

FILED  
SUPERIOR COURT  
OF GUAM

2015 NOV -5 PM 3:31

CLERK OF COURT

BY: \_\_\_\_\_

**CIVILLE & TANG, PLLC**  
330 HERNAN CORTEZ AVENUE, SUITE 200  
HAGÁTÑA, GUAM 96910  
TELEPHONE: (671) 472-8869/69  
FACSIMILE: (671) 477-2511

**Attorneys for Petitioner**  
*Port Transportation, Stevedore, Terminal Employees*

**IN THE SUPERIOR COURT OF GUAM**

PORT TRANSPORTATION, )  
STEVEDORE, AND TERMINAL )  
EMPLOYEES, )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
GUAM CIVIL SERVICE COMMISSION, )  
 )  
Respondent, )  
 )  
and )  
 )  
PORT AUTHORITY OF GUAM, )  
 )  
 )  
Real Party in Interest. )

SPECIAL PROCEEDING  
CASE NO. SP **SP 0164-15**  
(Civil Service Grievance  
Appeal Case No. 13-GRE-11)

**SUMMONS**

RECEIVED *Antonio Cruz*  
General Manager's Office  
Port Authority of Guam *u/ed/r*

**TO: PORT AUTHORITY OF GUAM**

YOU ARE HEREBY SUMMONED and required to serve upon Civille & Tang, PLLC, attorneys for Petitioner, whose address is Suite 200, 330 Hernan Cortez Avenue, Hagåtña, Guam 96910, an answer to the Petition for Judicial Review which is herewith served upon you, within sixty (60) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition for Judicial Review.

**DANIELLE T. ROSETE, Clerk**  
**Superior Court of Guam**

Dated: NOV 05 2015

By: **Antonio J. Cruz**  
Deputy Clerk

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SUPERIOR COURT  
OF GUAM

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STEVEDORE, AND TERMINAL  
EMPLOYEES,

Petitioners,

vs.

GUAM CIVIL SERVICE COMMISSION,

Respondent,

and

PORT AUTHORITY OF GUAM,

Real Party in Interest.

) SPECIAL PROCEEDING

) CASE NO. SP **SP 0164-15**

) (Civil Service Grievance  
) Appeal Case No. 13-GRE-11)

) **SUMMONS**

*Antonio J. Cruz*  
NOV 06 2015  
1.22pm

**TO: CIVIL SERVICE COMMISSION**

YOU ARE HEREBY SUMMONED and required to serve upon Civille & Tang, PLLC, attorneys for Petitioner, whose address is Suite 200, 330 Hernan Cortez Avenue, Hagåtña, Guam 96910, an answer to the Petition for Judicial Review which is herewith served upon you, within sixty (60) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition for Judicial Review.

**DANIELLE T. ROSETE, Clerk**  
**Superior Court of Guam**

Dated: NOV 05 2015

By: **Antonio J. Cruz**  
Deputy Clerk

CIVILLE & TANG, PLLC  
330 HERNAN CORTEZ AVENUE, SUITE 200  
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RECEIVED  
ATTORNEY GENERAL'S  
OFFICE

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CLERK OF COURT  
BY: \_\_\_\_\_

*Attorneys for Petitioner*  
*Port Transportation, Stevedore, Terminal Employees*

**IN THE SUPERIOR COURT OF GUAM**

PORT TRANSPORTATION,  
STEVEDORE, AND TERMINAL  
EMPLOYEES,

Petitioners,

vs.

GUAM CIVIL SERVICE COMMISSION,

Respondent,

and

PORT AUTHORITY OF GUAM,

Real Party in Interest.

) SPECIAL PROCEEDING

) CASE NO. SP **SP 0164-15**

) (Civil Service Grievance  
) Appeal Case No. 13-GRE-11)

) **SUMMONS**

**TO: CIVIL SERVICE COMMISSION**

YOU ARE HEREBY SUMMONED and required to serve upon Civile & Tang, PLLC, attorneys for Petitioner, whose address is Suite 200, 330 Hernan Cortez Avenue, Hagåtña, Guam 96910, an answer to the Petition for Judicial Review which is herewith served upon you, within sixty (60) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition for Judicial Review.

