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CIVIL SERVICE COMMISSION
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MINUTES OF MEETING
TUESDAY
December 19, 2017

The Civil Service Commission met on **December 19, 2017**, in the CSC Board Room, Bell Tower, 710 Marine Corps Dr., Suite 201, Hagatna, Guam 96910.

Commissioners present:	CSC Employees present:
Edith Pangelinan, Chairperson	Peter S. Calvo – Executive Director
Lourdes Hongyee, Vice Chairperson	R. Todd Thompson – Administrative Counsel (ALJ)
Priscilla Tuncap	Maria Masnayon – PMA III
John Smith	Vickilynn Sablan – PMA III
Catherine Gayle	Julita Santos – Board Secretary
Michael Topasna	

I. CALL TO ORDER:

The meeting was called to order by Chairperson Pangelinan at 5:54 p.m.

II. APPROVAL OF MINUTES:

The Minutes for December 07, 12 and 14, 2017 were submitted for approval. There was a motion to approve with corrections by Vice Chair Hongyee and seconded by Commissioner Gayle. All present concurred.

III. NEW BUSINESS:

1. Motion Hearing:

Johnny C. Toves vs. Department of Public Works; CSC Case No. 17-AA16T

Present for Management was Assistant Attorney General Debra Lefing and DPW Director, Mr. Glenn Leon Guerrero. Lay Representative Robert Koss represented the Employee, Johnny C. Toves, whom was also present.

The six (6) motions being addressed was:

1. Employee's Motion to Void for Failure to Consider Answer to Notice, A Denial of Due Process, and Management's Opposition to Employee's Motion to Void for Failure to Consider Answer to Notice.

Both parties presented oral arguments.

By a vote of 5-1, the Employee's Motion was denied. Commissioner Tuncap voted in favor of the Employee.

2. Employee's Motion to Void for Serious Procedural Defect; Adverse Action was Taken Without Authority, and Management's Opposition to Void for Serious Procedural Defect.

Both parties presented oral arguments.

By a vote of 5-1, the Employee's Motion was denied. Commissioner Tuncap voted in favor of the Employee.

3. Employee's Motion to Dismiss 4th Charge: (11.303 (N) Failure to comply with the drug-free workplace program), and Management's Opposition to Employee's Motion to Dismiss 4th Charge.

Both parties presented oral arguments. Questions and answers ensued by the Commissioners.

By a vote of 5-1, the Employee's Motion was denied. Commissioner Tuncap voted in favor of the Employee.

4. Employee's Motion to Dismiss 2nd Charge: (11.303 (E) Unlawful Use, Possession, or Sale of Illicit Drugs), and Management's Opposition to Employee's Motion to Dismiss 2nd Charge, Due to (Supposed) Failure of Management to Provide Discovery.

Both parties presented oral arguments. The Commissioners shared some observations.

By a vote of 5-1, the Employee's Motion was denied. Commissioner Tuncap voted in favor of the Employee.

5. Employee's Motion to Dismiss 1st Charge (11.303 (B) Failure to perform prescribed duties), and Management's Opposition to Employee's Motion to Dismiss 1st Charge.

Both parties presented oral arguments. The Commissioners shared some observations.

By a vote of 5-1, the Employee's Motion was denied. Commissioner Tuncap voted in favor of the Employee.

6. Employee's Motion to Dismiss the 5th Charge (11.303 (O) Other misconduct not specifically listed), and Management's Opposition to Employee's Motion to Dismiss 5th Charge.

Both parties presented oral arguments. The Commissioners shared some observations.

By a vote of 5-1, the Employee's Motion was denied. Commissioner Tuncap voted in favor of the Employee.

IV. OLD BUSINESS:

No old business.

V. GENERAL BUSINESS:

Mr. Calvo gave updates regarding CSC matters and reminded the Commissioners of the CSC holiday luncheon on December 29th at 11:30 a.m.

Mr. Thompson gave updates regarding legal matters.

VI. ADJOURNMENT:

Upon a motion made by Vice Chair Hongyee and seconded by Commissioner Tuncap, the Commissioners adjourned at approximately 7:07 p.m.

Submitted for Approval:



JULIA T. SANTOS
Board Secretary

APPROVED


EDITH PANGELMAN, Chairperson