



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

IN THE MATTER OF:

TYLER P. NANGAUTA,

Employee,

vs.

**GUAM WATERWORKS
AUTHORITY,**

Management.

**ADVERSE ACTION APPEAL
CASES NO.: 21-AA11S and
21-AA16T**

DECISION AND ORDER

INTRODUCTION

This matter came before the Civil Service Commission (CSC) on September 7, 2021, on Employee's June 24, 2021, Motion to Void Immediate Suspension (CSC Case No. 21-AA11S) and Termination (CSC Case No. 21-AA16T). Present for the hearing were the Employee, Tyler P.

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1 Nangauta, his Lay Representative, Robert Koss, and Guam Waterworks
2 Authority General Manager of Administration, Christopher Budasi for
3 Management. Present for the Civil Service Commission were Chairman
4 Juan K. Calvo; Vice Chairman, John Smith; Commissioner Priscilla T.
5 Tuncap; Commissioner Emilia F. Rice, and Commissioner Robert C.
6 Taitano.

7 JURISDICTION & BACKGROUND

8 The jurisdiction of the Commission is based upon 4 G.C.A. §4401, et
9 seq., and relevant portions of the Guam Waterworks Authority Personnel
10 Rules and Regulations. On June 24, 2021, Employee filed a Motion to
11 Void Immediate Suspension (CSC Case No. 21-AA11S) and Termination
12 (CSC Case No. 21-AA16T) Adverse Actions for Violation of Law. On July
13 9, 2021, Management filed its response.

14 Thereafter, on or about August 3, 2021, Management cancelled the
15 suspension action and Employee was reimbursed all lost pay due to the
16 suspension. On August 10, 2021, Management filed a Motion to Dismiss
17 pursuant to CSC Rule 9.5 based on Management's Withdrawal of the
18 Suspension Action, and Restoration of Employee's Pay. In its August 10,
19 2021 motion, Management cited to the Commission's lack of jurisdiction to

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1 move forward with the suspension matter based on Management's August
2 3, 2021 action to rescind the suspension and restore Employee's pay lost
3 during the suspension period.

4 DISCUSSION

5 During the September 7, 2021, hearing, Employee acknowledged receipt of
6 a check paying back all salaries and benefits withheld from the suspension
7 and Employee's representative verbally confirmed no opposition from the
8 Employee on Management's position to rescind suspension and restore
9 Employee's pay. Upon Management's withdrawal of the suspension action
10 and restoration of the Employee's pay, the Commission determined that no
11 further issue existed on the Employee's suspension matter.
12 Notwithstanding, the Commission heard arguments by both parties and
13 moved to vote on whether a violation by Management occurred on
14 Employee's Motion that Management had violated its own rules for first
15 suspending then terminating Employee for the same alleged incident.

16 CONCLUSION

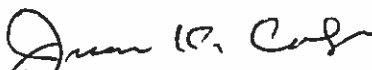
17 The Commission voted 4 to 0 in favor of Management denying the
18 Employee's Motion to Void both the immediate suspension (CSC Case No.
19 21-AA11S) and termination (CSC Case No. 21-AA16T) actions in violation

20 **DECISION AND ORDER**

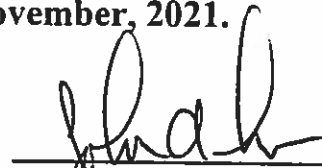
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1 of Management's rules. The Employee's suspension matter has been
2 determined moot due to Management's August 3, 2021 actions rescinding
3 the suspension and the Employee's termination matter will proceed to a
4 hearing on the merits to be scheduled at a later date.

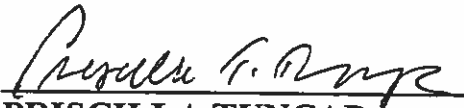
5 **SO ORDERED** this 23rd day of November, 2021.

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7 **JUAN K. CALVO**
8 Chairman

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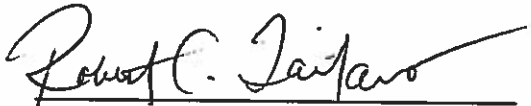
7 **JOHN SMITH**
8 Vice Chairman

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10 **PRISCILLA TUNCAP**
11 Commissioner

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10 **ANTHONY P. BENAVENTE**
11 Commissioner

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12 **ROBERT C. TAITANO**
13 Commissioner

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