**DANIELLE T. ROSETE, Clerk**  
**Superior Court of Guam**

Dated: NOV 05 2015

By: **Antonio J. Cruz**  
Deputy Clerk

IN THE SUPERIOR COURT OF GUAM

PORT TRANSPORTATION , STEVEDORE, AND )  
 TERMINAL EMPLOYEES )  
 )  
 Plaintiff (s) )  
 vs )  
 )  
 GUAM CIVIL SEERVICE COMMISSION )  
 Respondent, )  
 and )  
 PORT AUTHORITY OF GUAM )  
 )  
 Real Party in Interest )

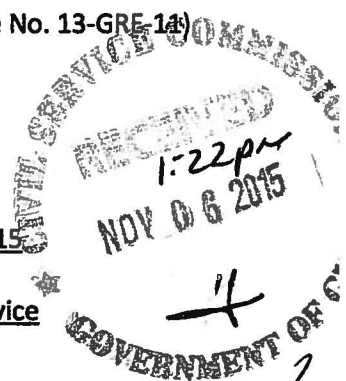
SPECIAL PROCEEDING CASE NO. **SP0164-15**  
 (Civil Service Grievance Appeal Case No. 13-GRE-14)

AFFIDAVIT OF:

(  ) SERVICE  
 ( ) NON-SERVICE

Date Received: November 6, 2015

Hearing Date: 60 days after service



I, **Brandon J. Franquez, SP0099-14**, being first duly sworn, depose and say that I am a licensed Process Server and not a party interested in the above-captioned case; I ALBERTO D. LAMBERTO  
 (  ) personally served Defendant, \_\_\_\_\_  
 at Civil Service Commission by serving the document  
 identified below on the 6<sup>th</sup> day of November 2015, at 1:16 a.m./p.m.

( ) Left a copy of the document below with \_\_\_\_\_, a person of suitable age and discretion residing with defendant at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ a.m./p.m.

( ) Attempted to serve the below listed document (s) at the address hereon provided but was unable to effect such service for the following reason (s): \_\_\_\_\_

**DOCUMENT (S) TO BE SERVED:** (  ) Summons, ( ) Complaint ( ) Order for Examination of Judgment Debtors, ( ) Order to Show Cause, ( ) Complaint on Promissory Note, ( ) Motion for Order to Show Cause  
 (  ) PETITION FOR JUDICIAL REVIEW (  ) EXHIBIT "A" (  ) EXHIBIT "B"

Notes: \_\_\_\_\_

**DECLARATION OF SERVICE: "I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT."**

Brandon J. Franquez  
 Brandon J. Franquez, Process Server, SP0099-14

Date: 11.6.15

Attempts: 1

Service Fee: 75.00



2015 NOV -6 PM 4:01

CLERK OF COURT

**IN THE SUPERIOR COURT OF GUAM**

PORT TRANSPORTATION , STEVEDORE, AND )  
 TERMINAL EMPLOYEES )  
 )  
 Plaintiff (s) )  
 vs )  
 )  
 GUAM CIVIL SEERVICE COMMISSION )  
 Respondent, )  
 and )  
 PORT AUTHORITY OF GUAM )  
 )  
 Real Party in Interest )

SPECIAL PROCEEDING CASE NO. **SP0164-15**  
 (Civil Service Grievance Appeal Case No. 13-GRE-11)  
**AFFIDAVIT OF:**  
 SERVICE  
 NON-SERVICE  
 Date Received: November 6, 2015  
 Hearing Date: 60 days after service

I, **Brandon J. Franquez, SP0099-14**, being first duly sworn, depose and say that I am a licensed Process Server and not a party interested in the above -captioned case; I  
 personally served Defendant, Port Authority Guam **RECEIVED** Brandon Franquez  
 at Port Authority of Guam 11/6/15 General Manager's Office by serving the document  
 identified below on the 6th day of November Port Authority of Guam 2015, at 2:00 a.m./p.m.

Left a copy of the document below with \_\_\_\_\_, a person of suitable age and discretion residing with defendant at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ a.m./p.m.

Attempted to serve the below listed document (s) at the address hereon provided but was unable to effect such service for the following reason (s): \_\_\_\_\_

**DOCUMENT (S) TO BE SERVED:**  Summons,  Complaint  Order for Examination of Judgment Debtors,  Order to Show Cause,  Complaint on Promissory Note,  Motion for Order to Show Cause  
 PETITION FOR JUDICIAL REVIEW  EXHIBIT "A"  EXHIBIT "B"

