BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:
LEODEGARIO BUAN,
Employee,
vs.
DEPARTMENT OF CORRECTIONS,
Management.

POST AUDIT APPEAL
CASE NO.: 21-PA02

DECISION AND JUDGMENT

This matter came before the Civil Service Commission (CSC) for a Post Audit Investigation Report May 20, 2021. The report was presented by Personnel Analyst III, Maria Masnayon. Employee was present. Commissioners present were: Chairman Juan K. Calvo, Vice Chairman John A. Smith, Commissioner Priscilla T. Tuncap, Commissioner Emilia F. Rice, Commissioner Anthony P. Benavente, and Commissioner Robert C. Taitano.

DECISION AND JUDGMENT
Leodegario Buan vs. Department of Corrections
Post Audit Appeal CSC Case No.: 21-PA02
Employee requested the CSC to conduct a Post Audit Investigation on the selection and promotion of the Correction Officer Supervisor I (COSI), and Correction Officer Supervisor II (COSII) positions.

Employee was interviewed for the position of Corrections Officer Supervisor I. Employee alleges that the panel was biased in favor of applicants with military experience. No veteran preference points were given to any applicants. The CSC staff could find no evidence that the panel was biased in favor of veterans.

Employee missed his interview for the COSII position due to a headache. A second interview was not scheduled. Officer Christopher Donato was interviewed for both positions. Officer Donato is married to the niece of the Chairman of the panel and did not disclose this relationship. Employee did not object to the panel at the time of the interview. The CSC staff found that the relationship should have been disclosed, but concluded that this was not a case of nepotism.

Employee requested a Tagalog interpreter for the hearing but the request was found to be without merit.

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DECISION AND JUDGMENT
Leodegario Buam vs. Department of Corrections
Post Audit Appeal CSC Case No.: 21-PA02
Employee believes he should have been promoted because of his tenure with the Department of Corrections. The CSC staff found the merit selection process was not violated here.

The CSC Staff concluded that there is no violation of rule nor law in the selection/promotion of the COSI and COSII positions.

By a vote of 6 to 0, the Commission adopted the findings of the CSC Staff.

SO ORDERED this 15th of June, 2021.

JUAN K. CALVO
Chairman

JOHN SMITH
Vice Chairman

PRISCILLA T. TUNCAP
Commissioner

EMILIA F. RICE
Commissioner

ANTHONY P. BENAVENTE
Commissioner

ROBERT C. TAITANO
Commissioner