

Messages & Communications Doc. No. 38GL-26-1897 through 1901.

From 38th Committee On Rules <committeeonrules@guamlegislature.gov>
Date Fri 2/6/2026 4:50 PM
To Guam Legislature Clerks <clerks@guamlegislature.gov>
Cc Frank Blas Jr. <speakerblas@guamlegislature.gov>

5 attachments (22 MB)

2626COMM Doc. No. 38GL-26-1897.pdf; 2626COMM Doc. No. 38GL-26-1898.pdf; 2626COMM Doc. No. 38GL-26-1899.pdf; 2626COMM Doc. No. 38GL-26-1901.pdf; 2626COMM Doc. No. 38GL-26-1900.pdf;

Håfa Adai Clerk's Office,

Please see attached, **Messages & Communications Doc. No. 38GL-26-1897 through 1901** for processing:

✓	38GL-26-1897	Department of Land Management	Small Purchases Monthly Report for January 2026*
✓	38GL-26-1898	Guam Memorial Hospital Authority	Board of Trustees Meeting Packet for January 21, 2026*
✓	38GL-26-1899	Civil Service Commission	Board Meeting Packet for February 3, 2026*
✓	38GL-26-1900	Department of Education	Superintendent's Report – DE-1 (GG-1) or Contract of Employees as of January 2026*
✓	38GL-26-1901	Office of the Attorney General	Criminal Injuries Compensation Commission 2026 Annual Report.

Kindly reply to this email



Si Yu'os ma'åse',

Marie Crisostomo

Committee on Rules Assistant

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

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Messages and Communications 38GL-26-1899*

2 messages

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Fri, Feb 6, 2026 at 2:15 PM

To: 38th Committee On Rules <committeeonrules@guamlegislature.gov>, Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Håfa Adai,

Please see attached M&C Doc. No. 38GL-26-1899

38GL-26-1899	Civil Service Commission	Board Meeting Packet for February 3, 2026*
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*Si Yu'os Ma'åse'**Bernice Rivera*

Administrative Assistant

**Office of Speaker Frank F. Blas, Jr.**I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

(671)969-6456

speakerblas@guamlegislature.gov

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----- Forwarded message -----

From: **Angielyn Pangelinan** <angielyn.pangelinan@csc.guam.gov>

Date: Fri, Feb 6, 2026 at 11:14 AM






Subject: Civil Service Commission - Board Meeting of: Tuesday, February 03, 2026

To: Litigation Division <civillitigation@oagguam.org>, gll@guamlawlibrary.org <gll@guamlawlibrary.org>, Office of Public Accountability <admin@guamopa.com>, Eliza G. Dames <eliza.dames@guam.gov>, Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, <speakerblas@guamlegislature.gov>, <office.senatorbri@guamlegislature.gov>, bjcruz@guamopa.com <bjcruz@guamopa.com>, cc: Daniel Leon Guerrero <Daniel.leonguerrero@csc.guam.gov>, Roland Fejarang <roland.fejarang@csc.guam.gov>, Fred Nishihira <fred.nishihira@csc.guam.gov>*Hafa Adai,*


In compliance with *Chapter 18 of Title 1, Guam Code Annotated, Article 4, Section 1840*, and mandated under *4 GCA, Section 4403 (a)*, the Civil Service Commission submits the following documents that were presented and heard at its Board meeting that was conducted on Thursday, January 29, 2026.

- **Commissioner Attendance Roster.**
- **Agenda.**
- **Decision & Judgment For : Sonia R. Pablo vs. department of Education; Case No.: 23-GRE15**
- **Judgment Of Dismissal For: Briana Roberto & Cynthia Kuper vs. Guam Customs & Quarantine Agency; Case No.: 24-GRE06**
- **Decision & Judgment For : Joseph Taiaque vs. Department of Corrections; Case No. 25-GRE07**

7 attachments

-  **BOARD MEETING AGENDA FEB.3,2026.pdf**
56K
-  **CIVIL SERVICE COMMISSIONERS ATTENDANCE.pdf**
53K
-  **BOARD MEETING MINUTES JAN. 13, 2026_ JAN.15, 2026.pdf**
206K
-  **DECISION & JUDGMENT (PABLO VS. GDOE).pdf**
305K
-  **JUDGMENT OF DISMISSAL (BRIANA ROBERTO & CYNTHIA KUPER VS. GUAM CUSTOMS & QUARANTINE AGENCY).pdf**
135K

 **DECISION & JUDGMENT (JOSPH TAITAGUE VS. DEPARTMENT OF CORRECTIONS).pdf**
654K

 **38GL-26-1899.pdf**
1196K

38th Committee On Rules <committeeonrules@guamlegislature.gov>
To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Fri, Feb 6, 2026 at 3:42 PM

Håfa Adai,

Received, and thank you



Si Yu'os ma'åse',

Marie Crisostomo

Committee on Rules Assistant

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

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[Quoted text hidden]



Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Civil Service Commission - Board Meeting of: Tuesday, February 03, 2026

2 messages

Angielyn Pangelinan <angielyn.pangelinan@csc.guam.gov> Fri, Feb 6, 2026 at 11:14 AM
 To: Litigation Division <civillitigation@oagguam.org>, "gll@guamlawlibrary.org" <gll@guamlawlibrary.org>, Office of Public Accountability <admin@guamopa.com>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, speakerblas@guamlegislature.gov, office.senatorbri@guamlegislature.gov, "bjcruz@guamopa.com" <bjcruz@guamopa.com>, "cc: Daniel Leon Guerrero" <Daniel.leonguerrero@csc.guam.gov>, Roland Fejarang <roland.fejarang@csc.guam.gov>, Fred Nishihira <fred.nishihira@csc.guam.gov>

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- **Judgment Of Dismissal For: Briana Roberto & Cynthia Kuper vs. Guam Customs & Quarantine Agency; Case No.: 24-GRE06**
- **Decision & Judgment For : Joseph Taiague vs. Department of Corrections; Case No. 25-GRE07**

6 attachments

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654K

Doc Type: 38GL-26-1899
 OFFICE OF THE SPEAKER
 FRANK F. BLAS, JR.
 February 6, 2026
 Time: 11:14 AM
 Received: *FBK*

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov> Fri, Feb 6, 2026 at 11:23 AM
 To: Angielyn Pangelinan <angielyn.pangelinan@csc.guam.gov>
 Cc: Litigation Division <civillitigation@oagguam.org>, "gll@guamlawlibrary.org" <gll@guamlawlibrary.org>, Office of Public Accountability <admin@guamopa.com>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, office.senatorbri@guamlegislature.gov, "bjcruz@guamopa.com" <bjcruz@guamopa.com>, "cc: Daniel Leon Guerrero" <Daniel.leonguerrero@csc.guam.gov>, Roland Fejarang <roland.fejarang@csc.guam.gov>, Fred Nishihira <fred.nishihira@csc.guam.gov>

Hafa Adai,

Confirming receipt of your email.