Notes: \_\_\_\_\_

**DECLARATION OF SERVICE: "I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT."**

  
**Brandon J. Franquez, Process Server, SP0099-14**

Date: 11.6.15  
 Attempts: 1  
 Service Fee: 75.00

**CIVILLE & TANG, PLLC**  
 330 HERNAN CORTEZ AVENUE, SUITE 200  
 HAGÁTÑA, GUAM 96910  
 TELEPHONE: (671) 472-8869/69  
 FACSIMILE: (671) 477-2511

RECEIVED  
 ATTORNEY GENERAL'S  
 OFFICE  
 PROSECUTOR GENERAL

FILED  
 SUPERIOR COURT  
 OF GUAM

2015 NOV -5 PM 3: 30

CLERK OF COURT

BY: \_\_\_\_\_

*Attorneys for Petitioner*  
*Port Transportation, Stevedore, Terminal Employees*

**IN THE SUPERIOR COURT OF GUAM**

PORT TRANSPORTATION,	)	SPECIAL PROCEEDING
STEVEDORE, AND TERMINAL	)	CASE NO. SP <b>SP 0164-15</b>
EMPLOYEES,	)	
	)	(Civil Service Grievance
Petitioners,	)	Appeal Case No. 13-GRE-11)
	)	
vs.	)	
	)	
GUAM CIVIL SERVICE COMMISSION,	)	<b>PETITION FOR JUDICIAL REVIEW</b>
	)	
Respondent,	)	
	)	
and	)	
	)	
PORT AUTHORITY OF GUAM,	)	
	)	
Real Party in Interest.	)	

**I. INTRODUCTION**

Petitioners, the Transportation, Stevedore, and Terminal employees (collectively “Stevedores”) of the Port Authority of Guam, seek judicial review of the Decision and Judgment issued by the Guam Civil Service Commission in the above grievance appeal on October 6, 2015, and allege as follows:

**II. JURISDICTION AND PARTIES**

1. This Court has jurisdiction over this matter pursuant to 7 G.C.A. §§ 3105, 5 G.C.A. §9240, and 4 G.C.A. § 4406.

**COPY**

2. Petitioners were at all times during the events giving rise to the grounds for their grievance that are mentioned herein classified employees of the Government of Guam, and have been at all those times relevant employees of the Port Authority of Guam.

3. Respondent Guam Civil Service Commission ("CSC") is an instrumentality of the Government of Guam.

4. Respondent Port Authority of Guam ("PAG") is an autonomous agency of the Government of Guam.

### **III. PROCEDURAL HISTORY AND JUDGMENT OF THE CIVIL SERVICE COMMISSION**

5. On July 8, 2013 the Stevedores initiated a Step I grievance stating that the PAG was in violation of Payroll Policy 04-88.

6. The Stevedores grieved that the PAG, pursuant to Payroll Policy 04-88, owed the Stevedores overtime for each hour of work a Stevedore worked beyond 8 hours in a given work day.

7. PAG management responded that the Federal Fair Labor Standard Act requirement that workers be paid overtime for work in excess of forty (40) hours a week was incorporated into Public Law (PL) 30-43, and as a result of that Public law, the requirements of Payroll Policy 04-88 were abrogated.

8. Pursuant to PAG grievance procedures, the Stevedores' grievance progressed to Step IV of the grievance process when the grievance appeal was received by the Civil Service Commission ("CSC") on August 20, 2013. The matter was remanded back to the PAG to establish grievance review board findings. The matter eventually returned to the CSC.

9. On September 23, 2014, the CSC held a Grievance Hearing, and deliberated the matter on that day. The CSC Board members concluded that "the Fair Labor Standard Act has been established way back and it does trump the local law...." Transcript of Grievance Hearing, 13-GRE-

11, September 23, 2014, 44:20-22. A true and correct copy of the relevant excerpts of the Transcript of Grievance Hearing, 13-GRE-11, September 23, 2014 is attached as Exhibit "A" to this Petition.

10. The CSC Board members, in unanimously finding for the PAG, also concluded that "...looking at the law itself, the law, it seems like they trumped the policy." Transcript of Grievance Hearing, 13-GRE-11, September 23, 2014, 48:17-18.

11. The CSC issued a written Decision and Judgment ("Judgment") on October 6, 2015. A true and correct copy of the October 6, 2015 Decision and Judgment is attached as Exhibit "B" to this Petition.

12. The CSC determined that the applicable law governing overtime compensation for the Stevedores only allows for overtime if "The employee renders service in excess of forty (40) straight time hours per workweek" or "The employee renders service on the employee's scheduled day off and there has been no change, but mutual consent or by due prior notice, in the work schedule." Judgment, 2.

