



BEFORE THE  
 GUAM CIVIL SERVICE COMMISSION  
 BOARD OF COMMISSIONERS



IN THE MATTER OF:

ANDREW SANTOS,

Employee,

vs.

DEPARTMENT OF LAND  
 MANAGEMENT,

Management.

ADVERSE ACTION APPEAL  
 CASE NO.: 18-AA06D


JUDGMENT OF DISMISSAL

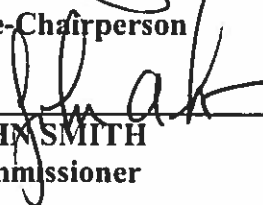
The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the signed Stipulation of Settlement, attached hereto.


SO ADJUDGED THIS 21st day of March 2019.

  
 \_\_\_\_\_  
 LUIS R. BAZA  
 Chairperson

  
 \_\_\_\_\_  
 LOURDES HONGYEE  
 Vice-Chairperson

  
 \_\_\_\_\_  
 PRISCILLA T. TUNCAP  
 Commissioner

  
 \_\_\_\_\_  
 JOHN SMITH  
 Commissioner

  
 \_\_\_\_\_  
 CATHERINE GAYLE  
 Commissioner



## RECITALS

- A. On March 18, 2018 Management demoted the Employee from Deputy Civil Registrar to Land Abstractor III; and that adverse action has been appealed to the Civil Service Commission of Guam, CSC Case No: 18-AA06D; and,
- B. In the interest of fairness and equity, the parties desire to enter into this Settlement Agreement (hereinafter "Agreement") for this and all substantially similar pending matters in order to provide for certain arrangements in full settlement and discharge of the Appeals and Complaints in accordance with the terms and conditions set forth herein.
- C. The terms and conditions of said Agreement shall become operative upon execution of this Agreement.

**NOW THEREFORE**, for and in consideration of the mutual promises set forth herein, the parties agree as follows:

**1. Purpose of Agreement.** Employee and Management acknowledge and agree that this Agreement is a Settlement and Compromise of the referenced matter. It is the intention of the parties by the execution of this Agreement to fully, finally and completely resolve all disputes between them regarding these matters, in the manner more specifically set forth in the terms of this Agreement that follow.

**2. Employee's Obligation.**

**2.1** Employee shall withdraw Adverse Action Appeal 18-AA06D, from the Civil Service Commission and request that the Commission dismiss the adverse action appeal with prejudice pursuant to the terms of this agreement.

**2.2** Employee agrees that the adverse action or demotion shall be rescinded by management and expunged from his record entirely.

**2.3** Employee shall be reinstated to his former position of Deputy Civil Registrar, Pay Grade O-2 at \$51,787 per annum from the lower position classification of Land Abstractor III, effective March 7, 2019.

**2.4** Employee agrees that he shall be responsible for all costs and fees that he has suffered associated with his adverse action appeal up to the date of this agreement. This section expressly does not apply to any subsequent fees and costs that may be associated with the enforcement of this agreement or any other matters.

**3. Management's Obligation.**

**3.1** Management agrees to rescind all notices of proposed and final notices of adverse action associated with the employee's demotion and expunge all such documentation from any and all employee files wherever it is kept.

**3.2** Management agrees to reinstate Employee to his former position of Deputy Civil Registrar, Pay Grade O-2 at \$51,787 per annum, from the lower position classification of Land Abstractor III, effective March 7, 2019; and,

**3.3** Management agrees to compensate the employee for 55% of the difference in pay ("back pay") from March 18, 2018 to March 7, 2019 in accordance with the terms and conditions of this settlement agreement.

**4. Performance Accepted.** The parties agree and acknowledges: (a) that it accepts performance of its obligations specified in this Agreement as a full and complete compromise of matters involving disputed issues; (b) that the negotiations for this settlement (including all statements, admissions or communications by the parties of their attorneys or representative shall not be considered by any of said parties; (c) and that no past or present wrong doing on the part of the parties shall be implied by such negotiations.

**5. Additional Documents.** All parties agree to cooperate fully and execute any and all supplementary documents and take all additional actions that may be necessary as appropriate to give full force and effect to the basic terms and intent of this Agreement within thirty (30) days of its effective date.

**6. Independent Advice of Counsel.** Each party represents and declares that it has received independent advice from its respective attorneys and representative with respect to the advisability of making the settlement provided for herein and with respect to the advisability of executing this Agreement. Each party further represents and declares that it has not relied upon any statement or representation by the other party or of any of its partners, agents, employees, or attorneys in executing this Agreement or in making the settlement provided for herein, except as expressly provided for herein.

**7. Voluntary Agreement.** Each party represents and declares that it has carefully read this agreement, that it knows the contents of this Agreement, and that it has signed the same freely and voluntarily.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written by their respective names.

**For Employee:**

  
\_\_\_\_\_  
ANDREW D. SANTOS, Employee

DATE: 2/7/2019

**For Management:**

  
\_\_\_\_\_  
JOSEPH M. BORJA, Director

DATE: March 7, 2019

  
\_\_\_\_\_  
ROBERT E. KOSS, Employee's Rep.

DATE: 3/7/19

  
\_\_\_\_\_  
NICOLAS TOFT  
Legal Counsel for Management

DATE: 3/7/19





Susan Corbin &lt;susan.corbin@csc.guam.gov&gt;

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**Civil Service Commission Judgments**

1 message

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**Susan Corbin** <susan.corbin@csc.guam.gov>  
To: officeofsenatorshelton@guamlegislature.org

Fri, Mar 22, 2019 at 2:20 PM

*Hafa Adai Senator Shelton: Please find attached the judgments executed by the Civil Service Commission in its meeting of March 21, 2019. This is mandated under 4 GCA, Section 4403. Thank you.*

*Susan Corbin  
Legal Secretary  
Civil Service Commission  
Tel: 647-1855*

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 **Civil Service Commission Judgments. 3-21-19.pdf**  
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