



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

JESSE T. TEDTAOTAO,

Employee,

vs.

DEPARTMENT OF PUBLIC WORKS,

Management.

ADVERSE ACTION APPEAL
CASE NO.: 11-AA22T

DECISION AND
JUDGMENT

This matter came before the Civil Service Commission for a hearing on the merits on March 8, 20, 22, 29, and April 17, 2012.

Present were the Employee, Jesse T. Tedtaotao (hereinafter "Employee"), and his representative, Tony Benavente; and Assistant Attorney General, Donna E. Lawrence, on behalf of the Department of Public Works (hereinafter "Management"). The seven members of the Commission were also present: Luis Baza, Manny Pinauan; Lourdes Hongyee; Danny Leon Guerrero; Priscilla Tuncap; John Smith; and Edith Pangelinan. The Commission heard oral testimony, examined documentary evidence, and then deliberated.

The Commission upheld the Adverse Action by a 7-0 vote. The Commission makes the following findings.

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DECISION AND JUDGMENT

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1 **FACTS**

2 1. On April 20, 2011, Employee was served with a Notice of Proposed Adverse Action
3 based on the incidents that occurred on March 21, and April 4 and 12, 2011.

4 2. On March 21, 2011, Employee was reported as a “no-call, no-show” for his scheduled
5 hours of work.

6 3. On April 4, 2011, Employee was late to work without any prior notification or
7 justified excuse. That same day, Employee became extremely evasive, defensive, and
8 uncooperative when he was asked by his supervisor about a government vehicle, which
9 employee operated, and which was subsequently rendered “out of service.” Employee was
10 disrespectful, insubordinate, and aggressive toward management.

11 4. On April 12, 2011, Employee approached a staff member at her private vehicle and
12 followed her into her office. Employee refused to perform his duties as assigned by his
13 supervisor. While there, Employee became hostile and threatening regarding his assignment that
14 day. Law enforcement was contacted as a result of Employee’s conduct. That same day,
15 Employee went to the same staff member’s private residence without any invitation or consent
16 by the owner-staff member. The staff member was concerned for the safety of herself and her
17 family. Incident reports were made to the Guam Police Department as a result.

18 5. As a result of the above-conduct, Employee was served with a Final Notice of
19 Adverse Action for Dismissal. Therein, Employee was charged with violations of the
20 Department of Administration’s Personnel Rules and Regulations including refusal or
21 failure to perform prescribed duties and responsibilities, insubordination, unauthorized absence,

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1 discourteous treatment to the public or other employees, misuse or theft of government property,
2 and other misconduct not specifically listed.

3 **CONCLUSION**

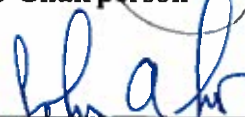
4 6. By his actions as described above, and as presented by Management, the adverse
5 action of dismissal taken against Employee is hereby upheld.

6 SO ADJUDGED THIS 28th day of September, 2017.

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8 _____
9 **EDITH PANGELINAN**
10 **Chairperson**

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8 _____
9 **LOURDES HONGYEE**
10 **Vice-Chairperson**

10 Not Present
11 _____
12 **PRISCILLA T. TUNCAP**
13 **Commissioner**

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11 _____
12 **JOHN SMITH**
13 **Commissioner**

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13 _____
14 **CATHERINE GAYLE**
15 **Commissioner**

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13 _____
14 **MICHAEL G. TOPASNA**
15 **Commissioner**

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