13. The CSC determined that the Stevedores were not entitled to receive overtime because the "Employees did not render services in excess of forty (40) straight time hours during the work week in question." Judgment, 2.

#### **IV. JUDICIAL REVIEW: WHAT IS THE APPLICABLE POLICY OVERNING THE ACCRUAL AND PAYMENT OF OVERTIME WAGES TO THE STEVEDORES?**

14. Plaintiffs reallege and reincorporate paragraphs 1 through 13.

15. The conclusion by the CSC about overtime not being due to the Stevedores was in error, as the applicable payroll policy of the PAG does indeed mandate that the Stevedores are due overtime.

16. Port Authority of Guam procedures regarding overtime are governed and formed by the laws of Guam, PAG rules and regulations, and official PAG payroll policy pronouncements.

17. Port Authority of Guam procedures and policies regarding overtime are provided



and published to the PAG employees, including the Stevedores.

18. The regulations of the PAG are creations of public law.

19. The policies of the PAG are created under the authority conferred on the PAG by public law.

20. PAG Rules and Regulations implemented by PL 30-43 define the workday as “a regularly recurring period of eight consecutive hours exclusive of lunch hour.” PL 30-43, p. 178.

21. PAG Rules and Regulations implemented by PL 30-43 mandate that “the workweek need not coincide with the calendar week. It may begin any day of the week and any hour of the day, but it must in each case, be established in advance. The workweek may be changed, but only if the change is intended to be permanent and is not made to evade overtime requirements or policies.” PL 30-43, p. 77; PAG rules and regulations §8.0001(A).

22. PAG Rules and Regulations implemented by PL 30-43 mandate that “the schedule of workweek for shift workers shall be prepared and prominently posted at least two (2) weeks in advance so that the employees affected will be informed. Such schedules shall not be less than two (2) weeks and shall not be changed, except for good cause and provided affected employees are given at least 24 hours prior notice. Whenever possible, work schedules should permit an employee to enjoy a holiday on the day it is observed.” PL 30-43, p. 78; PAG rules and regulations §8.004(A).

23. The PAG has never repealed or otherwise abrogated PAG Policy memorandum 04-88.

24. The Guam Legislature has never repealed or otherwise abrogated PAG Policy memorandum 04-88.

25. PAG Policy memorandum 04-88 remains in force and legal effect at the PAG.

26. PAG Policy memorandum 04-88 is to be read in concert with, as opposed to in conflict with, PL 30-43.

27. PAG Policy memorandum 04-88 was written to be a specific policy defining how wages are accrued at the PAG, and is more specific than PL 30-43 in establishing wage accrual policy.

28. The PAG management, as recently as December 13, 2013, has affirmed that “we are guided by established payroll procedures in the submission of time sheets, overtime request forms, leave sharing and leave forms (reference payroll procedures 04-88, page 7, VIII).”

29. It was in error for the CSC to not allow into the record the December 13, 2013 PAG memorandum confirming the continued effective status of PAG Policy memorandum 04-88.

30. The PAG Tariff structure shows that the standard stevedore workday is 8 hours, and that overtime is accrued and owed for work beyond 8 hours in a single day.

31. It was in error for the CSC to not allow into the record the PAG Tariff showing that the standard stevedore workday is 8 hours, and that overtime is accrued and owed for work beyond 8 hours in a single day.

32. PAG Policy memorandum 04-88 requires that “in the event there are no vessels in port, the employee’s workday shall consist of eight (8) hours, normally 0800-100 hours in order to complete the scheduled forty (40) hour workweek.”

33. PAG Policy memorandum 04-88 requires that overtime should be paid for “authorized and approved hours of work performed in excess of eight (8) hours in a day or in excess of forty (40) hours in a workweek to which employees are entitled for payment.”

34. PAG Policy memorandum 04-88 requires that “Payment of overtime work shall be at a rate of one and one half times the employee’s basic rate of pay.”

35. PAG Policy memorandum 04-88 requires that “any overtime hours not paid an employee within fifteen (15) working days after the request for payment is submitted shall earn interest at a rate of ten percent (10%) per annum.”

36. PAG Policy memorandum 04-88 requires that “if an employee is called back to work to perform unscheduled overtime work, callback overtime payment of at least two (2) hours will be granted whether or not work is performed.”

37. PAG Policy memorandum 04-88 requires that employees who have work assignments cancelled prior to the commencement of work shall be compensated for the cancellation of work.

