



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



IN THE MATTER OF:

Anthony Santos,

Employee,

vs.

Department of Education,

Management.

**ADVERSE ACTION APPEAL
CASE NO. 12-AA09S**

DECISION AND JUDGMENT

**I.
INTRODUCTION**

This matter originally came before the Civil Service Commission for a Hearing on the Merits on December 3, 5, 10 and 12, 2013. Present at the hearings were Anthony Santos (Employee), who was represented by Lay Representative David Babauta of the Guam Federation of Teachers. Present for the Guam Department of Education (GDOE) was Andrew Perez, Legal Counsel and Joseph Sanchez for GDOE management.

**II.
JURISDICTION**

The jurisdiction of the Civil Service Commission is based upon the Organic Act of 23 Guam, 4 G.C.A., et seq. and the Guam Department of Education Personnel Rules and Regulations.

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**III.
FACTS**

The Guam Department of Education suspended the employee on April 18, 2012 for thirty (30) day. The employee filed an adverse action appeal with the Civil Service Commission on May 2, 2012. On December 3, 5, 10 and 12, 2013 both parties presented their cases to the CSC. Based on the facts proven, Employee showed that GDOE did not conduct a proper investigation into the allegations and acted to quickly to issue the Final Notice of Adverse Action thereby not affording the employee an opportunity to contest the results.

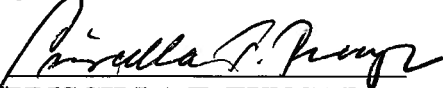
**IV.
CONCLUSION**

The CSC ruled by a vote of 4-3 in favor of the Employee that GDOE did not comply with the Drug Free Workplace Policy. Therefore, the Final Notice of Adverse Action shall be expunged from the employee file and management shall reimburse and reinstate all employee's salaries and benefits, including but not limited to sick and annual leave, retirement benefits, and all other benefits due and owed to the employee under Guam law.

So ordered and adjudged this 29th day of MAY, 2014.

Not Present

LUIS R. BAZA
Chairman



PRISCILLA T. TUNCAP
Commissioner




LOURDES HONGYEE
Commissioner



EDITH C. PANGELINAN
Commissioner



MANUEL R. PINAUIN
Vice-Chairman



JOHN SMITH
Commissioner



DANIEL D. LEON GUERRERO
Commissioner