



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

**KENETH ORCUTT, DEBORAH RIVERA,  
HAPPY RONS, SHANNON TAITANO,  
LAURA MOONEY, ROBERT WIENBERG,  
KATHY FOKAS, MONTY R. MAY, DONNA  
LAWRENCE,**

**Employee,**

vs.

**ATTORNEY GENERAL'S OFFICE and  
DEPARTMENT OF ADMINISTRATION,**

**Management.**

**GRIEVANCE APPEAL  
CASE NOS. 14-GRE-50, 14-GRE-52,  
14-GRE-48, 14-GRE-44, 14-GRE-53,  
14-GRE-45, 14-GRE-49, 14-GRE-46  
and 14-GRE-54**

**DECISION AND ORDER**

This case came before the Civil Service Commission at its regularly scheduled meeting on January 15, 2015, at 5:45 p.m., at its office located in Sinajana, Guam. By a vote of 6-0, the Commissioners approved the parties request pursuant to the attached Stipulation and Order Remanding Grievance Appeals to Office of Attorney General for Compliance with DOA RULE 12.802.

IT IS SO ORDERED THIS 7<sup>th</sup> DAY OF April 2015 *nunc pro tunc* to January 15, 2015.

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LUIS R. BAZA  
Chairman

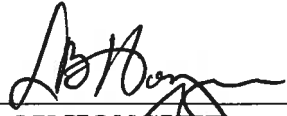
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MANUEL R. PINAUIN  
Vice-Chairman

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PRISCILLA T. TUNCAP  
Commissioner


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JOHN SMITH  
Commissioner

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**LOU HONGYEE**  
Commissioner

*Not present*  
\_\_\_\_\_  
**DANIEL D. LEON GUERRERO**  
Commissioner

  
\_\_\_\_\_  
**EDITH C. PANGELINAN**  
Commissioner



**Office of the Attorney General**

**Leonardo M. Rapadas**

Attorney General of Guam

Civil Division

590 S. Marine Corps Drive

Tamuning, Guam 96913 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

[www.guamag.org](http://www.guamag.org)

Attorneys for the Government of Guam



- 1. 14-1102
- 2. 14-1103
- 3. 14-1104
- 4. 14-1105
- 5. 14-1106
- 6. 14-1107

- 7. 14-1108
- 8. 14-1109
- 9. 14-1110

**BEFORE THE CIVIL SERVICE COMMISSION  
GOVERNMENT OF GUAM**

IN THE MATTER OF:

KENNETH ORCUTT, DEBORAH RIVERA,  
R. HAPPY RONS, SHANNON TAITANO,  
LAURA MOONEY, ROBERT WEINBERG,  
KATHY FOKAS, MONTY R. MAY and  
DONNA LAWRENCE,

Employees,

vs.

ATTORNEY GENERAL'S OFFICE and  
DEPARTMENT OF ADMINISTRATION,

Management.

) GRIEVANCE APPEAL CASE NOS.  
) 14-GRE-50, 14-GRE-52, 14-GRE-48,  
) 14-GRE-44, 14-GRE-45, 14-GRE-53,  
) 14-GRE-49, 14-GRE-46 and 14-GRE-54

**STIPULATION AND ORDER  
REMANDING GRIEVANCE APPEALS TO  
OFFICE OF ATTORNEY GENERAL FOR  
COMPLIANCE WITH  
DOA RULE 12.802**

It is hereby stipulated between the employee(s) and management that this grievance shall be remanded to the Office of the Attorney General for the conduct of the Step Four Formal Grievance Procedure before a properly constituted Grievance Review Board, as authorized by

Title Five, Guam Code Annotated, Section 30121.2, and pursuant to the Department of Administration's Personnel Rules and Regulations Rule 12.800 and 12.802.

The employee(s) and management further stipulate that the Office of the Attorney General has authority to conduct the Step Four Formal Grievance Procedure and neither party can later raise the lack of such authority of the Office of the Attorney General in this regard as a basis for overturning a resolution or decision in this matter.

As Department of Administration Rule 12.802A provides for appointment of the Grievance Review Board within 10 days of receipt of Step 4, and as Step 4 was filed by employees quite a while ago, the parties agree that the 10 day period will begin upon the date of entry of this Stipulation and Order by the Civil Service Commission.

As Department of Administration Rule 12.802D provides for the Grievance Review Board to conclude its investigation within 20 days of its appointment, and as at least three of the Office of Attorney General attorneys involved in the process will be unavailable for several weeks during this time period due to being off island and/or on medical leave, the parties agree that the Grievance Review Board shall conclude its investigation within 40 days of its appointment.

The parties agree that failing mutual agreement on the outcome of the Grievance Review Board process (i.e., Step 4) – the parties will resume Step 5 of the Grievance Review Process at its current stage, i.e., continuation of the appeal before the Civil Service Commission.

For tracking purposes, pursuant to Civil Service Commission Rule G14.1(b) (Status Call Conference), this matter is rescheduled for another status call conference on December 18, 2014 at 2:00 p.m.

So agreed:

*Kenneth Orcutt for*  
Kenneth Orcutt

KENNETH ORCUTT

Employee

Date: 11/20/14

*Deborah Rivera for*  
Deborah Rivera

DEBORAH RIVERA

Employee

Date: 25 Nov 14

*R. Happy Rons*  
R. Happy Rons

R. HAPPY RONS

Employee

Date: Nov 20, 2014

*Shannon Taitano*  
Shannon Taitano

SHANNON TAITANO

Employee

Date: 25 Nov 14

*Laura Mooney*  
Laura Mooney

LAURA MOONEY

Employee

Date: 11/20/14

*Robert Weinberg*  
Robert Weinberg

ROBERT WEINBERG

Employee

Date: 11/20/14

*Kathy A. Fokas*  
Kathy A. Fokas

KATHY A. FOKAS

Employee

Date: 11-23-14

*Monty R. May*  
Monty R. May

MONTY R. MAY

Employee

Date: 11/25/14

*Donna Lawrence for*  
Donna Lawrence

DONNA LAWRENCE

Employee

Date: 25 Nov 14

So agreed:

OFFICE OF THE ATTORNEY GENERAL  
Leonardo M. Rapadas, Attorney General

By: John Weisenberger  
John Weisenberger  
Deputy Attorney General  
Management

Date: November 20, 2014

So Ordered.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

MANUAL R. PINAUI, Vice Chairman

DANIEL LEON GUERRERO, Commissioner

LOURDES HONGYEE, Commissioner

PRISCILLA T. TUNCAP, Commissioner

JOHN SMITH, Commissioner

EDITH PANGELINAN, Commissioner