



**LOURDES A. LEON GUERRERO**  
Governor

**JOSHUA F. TENORIO**  
Lieutenant Governor

**CIVIL SERVICE COMMISSION**  
*Kumision I Setbision Sibit*  
**GOVERNMENT OF GUAM**  
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**DANIEL D. LEON GUERRERO**  
Executive Director

CSC Number: 2021-006

**MEMORANDUM**

**DATE:** February 9, 2021  
**TO:** Juan K. Calvo, Chairman; John Smith, Vice-Chairman; and  
Commissioners, Civil Service Commission  
**FROM:** Executive Director, Civil Service Commission  
**SUBJECT:** Executive Director, Performance Evaluation

***Hafa Adai:***

Pursuant to 5 G.C.A., Chapter 43, Sections 43202 and 43203 – Boards and Commissions, which reads:

**43202** – “The governing Board for all agencies, instrumentalities, or entities shall issue performance reviews of the Chief Executive selected for that agency six (6) months after appointment of the said Chief Executive and every twelve (12) months thereafter that the Chief Executive is retained by the Governing Board. Each performance review shall document the Chief Executive’s performance, accomplishments, and the respective Governing Board’s reasons for retaining the said Chief Executive.”

**43203** – “The performance reviews required under this Act shall be made public and the availability of these reviews shall be published by the respective Governing Boards issuing the aforementioned reviews by newspaper of general circulation or by radio or television which is reasonably calculated to provide notice of the facts it announces to the public at large and posted on the agency, instrumentality or entity’s website.”

Pursuant to the above, I hereby submit the attached performance evaluation for the initial one (1) year evaluation period from July 16, 2019 to July 16, 2020, for your consideration.

*Un Dangkolo Na Si Yu’os Ma’ase!*

Daniel D. Leon Guerrero  
Executive Director

Attch: Performance Evaluation

Executive Director, Civil Service Commission  
Performance Evaluation

Executive Director's Name: Daniel D. Leon Guerrero

Evaluation Period of One Year

Evaluation Period: July 16, 2019 to July 16, 2020

Pursuant to 5 G.C.A., Chapter 43, Sections 43202 and 43203 – Boards and Commissions

**Executive Director, Civil Service Commission**

The Executive Director is appointed by the Civil Service Commission Board with the approval of the Governor, and with the advice and consent of the Legislature pursuant to 4 GCA §4405(a), and serves at the pleasure of the Governor.

Provides overall direction and administration of staff in support of Civil Service Commission's duties. (§4403, Duties of the Commission) Exercises executive and administrative authority; supervises the staff; oversees the operations, budgeting programs, legal issues, facility, public information office, and all administrative matters. Provides technical, legal, and administrative support to the Civil Service Commissioners in the adjudication of appeals and complaints.

**Examples of Work:**

Administers the programs, operations, and activities of the Civil Service Commission (CSC). Provides administrative and technical support to the Civil Service Commission Board in the adjudication of adverse action appeals, grievances, furloughs, lay-offs, Equal Opportunity complaints, Public Employee Protection Act (aka Whistleblower Act); post audit complaints; Ethics In Procurement; notice of personnel action review; and political activity complaints in accordance with applicable laws, regulations, and policies.

Plans, prepares and administers the CSC budget.

Performs related work as required.