Si Yu'os Ma'ase'

Bernice Rivera

Administrative Assistant



Office of Speaker Frank F. Blas, Jr.

I Mina'trentai Ocho na Liheslaturan Guahan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

(671)969-6456

speakerblas@guamlegislature.gov

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CIVIL SERVICE COMMISSION

Komision i Serbisyon Sibit

"CSC IS THE VANGUARD OF THE MERIT SYSTEM"

GOVERNMENT OF GUAM

I Gobiernon Guahan



BOARD MEETING AGENDA

Tuesday, February 3, 2026 at 9:00 A.M.

(In Person & Livestream)

I. CALL TO ORDER

II. APPROVAL OF MINUTES: January 13, 2026; January 15, 2026

III. NEW BUSINESS:

MOTION HEARING:

(1) Kristoffer Castro vs. Department of Agriculture; Case No.: 25-GRE27

IV. OLD BUSINESS: SIGNINGS:

DECISION & JUDGMENT:

(2) Sonia R. Pablo vs. Department of Education; Case No.: 23-GRE15

JUDGMENT OF DISMISSAL:

**(3) Briana Roberto & Cynthia Kuper vs. Guam Customs & Quarantine Agency;
Case No.: 24-GRE06**

DECISION & JUDGMENT:

(4) Joseph Taitague vs. Department of Corrections; Case No.: 25-GRE07

V. GENERAL BUSINESS:

- 1) Bills and Laws affecting CSC.
- 2) Administrative Counsel Litigation Update.
- 3) Administrative Matters:
 - a). Board Training; Civil Service Commission Board Members.

VI. ADJOURNMENT.

Agenda approved by:

Daniel D. Leon Guerrero, CSC Executive Director



38GL-26-1899
Messages and Communications

RECEIVED
COMMITTEE ON RULES
February 6, 2026

2:15 p.m.

Marie Crisostomo



CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
I Gobietnon Guahan



LOU A. LEON GUERRERO
 Governor

JOSHUA TENORIO
 Lieutenant Governor

P.O. Box 2950 • Hagåtña, Guam 96932
 Tel: (671) 647-1855/1857 • Fax: (671) 647-1867

DANIEL D. LEON GUERRERO
 Executive Director

BOARD OF COMMISSIONERS – ATTENDANCE ROSTER

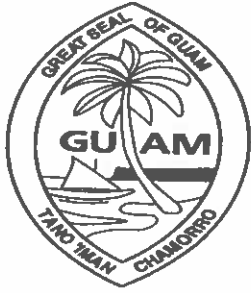
Subject:	CSC BOARD MEETING	Meeting Date:	February 3, 2026
Agency:	Civil Service Commission (CSC)	Location:	CSC Board Hearing Room

COMMISSIONER	Title	SIGNATURE OF ATTENDANCE
JUAN K. CALVO	Chairman	
ANTHONY P. BENAVENTE	Vice Chairman	
FRANCISCO T. GUERRERO	Commissioner	
CATHY O. CATLING	Commissioner	
ROSE MARIE A. MORALES	Commissioner	

For CSC Board Secretary only.

Call to Order: (Meeting START Time)	9:10 () A.M. / () P.M.	Adjourn: (Meeting END Time)	10:13 () A.M. / () P.M.
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Attendance given to the Administrative Services Office for processing of Board Stipends as of:	Signature for Board Stipends processing:
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I GOBIETNON GUAHAN
CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT



BOARD MEETING MINUTES OF
Tuesday, January 13, 2026

The Civil Service Commission (CSC) convened on Tuesday, January 13, 2026 in the CSC Board Room, Bell Tower 710 Marine Corps Drive Suite 201, Hagåtña, Guam 96910.

Commissioners in attendance and constituting a quorum:	Others present were
Juan K. Calvo, Chairman	Civil Service Commission Employees: Daniel D. Leon Guerrero, CSC Executive Director
Anthony P. Benavente, Vice Chairman	Fred S. Nishihira, CSC Administrative Counsel
Cathy O. Catling, Commissioner	Roland P. Fejarang, Personnel Mgmt Administrator
Rose Marie A. Morales, Commissioner	Maria P. Masnayon, Personnel Mgmt Analyst III
Francisco T. Guerrero, Commission	

I. CALL TO ORDER:

On Tuesday, January 13, 2026, at approximately 9:27 a.m. Chairman Juan K. Calvo convened the Board Meeting of the Civil Service Commission.

II. APPROVAL OF MINUTES:

There are no minutes for approval.

III. NEW BUSINESS: None.

IV. OLD BUSINESS:

1. Hearing on the Merits:

Deborah Aflague Duenas vs. Guam Behavioral Health & Wellness Center: Case No.: 23-AA03T

Chairman Calvo asked the parties to introduce themselves:

Present for Guam Behavioral Health & Wellness Center (GBH&WC) was Attorney Phillip P. Torres along with GBHWC Deputy Director James Cooper-Nurse.

Present for employee was Attorney Joshua D. Walsh and Ms. Deborah Duenas, employee.

Chairman Calvo reminded the Commissioners that this case was heard in 2024 and proceeding started. He asked if there are any witness(es) that need to testify.

Attorney Torres responded that the time for the witnesses have expired and that Management has rested its case.

Attorney Walsh will proceed to present and will call Ms. Deborah Duenas as a witness

Ms. Duenas was sworn in under oath by Chairman Calvo.

Attorney Walsh proceeded with cross-examining Ms. Duenas. Attorney Torres was afforded the opportunity to cross examine the employee. After deliberation from both parties, the Commissioners were afforded the opportunity to ask the employee questions. Attorney Walsh and Attorney Torres presented their closing arguments.

Commissioners commence their deliberation on the merits of the Adverse Action. Each Commissioner provided their findings on the merit of the case. Upon careful deliberation, Chairman Calvo made a motion to deny management base on Management violation of the 90 days Rule. By a vote of four (4) to one (1), the motion made by Chairman Calvo prevailed.

Chairman Calvo advised management that they are required to reinstate the employee to her position to include any back pay due to her and attorney's fees.

V. GENERAL BUSINESS:

- 1. Bills and Laws affecting CSC**
- 2. Administrative Counsel Litigation Update**
- 3. Administrative Matters:**
 - (A) Board Training: Civil Service Commission Board Members**

VI. ADJOURNMENT:

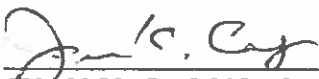
Commissioner Rose Marie A. Morales made a motion to adjourn the meeting and all other Commissioners concurred. The Civil Service Commission's Board Meeting **concluded at approximately 11:43 a.m. on Tuesday, January 13, 2026.**

Submitted for Approval:



Evelyn SA Claros

APPROVED:



JUAN K. CALVO, Chairman
Date: 2.23.26
#



I GOBIETNON GUAHAN
CIVIL SERVICE COMMISSION
 KUMISION I SETBISION SIBIT

BOARD MEETING MINUTES OF
Thursday, January 15, 2026

The Civil Service Commission (CSC) convened on Thursday, January 15, 2026 in the CSC Board Room, Bell Tower 710 Marine Corps Drive Suite 201, Hagåtña, Guam 96910.

