



BEFORE THE
GUAM CIVIL SERVICE COMMISSION



BOARD OF COMMISSIONERS



IN THE MATTER OF:

CIVIL SERVICE COMMISSION,
[Edward Garrido]

Employee,

vs.

GUAM POWER AUTHORITY,

Management.

POST AUDIT ACTION

APPEAL

CASE NO.: 20-PA01

DECISION AND ORDER
PROVISIONALLY NULL AND
VOIDING PERSONNEL ACTION
OF ANTONIO MERCADO

INTRODUCTION

This matter came before the Guam Civil Service Commission (CSC) for a Continued Investigation Hearing on July 30, 2020. Present for the hearing were Edward Garrido, Complainant, with his Lay Representative,

DECISION AND ORDER
[PROVISIONALLY NULL AND VOIDING PERSONNEL ACTION
OF ANTONIO MERCADO]

Civil Service Commission [Edward Garrido] vs. Guam Power Authority
Post Audit Appeal Case No.: 20-PA01

1 Robert Koss, and Guam Power Authority (GPA) General Manager Beatrice
2 Limtiaco, with her attorney, Graham Botha.

3 **JURISDICTION**

4 The jurisdiction of the Commission is based upon the Organic Act of
5 Guam, 4 GCA 4401 et. seq., and relevant portions of the Government of
6 Guam Personnel Rules and Regulations.

7 **FINDINGS OF FACT**

8 On July 7, 2020, the Commission remanded this matter back to CSC
9 staff to address the following issues:

- 10 1. Life of an Eligibility List;
11 2. Proof of receipt of applications prior to closing of announcement;
12 3. Interview of Edward Leon Guerrero, Superintendent, T&D.

13 **ISSUE 1**

14 Staff found that five (5) applicants were interviewed even though their
15 applications had expired prior to the current job announcement. One of those
16 five is Antonio Mercado. Selection of Mercado violates GPA Personnel
17 Rules and Regulations, Sections 4.06, 4.18, and 4.A.3.4.:

18
19 **DECISION AND ORDER**
20 **[PROVISIONALLY NULL AND VOIDING PERSONNEL ACTION**
21 **OF ANTONIO MERCADO]**
Civil Service Commission [Edward Garrido] vs. Guam Power Authority
Post Audit Appeal Case No.: 20-PA01

1 **4.06 APPLICATION FORM**

2 “Applications for competitive examinations shall be accepted only
3 during the period specified in the announcement.”

4 **4.18 DURATION OF EXAMINATION RATINGS:**

5 “Examination ratings are good only for the live of the eligibility list.
6 Examination ratings received through performance test shall not be carried to
7 a new list after a period of one year.”

8 **4.A.3.4 DURATION OF ELIGIBILITY LISTS:**

9 “The life of an eligibility list, other than a reemployment list, shall be
10 for a period of not more than one (1) year unless extended by the General
11 Manager, but such extension shall not exceed three (3) months.”

12 **ISSUE 2**

13 Staff found that the application was verified by GPA officials but still
14 recommends that GPA stamp receive all applications to ensure that they are
15 submitted prior to the closing of the positon announcement.

16 **ISSUE 3**

17 Staff found that Mr. Leon Guerrero was interviewed and the interview
18 was accidently left of the post audit report. Mr. Leon Guerrero denied
19 making a preselection statement.

20 //

21 //

22 **DECISION AND ORDER**
23 **[PROVISIONALLY NULL AND VOIDING PERSONNEL ACTION**
24 **OF ANTONIO MERCADO]**

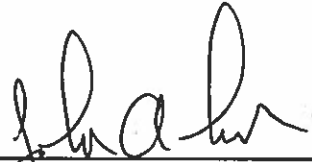
25 *Civil Service Commission [Edward Garrido] vs. Guam Power Authority*
26 Post Audit Appeal Case No.: 20-PA01

1 **CONCLUSION**

2 The selection of Antonio Mercado is provisionally null and void.
3 Management shall have ten (10) days to respond pursuant to 4 GCA §
4 4403(d).

5 SO ORDERED this 6th day of August, 2020.

6
7 
8 **JUAN K. CALVO**
Chairman


9 **JOHN SMITH**
Vice Chairman

10 
11 **PRISCILLA T. TUNCAP**
Commissioner


12 **EMILIA F. RICE**
Commissioner

13 
14 **ANTHONY P. BENAVENTE**
Commissioner