



**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*



1 **JURISDICTION**

2 The jurisdiction of the Commission is based upon the Organic Act of
3 Guam, §4401 et seq., 4GCA, 4403(d), and relevant portions of the Government
4 of Guam Personnel Rule and Regulations.

5 **FINDINGS OF FACT**

6 The Commission hereby makes the following findings of fact:

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

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

12 CSC staff filed its investigative report.

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

22 **DECISION AND JUDGMENT**

1 The report found that Management certified six (6) applicants which
2 exceeds the rule of five (5).

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

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

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

9 CSC staff recommended:

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

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

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

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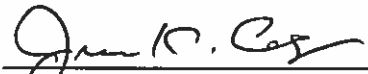
23 **DECISION AND JUDGMENT**

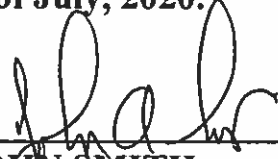
24 *Civil Service Commission [Rick T. Garcia] vs. Guam International Airport Authority*
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1 **CONCLUSION**

2 **WHEREFORE**, following due deliberation, the Commission voted 5 to
3 0 to adopt the staff's recommendations.


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

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7 **JUAN K. CALVO**
Chairman

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9 **JOHN SMITH**
Vice Chairman

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11 **PRISCILLA TUNCA**
Commissioner

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13 **EMILIA F. RICE**
Commissioner

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15 **ANTHONY P. BENAVENTE**
16 Commissioner