Commissioners in attendance and constituting a quorum:	Others present were
Juan K. Calvo, Chairman	Civil Service Commission Employees: Daniel D. Leon Guerrero, CSC Executive Director
Anthony P. Benavente, Vice Chairman	Fred S. Nishihira, CSC Administrative Counsel
Cathy O. Catling, Commissioner	Roland P. Fejarang, Personnel Mgmt Administrator
Rose Marie A. Morales, Commissioner	Maria P. Masnayon, Personnel Mgmt Analyst III
Francisco T. Guerrero, Commission	Cynthia K.M. Camacho, Personnel Mgmt Analyst II

I. CALL TO ORDER:

On Thursday, January 15, 2026, at approximately 9:10 a.m. Chairman Juan K. Calvo convened the Board Meeting of the Civil Service Commission.

II. APPROVAL OF MINUTES:

There are no minutes for approval.

III. NEW BUSINESS:

Michael Ordonez vs. Department of Revenue & Taxation; Case No. 24-GRE07

Chairman Calvo asked the parties to introduce themselves.

Rebecca Copper, representing the Department of Revenue & Taxation and Ms. Marie Lizama, Director, Department of Revenue and Taxation. Also present are Mr. Robert Koss on behalf of the employee.

Chairman Calvo informed the Commissioners that there is a “Withdrawal of this Grievance” by the employee, Mr. Michael Ordonez. Chairman Calvo asked the Commissioners if anyone had any objection, no objection; all the Commissioners concurred with the Withdrawal of the Grievance with a vote of five (5) to zero (0).

IV. OLD BUSINESS:

1. Grievance Hearing:

Robert Tongson vs. Department of Revenue & Taxation; Case No.: 25-GRE02

Chairman Calvo asked the parties to introduce themselves:

Attorney Rebecca Copper, Counsel for Management, Ms. Marie Lizama, Director, Department of Revenue & Taxation. Also present are Mr. Robert Koss representing the employee and Mr. Robert Tongson, employee.

Attorney Copper, Counsel for Management made a special request and in concurrence with Counsel for the Employee, Mr. Koss during an earlier discussion, we agreed to calling from Management’s list first, which is from Department of Administration. If we are allowed to have them give their information first, it will allow us to get more information.

Mr. Koss provided his opening statement and summarized the sequence of events and the timeline on what Mr. Tongson submitted for his sick leave and to include “leave sharing”. He indicated the days that Mr. Tongson were got paid and the days he did not get paid.

Attorney Copper noted that management does not have an objection for the employee to get paid if it is allowed by law. As a line agency of the Government of Guam, payroll and leave records are maintained by Department of Administration. The Rules does not allow us to have joined the DOA to respond on the matters that involves leave forms for the employee lawful way for Mr. Tongson is

Chairman asked that they call in their first management witness:

Chairman Calvo sworn in Ms. Catherine Diaz, Employee Management Relation Officer II, Human Relations with Department of Administration. Mr. Koss, representing employee cross examine Ms. Diaz on the leave forms, Leave Sharing Forms, Doctor’s Certification that were submitted for Mr. Tongson’s to cover his absence. He further noted some pay periods Mr. Tongson got paid and some he did not despite submission of documentation. Attorney Copper was provided an opportunity to cross examination the Ms. Diaz, Witness for further clarification on the documents submitted and the process and requirements when using “Leave Sharing”.

Attorney Copper requested from the Commissioners to take a five (5) minutes break to have a discussion with Mr. Koss. Chairman Calvo granted the five (5) minutes break.

Attorney Copper requested if the Commissioners would consider re-scheduling this hearing; she and Mr. Koss spoke to DOA's Legal Counsel and have agreed that it may be best if they would be able to give DOA Accounting an opportunity to provide a spreadsheet on the documents submitted and the status the documents – complete or incomplete. If incomplete, what is needed to make the correction to the supporting documents so Mr. Tongson could get compensated.

Chairman Calvo moved for Continuance to be scheduled for January 27, 2026 at 9am, with the concurrence of all the Commissioners, with a vote of five (5) to zero (0).

Chairman Calvo instructed Attorney Copper if the documents could be submitted by Friday, January 23, 2026 to provide them with some time to review the documents; she agreed to the timeline for the submission of the documents.

V. GENERAL BUSINESS:

1. **Bills and Laws affecting CSC**
2. **Administrative Counsel Litigation Update**
3. **Administrative Matters:**
 - (A) Board Training: Civil Service Commission Board Members

VI. ADJOURNMENT:

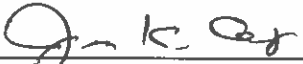
Commissioner Rose Marie A. Morales made a motion to adjourn the meeting and all other Commissioners concurred. The Civil Service Commission's Board Meeting **concluded at approximately 10:49 a.m. on Thursday, January 15, 2026.**

Submitted for Approval:



Evelyn SA Claros

APPROVED:



JUAN K. CALVO, Chairman
Date: 2.3.26

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



IN THE MATTER OF:

SONIA R. PABLO,

Employee,

vs.

**GUAM DEPARTMENT OF
EDUCATION,**

Management.

**GRIEVANCE APPEAL
CASE NO.: 23-GRE15

DECISION AND JUDGMENT**

This matter came before the Civil Service Commission (“Commission” or “CSC”) on the Step 4 grievance appeal of Sonia R. Pablo (“Employee”) against the Guam Department of Education (“GDOE” or “Management”), concerning the improper application of the Bonuses, Rewards, and Incentives Program (“BRIP”) following implementation of the Government of Guam Competitive Wage Act of 2014 (“CWA”).

DECISION AND JUDGMENT
Sonia R. Pablo vs. Guam Department of Education
Grievance Appeal CSC Case No.: 23-GRE15

1 After reviewing the administrative record, video recordings, and all
2 testimony and exhibits from the grievance hearings held on **March 21–22, 2024**,
3 the Commission concluded its deliberations.

4 Further deliberations were held on **December 9, 2025**, in accordance with
5 the **Superior Court Order**, the Commission hereby issues the following Decision
6 and Judgment:

7 1. The Bonuses, Rewards, and Incentives Program ("BRIP") is a Guam
8 DOE program authorized by Board Policy 377 (Jan. 28, 2004) to provide bonuses,
9 rewards, and incentives, including up to 35% annual recruitment and retention
10 incentive for licensed healthcare professionals such as psychologists, subject to
11 funding.

12 2. DOE implemented BRIP operating procedures in 2004, designating
13 psychologists among licensed health professionals eligible and providing
14 implementation mechanics.

