

Office of the Legislative Secretary  
 Senator Tina Barnes  
 Date 11-13-13  
 Time 8:34 am  
 Received by E. Wilson



Before The Civil Service Commission  
 Government Of Guam

IN THE MATTER OF:

CSC CASE NO. 12-AA12T

NEETI PRAKASH,

Employee,

STIPULATION TO  
 TERMS OF REINSTATEMENT

vs.

DEPARTMENT OF EDUCATION,

Management.

2013 NOV 13  
 32-13-972  
 Office of the Speaker  
 Judith T. Won Pac, Ed. Co.  
 Date 11.13.13  
 Time 9:57 am  
 Received by J

TO: The Commissioner of the Civil Service Commission of Guam in the Government of Guam.

Office of the Legislative Secretary I.  
**INTRODUCTION**

The above referenced matter came before the Civil Service Commission for Hearing on the merits on October 10, 2013. By a vote of 6 to 0 the Commissioners voted to sustain the action taken by Management. By a vote of 4 to 2 the Commissioners voted to reinstate the Employee to a lower non-instructional position classification for which the employee qualifies. The Commission further instructed the parties to either brief the Commission with regard to a suitable demotion or stipulate to the terms of a demotion. That stipulation, hereafter referred to as *Agreement* is provided as follows:

**II.  
 RECITALS**

- A. The Employee's former position classification was Teacher IV, Pay Grade LT, Step 14, \$57,157 per annum.

- 1 B. Employee was dismissed from her Teacher IV position in the DOE on June 8, 2012 for
- 2 charges of Disrespectful Conduct and Unauthorized Corporal Punishment.
- 3 C. Employee commenced a timely appeal before the Civil Service Commission of Guam.
- 4 D. On October 10, 2013 by a vote of 6 to 0 the Commissioners voted to sustain the action
- 5 taken by management and by a vote of 4 to 2 the Commissioners voted to reinstate the
- 6 Employee into a lower position classification of a non-instructional nature within the
- 7 Department of Education.
- 8 E. The parties enter into this Agreement for the implementation of a suitable non-
- 9 instructional position classification in the Department of Education in accordance with
- 10 the above stated decision of the Commission.
- 11 F. Said Agreement shall become operative upon execution of this Agreement by the signing
- 12 of a Judgment by the Civil Service Commission approving the terms and conditions set
- 13 forth herein.
- 14

15 NOW THEREFORE, the parties agree as follows:

16 **III.**  
17 **TERMS OF AGREEMENT**

- 18 A. Employee and Management recognize that the Civil Service Commission of Guam has
- 19 jurisdiction in this matter and that the parties are bound by the Commission's decision.
- 20 By unanimous decision the Commissioners voted to sustain the action taken by
- 21 management. Therefore the parties agree that the adverse action shall be retained in the
- 22 employee's permanent record.
- 23
- 24 B. Employee and Management further acknowledge that the Commission has ordered that
- 25 the Employee shall be reinstated to a lower, non-instructional position classification

1 within thirty (30) days after its signing of a Judgment. Therefore, the parties have agreed  
 2 to reinstate the Employee into a vacant and funded professional position classification of  
 3 Program Coordinator 1, Pay Grade K, Step 14, \$42,440/annum. Note: Step 14 is  
 4 commensurate with the employee's years of service with the Department of Education in  
 5 the Government of Guam.

6 C. The parties agree and acknowledge that the final disposition of this matter is subject to  
 7 the authority of the Commission and that the Commission's authority is not limited by  
 8 this agreement. Therefore, the parties agree to cooperate fully and execute any and all  
 9 modifications and/or supplementary instructions and take all additional actions as  
 10 directed by the Commission such as back pay, attorney fee awards or other benefits, if  
 11 any.  
 12

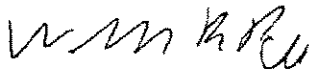
13 IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written by  
 14 their respective names.

15 FOR EMPLOYEE:

16 

17 NEETI PRAKASH  
 18 Employee


19 Date: 10/21/13

21 

22 WILLIAM POLE  
 23 Attorney for Employee

24 Date: 10/21/13

FOR MANAGEMENT:



JON J.P. FERNANDEZ  
 Superintendent of Education

Date: 10/21/13



ROBERT E. KOSS  
 Lay Representative for Management

Date: 10/21/13