This matter came before the Civil Service Commission on September 23, 2014, on Employee Thaddeus Sanchez’s 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 was Employee, Thaddeus Sanchez and his lay representative Daniel Del Priore.

JURISDICTION

The Commission has jurisdiction over this matter 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. Employee Thaddeus Sanchez did not render any services to his employer, the Port Authority of Guam (“Management”) on Memorial Day, Monday, May 27, 2013.
2. Employee did not render services in excess of forty (40) straight time hours during the work week in question.

3. Employee was notified of the change in work schedule at least twenty-four (24) hours prior to said schedule.

4. 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. Port Authority of Guam Personnel Rules and Regulations Rule 8.700 (B) Holiday Pay provides:

   Employees who are required, because of an emergency or other reasons, to work on holidays (or their equivalent day) shall be paid at the rate equivalent to double their hourly rate of pay exclusive of any additional pay, except as otherwise provided by statute.

   PRR Rule 8.700(B).

3. Based on the Personnel Rules and Regulations cited above, Employee is not entitled to overtime or double time pay.

JUDGMENT

WHEREFORE, based upon a unanimous decision of 6-0, the Commission agrees with and incorporates Management’s September 9, 2014, Findings and Recommendations as if

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fully set forth herein and DENIES Employee’s request for overtime and/or double time pay.

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

LUIS R. BAZA
Chairman

PRISCILLA T. TUNCAP
Commissioner

LOURDES HONGYEE
Commissioner

DANIEL D. LEON GUERRERO
Vice-Chairman

JOHN SMITH
Commissioner

EDITH C. PANGELINAN
Commissioner