15 3. Sonia R. Pablo was appointed as a Probational Psychologist (3.120), Pay
16 Grade P-1, effective October 22, 2010.

17 4. On February 4, 2011, GDOE issued Sonia R. Pablo a 35% Retention
18 Incentive under BRIP, effective January 16, 2006, to continue each pay period until
19 revoked.

20 **DECISION AND JUDGMENT**

21 *Sonia R. Pablo vs. Guam Department of Education*
 Grievance Appeal CSC Case No.: 23-GRE15

1 5. Sonia R. Pablo was permanently appointed as a Psychologist on April
2 22, 2011, at Pay Grade P-1 with base pay plus the 35% incentive.

3 6. Subsequent personnel actions reflected salary increments and
4 continuation of 35% BRIP. By October 22, 2013, her pay actions still referenced
5 35% BRIP pursuant to Board Policy 377 and P.L. 26-167.

6 7. The CWA transitioned employees to new pay plans, including the
7 General Pay Plan (GPP), with transition rules for incumbents.

8 8. For allied health recruitment/retention pay, incumbents were to be
9 slotted with specialty pay upon implementation and policies reassessed.

10 9. In December of 2016, Administrator Christopher Anderson confirmed
11 that the psychologist base pay under CWA did not include BRIP, that new hires
12 could receive up to 35%.

13 10. Sonia R. Pablo continued to seek correction of her salary to properly
14 include the BRIP.

15 11. In June 2022, Sonia R. Pablo wrote to Superintendent Jon Fernandez
16 asserting pay disparity post-CWA, claiming BRIP was folded into her base while
17 new hires received BRIP on top of adjusted base pay, and requested correction to
18 align with CWA 2014.

19 **DECISION AND JUDGMENT**

20 *Sonia R. Pablo vs. Guam Department of Education*
21 Grievance Appeal CSC Case No.: 23-GRE15

1 12. Psychologists hired after 2014 received a 35% BRIP pay in addition to
2 their base pay. However, Sonia R. Pablo's records indicate that she received no such
3 pay, making her the only Psychologist excluded from the 35% BRIP.

4 13. On September 13, 2023, HR Administrator Katherine Ada
5 recommended rectifying Sonia R. Pablo's pay by applying BRIP +35% effective
6 April 1, 2023, noting Sonia R. Pablo was among the first psychologists and that
7 colleagues hired since 2014 receive +35% BRIP. Comparative pay tables showed
8 Sonia R. Pablo not receiving BRIP while others did, and Superintendent Swanson
9 directed circulation for signatures and indicated he would approve it when it
10 reached him.

11 14. On September 11, 2023, after an Aug. 29, 2023, meeting where HR
12 recommended BRIP retroactive to April 2023, Sonia R. Pablo filed a Step 1
13 grievance with Administrator Anderson seeking BRIP retroactive to 2014;
14 Anderson denied Step 1 on Sept. 12, 2023.

15 15. Sonia R. Pablo escalated to Step 2 on September 15, 2023, reiterating
16 retroactive BRIP to 2014 and citing Equal Pay principles. Step 2 was submitted to
17 Deputy Superintendent Erika Cruz on September 15, 2023, and, receiving no
18 response, filed Step 3 on September 25, 2023, seeking BRIP retroactive to 2014.

19 //

20 **DECISION AND JUDGMENT**
Sonia R. Pablo vs. Guam Department of Education
21 Grievance Appeal CSC Case No.: 23-GRE15

Page 4 of 9

1 16. The Administrative Grievance Committee on November 17, 2023,
2 recommended BRIP retroactive to April 2023, noting pay disparity should have
3 been addressed during the 2014 CWA.

4 17. The Step 3 Grievance Committee recommended BRIP retroactive only
5 to April 2023, referencing Board Policy 377. Superintendent K. Erik Swanson
6 concurred on December 9, 2023, adopting retroactivity to April 2023.

7 18. On December 6, 2023, Sonia R. Pablo filed a Step 4 grievance appeal
8 with the Civil Service Commission (CSC), alleging ongoing pay disparity and
9 seeking retroactive BRIP since 2014.

10 19. Both parties agreed that the CSC has jurisdiction and that the burden of
11 proof rests with the employee.

12 20. Management filed a Motion to Dismiss on February 12, 2024, arguing
13 the grievance was untimely. Sonia R. Pablo, through Lay Representative Robert E.
14 Koss, opposed dismissal, arguing the dispute is a continuing practice and condition,
15 that she pursued recovery since 2014, and that timeliness was satisfied as she filed
16 within 15 days of Aug. 29, 2023, HR response limiting retroactivity.

17 21. The CSC held grievance hearings on March 21–22, 2024, with both
18 parties presenting witnesses.

19 //

20 **DECISION AND JUDGMENT**

21 *Sonia R. Pablo vs. Guam Department of Education*
Grievance Appeal CSC Case No.: 23-GRE15

1 22. The CSC then conducted deliberations to determine whether Sonia R.
2 Pablo is entitled to the appropriate salary based on a preponderance of the evidence.

3 23. The Commissioners concluded there was a misapplication of rules and
4 policies in setting Sonia R. Pablo's salary under the 2014 Competitive Wage Act
5 (CWA). The Commissioners held that the CWA pay structure stands alone and
6 does not include differential pay such as BRIP or hazardous pay, which are separate
7 and not embedded in the CWA pay plan.

8 24. The Commissioners determined that DOE should calculate the amount
9 due to Sonia R. Pablo, as she was deprived of her right to BRIP pay and met her
10 burden of proof for adjustment.

11 25. The Commission determined that Human Resources failed to address a
12 significant pay disparity: an incumbent employee earned substantially less than
13 more recent hires in the identical role. In this case, the issues of pay parity and
14 seniority alone were sufficient to warrant corrective concern.

15 26. The Commissioners also agreed that back pay would be due as requested
16 by the Employee in her Grievance, and specified the retroactive date should be
17 January 26, 2014.

18 27. The Commission voted unanimously to grant the grievance and award
19 the salary adjustment retroactive to January 26, 2014.

20 **DECISION AND JUDGMENT**

21 *Sonia R. Pablo vs. Guam Department of Education*
 Grievance Appeal CSC Case No.: 23-GRE15

1 28. On May 23, 2024, the Commission issued a Decision and Judgment
2 reflecting a unanimous vote to grant Sonia R. Pablo the salary she requested
3 retroactive to January 16, 2014.

4 29. On the same date, in a separate ruling on Management's Motion to
5 Dismiss argued March 21, 2024, the Commission unanimously denied the motion,
6 noting ongoing paycheck impacts made the grievance timely.

7 30. On December 9, 2025, the Commission took the matter up pursuant to
8 the stipulation filed of the parties in the subsequent Superior Court appeal for further
9 deliberation and clarification of their earlier decision.

