BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:
PORT TRANSPORTATION,
STEVEDORE, TERMINAL

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

GRIEVANCE APPEAL
CASE NO. 13-GRE-11

DECISION AND JUDGMENT

This matter came before the Civil Service Commission on September 23, 2014, on
Employees Port Transportation, Stevedore Terminal’s (collectively “Employees”) Grievance
Complaint

Present for Management, Port Authority of Guam was its General Manager, Joanne
Brown and its counsel of record Michael F. Phillips, Esq. Also present were Employees, Port
Transportation, Stevedore Terminal’s and their lay representative Daniel Del Priore.

JURISDICTION

The Commission has jurisdiction over these matters pursuant to the Organic Act of
Guam, Title 4 of the Guam Code Annotated §4401 et. seq. and the Port Authority of Guam’s
Personnel Rules and Regulations.

FINDINGS OF FACT

1. Employees of the Port Authority of Guam’s Port Transportation, Stevedore and
Terminal divisions did not render any services to their employer, the Port Authority of Guam on
June 21, 2013.

2. Employees did not render services in excess of forty (40) straight time hours during the work week in question.

3. The work week established by Management begins on a Sunday and ends on a Saturday.

CONCLUSIONS OF LAW

1. Port Authority of Guam Personnel Rules and Regulations Rule 8.402 (E) Occurrence of Overtime Work provides:

   Overtime work will occur when an employee renders service under any of the following conditions:
   1. The employee renders service in excess of forty (40) straight time hours per workweek.
   2. The employee renders service on the employee’s scheduled day off and there has been no change, by mutual consent or by due prior notice, in the work schedule.

   PRR Rule 8.402(E).

2. Based on the Personnel Rules and Regulations cited above, Employees are not entitled to overtime pay.

JUDGMENT

WHEREFORE, based upon a unanimous decision of 6-0, the Commission agrees with and incorporates Management’s January 2, 2014, Findings and Recommendations as if fully set forth herein and DENIES Employees’ request for overtime pay.

So Ordered this ___ day of October, 2015, as determined by votes taken on September 23, 2014.

LUIS R. BAZA
Chairman

PRISCILLA T. TUNCAP
Commissioner

DANIEL D. LEON GUERRERO
Vice Chairman

JOHN SMITH
Commissioner