

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

JOSETTE JAVELOSA,

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

ADVERSE ACTION APPEAL
CASE NO. 13-AA01T

DECISION AND JUDGMENT

I.
INTRODUCTION

This matter came before the Civil Service Commission for a hearing on the merits on the following dates:

August 26, 27 and 28, 2014

September 3, 4, and 8, 2014

Present at the hearings were Josette Javelosa, who was represented by John C. Terlaje.

Present for the Port Authority of Guam ("PAG") was Mike Phillips, legal counsel, and

Joann Brown for PAG Management.

II.
JURISDICTION

The Civil Service Commission has jurisdiction over this matter pursuant to 4 GCA § 4403 and the PAG personnel rules and regulations.

Office of the Legislative Secretary
Senator Tina Rosa Mufie Barnes
Date 10/01/14
Time 10:44 am
Received by *awer, Jim*

ORIGINAL
2014

32-14-2074
Office of the Speaker
Judith T. Von Pat, F.D.D

Date: 10-1-14

Time: 10:55am

Received By: *[Signature]*

2014 OCT -1 AM 11:08 AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

III.
FACTS

The PAG terminated Javelosa on December 18, 2012. Javelosa filed an appeal with the Civil Service Commission on January 3, 2013. The parties presented their cases to the Civil Service Commission on August 26, 27, 28 and September 2, 3, 4 and 8, 2014. Based on the facts proven, PAG failed to meet its burden of proving its actions against Javelosa were correct.

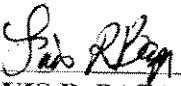
IV.
CONCLUSION

The Civil Service Commission ruled by vote of 4-3 in favor of Javelosa. Four (4) of the commissioners found that the PAG failed to meet its burden of proof that the action taken against Javelosa was correct. Three (3) of the commissioners ruled in favor of Management, finding that the PAG adverse action against Javelosa was excessive and ruled for Modification of Adverse Action. Therefore, the adverse action taken against Javelosa is null and void.


The PAG is hereby ORDERED to immediately reinstate Javelosa to her prior position of employment. The PAG is FURTHER ORDERED to fully compensate Javelosa for all time following her termination on December 18, 2012 until the date that she is reinstated including, but not limited to, salary and benefits, sick and annual leave, retirement benefits, and all other benefits due and owed to Javelosa under Guam law. Finally, the PAG is ORDERED to pay the attorney's fees incurred by Javelosa during this appeal in the amount of \$28,437.50 within 30 days of this judgment.

IT IS SO ORDERED THIS 30th DAY OF September 2014 *nunc pro tunc to September 9, 2014.*


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25




LUIS R. BAZA
Chairman



MANUEL R. PINAUIN
Vice-Chairman



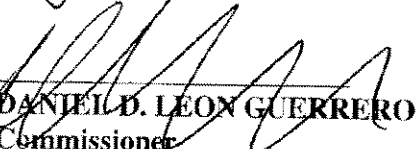
PRISCILLA T. TUNCAP
Commissioner



JOHN SMITH
Commissioner



LOU HONGYEE
Commissioner



DANIEL D. LEON GUERRERO
Commissioner



EDITH C. PANGELINAN
Commissioner