10 31. The Commissioners confirmed this was a properly brought grievance,
11 that Sonia R. Pablo was entitled to receive the 35 % BRIP as she argued it should
12 be calculated and her pay should be retroactively adjusted appropriately to January
13 26, 2014.

14 32. The Commissioners explained that the Employee could be entitled to
15 even more, if DOE properly slotted Sonia R. Pablo into a higher than step 1 initial
16 position then added the BRIP.

17 33. The Commissioners confirmed that Guam Department of Education has
18 misapplied the BRIP, resulting in an inequitable treatment of a senior Employee
19

20 **DECISION AND JUDGMENT**

21 *Sonia R. Pablo vs. Guam Department of Education*
 Grievance Appeal CSC Case No.: 23-GRE15

1 like Sonia R. Pablo, who ends up earning less than newer employees at the same
2 position earning significantly more because of application of BRIP to them.

3 34. Commissioners determined that Department of Administration and
4 Guam Department of Education have a communication issue that resulted in
5 disparate impact on pay to Employee.

6 35. The Commission confirmed that it stood by its original ruling.

7 **By a 4 to 0 vote, IT IS HEREBY ORDERED, ADJUDGED, AND**
8 **DECREED:**

9 1. The grievance of Sonia R. Pablo is GRANTED IN FULL.

10 2. Guam Department of Education shall calculate Employee's salary by:

- 11 a. Slotting Employee at the CWA base pay as requested in her grievance;
12 and
13 b. Applying the 35% BRIP incentive pay in addition to the base salary.
14

15 3. Guam Department of Education shall award back pay retroactive to
16 January 26, 2014, together with all associated benefits and adjustments
17 required by law.

18 //

19
20 **DECISION AND JUDGMENT**
Sonia R. Pablo vs. Guam Department of Education
Grievance Appeal CSC Case No.: 23-GRE15

Page 8 of 9

1 4. Guam Department of Education shall take all necessary administrative
2 actions to fully implement this Decision and Judgment.

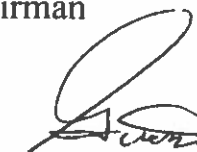
3 **SO ORDERED** this 3rd day of February, 2026.

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5 

6 **JUAN K. CALVO**
Chairman

4
5 

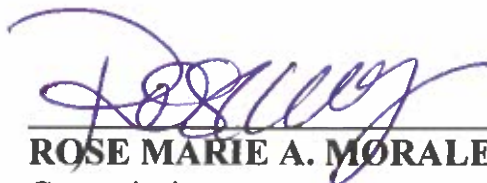
6 **ANTHONY P. BENAVENTE**
Vice Chairman

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8 

8 **FRANCISCO T. GUERRERO**
Commissioner

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8 **CATHY O. CATLING**
Commissioner

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11 **ROSE MARIE A. MORALES**
Commissioner

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20 **DECISION AND JUDGMENT**

Sonia R. Pablo vs. Guam Department of Education
Grievance Appeal CSC Case No.: 23-GRE15



BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS



IN THE MATTER OF:
BRIANA ROBERTO & CYNTHIA
KUPER,

Employee,

vs.

GUAM CUSTOMS &
QUARANTINE AGENCY,

Management.

GRIEVANCE APPEAL
CASE NO.: 24-GRE06

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case without prejudice pursuant to the signed Notice of Grievance Withdrawal filed on January 7, 2026, attached hereto, as provided under Rule G27 of the Rules of Procedure for Grievance Appeals.

SO ADJUDGED this 3rd day of February, 2026.

JUAN K. CALVO
Chairman

ANTHONY P. BENAVENTE
Vice Chairman

FRANCISCO T. GUERRERO
Commissioner

CATHY O. CATLING
Commissioner

ROSE MARIE A. MORALES
Commissioner



1 Robert E. Koss, Lay Representative
 2 Guam Federation of Teachers
 3 P.O. Box 2301
 4 Hagatna, Guam 96910
 5 Ph. (671) 735-4390 Fax (671) 734-8085
 6 Email rkoss@gftunion.com

7 **BEFORE THE CIVIL SERVICE COMMISSION OF GUAM**

8 **BRIANNA ROBERTO &**
 9 **CYNTHIA KUPER**

10 **Employee,**

11 **vs.**

12 **GUAM CUSTOMS AND QUARENTINE,**
 13 **Management.**

Grievance Appeal
CSC Case No: 24-GRE06

NOTICE OF GRIEVANCE
WITHDRAWAL

14 To: Civil Service Commission and Management Representative of Record.

15
 16 Comes now, the undersigned Employees are hereby submitting this formal notification of
 17 intent to withdraw the grievance identified as CSC Case No. 24-GRE06. This withdrawal is
 18 expressly requested without prejudice, thereby reserving the Employee's right to pursue related
 19 claims in the future, should circumstances warrant such action. The Employee's decision to
 20 withdraw at this juncture is predicated upon a comprehensive re-evaluation of the current
 21 procedural posture and a strategic desire to explore alternative avenues for dispute resolution,
 22 without foreclosing future legal or administrative recourse. The Employee fully comprehends
 23 and acknowledges that this withdrawal signifies that the grievance will not be adjudicated on its
 24 substantive merits at this time.

25
 26 
 27 BRIANNIA ROBERTO, DATE 1/6/26

 1/7/26
 CYNTHIA KUPER, DATE



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



IN THE MATTER OF:

JOSEPH TAITAGUE,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

**GRIEVANCE APPEAL
CASE NO.: 25-GRE07**

DECISION AND JUDGMENT

INTRODUCTION

This matter was presented to the Civil Service Commission ("Commission") at a Grievance Hearing on December 11, 2025. At issue was the application of the Correctional Institution Differential Pay Policy for a Correctional Officer assigned to the Marianas Fusion Center.

Commissioners present at hearing dates were Chairman, Juan K. Calvo, Vice Chairman, Anthony P. Benavente, Commissioner Cathy O. Catling and Commissioner Francisco T. Guerrero. The Director of the Department of

DECISION AND JUDGMENT

Joseph Taitague vs. Department of Corrections
Grievance Appeal CSC Case No.: 25-GRE07

Page 1 of 5

1 Corrections, Fred Bordallo was present for Management. Employee (Correction
2 Officer II) Joseph Taitague was present with his representative Robert Koss.

3 Pursuant to its discretionary authority under the Rule 12.902(B) of the
4 Department of Administration Personnel Rules and Regulations and the Civil
5 Service Commission Rules of Procedure for Grievance Appeals, Rule G21, the
6 Commission stated that they reviewed the documents submitted by the parties and
7 elected to adjudicate the matter based on the record and verbal clarifications from
8 both Employee and Management.

9 **JURISDICTION**

10 Jurisdiction of the Civil Service Commission is based on the Organic Act
11 of Guam, 4 G.C.A. §4403(c) and the Department of Administration Personnel Rules
12 and Regulations.

