

BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

GABRIEL T.Q. CRUZ,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

ADVERSE ACTION APPEAL
CASE NO. 12-AA14S

DECISION AND JUDGMENT

33-16-1795

Office of the Speaker
Judith E. Won Pat, Ed.D

Date: 07-15-16

Time: 2:40pm

Received By: [Signature]

I.

INTRODUCTION

This matter originally came before the Civil Service Commission ("CSC") for a Hearing on the Merits on January 5, 7, 12 and 14th, 2016. Present at the hearings were Gabriel T.Q. Cruz ("Employee"), who was represented by Lay Representative David Babauta of the Guam Federation of Teachers. Present for the Department of Corrections ("DOC") was Duane Sablan, Assistant Attorney General, and Jose San Agustin, Director of the Department of Corrections ("Management").

II.

JURISDICTION

The jurisdiction of the Civil Service Commission is based upon the Organic Act of Guam, 4 G.C.A. §§ 4401, *et seq.*, and relevant Personnel Rules and Regulations.

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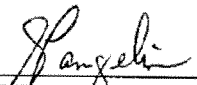
III.
FACTS

The Department of Corrections ("DOC") suspended the Employee on July 13, 2012 for thirty (30) days. The Employee filed an adverse action appeal with the Civil Service Commission on July 16, 2012. During the Hearing on the Merits both parties presented their cases to the CSC Commission to support their respective positions. Management argued that the suspension imposed upon the Employee was justified and requested that the CSC uphold their decision to suspend Officer Cruz. The Employee's representative argued the Employee does not contest being suspended, but only wanted the punishment to be equal to that of the other individual involved who was only placed on a five (5) days suspension.


IV.
CONCLUSION

The CSC ruled that Management had proved that the decision to suspend the Employee was correct, but felt that a thirty (30) day suspension was too severe. In light of their decision, the CSC majority voted to change the thirty (30) day suspension to a twenty (20) day suspension based on the fact that this incident was the first misconduct for Officer Cruz and that he had no prior disciplinary action against him.

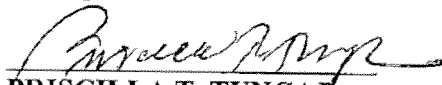
SO ADJUDGED THIS 14th DAY OF July 2016.



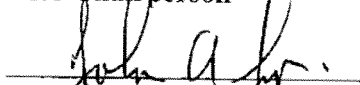
EDITH PANGELINAN
Chairperson




DANIEL D. LEON GUERRERO
Vice-Chairperson




PRISCILLA T. TUNCAP
Commissioner



JOHN SMITH
Commissioner



LOU HONGYEE
Commissioner



CATHERINE GAYLE
Commissioner