



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



**IN THE MATTER OF:**

**CIVIL SERVICE COMMISSION,**

**Employee,**

**vs.**

**GUAM VISITORS BUREAU,**

**Management.**

**POST AUDIT  
CASE NO.: 15-PA-02 SP**

**DECISION AND JUDGMENT**

**INTRODUCTION AND BACKGROUND**

On July 27, 2015, Ms. Doris Brooks from the Office of the Public Auditor filed a complaint regarding Linek's (Linek) recruitment to the Accountant III position at the Guam Visitors Bureau (GVB) and requested the Civil Service Commission (CSC) Executive Director to review the matter.

September 1, 2015, CSC staff presented the CSC Staff Assessment Report for Post Audit Case No.: 15-PA-02, and by a vote of 7-0, the CSC accepted the staff's recommendation to move forward and conduct an investigation into the matter.

GVB challenged the CSC's jurisdiction and refused to cooperate with the investigation. CSC staff was therefore, unable to make any recommendations.

October 18, 2015, CSC provisionally voted to null and void the personnel action of Linek. January 14, 2016, CSC by a vote of 4-1 voted to null and void Linek's personnel action.

**DECISION AND JUDGMENT**

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1 May 17, 2016, CSC filed a verified Application to Enforce of Decision. October 30, 2018, the  
2 Honorable Albert C. Lamorena, III remanded the case back to CSC for a full evidentiary  
3 hearing on the matter. With the GVB's cooperation, CSC staff investigated the matter and  
4 found Linek did not qualify for the position based on her previous work experience.

5 On May 28, 2019, CSC, by a 4 to 0 vote, provisionally nulled and voided the selection  
6 of employee, Linek, allowing Management ten (10) days to respond to the Post Audit Staff  
7 Report. Management filed a document on June 10, 2019 stating that they took no position on  
8 the Report. July 18, 2019, the Commission voted 5 to 0 to declare the position of Linek null  
9 and void. Commissioners present for this meeting were: Luis R. Baza, Priscilla T. Tuncap,  
10 John Smith, Catherine Gayle, and Juan K. Calvo.

#### 11 JURISDICTION

12 The jurisdiction of the Guam Civil Service Commission is based upon the Organic Act  
13 of Guam, and Title 4, Guam Code Annotated (GCA) §4403 (d).

14 “(d) The Commission may investigate and set aside and declare null and void  
15 personnel action of an employee in the classified service if the Commission  
16 finds after conducting the necessary investigation that the personnel action was  
17 taken in violation of personnel laws and rules...”

#### 18 RELEVANT FACTS

19 Linek was hired by GVB December 29, 2015 to fill the Accountant III position. This  
20 position requires at least two-years experience as Accountant II or equivalent work. Linek's  
21 work experience does not meet that requirement.

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#### 24 **DECISION AND JUDGMENT**

25 *Civil Service Commission vs. Guam Visitors Bureau (Lisa Linek)*  
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1 CSC staff also found that GVB violated numerous Department of Administration  
2 Personnel Rules and Regulations in Chapter 4, Filling Positions in the Government of Guam.  
3 Since Linek did not meet the minimum requirement of the position, a detailed recitation of  
4 these violations is not required here.

5 **ANALYSIS**

6 One requirement for the position of Accountant III is, among other requirements, two-  
7 (2) years of experience as an Accountant II or equivalent work. CSC staff reported that GVB  
8 selected Linek for the position when her work experience was less than this requirement. GVB  
9 took no position on this report. Linek was, therefore, categorically ineligible for the position.  
10 The personnel action selecting her should be declared null and void.

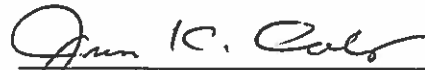
11 **CONCLUSION**

12 On July 18, 2019, after due deliberation, and in light of the fact that GVB took no  
13 position on the CSC Investigative Report, the CSC voted unanimously 5 to 0 to declare the  
14 personnel action selecting Lisa Linek to the position of Accountant III, null and void.

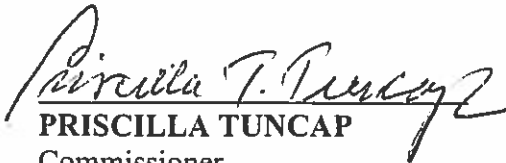
15 IT IS SO ADJUDGED on this 7<sup>th</sup> day of November, 2019.

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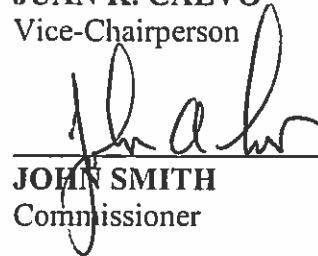
17 **LUIS R. BAZA**  
Chairperson

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17 **JUAN K. CALVO**  
Vice-Chairperson

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19 **PRISCILLA TUNCAP**  
Commissioner

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19 **JOHN SMITH**  
Commissioner

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21 **CATHERINE GAYLE**  
Commissioner

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21 **EMILIA RICE**  
Commissioner