



**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.

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

**DECISION AND
JUDGMENT**

This matter came on to be heard the 8th day July, 2021, before the Civil Service Commission (Commission), for a continued Post Audit Hearing. Present for the hearing was the Employee Complainant, with his Counsel, John Bell; and also present were John M. Quinata, Executive Manager for Guam International

DECISION AND JUDGMENT

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

1 Airport Authority (GIAA) with his counsel William Brennan. Commissioners
2 present were Chairman Juan K. Calvo, Vice Chairman John Smith,
3 Commissioner Priscilla T. Tuncap, Commissioner Anthony P. Benavente, and
4 Commissioner Robert C. Taitano.

5 Complainant, Clerk III, with the Guam International Airport Authority
6 requested for the CSC to conduct a Post Audit Investigation under 4 GCA,
7 §4403(d) regarding his reassignment of position from Airport Police Officer II to
8 Clerk III. Claimant developed a disability which prevented him from doing the
9 tasks of Police Officer II. GIAA Personnel Rules and Regulations, Rule 6.101,
10 provides where an employee is transferred to another position because of a
11 disability unrelated to work, the employee shall be compensated at the lowest
12 sub-step of the implementation range of the lower graded position.

13 On June 4th, 2021, the Commission found that Rule 6.101 violates the
14 Americans with Disabilities Act because it discriminates against employees with
15 disabilities. The Commission issued a preliminary null and void of the personnel
16 action and ordered Management to place Employee on a step closest to, but not
17 higher than the step he was on before the demotion.

18 //

19 //

20 **DECISION AND JUDGMENT**

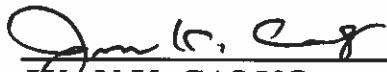
21 *Civil Service Commission vs. Guam International Airport Authority*

22 *[John V. Santiago]*


Post Audit Case No.: 20-PA04

1 The Chairman, Vice Chairman, and Commissioner Taitano voted to "Null
2 and Void," the personnel action. Commissioners Tuncap and Benavente voted
3 to support Management. Lacking four (4) affirmative votes to "Null and Void",
4 the personnel action is sustained.

5 **SO ORDERED** this 28st day of September, 2021.

6
7 
8 **JUAN K. CALVO**
Chairman


JOHN SMITH
Vice Chairman

9
10 
PRISCILLA T. TUNCAP
Commissioner


EMILIA F. RICE
Commissioner

11
12 (absent)
ANTHONY P. BENAVENTE
Commissioner

(absent)
ROBERT C. TAITANO
Commissioner

13
14
15
16
17
18
19
20 **DECISION AND JUDGMENT**