



CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
/ Gobiernon Guahan
 Bell Tower, Suite 201
 710 West Marine Corps Drive
 Hagatna, Guam 96910
 Website: csc.guam.gov



LOURDES A. LEON GUERRERO
 Governor
JOSHUA F. TENORIO
 Lieutenant Governor

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DANIEL D. LEON GUERRERO
 Executive Director

DATE: September 30, 2021

TO: Executive Director, Civil Service Commission

FROM: Rhea Sanchez

SUBJECT: Letter of Appeal Letter of Complaint
 (Must check only one (1) item. For multiple Appeals or Complaints please fill out additional forms.)

APPEAL: (Please check only one (1) box)

- Adverse Action Grievance Equal Employment Opportunity
 Lay-Off "Bad Faith" Furlough "Bad Faith" Priority Placement "Bad Faith"

COMPLAINT: (Please check only one (1) box)

- Post Audit Notice of Personnel Action Lay-Off Furlough Priority Placement
 Public Protection Act, "AKA: Whistle Blower" Ethics in Procurement Political Activity, "AKA: Mini-Hatch"

I, Rhea R. Sanchez
 (Print Full Name)

A Classified employee Unclassified Employee of Guam Police Department in the position
 (Agency or Department)

Law Enforcement Dispatcher I, alleges that the action is inappropriate for the following reasons:
 (Your official job title)

-unfair, unjust and procedurally defective

[Signature] 09/30/2021
 Signature & Date

**GOVERNMENT OF GUAM
GUAM POLICE DEPARTMENT
NOTICE OF ADVERSE ACTION**

IAS CASE NO. 21-042

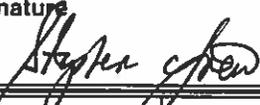
SJD:

NAME OF EMPLOYEE: (First, Middle, Last) RHEA R. SANCHEZ	RANK OR TITLE: LAW ENFORCEMENT DISPATCHER I
BUREAU OR DIVISION: SUPPORT BUREAU	DATE OF THIS ACTION: 09/29/2021

LAST KNOWN ADDRESS
GUAM POLICE DEPARTMENT

TYPE OF ACTION
 Final Notice of Adverse Action
 Notice of Proposed Adverse Action. This is a Notice of Proposed Adverse Action which may result in any of the following:

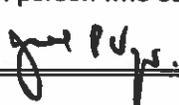
<p>A. DISMISSAL (Temporary Intermittent, Provisional, Seasonal or Part Time)</p> <p>Effective _____ There is no appeal from this action. Refer to Department of Administration.</p> <p>B. DISMISSAL (From Permanent Appointment)</p> <p>Effective _____ You may appeal this action in accordance with the procedures outlined on page 4.</p>	<p>C. SUSPENSION</p> <p>Effective <u>October 3, 2021 to October 16, 2021</u> You may appeal this action in accordance with the procedures outlined on page 4.</p> <p>D. DEMOTION</p> <p>Effective _____ You may appeal this action in accordance with the procedures outlined on page 4.</p>
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CHIEF OF POLICE STEPHEN C. IGNACIO	Signature 	Date 9/23/21
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Signature of Employee Being Served RHEA R. SANCHEZ	Date 09/29/2021	Time 2:21pm
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I hereby certify that the original copy of this notice was served on the subject employee on this 29th day of SEPTEMBER, 2021, at 2:21 P.M.

<input checked="" type="checkbox"/> Served Personally	<input type="checkbox"/> Copy left at last known address.	<input type="checkbox"/> Certified Mail
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Print name of person who served notice PO3 J.P. VERANO	Signature of person who served notice 
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EMPLOYEE'S RIGHTS

Chapter 11.306, PR&R, EO96-24 Notice of Proposed Adverse Action

An employee against whom adverse action is sought is entitled to immediate written notice stating any and all reasons, specifically and in detail, for the proposed action. The written notice must make it clear that it concerns only proposed action and not a matter already decided. A copy of such action shall be filed by the department with the Department of Administration and CSC.

Chapter 11.307, PR&R, EO96-24 Employee's Answer

An employee is entitled to seek reconsideration of the proposed adverse action by answering any charges within ten (10) days after receipt of the notice; the answer may be made orally, in writing, or both. The department/agency head shall be available to meet with the employee at the designated date and time. The department/agency head may designate a committee to hear the employee's answer. The employee may be represented by a person of his choice. The department/agency head must consider the employee's answers to the charges in the proposed adverse action notice. If the employee fails to answer during the notice period, the employee's inaction shall be construed as an answer and the department/agency head may proceed with the adverse action upon expiration of the notice period.

