

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



2015 APR -9 PM 2:36 PM

IN THE MATTER OF:

KENETH ORCUTT, DEBORAH RIVERA,
HAPPY RONS, SHANNON TAITANO,
LAURA MOONEY, ROBERT WIENBERG,
KATHY FOKAS, MONTY R. MAY, DONNA
LAWRENCE,

Employee,

vs.

ATTORNEY GENERAL'S OFFICE and
DEPARTMENT OF ADMINISTRATION,

Management.

GRIEVANCE APPEAL
CASE NOS. 14-GRE-50, 14-GRE-52,
14-GRE-48, 14-GRE-44, 14-GRE-53,
14-GRE-45, 14-GRE-49, 14-GRE-46
and 14-GRE-54

DECISION AND ORDER

Office of the Legislative Secretary
Senator Tina Rose Mufia Barnes
Date: 4-08-15
Time: 4:00
Received by: [Signature]

This case came before the Civil Service Commission at its regularly scheduled meeting on January 15, 2015, at 5:45 p.m., at its office located in Sinajana, Guam. By a vote of 6-0, the Commissioners approved the parties request pursuant to the attached Stipulation and Order Remanding Grievance Appeals to Office of Attorney General for Compliance with DOA RULE 12.802.

IT IS SO ORDERED THIS 7th DAY OF April 2015 *nunc pro tunc* to January 15, 2015. 3375-0722
Office of the Speaker
Judith E. Won Pat, Ed.D

[Signature]
LUIS R. BAZA
Chairman

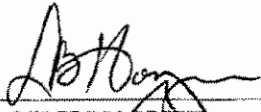
[Signature]
MANUEL R. PINAUI
Vice-Chairman

[Signature]
PRISCILLA T. TUNCAP
Commissioner

[Signature]
JOHN SMITH
Commissioner

Date: 4-08-15
Time: 4:45 pm
RECEIVED BY [Signature]
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LOU HONGYEE
Commissioner

Not present

DANIEL D. LEON GUERRERO
Commissioner



EDITH C. PANGELINAN
Commissioner



Office of the Attorney General
Leonardo M. Rapadas
 Attorney General of Guam
 Civil Division
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 Tamuning, Guam 96913 • USA
 (671) 475-3324 • (671) 472-2493 (Fax)
www.guamag.org

Attorneys for the Government of Guam



- 1. 14-1102
- 2. 14-1103
- 3. 14-1104
- 4. 14-1105
- 5. 14-1106
- 6. 14-1107
- 7. 14-1108
- 8. 14-1109
- 9. 14-1110

**BEFORE THE CIVIL SERVICE COMMISSION
 GOVERNMENT OF GUAM**

IN THE MATTER OF:

KENNETH ORCUTT, DEBORAH RIVERA,
 R. HAPPY RONS, SHANNON TAITANO,
 LAURA MOONEY, ROBERT WEINBERG,
 KATHY FOKAS, MONTY R. MAY and
 DONNA LAWRENCE,

Employees,

vs.

ATTORNEY GENERAL'S OFFICE and
 DEPARTMENT OF ADMINISTRATION,

Management.

) GRIEVANCE APPEAL CASE NOS.
) 14-GRE-50, 14-GRE-52, 14-GRE-48,
) 14-GRE-44, 14-GRE-45, 14-GRE-53,
) 14-GRE-49, 14-GRE-46 and 14-GRE-54

**STIPULATION AND ORDER
 REMANDING GRIEVANCE APPEALS TO
 OFFICE OF ATTORNEY GENERAL FOR
 COMPLIANCE WITH
 DOA RULE 12.802**

It is hereby stipulated between the employee(s) and management that this grievance shall be remanded to the Office of the Attorney General for the conduct of the Step Four Formal Grievance Procedure before a properly constituted Grievance Review Board, as authorized by

Title Five, Guam Code Annotated, Section 30121.2, and pursuant to the Department of Administration's Personnel Rules and Regulations Rule 12.800 and 12.802.

The employee(s) and management further stipulate that the Office of the Attorney General has authority to conduct the Step Four Formal Grievance Procedure and neither party can later raise the lack of such authority of the Office of the Attorney General in this regard as a basis for overturning a resolution or decision in this matter.

As Department of Administration Rule 12.802A provides for appointment of the Grievance Review Board within 10 days of receipt of Step 4, and as Step 4 was filed by employees quite a while ago, the parties agree that the 10 day period will begin upon the date of entry of this Stipulation and Order by the Civil Service Commission.

As Department of Administration Rule 12.802D provides for the Grievance Review Board to conclude its investigation within 20 days of its appointment, and as at least three of the Office of Attorney General attorneys involved in the process will be unavailable for several weeks during this time period due to being off island and/or on medical leave, the parties agree that the Grievance Review Board shall conclude its investigation within 40 days of its appointment.

The parties agree that failing mutual agreement on the outcome of the Grievance Review Board process (i.e., Step 4) – the parties will resume Step 5 of the Grievance Review Process at its current stage, i.e., continuation of the appeal before the Civil Service Commission.

For tracking purposes, pursuant to Civil Service Commission Rule G14.1(b) (Status Call Conference), this matter is rescheduled for another status call conference on December 18, 2014 at 2:00 p.m.

So agreed:

Kenneth Orcutt
Kenneth Orcutt

KENNETH ORCUTT

Employee

Date: 11/20/14

Deborah Rivera

DEBORAH RIVERA

Employee

Date: 25 Nov 14

R. Happy Rons
R. HAPPY RONS

Employee

Date: Nov 20, 2014

Shannon Taitano

SHANNON TAITANO

Employee

Date: 25 Nov 14

Laura Mooney

LAURA MOONEY

Employee

Date: 11/20/14

Robert Weinberg

ROBERT WEINBERG

Employee

Date: 11/20/14

Kathy A. Fokas

KATHY A. FOKAS

Employee

Date: 11-23-14

Monty R. May

MONTY R. MAY

Employee

Date: 11/25/14

Donna Lawrence

DONNA LAWRENCE

Employee

Date: 25 Nov 14

So agreed:

OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, Attorney General

By: John Weisenberger
John Weisenberger
Deputy Attorney General
Management

Date: November 20, 2014

So Ordered.

Dated this ____ day of _____, 2014.

MANUAL R. PINAUI, Vice Chairman

DANIEL LEON GUERRERO, Commissioner

LOURDES HONGYEE, Commissioner

PRISCILLA T. TUNCAP, Commissioner

JOHN SMITH, Commissioner

EDITH PANGELINAN, Commissioner