



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

ERIC S.N. SANTOS,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

ADVERSE ACTION APPEAL
CASE NO. 13-AA30T

DECISION AND JUDGMENT

[THIS DECISION AND JUDGMENT VACATES THE EARLIER DECISION AND ORDER
ISSUED APRIL 14, 2016, AS WELL AS THE EARLIER DECISION AND JUDGMENT
ENTERED ON APRIL 14, 2016.]

I.

INTRODUCTION

This matter came before the Civil Service Commission for a hearing on the employee's Motion for Reconsideration on May 3, 2016. Present were employee and his representative Daniel Del Priore, and Assistant Attorney General David Highsmith and the Director of the Department of Corrections Jose San Augustin. The five members of the commission were also present: Chairperson Edith Pangelinan, Vice Chairperson Daniel Leon Guerrero, John Smith, Priscilla Tuncap and Lourdes Hongyee.

ORIGINAL

1 The Commission heard arguments and examined the exhibits and documents submitted,
2 and by a vote of 5-0 granted the employee's Motion premised upon a violation of the 60 Day Rule,
3 4 GCA Section 4406.

4 **II.**

5 **JURISDICTION**

6 The jurisdiction of the Civil Service Commission is based upon the Organic Act of Guam,
7 4 G.C.A. §§ 4401, *et al.*, and the relevant Personnel Rules and Regulations.

8 **III.**

9 **DISCUSSION**


10 On August 1, 2013, employee was a Corrections Officer ("CO") I at the Department of
11 Corrections assigned at the Hagatna Detention Facility; he was under the command and
12 supervision of CO II Siguenza, the Acting Commander of that facility on that date.


13 On that day, August 1, 2013, CO II Siguenza personally became aware of allegations that
14 employee had threatened and verbally assaulted another Corrections Officer, and in addition had
15 kicked-over and dented a Government Water Cooler in a cellblock. CO II Siguenza ordered that
16 day an investigation in these allegations against the employee. Management did not deliver the
17 Final Notice of Adverse Action to employee until October 5th, 2013; a time period in excess of
18 the 60 Day Rule of 4 GCA Section 4406.

19 In reaching this Decision and Judgment to grant Employee's Motion for Reconsideration
20 for a violation by Management of the 60 Day Rule, the Commission looked to its prior Decision
21 and Order in the case of JOHN E. STRATTARD vs. GUAM POLICE DEPARTMENT, Case No.
22 CY87-AA04, and its broad definition of the meaning of management under 4 GCA section 4406,
23 and as set forth in the Guam Judicial Resolution No. 04-016 (Employee's Exhibit E-31, The
24 Judiciary of Guam Memorandum of April 29, 2004.)

1 October 5th, 2013, up to and including the date he is restored to his prior position of employment
2 with the Department of Corrections. The prior decisions in this case are vacated and not to be
3 referenced or cited.

4
5 SO ADJUDGED THIS 30th DAY OF August 2016.

6 
7 **EDITH PANGELINAN**
Chairperson

6 
7 **DANIEL D. LEON GUERRERO**
Vice-Chairperson

8 not present
9 **PRISCILLA T. TUNCAP**
Commissioner

8 
9 **JOHN SMITH**
Commissioner

10 
11 **LOURDES HONGYEE**
Commissioner

10 not present
11 **CATHERINE GAYLE**
Commissioner