38. PAG rules and regulations direct that plaintiffs shall be provided with shift work consisting of eight (8) hour work days over five (5) consecutive days.

39. PAG rules and regulations direct that plaintiffs shall not have their schedules changed or otherwise adjusted if the purpose of the change or adjustment is to avoid the payment of overtime to the plaintiffs.

40. On November 13, 2012 the Stevedores, through their collective bargaining representative, executed a completed Collective Bargaining Agreement with the PAG.

41. The PAG, through its Acting General Manager, executed the agreement on November 5, 2012.

42. The Collective Bargaining Agreement is a negotiated and enforceable agreement that binds the PAG to its terms.

43. The Collective Bargaining Agreement establishes a standard 8 hour workday spanning five days in a week.

WHEREFORE, Petitioners pray that:

1. The Decision and Judgment of the CSC issued October 6, 2015, holding that the Stevedores are not entitled to overtime for having worked more than 8 hours in a particular day be set aside and reversed;

2. The Court makes a determination that PAG Policy memorandum 04-88 is in effect and was not abrogated or otherwise repealed by PL 30-43;

3. The matter be remanded back to the CSC for further proceedings not inconsistent with the determinations of this court;

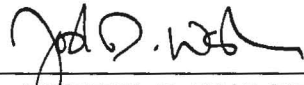
4. The matter be remanded back to the CSC for a determination of the overtime due to the Stevedores, including interest and benefit contributions;

5. The Stevedores be awarded their attorney's fees and costs on appeal; and

6. For such other relief as the Court deems appropriate.

*Respectfully submitted* this 5<sup>th</sup> day of November, 2015.

**CIVILLE & TANG, PLLC**

By:   
\_\_\_\_\_  
**JOSHUA D. WALSH**  
*Attorneys for Petitioner*  
*Cynthia Johnson*



# Exhibit “A”

I GOBIETNON GUAHAN

---

CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS MEETING

*Grievance Hearing on Port Transportation  
Stevedore Terminal*

*Vs.*

*The Port Authority of Guam,  
Case Number 13-GRE 11.*

September 23, 2014

ORIGINAL

PREPARED BY: GEORGE B. CASTRO  
DEPO RESOURCES  
#49 Anacoco Lane, Nimitz Hill Estates  
Piti, Guam 96915  
Tel: (671)688-DEPO • Fax: (671)472-3094

1 nobody else that's going to do it except us.  
2 So, we --

3 CHAIRMAN: Well, that's good. That's -  
4 -

5 MS. TUNCAP: Well, if you have an  
6 outlet, I mean, there's a way out of here. You  
7 can just resign. I mean, you know, if you're  
8 unhappy. But don't let go because you have  
9 families, right?

10 EMPLOYEE: Of course.

11 MS. TUNCAP: But really, management,  
12 management is doing the right thing for their  
13 point of view, for their operation. Secondary  
14 employees, my friend, believe that. Because  
15 I've been through the mills myself. So, sorry.

16 CHAIRMAN: Commissioner Pangelinan?

17 MS. PANGELINAN: Mr. Chair, I think the  
18 bottom line here I see is that these employees  
19 were used to getting paid overtime for working  
20 beyond the eight-hour per day. Well, the Fair  
21 Labor Standard Act has been established way  
22 back and it does trump the local law; but I  
23 guess sometimes it's hard to accept change.  
24 When we're so spoiled -- I mean I came from  
25 bottom up, okay? The Airport was a -- where I

**DEPO RESOURCES**

George B. Castro

**Court Reporter**

Tel.(671)688-DEPO \* Fax(671)472-3094

1           So, Commissioners, just because  
2 everything I'm saying, I move to ratify the  
3 grievance with your recommendation.  
4 Commissioner Hongyee?

5           MS. HONGYEE: I agree too. You know, I  
6 worked for a non-profit agency and we practiced  
7 that, the 40-hour workweek and you have to work  
8 straight time 40 hours before you get overtime.  
9 It's been something that we practice. It's  
10 nothing new to us. And that I believe is the  
11 law. So, yeah, I agree with the chair.

12           CHAIRMAN: Commissioner Leon Guerrero?

13           MR. LEON GUERRERO: Thank you, Mr.  
14 Chairman. The thing about it is the tariff  
15 actually, you know, they charged the ship to  
16 the tariff and continued over eight hours and  
17 stuff. But looking at the law itself, the law,  
18 it seems like they trumped the policy. And I  
19 only look at the law, the employee renders  
20 service in excess of 40 straight time hours per  
21 workweek and it's consistent with the  
22 grievance. So, I have to go ahead with  
23 management.

