



**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

ORIGINAL

1 June 21, 2013.

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

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

6 **CONCLUSIONS OF LAW**

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

9 Overtime work will occur when an employee renders service under
10 any of the following conditions:

- 11 1. The employee renders service in excess of forty (40) straight
12 time hours per workweek.
13 2. The employee renders service on the employee's scheduled day
14 off and there has been no change, by mutual consent or by due
15 prior notice, in the work schedule.

16 PRR Rule 8.402(E).

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

19 **JUDGMENT**

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

23 So Ordered this 6th day of October, 2015, as determined by votes taken on


24 September 23, 2014.

25 

LUIS R. BAZA
Chairman



PRISCILLA T. TUNCA
Commissioner




DANIEL D. LEON GUERRERO
Vice-Chairman



JOHN SMITH
Commissioner


LOURDES HONGYEE
Commissioner


EDITH C. PANGELINAN
Commissioner

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