## Accomplishments and Activities

- Reviewed and approved staff reports and recommendations pertaining to adjudication of adverse action appeals, grievances, furloughs, lay-offs, Equal Opportunity complaints, Public Employment Opportunity Protection Act (aka Whistle Blower), post audit complaints, personnel action review, and political activity complaints for the Civil Service Commission's disposition.
- Supported the Guam Ethics Commission with legal, organizational, budgeting related advisory and administrative support pursuant to the Governor's Executive Order 2019-06 relative to providing the Guam Ethics Commission with resources to conduct its required operation in light of budgetary constraints. The Bureau of Budget and Management Research had identified a funding source from FY2020 to initiate their operations.
- Approved and implemented the pay grade reassignments for the Personnel Management Analyst class of positions on October 1, 2019.
- On November 15, 2019, participated with Luis R. Baza, former Chairman, CSC, and Juan K. Calvo, Chairman, CSC, as a panel member for the Merit System roundtable discussions sponsored by the School of Business and Public Administration, University of Guam on *Ethics, Leadership and Innovation as the Essential Qualities of a Public Manager for the Future*.
- On December 20, 2019, terminated the Professional Services Contract of Thompson, Thompson & Alcantara, P.C. for Administrative Law Judge services for appeal cases. The termination action was taken in order to conform to contractual laws that professional services. CSC, voluntarily reported the matter to the Guam Public Auditor for advice and disposition.
- On January 7, 2020, CSC filed Annual Freedom of Information Act (FOIA) Report to the Attorney General pursuant to 5 GCA §10107 / AG 20-0001. Stating that CSC received and processed twenty (20) FOIA requests for FY 2019. The Executive Director is exclusively authorized to disapprove/approve FOIA requests from the media and public.
- February 14, 2020, reviewed and submitted **CSC Budget FY2021** to the Bureau of Budget and Management Research with a ceiling of \$1,009,803. CSC received an increase of \$65,000 over last year's budget to pay for the increases for government's share to the Guam Retirement Fund.
- Coordinated with the Governor's Legal Office, and provided testimony in supporting the legislative confirmation of the following four (4) CSC Commissioners:

**Commissioner Emilia F. Rice**, confirmed by the 35<sup>th</sup> Guam Legislature, August 22, 2019

**Commissioner Anthony P. Benavente**, confirmed by the 35<sup>th</sup> Guam Legislature, November 18, 2019

**Commissioner John A. Smith**, reconfirmed by the 35<sup>th</sup> Guam Legislature, November 18, 2019

**Commissioner Robert C. Taitano**, confirmed by the 35<sup>th</sup> Guam Legislature, May 6, 2020

- March 5, 2020, the Governor nominated Daniel D. Leon Guerrero, Executive Director as Program Vice Chair for the Governor's Employee Recognition Program. (*Due to Covid-19, Public Health Emergency, the program has been temporarily suspended.*)
- On March 14, 2020, Governor declared a COVID-19 Public Health Emergency, and on March 16 ordered closure of CSC as a non-essential office. CSC's services suspended for seventy-seven (77) days, organized and maintained communications via email, phone, and/or zoom technology with CSC staff, agencies, and Governor's office. Reviewed all COVID-19 Executive Orders, DPHSS advisories and implemented them for the safety and protection such as: of the employees and the public.

CSC staff stayed home for seventy-seven (77) days, and had to perform essential services: updating board calendars, receiving via email adverse action appeals, and complaints, provided guidance, and post audited personnel actions.

On May 28, 2020, the CSC opened on June 1. All CSC employees reported to work. CSC immediately organized and implemented safety protocols. CSC, on June 18, 2020, resumed its first prehearings and board meetings.

- June, 2020, requested and BBMR approved \$17,608 "**Cares Act Fund.**" Make purchases in three phases: Phase 1, has been completed with the purchase of sanitation supplies: hand sanitizers, alcohol, masks, wipes, and etc. Phase 2, ongoing to acquire acrylic safety shields for hearings and receptionist. Phase 3, for purchasing of a CSC teleconferencing system. The plan is to obtain software teleconference equipment, such as iPads, television, wireless router, and so forth. The teleconferencing equipment is to be used for staff meetings, investigations, prehearings, and for board hearings. Cares Act, purchases must be made no later than December 30, 2020. CSC acquired 2 thermal thermometers and 4 gallons for sanitizers from Homeland Security.
- CSC worked for approximately a year on its proposed amendments to strengthen CSC's Post Audit Authority. Supported by the Board, the staff submitted proposed legislation to Senator Mary C. Torres. Senator Mary C. Torres agreed with CSC to adopt the draft proposals.

Senator Mary C. Torres and Speaker Tina Muna Barnes sponsored and introduced Bill 312-35 (LS). “An Act To Amend 4403(d) through (f), Article 4, GCA, “Relative to authorizing the CSC to null and void personnel actions which are in violation of existing laws or regulations, and to establishing penalties for public officials who unjustifiably refuse to cooperate with such investigations; and to further amend 4406 of Article 4, Chapter 4, Title 4 GCA, “Relative to removing the application of the ninety (90)-day rule for post audit investigations;” and to further amend 4408 of Article 4, Chapter 4, Title 4 GCA, “Relative to the enforcement of the Civil Service Commission Orders”.

