor

CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
I Gobietnon Guahan
P.O. Box 2950 • Hagåtña, Guam 96932
Tel: (671) 647-1855/1857 • Fax: (671) 647-1867

DANIEL D. LEON GUERRERO
Executive Director

BOARD OF COMMISSIONERS – ATTENDANCE ROSTER

Subject:	CSC BOARD MEETING	**Meeting Date:**	APRIL 30 **2024**
Agency:	Civil Service Commission (CSC)	**Location:**	CSC Board Hearing Room

COMMISSIONER	Title	SIGNATURE OF ATTENDANCE
JUAN K. CALVO	Chairman	
ANTHONY P. BENAVENTE	Vice Chairman	
ROBERT C. TAITANO	Commissioner	Robert C Taitano
FRANCISCO T. GUERRERO	Commissioner	

For CSC Board Secretary only.

Call to Order: (Meeting START Time)	9:04 (✓) A.M. / ( ) P.M.	**Adjourn:** (Meeting END Time)	12:43 ( ) A.M. / (✓) P.M.

Sent to Admin. Services Officer (ASO) for processing of Board Stipends as of: 4/30/24	Board Secretary signature of Certification for ASO process:

CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

BEFORE THE GUAM CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM

IN THE MATTER OF:

MAHMOUD F.F. EL SAYEH,

Employee,

vs.

GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER (GBHWC),

Management.

ADVERSE ACTION APPEAL
CASE NO.: 23-AA04S

DECISION AND JUDGMENT

This matter came before the Civil Service Commission ("CSC") Board of Commissioners for a Hearing on the Merits on Tuesday, March 19, 2024. Present were Mahmoud F.F. El Sayeh ("Employee") and his lay representative, Robert Koss; Deputy Director of the Guam Behavioral Health & Wellness Center, Carissa Pangelinan with their Attorney, Phillip Torres ("Management"). The four members of the Commission were also present: Chairperson Juan K. Calvo, Vice Chairperson Anthony P. Benavente, Commissioner Robert C. Taitano and Francisco T. Guerrero.

Management made an oral motion, based on the Writ in SP0083-22, that the Commission stay the case to ensure compliance with the Writ. Employee was against a stay and requested to move forward as planned.

CSC looked to their Administrative Counsel who quoted from pages six (6) and seven (7) of the Decision and Order in SP0083-22 stating "*While a non-attorney may represent an individual before the CSC, this representation is limited and does not grant them a general license to practice law before the administrative tribunal.*" The Commission discussed the Writ and the need to continue with CSC operations. The Commission voted four (**4**) to zero (**0**) to proceed with the case.

Management reported that, due to the Writ, they would not participate in a CSC Hearing where a representative was a lay representative. Both parties rest and the Commission deliberated that Management has the burden of proof. Three (**3**) Commissioners voted in favor of Employee and one Commissioner, Vice-Chairman Benevente, in favor of Management. Management failed to meet their standard; Employee prevails.

IT IS SO ADJUDGED on this 30th day of April 2024.

JUAN K. CALVO
Chairperson

ANTHONY P. BENAVENTE
Vice-Chairperson

ROBERT C. TAITANO
Commissioner

FRANCISCO T. GUERRERO
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

REX CEZAR ENRIQUEZ,

Employee,

vs.

GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER,

Management.

GRIEVANCE APPEAL
CASE Number: 23-GRE10

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the parties entering into this Stipulation of Settlement signed by the Employee on April 2, 2024 and signed by Management on April 3, 2024 (attached herein).

SO ADJUDGED THIS 30th day of April **2024**.

JUAN K. CALVO
Chairperson

ANTHONY P. BENAVENTE
Vice-Chairperson

ROBERT C. TAITANO
Commissioner

FRANCISCO T. GUERRERO
Commissioner

Robert B. 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

24-234

CIVIL SERVICE COMMISSION
APR 11 2024
RECEIVED
04:32PM

BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

REX CEZAR ENRIQUEZ, **Employee,** **vs.** **GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER** **Management.**	**GRIEVANCE APPEAL** **Case No. 23-GRE10** **STIPULATION OF SETTLEMENT**

To the Civil Service Commission of Guam

THIS STIPULATION OF SETTLEMENT AND AGREEMENT, is by and between REX CEZAR ENRIQUEZ (hereinafter "Employee") and the GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER, (hereinafter referred to as "Management") as follows:

RECITALS

A. The above named Classified Employee timely initiated a grieve appeal at the Civil Service Commission contesting the denial of leave request and associated disciplinary letter.

B. The parties now desire to enter into this Settlement Agreement (hereinafter "Agreement") for this and all pending matters in order to provide for certain arrangements in full settlement and discharge of the Appeal in fair and equitable means and upon the terms and conditions set forth herein.

C. The terms and conditions of said Agreement shall become operative upon execution of this Agreement.

NOW THEREFORE, for and in consideration of the mutual promises set forth herein, the parties agree as follows:

1. **Purpose of Agreement**. Employee and Management acknowledge and agree that this Agreement is a Settlement and Compromise of the referenced matter. It is the intention of the parties by the execution of this Agreement to fully, finally and completely resolve all disputes between them regarding these matters, in the manner more specifically set forth in the terms of this Agreement that follow.

2. **Employee's Obligation**.

