



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

Anthony Santos,

Employee,

vs.

Department of Education,

Management.

ADVERSE ACTION APPEAL
CASE NO. 12-AA09S

DECISION AND JUDGMENT

2014 MAY 30 AM 9:18
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I.
INTRODUCTION

This matter originally came before the Civil Service Commission for a Hearing on the Merits on December 3, 5, 10 and 12, 2013. Present at the hearings were Anthony Santos (Employee), who was represented by Lay Representative David Babauta of the Guam Federation of Teachers. Present for the Guam Department of Education (GDOE) was Andrew Perez, Legal Counsel and Joseph Sanchez for GDOE management.

II.
JURISDICTION

The jurisdiction of the Civil Service Commission is based upon the Organic Act of 23 Guam, 4 G.C.A., et seq. and the Guam Department of Education Personnel Rules and Regulations.

Office of the Legislative Secretary
Senator Tina Kees Mufson Barnes
Date 5-30-14
Time 8:55
Received by: [Signature]

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**III.
FACTS**

The Guam Department of Education suspended the employee on April 18, 2012 for thirty (30) day. The employee filed an adverse action appeal with the Civil Service Commission on May 2, 2012. On December 3, 5, 10 and 12, 2013 both parties presented their cases to the CSC. Based on the facts proven, Employee showed that GDOE did not conduct a proper investigation into the allegations and acted to quickly to issue the Final Notice of Adverse Action thereby not affording the employee an opportunity to contest the results.

**IV.
CONCLUSION**

The CSC ruled by a vote of 4-3 in favor of the Employee that GDOE did not comply with the Drug Free Workplace Policy. Therefore, the Final Notice of Adverse Action shall be expunged from the employee file and management shall reimburse and reinstate all employee's salaries and benefits, including but not limited to sick and annual leave, retirement benefits, and all other benefits due and owed to the employee under Guam law.

So ordered and adjudged this 29th day of MAY, 2014.

Not Present

LUIS R. BAZA
Chairman
Priscilla T. Tuncap

PRISCILLA T. TUNCAP
Commissioner
Lou Honyee

LOURDES HONGYEE
Commissioner
Edith C. Pangelinan

EDITH C. PANGELINAN
Commissioner

Manuel R. Pinauin

MANUEL R. PINAUI
Vice-Chairman
John Smith

JOHN SMITH
Commissioner
Daniel D. Leon Guerrero

DANIEL D. LEON GUERRERO
Commissioner