Chapter 11.308, PR&R, EO96-24 Suspension During Notice Period

- A. An employee against whom adverse action is proposed, must be retained in active-duty status during the notice period; however, in an emergency situation, an employee may be immediately suspended during the notice period, under the following conditions:
1. The continued presence of the employee may interfere with the efficient operation of the department/agency, or the health or safety of the employee or others.
 2. Suspension is necessary to eliminate the possibility of deliberate damage to equipment, property or important documents.
 3. The employee's absence without authorized leave prevents the issuance of notice of proposed adverse action and the department/agency's attempt to contact the employee was unsuccessful.
- B. Suspension under this section is a separate adverse action and is appealable to the Commission within twenty (20) days of the effective date of the immediate suspension. A copy of the notice of immediate suspension shall be filed with the Civil Service Commission not later than the next working day following the effective date of the suspension.
- C. If the Commission sustains the department's action in suspending the employee during the notice period, the number of days of suspension under this section shall be considered part of the final disciplinary penalty and in no case shall the final days of suspension be more than thirty (30) work days.

Chapter 11.311, PR&R, EO96-24 Final Notice of Adverse Action

- A. An employee is entitled to written notice of the department's decision within ten (10) days after receipt of the employee's answer to the charge(s). The decision shall be made by the department/agency head and shall be delivered to the employee at or before the time the action will be made effective.

The notice shall be in writing; be dated; state the specific facts found upon which such action is based; inform the employee of his right to appeal to the Commission; and, inform the employee of the time limit within which an appeal may be submitted as provided in Section CSC-100(c) of the Civil Service Commission Hearing Procedures for Adverse Action Appeals.

- B. In the event the appointing authority cannot locate the employee, the Notice of Proposed Adverse Action and/or Notice of Final Adverse Action shall be sent, certified mail, to the employee's last known address.
- C. Copies of the final notice of adverse action shall be filed by the department with the Commission not later than the next work day following the effective date of the action. A copy of the final notice shall be filed with the Department of Administration.

CSC-100, PERSONNEL RULES & REGULATIONS, APPENDIX A, EO96-24

[X] A. Right to Appeal

- 1. Any person in the classified service holding a permanent appointment and who is subject to an adverse action by management, except one who is exempted by law from the jurisdiction of the Civil Service Commission, is entitled to appeal an adverse action to the Civil Service Commission. A person who has been appointed to a permanent position and who has satisfactorily completed his probationary period holds a appointment.
- 2. A contract employee occupying a permanent position in the classified service is entitled to appeal an adverse action to the Civil Service Commission during the term of his contract. Non-renewal of the contract by the government of Guam is not appealable.

[X] B. Contents of Appeal

An appeal shall be in writing and shall set forth the answer to the charges and the grounds for appeal. An appeal may be amended within 15 days after filing. A person who is the subject of an adverse action and who files an appeal on his own behalf or through a representative is the appellant.

[X] C. Time Limit for Filing Appeal

An appeal must be submitted within 20 calendar days from the effective date of the action.

[X] D. Rights in Pursuit of Appeal

An appellant shall:

- 1. Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.
- 2. Have the right to be accompanied, represented, and advised by a representative.
- 3. Be assured a reasonable amount of official time to prepare his case if he is on duty status.

NOTE: CHAPTER 11.302d PR&R, EO96-24 DEFINITION OF DAY

Day means calendar days unless otherwise specified.

This case pertains to a report of Conformance to Laws/Driving While Impaired initiated by the Office of the Chief of Police.

This investigation has found the following facts and evidence:

1. On Wednesday, June 23, 2021, POI Wright from the Central Precinct Command (CPC) initiated a Preliminary Report of Assault (GPD Case No. 21-15086). POI Rachelle M. Benavente reported that she was assaulted by LEDI Corina Paulino while at #278 San Vicente Drive in Barrigada. During the course of the investigation, it was discovered that LEDI Corina had operated a vehicle after consuming several alcoholic beverages from different establishments during the night prior to the assault. The case was closed after POI Benavente refused to file any charges against LEDI Paulino.
2. A re-investigation was initiated by the Chief of Police to have Guam Highway Patrol Division (GHPD) Investigators look into the possibility that LEDI Paulino was impaired. During the investigation, it was discovered that POI Benavente and LEDI R.R. Sanchez had also operated a vehicle were possibly impaired.
3. On Wednesday, June 30, 2021, GHPD Investigator concluded their investigation and based on their interviews and evidence gathered, it was determined that there was probable cause to effectuate an arrest on POI Benavente, LEDI Paulino, and LEDI Sanchez for the offense of Driving While Impaired.
4. On Thursday, July 1, 2021, GHPD Investigators arrested POI Benavente, LEDI Paulino, and LEDI Sanchez for the offense of DWI and were booked and later released.
5. During interviews, POI Benavente confessed that she had consumed alcoholic beverages at Min's Karaoke Lounge on June 23, 2021. POI Benavente confessed that she drove her vehicle to follow LEDI Paulino to LEDI Sanchez's residence in Barrigada. While at the residence, POI Benavente and LEDI Paulino were engaged in a physical altercation which resulted with police officers from the Central Precinct Command to respond and an Assault complaint initiated.
6. During interviews, LEDI Paulino confessed to consuming alcoholic beverages at The Venue, Horse and Cow, Porky's and Min's Karaoke Lounge. LEDI Paulino confessed that she operated a vehicle after consuming alcoholic beverages at each establishment to include driving back to LEDI Sanchez's residence in Barrigada. LEDI Paulino confessed that while at LEDI Sanchez's residence, she and POI Benavente were engaged in a physical altercation which resulted with police officers from the Central Precinct Command to respond and an Assault complaint initiated.
7. During interviews, LEDI Sanchez confessed to consuming alcoholic beverages at The Venue, Horse and Cow, Porky's and Min's Karaoke Lounge. LEDI Sanchez