On June 11, 2020, a legislative public hearing was conducted by the Committee on Public Accountability, Human Resources and the Guam Buildup. Chairman Juan K. Calvo, Administrative Counsel Eric D. Miller, and Executive Director Daniel D. Leon Guerrero testified in favor of the proposed legislation.

Hope our “collective” efforts will successfully transpire into law.

- One Hundred (100%) percent compliance of 4 GCA, § 4406.2 – Timeliness and Case Management of adverse action appeals and grievance appeals. All appeals/complaints were compliant and initially heard within the appeal requirements of 120 and 150 days of the date appeal/complaint filed.

### **CSC Training Activities**

- Planned and organized the (**Governor’s Cabinet Mandatory Grievance and Adverse Action Procedures.**) The training held at the CSC office on February 11 and 12, 2020, with 54 Governor’s Cabinet members attending.
- Provided Grievance and Adverse Action training to the Guam Waterworks Authority for approximately 80 management, professional and supervisory employees.
- Revised, updated and simplified the Political Activity, Adverse Action and the Grievance Procedure Power Point Presentation.
- CSC provided Political Activity training to political candidates, campaign managers, and other political officials as requested by the Guam Election Commission. CSC provided the Guam Election Commission with a copy of the Political Activity Power Point Presentation.
- Provided Political Activity Power Point Presentation to all Executive Branch departments, agencies, autonomous and non-autonomous agencies, public corporations and instrumentalities, and welcomed them to contact the CSC should they need assistance.

- May, 2020, CSC agreed with the Department of Administration to provide its staff to be the lecturers for the Political Activity training for Government of Guam employees.
- The Academic and Student Affairs, Professional and International Program of the University of Guam provided Microsoft Access Training to the entire CSC Team (9 participants). The courses included Microsoft Access Refresher, Intermediate Microsoft Access, and Advance Microsoft which was conducted for five (5) days from September 16 to September 20, 2020. All participants passed the course and earned certificates.
- Training provided to the Commissioners in conducting board hearing by Eric Miller, Administrative Counsel. Future trainings are to be scheduled for the Commissioners on Political Activity, Adverse Action, Grievances and conducting board hearings.

### **Civil Service Commission's Immediate Goals and Plans**

Executive Director's plans to maintain and improve operational effectiveness, with effective, timely, and judicious adjudication of classified employee's appeals and complaints. CSC continues to be the vanguard of the merit system.

1. To upgrade the CSC's website in order to improve and make timely updates, improve storage capacity and to comply with transparency regulations and provide live streaming of Board Hearings to provide safer working environment from the dangers of COVID-19 virus.
2. To procure CSC zooming capacity for teleconferencing meetings, investigations, status meetings, and board hearing to provide a safer working environment from the dangers of COVID-19 virus.
3. To upgrade CSC's Microsoft Access System to stabilize the system and to be able to store, retrieve and query all records and information.

### **Board Appeal and Complaint Activities**

(June 16, 2019 – June 16, 2020)

#### **Completed**

- 12 Adverse Actions
- 8 Grievance Complaints
- 0 Political Activity Complaint
- 4 Post Audit Complaints
- 0 Whistleblower Complaint
- 0 Layoffs Complaint
- 1 Bad Faith Complaint

**Filed**

- 18 Adverse Actions
- 8 Grievance Complaints
- 0 Political Activity
- 6 Post Audit Complaints
- 1 Whistleblower Complaint
- 0 Layoff Complaint
- 0 Bad Faith Complaint

**Active**

- 19 Adverse Actions
- 8 Grievance Complaints
- 0 Political Activity Complaint
- 5 Post Audit Complaints
- 2 Whistleblower Complaints
- 0 Layoff Complaint
- 0 Bad Faith Complaint

**Civil Service Commission Court Cases**

(June 16, 2019 – June 16, 2020)