13 **FINDING OF FACTS**

- 14 1. Fred Bordallo is the Director for the Department of Corrections.
- 15 2. Employee is employed as a Correction Officer II for the Department of
16 Corrections. On March 2, 2025 Employee submitted a Step 2 grievance form to his
17 supervisor stating that he is being denied 25% Correction Institution Differential
18 Pay.
- 19 3. Management, including Step 4 Department of Administration (DOA),
20 provided no response to Employee's grievance.

21 **DECISION AND JUDGMENT**

Joseph Taitague vs. Department of Corrections
Grievance Appeal CSC Case No.: 25-GRE07

1 4. The Correctional Institutional Differential Pay Policy was approved by
2 the Director of Administration on October 28, 2020 was submitted by Employee
3 marked as E: 13-15 (Attachment A)

4 5. In 2013 a Memorandum of Agreement between Guam Homeland
5 Security Office, Office of Civil Defense, Marianas Regional Fusion Center and
6 Contributing Agency of the Government of Guam was submitted by Employee
7 marked as E: 36-41 (Attachment B)

8 6. Employee a Correctional Officer II was assigned full-time to the
9 Marianas Fusion Center pursuant to 2013 MOA executed by the Governor of Guam.
10 This MOA stipulated that officers assigned to the Fusion Center would "maintain
11 all salary benefit rights and privileges as if he was assigned a full-time basis to the
12 DOC".

13 7. It is undisputed that the Marianas Fusion Center is not located within the
14 Department of Corrections (DOC) facility.

15 8. In October 2020, the Director of the Department of Administration
16 implemented a policy granting 25% differential pay to correctional officers working
17 inside the secured, guarded DOC facility. The DOA memorandum that established
18 this differential pay also outlined a process for extending coverage to other officers
19

20 **DECISION AND JUDGMENT**

21 *Joseph Taitague vs. Department of Corrections*
 Grievance Appeal CSC Case No.: 25-GRE07

1 assigned outside the identified area. Officer Taitague did not receive this
2 differential pay and subsequently filed a grievance, asserting his entitlement to it
3 based on the 2013 MOA that expressly states:

4
5 *Section A (7) During the period of assignment to the Marianas*
6 *Regional Fusion Center the contributing agency agrees that the assigned*
7 *representative shall maintain all salary benefits rights and privileges*
8 *available as if he was assigned on a full time basis to the contributing*
9 *agency and with the exception of overtime compensation the*
10 *contributing agency shall be responsible for payment of the same. The*
11 *Marianas Regional Fusion Center shall be responsible for the*
12 *assignment of overtime and the payment of any overtime compensation*
13 *due.*

14 9. Management agrees that Employee qualifies for the Correction
15 Institution Differential Pay policy and should be paid accordingly.

16 **LEGAL CONCLUSIONS**

17 The Commission carefully considered and deliberated the documents
18 submitted, statements, including clarifications, made by both Employee and
19 Management and came to a conclusion.

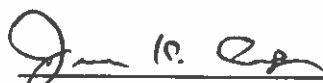
20 Management did not dispute that Employee is entitled to the pay differential
21 policy.

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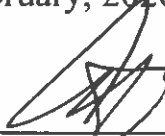
1 The Commission further determined that based on the MOU, the
2 Employee's transfer or assignment to the Marianas Fusion Center does not diminish
3 any compensation or benefits he would have otherwise received had he remained
4 stationed at the Department of Corrections.

5 With a unanimous 4 to 0 vote, the Commission ruled that the Employee
6 must receive the 25% differential pay. This pay is retroactive to the date the Policy
7 became effective, October 28, 2020.

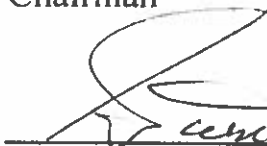
8 **SO ORDERED** this 3rd day of February, 2026.

9 

10 **JUAN K. CALVO**
Chairman



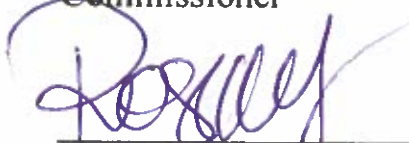
11 **ANTHONY P. BENAVENTE**
Vice Chairman

12 

13 **FRANCISCO T. GUERRERO**
Commissioner

14 

15 **CATHY O. CATLING**
Commissioner

16 

17 **ROSE MARIE A. MORALES**
Commissioner

ATTACHMENT A



EDWARD M. BIRN
Director (Direktot)

EDITH C. PANGELINAN
Deputy Director (Sigundo Direktot)

DEPARTMENT OF
ADMINISTRATION
DIPATTAMENTON ATMENESTRASION

DIRECTOR'S OFFICE
(Ufisinan Direktot)

Telephone (Telifon): (671) 475-1101/1250 • Fax (Faks): (671) 477-6788



LOURDES A. LEON GUERRERO
Governor (Maga'håga)

JOSHUA F. TENORIO
Lt. Governor (Sigundo Maga'låhi)

CORRECTION INSTITUTION DIFFERENTIAL PAY POLICY

SUBJECT: CORRECTION INSTITUTION DIFFERENTIAL PAY

EFFECTIVE DATE: UPON APPROVAL

INQUIRIES: Department of Administration, Personnel Services Division

I. STATEMENT OF POLICY:

It is the policy of the Government of Guam to ensure that the total compensation package of government employees be consistent with Title 4 Guam Code Annotated, Chapter 6, §6301 and based on §6304 of the same chapter that differential pay be developed and uniformly administered in the government. It is the policy of the Department of Administration (DOA) that this recommended Correction Institution Differential be administered uniformly for those uniformed personnel whose duties dictate that their work environment be restricted to the confines of established secured and guarded facilities within the government of Guam.

II. STATEMENT OF PRACTICE: The provisions contained herein be implemented uniformly within all covered departments and its employees while properly documenting its administration within said departments for accountability purposes and to ensure conformance with all requirements established by this policy.

III. REFERENCES: Title 4 Guam Code Annotated, Chapter 6, §§6301 and 6304.

IV. APPLICABILITY: This policy applies to all uniformed personnel of the Department of Corrections (DOC), Department of Youth Affairs (DYA); and other departments as determined by the DOA which meet the requirements of eligibility according to this policy.

V. PURPOSE: The purpose of this policy is to establish the guidelines within which the Correction Institution Differential can be implemented within covered departments and agencies.

VI. SCOPE: This policy applies to those uniformed employees of those departments which are established by DOA as meeting the eligibility requirements to qualify for the differential. **This differential only applies to those uniformed employees whose duties require them to work within the confines of secured and guarded facilities in which entrance by those other than personnel authorized by respective department heads is strictly prohibited and regulated.** This includes the DOC, DYA, and other departments as determined by the Director of Administration.

