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CIVIL SERVICE COMMISSION



**BEFORE THE  
CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS**



**IN THE MATTER OF:**

**JOEY TAITANO,**

**Employee,**

**vs.**

**GUAM WATERWORKS  
AUTHORITY,**

**Management.**

**ADVERSE ACTION**

**APPEAL CASE NO.: 21-AA20T**

**DECISION AND JUDGMENT**

This matter came before the Civil Service Commission (Commission) December 9, 2022 for a Hearing on the Merits. General Manager, Miguel Bordallo, appeared with counsel, Therese Rojas. Employee appeared with Lay Representative Robert Koss. Commissioners present were Chairman Juan K. Calvo, Vice Chairman

**DECISION AND JUDGMENT**

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1 Anthony P. Benavente, Commissioner Priscilla T. Tuncap, Commissioner John  
2 Smith, Commissioner Robert C. Taitano, and Commissioner Francisco T. Guerrero.

3 Employee was required to undergo a drug test. The first urine sample was  
4 invalid and the Employee refused to give the second sample on the grounds that the  
5 requirement of observation of urination was an invasion of his privacy. Employee  
6 was terminated for refusing the drug test.  
7

8 The Commission heard testimony and argument. Commissioner Guerrero  
9 recused himself because he was not present for the last hearing on the merits.

10 Commissioner Taitano abstained. The Commission voted 3 to 1 in favor of  
11 Management (Chairman Calvo dissenting). Having failed to get four (4) affirmative  
12 votes, the termination was voided. Employee shall be reinstated immediately with  
13 full back pay and benefits. Failure to adhere to a decision by the Commission to  
14 reinstate an employee shall result in reduction in salary by ten percent (10%) for the  
15 responsible agency head and his deputy from the date of the decision until the date  
16 of reinstatement in full compliance with the decision. The Commission may bring  
17

18  
19 **DECISION AND JUDGMENT**

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1 an action in the Superior Court to enforce the reinstatement of the Employee and  
2 impose any appropriate penalties or remedies available at law or equity.

3 **SO ORDERED this 2nd day of February, 2023.**

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5 

6 **JUAN K. CALVO**  
7 Chairman

8 

9 **ANTHONY P. BENAVENTE**  
10 Vice Chairman

11 **ABSENT**

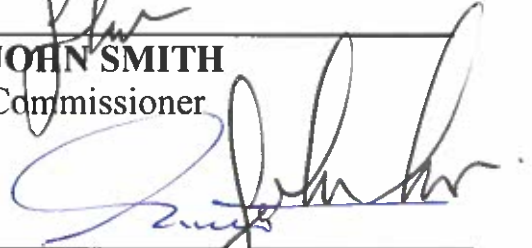
12 **PRISCILLA T. TUNCAP**  
13 Commissioner

14 

15 **JOHN SMITH**  
16 Commissioner

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18 **ROBERT C. TAITANO**  
19 Commissioner

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21 **FRANCISCO T. GUERRERO**  
Commissioner

**DECISION AND JUDGMENT**

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