- Jeffrey Cruz vs. Port Authority of Guam; SP0014-16
- Mark C. Charfauros vs. Guam Police Department; CVA18-033
- Eddie Castro vs. Port Authority of Guam; SP0068-16
- L.A.P. vs. Department of Public Works; SP0074-19
- Mark C. Charfauros vs. Guam Police Department; SP0126-19
- Linda B. Aguon vs. Department of Parks and Recreation; SP0046-20
- Frances Arriola vs. Port Authority of Guam; SP0124-13; CVA17-015
- Eric S.N. Santos vs. Department of Corrections; CVA18-006  
(12/15/2019, Supreme Court issued opinion affirming CSC's decision)
- Eric S.N. Santos vs. Department of Corrections; SP0164-16  
(12/15/2019, Court upheld CSC's reconsideration for employee.)
- Kevin Susuico vs. Port Authority of Guam; CVA17-026  
(Supreme Court upheld CSC's decision in favor of employee on the violation of the 60-day rule.)

- Carol Somerfleck, et al vs. Department of Education; CVA2018-014 (Supreme Court ruled in favor of management.)
- Lisa Linek vs. Civil Service Commission; SP0132-19 (Post Audit) (On 11/22/2019 case settled.)

Performance Evaluation Criteria

1. Significantly below standard--unsatisfactory performance, seriously fails to meet established standards, cannot perform without direction.
2. Below standard--inconsistent performance, rarely exceeds established standards, requires supervision.
3. Standard--satisfactory performance, consistently meets but rarely exceeds established standards, requires assistance when major problems occur.
4. Above standard--above average performance, usually exceeds established standards, does not require direction, can anticipate and deal with problems independently.
5. Significantly above standard--exceptional performance, exceeds established standards, in full command of all aspects of the position.

<b>Rating: Low</b>					<b>High</b>
	1	2	3	4	5

**SECTION A: RELATIONS WITH BOARD OF DIRECTORS/GOVERNANCE**

1. Communicates necessary information openly and honestly in a timely and organized fashion.

<b>Rating: Low</b>					<b>High</b>
	1	2	3	4	5

2. Establishes and maintains positive and effective working relationships with the Board of Commissioners.

<b>Rating: Low</b>					<b>High</b>
	1	2	3	4	5



3. Conforms to Board policies and directives.

Rating: Low High

1 2 3 4 5

4. Demonstrates an understanding of differences between the administrative role of Executive Director and the policy-making role of the Board.

Rating: Low High

1 2 3 4 5

5. Synthesizes information and frames issues and questions in a manner for the Board.

Rating: Low High

1 2 3 4 5

6. Communicates to the Board regarding important aspects of the Commission's functions, operations, achievements, and areas of concern.

Rating: Low High

1 2 3 4 5

Comments, Section A: Dan has excellently performed assigned duties  
as required with minimal or less supervision.

**SECTION B: PROGRAM DEVELOPMENT & MANAGEMENT**

1. Develops, implements and supervises programs and services that are consistent with the Commission's mission and strategic plan.

Rating: Low High

1 2 3 4 5

2. Ensures ongoing program supervision and training for all program staff.

Rating: Low High

1 2 3 4 5

3. Encourages and supports all staff in updating their skills and knowledge necessary to ensure the most appropriate and effective services possible.

Rating: Low High

1 2 3 4 (5)

Comments, Section B: Dan has maintained the highest qualities of work output completed by staff i.e., Post Audit Reports, Budgetary matters, etc. and provides professional leadership and communication with staff.

**SECTION C: FINANCIAL MANAGEMENT**

1. Oversees the development and management of the Commission's program and activities.

Rating: Low High

1 2 3 4 (5)

2. Ensures that the Civil Service Commission's operation is operated in accordance with laws, rules, and regulations; takes actions to improve the Civil Service Commission's operations.

Rating: Low High

1 2 3 4 (5)

Comments, Section C: Insights of CSC Budget reduction for FY2020. Dan has continuously strive to ensure stability and find other methods in ensuring that CSC funds and operations ~~transact~~ remained in place.

**SECTION D: STAFF MANAGEMENT AND RELATIONS**

1. Establishes clear patterns of authority, responsibility, supervision, and communication with staff.

Rating: Low High

1 2 3 4 (5)

2. Delegates authority and monitors results appropriately.

Rating: Low High

1 2 3 4 (5)

3. Communicates necessary information in a timely and organized manner and invites and responds to staff needs and feedback in a timely manner.

