

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

LEONORA V. LEON GUERRERO,

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

ADVERSE ACTION APPEAL
CASE NO. 13-AA11T

DECISION AND JUDGMENT

I.
INTRODUCTION

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

June 17, 18, 24 and 26, 2014
July 1, 3, 9 and 10, 2014

Present at the hearings were Leonora Leon Guerrero, who was represented by Leevin T. Camacho. 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.

2014 OCT -1 AM 11:09 AM

Office of the Legislative Services
Senator Tina Somoza Barrios
Date: 10/01/14
Time: 10:44am
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Office of the Speaker
Judith T. Won Pat, F.D.D.

Date: 10/1/14
Time: 10:55am
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III.
FACTS

The PAG terminated Leon Guerrero on February 25, 2013. Leon Guerrero filed an appeal with the Civil Service Commission on March 4, 2013. The parties presented their cases to the Civil Service Commission on June 17, 18, 24, 26 and July 1, 3, and 9, 2014. Based on the facts proven, PAG failed to meet its burden of proving its actions against Leon Guerrero were correct.

IV.
CONCLUSION

The Civil Service Commission ruled by a vote of 5-1 in favor of Leon Guerrero. Four (4) of the commissioners found that the PAG failed to meet its burden of proof that the action against Leon Guerrero was correct. One (1) commissioner did not reach issue, finding that the PAG failed to take adverse action against Leon Guerrero within sixty (60) days that Management knew or should have known about the facts or events that were the basis for its action against her. Therefore, the adverse action taken against Leon Guerrero is null and void.

The PAG is hereby ordered to immediately reinstate Leon Guerrero to her prior position of employment. The PAG is further ordered to fully compensate Leon Guerrero for all the time following her termination on February 25, 2013 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 Leon Guerrero under Guam law. Finally, the PAG is ordered to pay the attorney's fees incurred by Leon Guerrero during this appeal in the amount of \$18,259.50 within 30 days of this judgment.

IT IS SO ORDERED THIS 30th DAY OF September 2014 *nunc pro tunc to July 10, 2014.*

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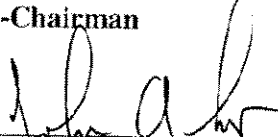
LUIS R. BAZA
Chairman



MANUEL R. PINAUIN
Vice-Chairman



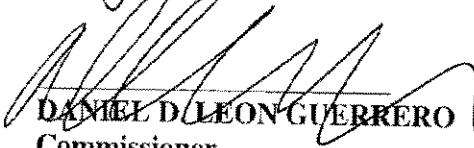
PRISCILLA T. TUNCAP
Commissioner



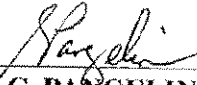
JOHN SMITH
Commissioner



LOU HONGYEE
Commissioner



DANIEL D. LEON GUERRERO
Commissioner



EDITH C. PANGELINAN
Commissioner