



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



IN THE MATTER OF:

**3 GUAM FIRE DEPARTMENT
RECRUITMENT, ET AL.,**

Employee,

vs.

GUAM FIRE DEPARTMENT,

Management.

**POST AUDIT APPEAL
CASE NO.: 22-PA04**

DECISION AND JUDGMENT

This matter came on to be heard before the Civil Service Commission (Commission) the 30th day of March 2023, for a Post Audit Investigation Hearing. Commissioners present were Chairman Juan K. Calvo, Vice Chairman Anthony P. Benavente, Commissioner John Smith, and Commissioner Robert C. Taitano.

DECISION AND JUDGMENT (Meeting of March 30, 2023)
*GUAM FIRE DEPARTMENT RECRUITMENT, ET AL., vs.
GUAM FIRE DEPARTMENT*
Post Audit Appeal Case No.: 22-PA04

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1 Present for Management was Deputy Chief Joey San Nicolas accompanied
2 by Assistant Attorney General Thomas Keeler.

3 Vickilynn C. Sablan, Personnel Management Analyst III, read the report into
4 the record. Staff concluded that Fire Chief Stone violated 4 GCA, § 4101 when he
5 used his personal recollection and did not apply best human resource practices
6 when he requested to reconsider placing Mr. David Miles back on the list of
7 eligibles. Chief Stone utilized Mr. David Miles outstanding performance
8 evaluation as the main factor and did not apply that same process with other
9 applicants who did not get selected.

10 Staff recommended to provisionally null and void the Fire Captain
11 recruitment for violation of 4 GCA, §4101 (a)(1), "Employment in the service of
12 government of the government of Guam shall be based upon merit, and selection
13 and promotion of employees shall be free of personal or political consideration."

14 **JURISDICTION**

15 The jurisdiction for the Commission is based upon the Organic Act of Guam,
16 4 GCA, §4401 et. seq., and relevant portions of the Government of Guam
17 Personnel Rules and Regulations.

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1 **FINDINGS OF FACT**

2 The Commission found that Chief Stone violated 4 GCA, §4101 when he
3 used his personal recollection and did not apply best human resource practice when
4 he requested to reconsider placing Mr. David Miles back on the list of eligibles.
5 Chief Stone utilized Mr. David Miles’ outstanding performance evaluation as the
6 main factor and did not apply that same process with other applicants who did not
7 get selected.

8 **CONCLUSION**

9 The Commission voted 3 to 1 (Commissioner Taitano dissenting) to
10 sustain the personnel actions. Failing to garner four (4) affirmative votes, the
11 personnel actions stands.

12 **SO ORDERED this 8th day of August, 2023.**

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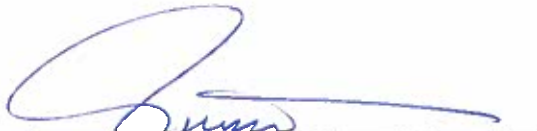
14 **JUAN K. CALVO**
Chairman

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14 **ANTHONY P. BENAVENTE**
Vice Chairman

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16 **ROBERT C. TAITANO**
Commissioner

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16 **FRANCISCO T. GUERRERO**
Commissioner