Rating: Low

1 2 3 4

High

5

4. Facilitates learning and development.

Rating: Low

1 2 3 4

High

5

5. Develops and utilizes an effective set of personnel policies and procedures.

Rating: Low

1 2 3 4

High

5

6. Applies a well-planned, fair and, effective system for hiring, motivating and maintaining a highly qualified staff.

Rating: Low

1 2 3 4

High

5

7. Provides an open door environment where team members are comfortable discussing their concerns.

Rating: Low

1 2 3 4

High

5

8. Oversees and utilizes a fair process of progressive disciplinary actions when warranted by employee actions and identifies and deals with personnel issues quickly and effectively.

Rating: Low

1 2 3 4

High

5

Comments, Section D: Director high marked in communication and good relationship with staff. The work product given to Commissioners for decision and hearing purposes were professionally done. Director has open door policy that would allow staff to maintain good communication and work relationships.

1

## SECTION E: LEADERSHIP AND RELATIONS WITH STAFF

1. Establishes and maintains positive and effective working relationships with all staff.

Rating: Low High  
1 2 3 4 (5)

2. Models behaviors and attitudes which promote individual responsibility, programmatic and professional excellence and creative initiative.

Rating: Low High  
1 2 3 4 (5)

3. Facilitates teamwork and collaboration.

Rating: Low High  
1 2 3 4 (5)

4. Encourages innovative thinking and solutions and effectively incorporates the ideas and contributions of others.

Rating: Low High  
1 2 3 4 (5)

5. Shares knowledge with others.

Rating: Low High  
1 2 3 4 (3)

6. Delivers on commitments.

Rating: Low High  
1 2 3 4 (5)

7. Demonstrates an ability to foresee problems and utilize preventive problem solving strategies.

Rating: Low High  
1 2 3 4 (5)

Comments, Section E: Don has shown a significant performance  
in leadership by ensuring staff are provided the  
necessary tools such ~~as~~ training and equipment and  
supplies, etc. to successfully performed their assigned TASKS.

**SECTION F: CONDUCT**

1. Ensures that the Civil Service Commission conducts itself at the highest standard of integrity and ethics.

Rating: Low High  
1 2 3 4 (5)

2. Ensures that the Commission, its staff and its programs operate in compliance with all applicable local, state, and federal laws and regulations.

Rating: Low High  
1 2 3 4 (5)

3. Develops, maintains, and fulfills contracts with other agencies when required and/or appropriate.

Rating: Low High  
1 2 3 4 (5)

Comments, Section F: Dem does show professional attitude  
and good working relationships with staff and  
Commissioners.

**JOB-RELATED STRENGTHS:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

**PLANS TO STRENGTHEN PERFORMANCE:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_



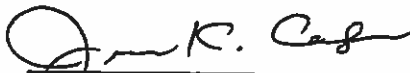
**BEFORE THE  
GUAM CIVIL SERVICE COMMISSION**

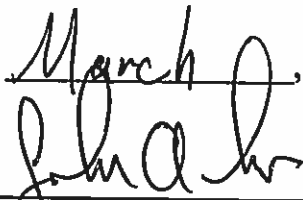


**ORDER OF THE COMMISSION**

In compliance with the 5 G.C.A., Chapter 43, §43202 and 43203, and in accordance with the laws annotated as Government Operations, Boards and Commissions, the Civil Service Commission Board members do hereby validate the initial evaluation period (six months) of the Executive Director of the Civil Service Commission.


IT IS SO ORDERED THIS 23<sup>rd</sup> DAY OF March, 2021.

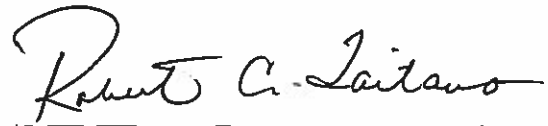
  
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**JUAN K. CALVO**  
Chairperson

  
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**JOHN SMITH**  
Vice Chairperson

  
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**PRISCILLA T. TUNCAP**  
Commissioner

  
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**EMILIA F. RICE**  
Commissioner

  
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**ANTHONY P. BENAVENTE**  
Commissioner

  
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**Robert C. Taitano**  
Commissioner