IN THE MATTER OF:

CIVIL SERVICE COMMISSION,

Employee,

vs.

GUAM VISITORS BUREAU,

Management.

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

ORDER AFTER HEARING

This matter came to be heard before the Commission ("CSC") on the 28th day of May, 2019 on a Post Audit Staff Investigative Report. Present for the hearing were Commissioners Luis R. Baza, John Smith, Catherine Gayle, and Juan K. Calvo. Present and representing Guam Visitors Bureau were GVB President, Pilar Laguana and Attorney Thomas Fisher. Also present were Employee, Lisa Linek, represented by Attorney William B. Brennan.

ORDER AFTER HEARING

Page 1 of 3
The Commission heard argument on Employee’s Motion to Dismiss. Employee advanced the theory that the CSC had failed to take action within the time frame mandated by 4 GCA §4403(d) which requires that all actions by the CSC pursuant to this section shall be taken within one hundred eighty (180) calendar days after the personnel action or complaint is filed with the Commission. In this case, the original decision of the CSC was appealed to Superior Court. On October 30th 2018, Judge Alberto C. Lamorena, III filed Findings of Fact and Conclusions of Law. Employee argues that the 180 days started running from the October 30, 2018 date, and therefore the CSC had to take action prior to April 28, 2019. However, the Commission noted that this was not a final judgment and that in this case the judgment did not become final and not appealable until April 28, 2019. The 180-day clock will commence from April 28, 2019. Additionally, the Employee argued that due process was not afforded to the Employee.

The Commission voted 4-0 to deny Employee’s motion. MOTION DENIED.

The Post Audit Investigation report found that Employee did not qualify for the position of Accountant III because she lacked the necessary work experience at the time of her employment. The Accountant III position requires at least two-years experience as an Accountant II or equivalent work. Employee had eight (8) months and seven (7) days experience in the Office of Public Auditor, and one (1) month experience as an Accounting Clerk.
The Commission voted 4-0 to provisionally null and void the selection of Employee. The Commission also decided to allow Management ten (10) days to respond to the Post Audit Staff Investigative Report, pursuant to 4 G.C.A, §4403(d).

SO ORDERED THIS 9th day of July 2019.

LUIS R. BAZA
Chairperson

PRISCILLA T. TUNCAP
Commissioner

(缺席)
Catherine Gayle
Commissioner

Juan K. Calvo
Vice-Chairperson

John Smith
Commissioner
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BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

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ORDER AFTER HEARING
Civil Service Commission vs. Guam Visitors Bureau
Post Audit Case No.: 15-PA-02 SP

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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: Fail
TU: Terminated by user
TS: Terminated by system
G3: Group 3
EC: Error Correct
Hafa Adai Senator Shelton: Please find attached the judgments executed by the Civil Service Commission in its meeting of July 9, 2019. This is mandated under 4 GCA, Section 4403. Thank you.

Si Yu'os Ma'asé
Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1655

Civil Service Commission Judgments of July 9, 2019.pdf
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