



**BEFORE THE
GUAM CIVIL SERVICE COMMISSION**

BOARD OF COMMISSIONERS

IN THE MATTER OF:

**CIVIL SERVICE COMMISSION,
[JOHN V. SANTIAGO]**

Employee,

vs.

**GUAM INTERNATIONAL AIRPORT
AUTHORITY,**

Management.

21-414

**POST AUDIT
CASE NO.: 20-PA04**

ORDER AFTER HEARING

This matter came on to be heard the 4th day June 2021 before the Civil Service Commission (CSC). Present for the hearing was the Employee Complainant, with his counsel, John R.B. Bell; and also present were John M. Quinata, Executive Manager for Guam International Airport Authority (GIAA) with his counsel, William Brennan. Commissioners present were Chairperson

ORDER AFTER HEARING

Civil Service Commission vs. Guam International Airport Authority [John V. Santiago]
Post Audit Case No.: 20-PA04

1 Juan Calvo, Vice Chairman John Smith, Commissioner Priscilla T. Tuncap,
2 Commissioner Emilia F. Rice and Commissioner Anthony P. Benavente.
3 Complainant, John V. Santiago, Clerk III, with the Guam International Airport
4 Authority requested for the CSC to conduct a Post Audit Investigation under
5 GCA, §4403(d) regarding his reassignment of position from Airport Police
6 Officer II to Clerk III. Claimant developed a disability which prevents him from
7 doing the tasks of Police Officer II. GIAA Personnel Rules and Regulations
8 (PR&R), Rule 6.101 provides where an employee is transferred to another
9 position because of a disability unrelated to work, the employee shall be
10 compensated at the lowest sub-step of the implementation range of the lower
11 graded position.

12 Personnel Analyst III, Maria Masnayan, read the Investigation Report into
13 the record. Her recommendation concluded that the personnel action was correct
14 and lawful. Chairman Juan K. Calvo stated that Rule 6.101 violates the
15 Americans with Disabilities Act because it decimates against employees with

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21 *Civil Service Commission vs. Guam International Airport Authority [John V. Santiago]*
Post Audit Case No.: 20-PA04

1 disabilities. The Commission voted 5 to 1 to issue a preliminary null and void of
2 the personnel action.

3 **SO ORDERED** this 15th day of June, 2021.

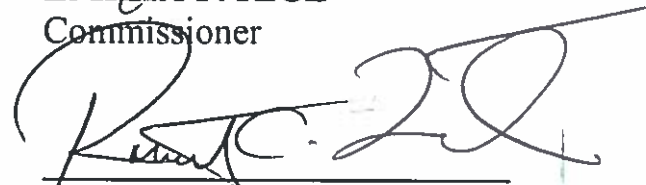
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6 **JUAN K. CALVO**
Chairman

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6 **JOHN SMITH**
Vice Chairman

7 (absent)
8 **PRISCILLA T. TUNCAP**
Commissioner

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8 **EMILIA F. RICE**
Commissioner

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10 **ANTHONY P. BENAVENTE**
11 Commissioner

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11 **ROBERT C. TAITANO**
Commissioner

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