24           CHAIRMAN: Commissioner Tuncap?

25           MS. TUNCAP: Management.



## 1 REPORTER'S CERTIFICATE

2  
3 I, **George B. Castro**, Court Reporter, do  
4 hereby certify the foregoing 49 pages to be a  
5 true and correct transcript of the audio  
6 recording provided to me in the within-entitled  
7 and numbered case at the time and place as set  
8 forth herein.

9 I do hereby certify that thereafter the  
10 transcript was prepared by me or under my  
11 supervision.

12 I further certify that I am not a direct  
13 relative, employee, attorney or counsel of any  
14 of the parties, nor a direct relative or  
15 employee of such attorney or counsel, and that  
16 I am not directly or indirectly interested in  
17 the matters in controversy.

18 In testimony whereof, I have hereunto set  
19 my hand and seal of Court this 29<sup>th</sup> day of  
20 October, 2015.

21  
22 

23 George B. Castro  
24  
25

# Exhibit “B”



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



IN THE MATTER OF:

PORT TRANSPORTATION,  
STEVEDORE, TERMINAL

Employee,

vs.

PORT AUTHORITY OF GUAM,

Management.

GRIEVANCE APPEAL  
CASE NO. 13-GRE-11

DECISION AND JUDGMENT

This matter came before the Civil Service Commission on September 23, 2014, on Employees Port Transportation, Stevedore Terminal's (collectively "Employees") Grievance Complaint

Present for Management, Port Authority of Guam was its General Manager, Joanne Brown and its counsel of record Michael F. Phillips, Esq. Also present were Employees, Port Transportation, Stevedore Terminal's and their lay representative Daniel Del Priore.

JURISDICTION

The Commission has jurisdiction over these matters pursuant to the Organic Act of Guam, Title 4 of the Guam Code Annotated §4401 et. seq. and the Port Authority of Guam's Personnel Rules and Regulations.

FINDINGS OF FACT

1. Employees of the Port Authority of Guam's Port Transportation, Stevedore and Terminal divisions did not render any services to their employer, the Port Authority of Guam on

1 June 21, 2013.

2 2. Employees did not render services in excess of forty (40) straight time hours  
3 during the work week in question.

4 3. The work week established by Management begins on a Sunday and ends on a  
5 Saturday.

6 **CONCLUSIONS OF LAW**

7 1. Port Authority of Guam Personnel Rules and Regulations Rule 8.402 (E)  
8 Occurrence of Overtime Work provides:

9 Overtime work will occur when an employee renders service under  
10 any of the following conditions:

- 11 1. The employee renders service in excess of forty (40) straight  
12 time hours per workweek.  
13 2. The employee renders service on the employee's scheduled day  
14 off and there has been no change, by mutual consent or by due  
15 prior notice, in the work schedule.

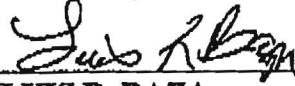
16 PRR Rule 8.402(E).

17 2. Based on the Personnel Rules and Regulations cited above, Employees are not  
18 entitled to overtime pay.

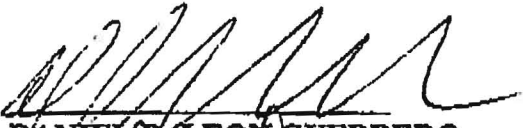
19 **JUDGMENT**

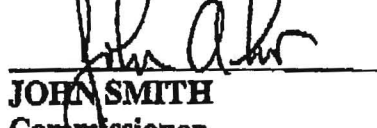
20 WHEREFORE, based upon a unanimous decision of 6-0, the Commission agrees with  
21 and incorporates Management's January 2, 2014, Findings and Recommendations as if fully set  
22 forth herein and DENIES Employees' request for overtime pay.

23 So Ordered this 6<sup>th</sup> day of October, 2015, as determined by votes taken on  
24 September 23, 2014.

25   
\_\_\_\_\_  
LUIS R. BAZA  
Chairman


  
\_\_\_\_\_  
PRISCILLA T. TUNCA  
Commissioner

  
\_\_\_\_\_  
DANIEL D. LEON GUERRERO  
Vice-Chairman

  
\_\_\_\_\_  
JOHN SMITH  
Commissioner



  
**LOURDES HONGYEE**  
Commissioner

  
**EDITH C. PANGELINAN**  
Commissioner

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