

Date 3-27-13  
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**ORIGINAL**



**BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS**



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**IN THE MATTER OF:**

**REVIEW OF RECRUITMENT  
ACTIONS**

**Employee,**

**vs.**

**PORT AUTHORITY OF GUAM**

**Management.**

**POST AUDIT CASE NO.  
12-PA-11**

**DECISION AND JUDGMENT**

Office of the Speaker  
Judith T. Won Pat, Ed. D.

Date 3/27  
Time 11:31 AM  
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This matter came before the Civil Service Commission on January 15, 2013 for purposes of hearing any further report from the Port Authority of Guam management ("Port Authority") on issues related to the Commission's October 16, 2012 determination that Personnel Action No. 40-12 was issued in violation of the Port Authority's Personnel Rules and the merit principles of recruiting and selecting applicants on the basis of their relative knowledge, ability and skills to include the minimum qualification requirements of the job were violated.

Pursuant to its authority set forth in 4 G.C.A. §4403(d), the Commission authorized an investigation by its staff of the above-referenced personnel action at its meeting on May 24, 2012. Following the issuance of a preliminary report issued by Commission staff, the Port Authority submitted written response on October 8, 2012. On October 16, 2012, the Commission held a meeting for purposes of reviewing the Final Investigative Report. At the conclusion of that meeting, the Commission determined, by a vote of 7-0, that it accepted the findings, recommendations, and conclusions of staff and the personnel actions were null for

failure to conform to the Port Authority's personnel rules.

The Commission further requested that the Port Authority report in 90 days as to how it intended to proceed in light of the Commission's findings of violations of its Personnel Rules and that Personnel Action No. 40-12 should be set aside. At the January 15, 2013 Commission meeting held to take the Port Authority's further report on the issue, the Port Authority was represented by its counsel, John Bell, and its general manager, Joanne Brown. Following the Port Authority's articulation that it would defer to the Commission, the Commission reaffirmed its determination that Personnel Action No. 40-12 was issued in violation of the Port Authority's Personnel Rules and that the same were thus declared null and void.

SO ORDERED THIS 26<sup>th</sup> DAY OF March 2013.

*Luis R. Baza*  
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LUIS R. BAZA  
Chairman

*Manuel R. Pinauin*  
\_\_\_\_\_  
MANUEL R. PINAUIN  
Vice-Chairman

*Priscilla T. Tuncaf*  
\_\_\_\_\_  
PRISCILLA T. TUNCAF  
Commissioner

*John Smith*  
\_\_\_\_\_  
JOHN SMITH  
Commissioner

*Lourdes Hong Kee*  
\_\_\_\_\_  
LOURDES HONG KEE  
Commissioner

*Daniel B. Leon Guerrero*  
\_\_\_\_\_  
DANIEL B. LEON GUERRERO  
Commissioner

*Edith C. Pangelinan*  
\_\_\_\_\_  
EDITH C. PANGELINAN  
Commissioner