VII. IMPLEMENTATION:

- a. A twenty-five percent (25%) differential pay will be applied to those uniformed personnel of the DOC, DYA and other department / employees as determined by the Director of Administration.
- b. The 25% differential shall be calculated on the base salary of an employee. Correctional facilities operate on a 24-hour schedule which means that these departments and agencies regularly incur overtime. The differential is only to be applied to a covered employee's base salary. The differential is not to be paid at the overtime premium.
- c. This differential covers those employees at DOC, DYA, and other appropriate agencies whose duties require them to spend 50% or more of their time on a daily basis within the secured confines of correctional institutions and within areas surrounded by a physical barrier designed to prevent inmates' / clients' ability to access areas outside the barrier.
- d. The differential pay is authorized beginning when employees report for work / duty in the facilities; at which time compensation will be authorized after the first hour of work performed within the facility; and will continue until the end of the shift or regular work schedule. This differential shall not be paid when an employee is on any status other than regular work status (i.e. annual, sick, administrative leave, etc...).
- e. The differential pay will be authorized in a similar context as overtime is administered. Differential pay is authorized after 40 (or other shift schedules as governed by FLSA 207[k] exemptions) hours of work would have to be performed throughout the week to be eligible to receive the differential.
- f. DOC, DYA, and other approved departments / agencies shall inform the Director of Administration of the facilities that are to be included in the implementation of this policy. This includes the name, address (physical location); and any other relevant information or description of the facilities covered by this policy. This list of covered facilities can be amended through a request by the covered department / agency, and subsequent approval by the Director of Administration.
- g. If covered employees are assigned to other areas which are considered "outside" of the identified areas; the covered department shall inform DOA of such assignment in an effort to ensure that the administration of the differential pay remains accountable.
- h. Reviews and assessments may be conducted by the DOA Payroll or Personnel Services Divisions upon determination of the necessity of a review. Findings of a review or assessment for compliance or any other purpose with respect to the policy will be forwarded to the Director of Administration for review and determination.

VIII. FISCAL CONTROL:

- a. Implementation and payment of this differential is contingent upon the availability of funding.
- b. Covered departments and agencies shall request approval for funding from the Bureau of Budget and Management Research (BBMR) prior to initial implementation of the 25% differential.
- c. Approval by the BBMR in regards to the initial implementation of the differential shall be forwarded to the DOA Personnel Services Division and Payroll Services Division for record purposes.
- d. Payment of the differential for covered employees may be suspended based on the lack of availability of funding as certified by the BBMR.

- IX. **ADMINISTRATIVE REVIEW:** This policy shall be reviewed by the DOA Personnel Services Division every three (3) years to determine whether any adjustments or amendments need to be made to the authorized differential or policy requirements. Any recommended changes will be forwarded to the Director of Administration for review and approval.
- X. **AMENDMENTS:** Requests for amendments to the policy can be made by departments and agencies covered by this policy. Requests shall be in writing and addressed to the Director of Administration. The requests shall be limited to administrative items and employees covered by this policy.
- XI. **REPORTING REQUIREMENTS:** Departments and agencies covered by this policy shall submit a report on personnel costs associated with this policy for their respective agencies to the Director of Administration at the end of the 2nd and 4th quarters of each fiscal year.
- XII. **PENALTY FOR NON-COMPLIANCE:** In the event that any review or assessment finds that policy requirements were not complied with; it may be determined by the Director of Administration that any employee or employees found to receive the differential pay in a manner which does not comply with the regulations contained herein, may have their eligibility revoked and will no longer be able to receive the authorized differential.
- XIII. **EFFECTIVE DATE:** Upon approval.

(X) APPROVED
 () DISAPPROVE



Digitally signed by Edward
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EDWARD M. BIRN
 DIRECTOR OF ADMINISTRATION

 (Date)

ATTACHMENT B

09.26.13

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MEMORANDUM OF AGREEMENT

Between the

**GUAM HOMELAND SECURITY OFFICE/OFFICE OF CIVIL DEFENSE,
MARIANA REGIONAL FUSION CENTER, GUAM**

And

CONTRIBUTING AGENCY OF THE GOVERNMENT OF GUAM

This Memorandum of Agreement (hereinafter "MOA") is hereby entered into by and between the **GUAM HOMELAND SECURITY/OFFICE OF CIVIL DEFENSE, MARIANA REGIONAL FUSION CENTER** ("Mariana Regional Fusion Center") whose address is 221-B Chalan Palasyo Agana Heights, Guam 96910 and Department of Correction [insert agency name], an agency or entity of the Government of Guam ("Contributing Agency").

RECITALS

WHEREAS, in 2011, the Mariana Regional Fusion Center, Guam was established by the Guam Homeland Security/Office of Civil Defense; and

WHEREAS, in January 2013, the Mariana Regional Fusion Center was certified as the 78th fusion center, and the westernmost fusion center, established in the United Center; and

WHEREAS, pursuant to standards promulgated by Title 6, United States Code Chapter 1, and together with the U.S. Department of Homeland Security and the Office of Justice Programs in the U.S. Department of Justice, the Mariana Regional Fusion Center serves to provide an integrated, multi-discipline, information sharing network to receive, gather, analyze and disseminate information to stakeholders and the public in a timely manner in order to protect Guam's residents, visitors, and the critical infrastructure from threats and crimes to the region; and

WHEREAS, the Mariana Regional Fusion Center enables law enforcement agencies at all levels to proactively address threats and crimes rather than merely react to them and it is therefore a critical component of Guam's homeland security efforts; and

WHEREAS, federal standards provide for the Mariana Regional Fusion Center to be staffed by a group of specialized individuals who are trained to gather and disseminate information to law enforcement officials and other agencies so as to effectively provide

1 protection for Guam and the regional community against national and local threats and
2 crimes; and
3

4 *WHEREAS*, collective cooperation, contribution and support between and from all
5 Government of Guam entities is essential in meeting this fundamental duty; and
6

7 *WHEREAS*, the Mariana Regional Fusion Center is critical to the mission of
8 homeland security, and the public has a vested interest in ensuring the long-term stability
9 of the Center and its programs, as well as the competency of those individuals assigned to
10 staff it, so that the security and peace of Guam, its citizens, and the regional community
11 be safeguarded, protected and preserved at all times; and
12

13 *WHEREAS*, it is the desire of the parties to this MOA to join together in a unified
14 interoperability plan and to thereby contribute to the public safety, welfare, and interest
15 of Guam by providing for the assignment of personnel to the Mariana Regional Fusion
16 Center.
17

18 AGREEMENT

19
20 *NOW THEREFORE*, in consideration of the above, and in order to achieve the
21 purposes of this MOA, the parties hereto now *AGREE* as follows:
22

23 SECTION A. RESPONSIBILITIES OF THE MARIANA REGIONAL 24 FUSION CENTER AND CONTRIBUTING AGENCY. 25

26 (1) The Contributing Agency agrees to assign a representative to the Mariana
27 Regional Fusion Center on a full-time basis for such assignments within the purposes of
28 this MOA. To the extent that the Contributing Agency can accommodate a request for a
29 representative with a particular discipline or skill set, the Contributing Agency shall make
30 the accommodation.
31

