

BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

THADDEUS SANCHEZ,

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

33-15-0915  
Office of the Speaker  
GRIEVANCE APPEAL  
CASE NO. 13-GRE-09

Date: 10/07/2015

DECISION AND JUDGMENT

Received by

Office of the Legislative Secretary  
Date: 10/07/15  
Time: 10:55am  
Received by: [Signature]

This matter came before the Civil Service Commission on September 23, 2014, on Employee Thaddeus Sanchez's Grievance Complaint.

Present for Management, Port Authority of Guam was its General Manager, Joanne Brown and its counsel of record Michael F. Phillips, Esq. Also present was Employee, Thaddeus Sanchez and his lay representative Daniel Del Priore.

JURISDICTION

The Commission has jurisdiction over this matter pursuant to the Organic Act of Guam, Title 4 of the Guam Code Annotated §4401 et. seq. and the Port Authority of Guam's Personnel Rules and Regulations.

FINDINGS OF FACT

1. Employee Thaddeus Sanchez did not render any services to his employer, the Port Authority of Guam ("Management") on Memorial Day, Monday, May 27, 2013.

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1 2. Employee did not render services in excess of forty (40) straight time hours  
2 during the work week in question.

3 3. Employee was notified of the change in work schedule at least twenty-four (24)  
4 hours prior to said schedule.

5 4. The work week established by Management begins on a Sunday and ends on a  
6 Saturday.

7 **CONCLUSIONS OF LAW**

8 1. Port Authority of Guam Personnel Rules and Regulations Rule 8.402 (E)  
9 Occurrence of Overtime Work provides:

10 Overtime work will occur when an employee renders service under  
11 any of the following conditions:

- 12 1. The employee renders service in excess of forty (40) straight  
time hours per workweek.
- 13 2. The employee renders service on the employee's scheduled day  
14 off and there has been no change, by mutual consent or by due  
prior notice, in the work schedule.

15 PRR Rule 8.402(E).

16 2. Port Authority of Guam Personnel Rules and Regulations Rule 8.700 (B) Holiday  
17 Pay provides:

18 Employees who are required, because of an emergency or other  
19 reasons, to work on holidays (or their equivalent day) shall be paid  
at the rate equivalent to double their hourly rate of pay exclusive of  
any additional pay, except as otherwise provided by statute.

20 PRR Rule 8.700(B).

21 3. Based on the Personnel Rules and Regulations cited above, Employee is not  
22 entitled to overtime or double time pay.

23 **JUDGMENT**

24 WHEREFORE, based upon a unanimous decision of 6-0, the Commission agrees with  
25 and incorporates Management's September 9, 2014, Findings and Recommendations as if

fully set forth herein and DENIES Employee's request for overtime and/or double time pay.

So Ordered this 6<sup>th</sup> day of October, 2015, as determined by votes taken on September 23, 2014.



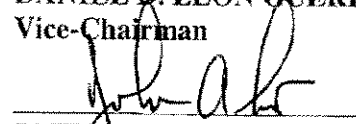
**LUIS R. BAZA**  
Chairman



**DANIEL D. LEON GUERRERO**  
Vice-Chairman



**PRISCILLA T. TUNCAP**  
Commissioner



**JOHN SMITH**  
Commissioner

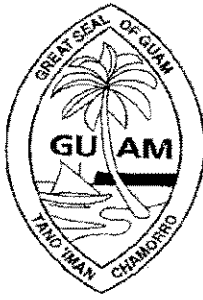


**LOURDES HONGYBE**  
Commissioner



**EDITH C. PANGELINAN**  
Commissioner

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BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

PORT TRANSPORTATION,  
STEVEDORE, TERMINAL

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

GRIEVANCE APPEAL  
CASE NO. 13-GRE-11

DECISION AND JUDGMENT

Office of the Speaker (Secretary)  
Senator 10/07/15 Michael F. Phillips  
Date 10:55 AM  
Time 10:55 AM  
Received by [Signature]

2015 OCT 7 PM 1:08

This matter came before the Civil Service Commission on September 23, 2014, on Employees Port Transportation, Stevedore Terminal's (collectively "Employees") Grievance Complaint

Present for Management, Port Authority of Guam was its General Manager, Joanne Brown and its counsel of record Michael F. Phillips, Esq. Also present were Employees Port Transportation, Stevedore Terminal's and their lay representative Daniel Del Priore.

33-15-0916

Office of the Speaker  
John P. Brown Pat. Ed.D

Date: 10/07/15  
Time: 11:01 AM  
Received by: [Signature]

JURISDICTION

The Commission has jurisdiction over these matters pursuant to the Organic Act of Guam, Title 4 of the Guam Code Annotated §4401 et. seq. and the Port Authority of Guam's Personnel Rules and Regulations.

FINDINGS OF FACT

1. Employees of the Port Authority of Guam's Port Transportation, Stevedore and Terminal divisions did not render any services to their employer, the Port Authority of Guam on

0916

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1 June 21, 2013.

2 2. Employees did not render services in excess of forty (40) straight time hours  
3 during the work week in question.

4 3. The work week established by Management begins on a Sunday and ends on a  
5 Saturday.

6 **CONCLUSIONS OF LAW**

7 1. Port Authority of Guam Personnel Rules and Regulations Rule 8.402 (E)  
8 Occurrence of Overtime Work provides:

9 Overtime work will occur when an employee renders service under  
10 any of the following conditions:

- 11 1. The employee renders service in excess of forty (40) straight  
12 time hours per workweek.
- 13 2. The employee renders service on the employee's scheduled day  
14 off and there has been no change, by mutual consent or by due  
15 prior notice, in the work schedule.

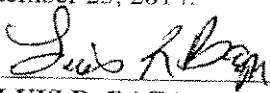
16 PRR Rule 8.402(E).

17 2. Based on the Personnel Rules and Regulations cited above, Employees are not  
18 entitled to overtime pay.

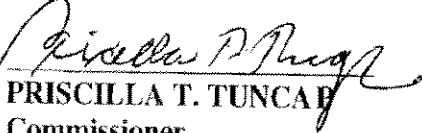
19 **JUDGMENT**

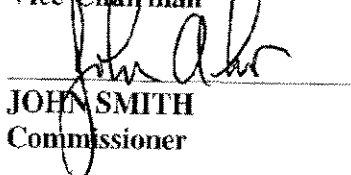
20 WHEREFORE, based upon a unanimous decision of 6-0, the Commission agrees with  
21 and incorporates Management's January 2, 2014, Findings and Recommendations as if fully set  
22 forth herein and DENIES Employees' request for overtime pay.

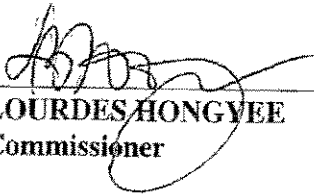
23 So Ordered this 6<sup>th</sup> day of October, 2015, as determined by votes taken on  
24 September 23, 2014.

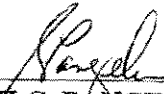
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26 **LUIS R. BAZA**  
27 Chairman

  
**DANIEL D. LEON GUERRERO**  
Vice Chairman

  
**PRISCILLA T. TUNCA**  
Commissioner

  
**JOHN SMITH**  
Commissioner

  
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**LOURDES HONGYEE**  
Commissioner

  
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**EDITH C. PANGELINAN**  
Commissioner

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