



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

DANIEL T.C. SANTOS,

Employee,

vs.

GUAM INTERNATIONAL AIRPORT  
AUTHORITY,

Management.

POST AUDIT  
CASE NO. 15-PA06

JUDGMENT OF DISMISSAL

This matter came before the Civil Service Commission (the "Commission") on January 5, 2016 for the presentation of an initial assessment report. A.B. Won Pat International Airport Authority, Guam (the "Airport" or "GIAA") was represented by its legal counsel Genevieve P. Rapadas, Calvo Fisher & Jacob LLP, and GIAA Personnel Specialist III Vivian Aflague. Daniel T.C. Santos ("Mr. Santos"), the complaining employee, was present with lay representative, John Calvo. The Staff Assessment Report (the "Report") was presented by Maria P. Masnayan, Personnel Management Analyst III ("Ms. Masnayan"), and Roland P. Fejerang ("Mr. Fejerang"), Personnel Management Administrator (collectively "Commission Staff"), both of whom are employees of the Commission.

On October 27, 2015, Mr. Santos, a classified employee with the Airport filed a Post Audit Complaint, pursuant to the Commission's authority found in at 4 GCA § 4403(d). In his Post Audit Complaint, Mr. Santos requested that the Commission conduct an investigation

1 regarding his recent transfer from Airport Police Officer I to Clerk III. Mr. Santos argued that  
2 the action taken against him violated the GIAA Personnel Rules and Regulations and therefore  
3 should be null and void.

4 After further review and assessment of the documents submitted by Mr. Santos,  
5 Commission Staff found as follows:

6 (1) Mr. Santos's complaint is an issue of "reasonable accommodation" for a medical  
7 disability. Mr. Santos admits that he is unable to perform the work of an Airport Police Officer I  
8 and has stated in his complaint that physicians Dr. Cabrera and Dr. Nguyen have certified his  
9 disability. Mr. Santos believes that GIAA violated PR&R when they placed him in the Clerk III  
10 position, instead of the Airport Operations Officer I or II positions;

11 (2) It appears Mr. Santos is requesting the Civil Service Commission to "Null and Void"  
12 the reasonable accommodation to Clerk III and return him to the Airport Police Officer I  
13 position, which he is unable to perform, or in the alternative to the Airport Operations Officer I  
14 or II positions, which is more desirable to him;

15 (3) The Commission's jurisdiction is limited in Post Audit complaints utilizing 4 GCA §  
16 4403(d) to either "Null and Void" or not. Since Mr. Santos is unable to perform the duties of an  
17 Airport Police Officer I, it is not reasonable to place him in a position that he is unable to  
18 perform.

19 Based on these findings, the recommendation of Commission Staff was not to proceed  
20 forward with an investigation on this matter. Instead of being accommodated to the Clerk III  
21 position, Mr. Santos could file an Equal Employment Opportunity complaint or a Grievance  
22 appeal to possibly effectuate an alternative outcome.


23 Following presentation of the Report to the Commission, the Commission adopted the  
24 recommendations of the Report. Commission Staff shall not proceed forward with an


1 investigation on this matter. Thus, it is the determination of the Commission that this matter is  
2 now finally adjudged dismissed.

3 SO ORDERED and ADJUDGED this 11<sup>th</sup> day of February, 2016, as determined by  
4 a vote of 5-0 on January 5, 2015.

5   
6 **EDITH PANGELINAN**  
Chairperson

  
**DANIEL LEON GUERRERO**  
Vice-Chairperson

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8 **PRISCILLA T. TUNCA**  
Commissioner

  
**JOHN SMITH**  
Commissioner

10   
11 **LOURDES HONGYEE**  
Commissioner

  
**CATHERINE GAYLE**  
Commissioner