

~~12~~ 15 2022

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**BEFORE THE
CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS**



IN THE MATTER OF:

STEVEN A. CRUZ,

Employee,

vs.

**DEPARTMENT OF PUBLIC
WORKS,**

Management.

**POST AUDIT APPEAL
CASE NO.: 22-PA03**

DECISION AND JUDGMENT

This matter came before the Civil Service Commission (Commission) for a Post Audit Assessment hearing on October 27, 2022, relating to a post-audit complaint filed by Steven A. Cruz on or about October 14, 2022 concerning his employment with the Department of Public Works (DPW).

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1 Present at the post-audit assessment hearing on October 27, 2022, was
2 Chairman Juan K. Calvo, Commissioner Priscilla T. Tuncap, Commissioner John
3 Smith, Commissioner Robert Taitano, and Commissioner Francisco T. Guerrero.
4 Present for Employee was lay representative Robert Koss, and Assistant Attorney
5 General Donna Lawrence was present for Management. Employee was not present
6 at the hearing.

7 At this assessment hearing, Maria Masnayon, Personnel Analyst III, read the
8 Post Audit Staff Assessment report into the record and answered questions asked
9 by the Commission. Employee, School Bus Driver with Department of Public
10 Works (DPW) requested an investigation regarding his right to be compensated at
11 \$15.59 per hour instead of \$12.75 per hour when he was re-employed by DPW.
12 Employee was laid off by Guam Power Authority (GPA), but GPA was not in the
13 process of being privatized which would have made Employee eligible for enhance
14 placement in accordance 4 GCA, Section 4602. Staff found that Employee did not
15 qualify for enhanced placement and therefore is not eligible for compensation at
16 \$15.59 per hour.

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19 **DECISION AND JUDGMENT**
Steven A. Cruz vs. Department of Public Works
20 Post Audit Appeal Case No.: 22-PA03

Page 2 of 3

1 ***Ruling as to Burden of Proof***

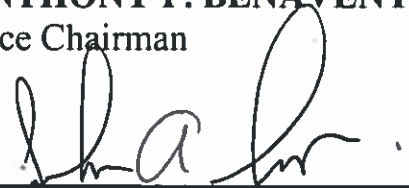
2 After reviewing the assessment report and attached documents and after
3 considering the responses from CSC staff in response to its inquiries, the
4 Commission voted 5 to 0 to approve the staff's recommendation in the report not
5 to investigate this matter further for the reasons set forth in the attached report.
6 This appeal is dismissed with prejudice forthwith.

7 **SO ORDERED this 15th day of December, 2022.**

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10 **JUAN K. CALVO**
Chairman

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9 **— ABSENT —**
10 **ANTHONY P. BENAVENTE**
Vice Chairman

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12 **PRISCILLA T. TUNCAP**
Commissioner

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12 **JOHN SMITH**
Commissioner

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14 **ROBERT C. TAITANO**
Commissioner

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14 **FRANCISCO T. GUERRERO**
Commissioner