BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

CIVIL SERVICE COMMISSION,
[RICK T. GARCIA]

Employee,

vs.

GUAM INTERNATIONAL
AIRPORT AUTHORITY,

Management.

ADVERSE ACTION
CASE NO.: 19-PA07

DECISION AND
JUDGMENT

INTRODUCTION

This matter came before the Guam Civil Services (CSC) for a Staff Investigative Report July 7, 2020. Present were Lay Representative, Daniel Del Priore for Employee; John Quinata, Executive Manager for Guam International Airport Authority (GIAA); Cynthia KM Camacho, Personnel Management Analyst II; and Roland P. Fejarang, Personnel Management Administrator. Employee was not present.

DECISION AND JUDGMENT

Civil Service Commission [Rick T. Garcia] vs. Guam International Airport Authority
Post Audit Case No.: 19-PA07
JURISDICTION
The jurisdiction of the Commission is based upon the Organic Act of Guam, §4401 et seq., 4GCA, 4403(d), and relevant portions of the Government of Guam Personnel Rule and Regulations.

FINDINGS OF FACT
The Commission hereby makes the following findings of fact:

Employee Rick T. Garcia filed a complaint with the CSC alleging that he was wrongfully passed over for the promotion of Airport police Supervisor (Lieutenant).

CSC staff investigated the selection process in this matter reviewing documents and interviewing GIAA staff.

CSC staff filed its investigative report.

GIAA has two sets of Personnel Rules (the old and the new). Under the old rule the number of applicants to be certified is five, under the new rule the number is eight. Airport Police are Law Enforcement (Hay Pay Plan) and cannot be treated as Certified Technical Position (CTP) under the new rule until GIAA profiles them in the Alan Searle methodology as CTP and moves them into the new rule (Alan Searle Pay Plan). Executive Manager Quinata testified at the hearing that Police Officers were in the “process” of being transitioned, but had not been transitioned yet to CTP. CSC staff takes the position that because Airport Police had not been transitioned, the old rule of 5 should apply to them.
The report found that Management certified six (6) applicants which exceeds the rule of five (5).

The sixth applicant that was certified was not selected for the position. Employee rated higher than the selectee on the certification.

The questionnaires used by management has no point system to determine the highest score on the interview.

The interview questionnaire was not signed or dated by the panel members to verify it is the actual interviewer’s evaluation.

CSC staff recommended:

1. GIAA ensure compliance of Rule 4.410 (Rule of five (5)) on all future Law Enforcement certifications. Since the sixth applicant was not selected the error was harmless herein.

2. GIAA revise their interview questionnaire to reflect a number grading system and have all interviewers sign off on their questionnaire.

3. Staff recommends that the CSC Board find that the selection by GIAA for the Airport Police Supervisor position is in compliance with the merit system process despite the errors noted herein.

//

//

//

//

//

DECISION AND JUDGMENT

Civil Service Commission [Rick T. Garcia] vs. Guam International Airport Authority
Post Audit Case No.: 19-PA07
CONCLUSION

WHEREFORE, following due deliberation, the Commission voted 5 to 0 to adopt the staff’s recommendations.

IT IS SO ADJUDGED on this 30th day of July, 2020.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA TUNCA
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner