



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

CECIL SULLA,  
CHRISTOPHER DAWSON,  
ANTHONY CHACO,  
ANTHONY DEMAPAN,

Employees,

vs.

GUAM POLICE DEPARTMENT,

Management.

GRIEVANCE APPEAL  
CASES NO.: 19-GRE02; 19-GRE03;  
19-GRE04; 19-GRE05

DECISION AND  
ORDER

**I. INTRODUCTION**

This matter came before the Commission May 9, 2019 on Management's Motion to Dismiss. Commissioners present were Luis R. Baza, Priscilla T. Tuncap, John Smith, Catherine Gayle, Julie L. Quinata, and John K. Calvo. Also present were Daniel Del Priore representing the Employees, and Ronald Taitano, representing the Guam Police Department (GPD).

Management moved to dismiss the Grievance on the basis that the Civil Service Commission lacked jurisdiction over the matter because Employees' complaints relate to

**DECISION AND ORDER**

Page 1 of 3

*Cecil Sulla, Christopher Dawson, Anthony Chaco, Anthony Demapan  
vs. Guam Police Department*

Grievance Appeal Cases No. 19-GRE02; 19-GRE03; 19-GRE04; 19-GRE05

1 the rating of applicants, and therefore, is excluded as a Grievance under Chapter 12 of  
2 Department Administration Rules and Regulations (DOA PR&R).

3 **II. JURISDICTION**

4 The jurisdiction of the Guam Civil Service Commission is based upon the  
5 Organic Act of Guam, Title 4 Guam Code Annotated (GCA) § 4403 and relevant DOA  
6 PR&R.

7 **III. RELEVANT FACTS**

8 Employees complained that they were not given an opportunity to compete for a  
9 new Lieutenant, and Police Officer II positions. When the recruitment of USERRA  
10 became effective the applicants (USERRA) were on active duty with the military, and  
11 were therefore, protected by the Uniformed Services Employment and Reemployment  
12 Rights Act of 1994 (USERRA). The law requires that a service member receive a missed  
13 promotion upon reemployment if there is a reasonable certainty that the promotion would  
14 have been granted. The application of USERRA in this case was applied to the previous  
15 rating which granted them rights to the promotion.

16 **IV. ANALYSIS**

17 The basis of Employees' grievance is that the application of USERRA in this case  
18 placed them too low in the examination ratings to qualify for an interview. Department  
19 of Administration, Personnel Rules and Regulations, Section 12.301, C., specifically  
20 excludes actions based on "examination ratings" from being defined as a grievance.

21 Employees with complaints regarding examination ratings are not categorically eligible  
22 for access to the grievance procedures.

23 **DECISION AND ORDER**

Page 2 of 3

24 *Cecil Sulla, Christopher Dawson, Anthony Chaco, Anthony Demapan*  
*vs. Guam Police Department*

Grievance Appeal Cases No. 19-GRE02; 19-GRE03; 19-GRE04; 19-GRE05

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**IV. CONCLUSION**

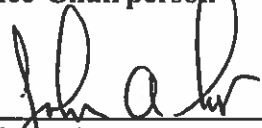
Accordingly, the Commission, after due deliberation, determined by a vote of 5 to 1 (Commissioner Tuncap dissenting), that it did not have jurisdiction over the Employees' grievance. Motion to dismiss is granted.

SO ADJUDGED THIS 18<sup>th</sup> day of July, 2019.

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

  
\_\_\_\_\_  
**JUAN K. CALVO**  
Vice-Chairperson

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

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

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

**DECISION AND ORDER**

# Transmission Report

Date/Time  
Local ID 1



07-19-2019  
6716471867

10:53:52 a.m.

Transmit Header Text  
Local Name 1

CIVIL SERVICE COMMISSION

**This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"**

1			
2		<p><b>BEFORE THE GUAM CIVIL SERVICE COMMISSION BOARD OF COMMISSIONERS</b></p>	
3			
4			
5	<b>IN THE MATTER OF:</b>		<b>GRIEVANCE APPEAL</b>
6	<b>CECIL SULLA, CHRISTOPHER DAWSON, ANTHONY CHACO, ANTHONY DEMAPAN,</b>	<b>Employees,</b>	<b>CASES NO.: 19-GRE02; 19-GRE03; 19-GRE04; 19-GRE05</b>
7			
8			
9	<b>vs.</b>		<b>DECISION AND ORDER</b>
10	<b>GUAM POLICE DEPARTMENT,</b>	<b>Management.</b>	
11			
12			
13	<b><u>I. INTRODUCTION</u></b>		
14	<p>This matter came before the Commission May 9, 2019 on Management's Motion to Dismiss. Commissioners present were Luis R. Baza, Priscilla T. Tuncap, John Smith, Catherine Gayle, Julie L. Quinata, and John K. Calvo. Also present were Daniel Del Priore representing the Employees, and Ronald Taitano, representing the Guam Police Department (GPD).</p>		
15	<p>Management moved to dismiss the Grievance on the basis that the Civil Service Commission lacked jurisdiction over the matter because Employees' complaints relate to</p>		
16			
17			
18			
19			
20			
21			
22			
23	<p><b>DECISION AND ORDER</b></p> <p><i>Cecil Sulla, Christopher Dawson, Anthony Chaco, Anthony Demapan</i> <i>vs. Guam Police Department</i></p>		<p>Page 1 of 3</p>
24	<p>Grievance Appeal Cases No. 19-GRE02; 19-GRE03; 19-GRE04; 19-GRE05</p>		

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	098	671-4721246	10:33:51 a.m. 07-19-2019	00:04:52	3/3	1	EC	HS	CP2400

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fall  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct



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

---

**Civil Service Commission Judgments**

1 message

---

**Susan Corbin** <susan.corbin@csc.guam.gov>

Fri, Jul 19, 2019 at 10:54 AM

To: Office of Senator Shelton Guam Legislature &lt;officeofsenatorshelton@guamlegislature.org&gt;

*Hafa Adai Senator Shelton: Please find attached judgments executed by the Civil Service Commission in its meeting of July 18, 2019. This is mandated under 4 GCA, Section 4403. Thank you.*

**Si Yu'os Ma'ásé**  
Susan Corbin  
Legal Secretary  
Civil Service Commission  
Tel: 647-1855

---

 **Civil Service Commission Judgments-July-18-2019.pdf**  
329K