32 (2) The Contributing Agency's assigned representative shall remain on
33 assignment to the Mariana Regional Fusion Center for a minimum period of five (5)
34 years unless the Contributing Agency and the Mariana Regional Fusion Center
35 Management Team agree to the reassignment or replacement of the representative. At
36 the end of an assigned term, and upon the mutual agreement of the parties, a
37 representative's assignment may be extended and he may be reassigned to the Mariana
38 Regional Fusion Center for an additional five-year term(s).
39

40 (3) If additional personnel are needed, the Mariana Regional Fusion Center
41 may submit a written request to the Contributing Agency requesting additional
42 representatives. The Contributing Agency agrees to review the request and if
43 representatives are available, and if the request is financially feasible and can be

1 accommodated without hardship to the Contributing Agency, the Contributing Agency
2 shall comply with the request.
3

4 (4) The assigned Contributing Agency representative, as a condition of
5 assignment to the Mariana Regional Fusion Center, will be required to successfully
6 obtain and maintain certain security clearances. If the representative is unable to obtain or
7 maintain the required security clearances, the representative will be determined to be
8 unqualified for the assignment and returned to the Contributing Agency.
9

10 (5) The assigned Contributing Agency representative will be working from,
11 and out of, the Mariana Regional Fusion Center facility under a task force concept. As
12 such, the representative may be integrated into multi-agency squads or work groups. The
13 squads and work groups will be tasked with providing investigative intelligence and/or
14 analytical support unit operations. The assigned representative, while assigned to the
15 Mariana Regional Fusion Center, shall be under the supervision of the Mariana Regional
16 Fusion Center and shall abide by all Mariana Regional Fusion Center policies and
17 applicable rules and regulations regarding the Center. The Mariana Regional Fusion
18 Center shall be responsible for all personnel actions related to the assigned representative,
19 including disciplinary action and performance evaluations.
20

21 (6) All personnel assigned to the Mariana Regional Fusion Center shall be
22 available for duty 24 hours a day, 7 days a week, 365 days a year. Additionally, all
23 personnel shall be subject to call-out status when necessary to support the Mariana
24 Regional Fusion Center mission.
25

26 (7) During the period of assignment to the Mariana Regional Fusion Center,
27 the Contributing Agency agrees that the assigned representative shall maintain all salary,
28 benefits, rights and privileges available as if he was assigned on a full-time basis to the
29 Contributing Agency, and with the exception of overtime compensation, the Contributing
30 Agency shall be responsible for payment of the same. The Mariana Regional Fusion
31 Center shall be responsible for the assignment of overtime and the payment of any
32 overtime compensation due.
33

34 (8) At no cost to the Contributing Agency, the Mariana Regional Fusion
35 Center agrees to provide for the assigned representative's use any necessary workspace
36 and office equipment. The Mariana Regional Fusion Center will also provide the
37 assigned representative with appropriate training, some of which may require off-island
38 travel. The cost of training and off-island travel shall be at the expense of the Mariana
39 Regional Fusion Center.
40

41 (9) Nothing in this MOA shall be construed to require the Mariana Regional
42 Fusion Center to accept the assignment of a representative of a Contributing Agency, and
43 at all times, the decision to accept or not accept a representative shall be at the sole
44 discretion of the Mariana Regional Fusion Center.

1
2 (10) The Mariana Regional Fusion Center and the Contributing Agency agree
3 to do all things necessary to carry out the objectives of this MOA.
4

5 **SECTION B. MISCELLANEOUS PROVISIONS.**
6

7 1. Time is of the essence concerning the provisions of this MOA.
8

9 2. This MOA is made under and shall be governed and construed in
10 accordance with applicable Guam and federal laws, and the courts of Guam shall have
11 jurisdiction over any and all disputes.
12

13 3. If any provision of this MOA shall be deemed by a court of competent
14 jurisdiction to be invalid or unenforceable, then such provision shall be deemed stricken
15 and the MOA shall be enforced according to its valid and subsisting terms and
16 provisions.
17

18 4. The failure of either party to insist upon strict compliance with any term,
19 provision, or condition of this MOA shall not be construed as a waiver of either party's
20 rights and remedies under this MOA.
21

22 5. The parties warrant that no person in their employment who has been
23 convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam
24 Code Annotated, or of an offense defined in Article 2 of Chapter 28 of Title 9 of the
25 Guam Code Annotated, or who has been convicted of an offense with the same elements
26 as heretofore defined in any other jurisdiction, or who is listed on the Sex Offender
27 Registry shall provide services to the parties or the government of Guam while on
28 government of Guam property. If any employee of the parties is providing services on
29 government property and is convicted subsequent to this MOA, then the employing party
30 warrants that it will notify the other party of the conviction within twenty-four (24) hours
31 of the conviction, and will remove immediately such convicted person from providing
32 services on government property. If the parties are found to be in violation of any of the
33 provisions of this paragraph, then the violating party shall take corrective action within
34 twenty-four (24) hours notice, and the violating party shall notify the other party when
35 the corrective action has been taken.
36

37 **SECTION C. MODIFICATION.** This MOA may only be modified in a writing
38 signed by the parties.
39

40 **SECTION D. EFFECTIVE DATE.** The Effective Date of this MOA shall be
41 the date that it is signed by the Governor of Guam and it shall continue thereafter until
42 otherwise revoked by the parties.
43

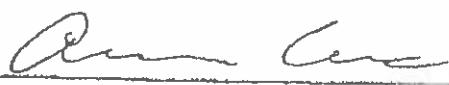
1 *IN WITNESS HEREOF*, the parties have executed this Memorandum of
2 Agreement effective the day and year the Governor of Guam affixes his signature below:
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4 **MARIANA REGIONAL FUSION CENTER, GUAM:**
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6
7

8
9 By: 

Dated: 9/4/2013

10 **JAMES T. MCDONALD**
11 Director, Marianas Regional Fusion Center,
12 Acting Administrator, Office of Civil Defense
13 Guam Homeland Security/Office of Civil Defense
14

15
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17
18
19 By: 

Dated: Sept 4, 2013

20 **AMBROSIO D. CONSTANTINO, JR.**
21 Guam Homeland Security Advisor
22
23

24 **CONTRIBUTING AGENCY:**
25

26
27
28 By: 

Dated 9-4-13

29 **Jose A. San Agustin**
30 Director
31 Department of Corrections
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APPROVED AS TO FORM:

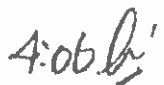
By 

Dated 9/30/13

LEONARDO M. RAPADAS
Attorney General of Guam

13-0794

APPROVED:



By: _____

EDDIE BAZA CALVO
Governor of Guam

Dated _____

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