

CIVIL SERVICE COMMISSION
JAN - 7 2024
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BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:

LISA MOSHER,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

ADVERSE APPEAL
CASE NO.: 21-AA02T SP

DECISION AND
JUDGMENT

This matter came before the Civil Service Commission (“Commission”) for a Hearing on the Merits on November 28, 2023. Deliberations were held on that same day immediately following the Merit Hearing.

Commissioners present were Chairman Juan K. Calvo, Vice Chairman Anthony P. Benavente, Commissioner Robert C. Taitano and Commissioner Francisco T. Guerrero.

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1 Present at the hearing were Lisa M. Mosher (“Employee”) who was
2 represented by Robert E. Koss, Lay Representative. Present for the Department
3 of Education was Phyllis M. Blas, Lay Representative, and Dr. K. Erik Swanson,
4 Superintendent of Education (“Management”).

5 Both Management and Employee were given the opportunity to call
6 witnesses to testify and present their case. Commissioners also questioned the
7 witnesses.

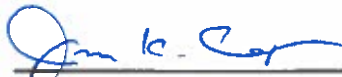
8 Following the conclusion of the hearing and deliberations, by a vote 4 to
9 0, the Commission ruled that Management met its burden of proof to show clearly
10 and convincingly that adverse action was warranted. In a vote of 4 to 0 the
11 Commission agreed to modify the adverse action, reducing the termination to a
12 fifteen (15) day suspension.

13 Employee shall be immediately reinstated to her former position with
14 accrued seniority, back pay and benefits (including but not limited to: sick and
15 personal leave accrual, government health insurance contributions, government’s
16 share of retirement contributions, and all other) except for the fifteen-day
17 suspension period referenced herein. The final notice of adverse action shall be
18 amended to reflect this decision.

19 Failure to adhere to a decision by the Commission to immediately reinstate
20 an employee shall result in reduction in salary by 10% for the responsible agency
21 head and his deputy from the date of the decision until the date of reinstatement

1 in full compliance with the decision; as described in 4 GCA §4406(h). Further,
2 the Commission may bring an action in the Superior Court to enforce the
3 reinstatement of the employee and impose any appropriate penalties or remedies
4 available at law or equity; as described in 4 GCA §4406(h).

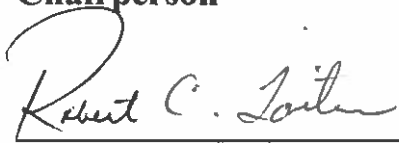
5 **SO ORDERED this 2nd day of January, 2024.**

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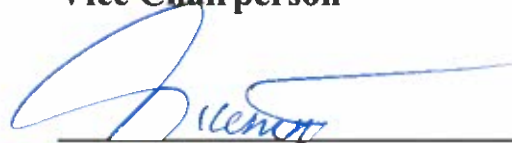
7 **JUAN K. CALVO**
8 **Chairperson**

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7 **ANTHONY P. BENAVENTE**
8 **Vice Chairperson**

8 

9 **ROBERT C. TAITANO**
10 **Commissioner**

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9 **FRANCISCO T. GUERRERO**
10 **Commissioner**