2.1 Employee agrees that he shall be placed in sick leave status from 3:00pm to 11:30 pm on May 11, 2023.

2.2 Employee agrees that he shall be compensated for the sick leave referenced in item 2.1 above.

2.3 Employee agrees that the disciplinary action responsive to his leave on May 11, 2023 shall be rescinded by management.

2.3 Employee agrees to withdraw and dismiss his grievance appeal before Civil Service Commission with prejudice pursuant to the mutually agreeable terms of this stipulated settlement agreement.

3. **Management's Obligation.**

3.1 Management agrees that it shall place the employee in approved sick leave status from 3:00pm to 11:30 pm on May 11, 2023.

3.2 Management agrees that it shall properly compensate the employee for the sick leave period referenced in item 3.1 above.

2.3 Management agrees that the disciplinary action responsive to his leave on May 11, 2023 shall be rescinded.

4. **Performance Accepted.** The parties agree and acknowledges: (a) that it accepts performance of its obligations specified in this Agreement as a full and complete compromise of matters involving disputed issues; (b) that the negotiations for this settlement (including all statements, admissions or communications by the parties or their attorneys or representative) shall not be considered by any of said parties; (c) and that no past or present wrong doing on the part of the parties shall be implied by such negotiations.

5. **Additional Documents.** All parties agree to cooperate fully and execute any and all supplementary documents and take all additional actions that may be necessary as appropriate to

give full force and effect to the basic terms and intent of this Agreement within thirty (30) days of the effective date.

6. **Independent Advice of Counsel.** Each party represents and declares that it has received independent advice from its respective attorneys and representative with respect to the advisability of making the settlement provided for herein and with respect to the advisability of executing this Agreement. Each party further represents and declares that it has not relied upon any statement or representation by the other party or of any of its partners, agents, employees, or attorneys in executing this Agreement or in making the settlement provided for herein, except as expressly provided for herein.

7. **Voluntary Agreement.** Each party represents and declares that it has carefully read this Agreement, that is knows the contents of this Agreement, and that it has signed the same freely and voluntarily.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written by their respective names.

For Employee:	**For Management:**
Rex Cezar Enriquez, Employee	**Theresa C. Arriola, Director**
Date: 04/02/24	Date: 4/3/24

Civil Service Commission
BOARD MEETING
(IN-PERSON AND LIVE STREAM)

Location: CSC BOARD HEARING ROOM
Date: THURSDAY, MAY 02, 2024
Time: 9:00 A.M.

AGENDA

I. CALL TO ORDER.

II. APPROVAL OF MINUTES: None.

III. NEW BUSINESS: None.

IV. OLD BUSINESS:

1) **SIGNING: JUDGEMENT OF DISMISSAL.**
Kamille San Nicolas vs. Department of Revenue and Taxation;
CSC Case No.: 22-GRE29.

2) **MOTION HEARING.**
Joyjean R. Arceo vs. Port Authority of Guam;
CSC Case No.: 23-AA11T.

3) **HEARING ON THE MERITS.**
Vivian Nisperos vs. Office of the Attorney General/LAW; CSC Case No.: 23-AA08T.

V. GENERAL BUSINESS:

1) **Bills and Laws affecting CSC:** None.
2) **Administrative Counsel Litigation Update.**
3) **Administrative Matters:**
   a) Board Training; Civil Service Commission Board Members.

VI. ADJOURNMENT.

----- NOTHING ELSE FOLLOWS -----

DANIEL D. LEON GUERRERO
Executive Director

Doc. No. 37GL-24-2047.*

CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
I Gobietnon Guahan
P.O. Box 2950 • Hagåtña, Guam 96932
Tel: (671) 647-1855/1857 • Fax: (671) 647-1867

LOU A. LEON GUERRERO
Governor
JOSHUA TENORIO
Lieutenant Governor

DANIEL D. LEON GUERRERO
Executive Director

BOARD OF COMMISSIONERS – ATTENDANCE ROSTER

Subject:	CSC BOARD MEETING	**Meeting Date:**	**THURSDAY MAY 02, 2024**
Agency:	Civil Service Commission (CSC)	**Location:**	CSC Board Hearing Room

COMMISSIONER	Title	SIGNATURE OF ATTENDANCE
JUAN K. CALVO	Chairman	
ANTHONY P. BENAVENTE	Vice Chairman	
ROBERT C. TAITANO	Commissioner	
FRANCISCO T. GUERRERO	Commissioner	

For CSC Board Secretary only.

Call to Order: (Meeting START Time)	9:04 (✓) A.M. / ( ) P.M.	**Adjourn:** (Meeting END Time)	12:54 ( ) A.M. / (✓) P.M.

Sent to Admin. Services Officer (ASO) for processing of Board Stipends as of:	Board Secretary signature of Certification for ASO process:

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

KAMILLE SAN NICOLAS,

Employee,

vs.

GUAM DEPARTMENT OF REVENUE AND TAXATION,

Management.

GRIEVANCE APPEAL
CASE Number: 22-GRE29

JUDGMENT OF DISMISSAL

The Civil Service Commission ("CSC") hereby dismisses the above captioned case without prejudice pursuant to the Employee's Dismissal of Appeal filed with the CSC on April 16, 2024 at 10:05am (attached herein).

SO ADJUDGED THIS 2nd day of May **2024**.

JUAN K. CALVO
Chairperson

ANTHONY P. BENAVENTE
Vice-Chairperson

ROBERT C. TAITANO
Commissioner

FRANCISCO T. GUERRERO
Commissioner