confessed that she operated a vehicle and departed her residence and spent the night at POI Francine Castro's residence in Mangilao.

8. During interviews, POI Wright denied the allegations that he falsified his police report as alleged by Mr. Brockman's article in Kandit News website. POI Wright never observed POI Benavente drive to the precinct or leaving the precinct. He assumed Mr. Brockman had driven POI Benavente.
9. During interviews, POII Laxamana denied making the comment "The Chief of Police Mandated an investigation because he was scared of Kandit News" during his interview with POI Benavente; however, recalled that during interview with POI Benavente, her husband was told to leave the room; however, prior to leaving, he made a comment in words to the effect that Kandit will hear about this.
10. During interviews, POIII Perez denied making the statement that the Chief of Police ordered them to effectuate the arrest. POIII Perez stated the Chief of Police said that if there was probable cause, then do your job.

I. RECOMMENDATION

This investigative body concludes that upon the facts and evidence collected and presented herein this investigation it appears that the following GPD employees are allegedly in violation of the following:

1. LEDI Rhea R. Sanchez

General Order No. 99-01 - Department Rules and Regulations

Section III. VIOLATIONS OF RULES

Employee shall not commit any acts or omit any acts which constitutes a violation of any of the rules, regulations, directives or orders of the Department, whether stated in this General Order or elsewhere.

On July 1, 2021, you violated the statues under the Guam Code Annotated and general orders of Guam Police Department when you were arrested for Driving While Impaired.

Section VI. CONFORMANCE TO LAWS

- A. Employees shall obey all laws of the United States and the laws of the Territory.

You were arrested on Thursday, July 1, 2021 for Driving While Impaired demonstrates that your failed to obey the laws of Guam.

Title 9 GCA Crimes and Corrections

§ 92102. DRIVING WHILE IMPAIRED

It is unlawful for a person to drive, operate, or be in physical control of any motor vehicle within Guam:

- (a) While driving impaired, as defined in § 92101(f);
- (b) having an alcohol concentrate of 0.08 percent, or more, by weight, of alcohol in his blood as shown by a chemical analysis of such person's breath or blood administered as authorized by this Chapter;
- (c) having an alcohol concentrate of 0.04 percent, or more, by weight, of alcohol in the blood of a person under the age of twenty-one (21), as shown by a chemical analysis of such person's breath or blood administered as authorized by this Chapter;
- (d) having inhaled, ingested, applied or otherwise used any chemical, poison or organic solvent, or any compound, or combination of any of these, when as a result, his physical or mental abilities are impaired to such a degree that he no longer has the ability to drive a motor vehicle with the characteristics of a sober person of ordinary prudence under the same or similar circumstances; or
- (e) Having any combination of Subsections (a) through (d) of this Section.

On June 22, 2021, you consumed alcoholic beverages at the Venue, Horse and Cow, Porky's and Min's Karaoke Lounge. During that time, LEDI Paulino was your designated driver.

On June 23, 2021, while at your residence, #278 San Vicente Drive, Barrigada, LEDI Paulino and POI Benavente were engaged in a physical altercation. You departed your residence in a vehicle and drove to the Hagatna area where you got a flat tire. You spent the night at POI Francine Castro's residence in Mangilao.

Department of Administration – Personnel Rules & Regulations

DOA PR&R Rule 3.000 Ethical Conduct and Responsibilities of Government Employees

- A. Public service is a public trust. Employees are expected to be loyal to the U.S. Constitution, the Organic Act of Guam, and to perform their duties and responsibilities, ethically and in accordance with laws.

Rule 11.303 Authorized Causes for Adverse Action

- O. Other misconduct not specifically listed

II. NOTICE

Your job is critical to the mission of this department and you must remain focused, professional and above reproach at all times, as doing otherwise will not be tolerated. It is not only the violations of our general orders but also the violations of law that degrade the public's trust and confidence in us to discharge our public service. We must maintain the highest ethical and professional standards whether on or off duty in order to properly and effectively carry out the mission of the Guam Police Department and maintain the public's trust and confidence in us to serve them.

Therefore, based on your violations of the aforementioned general orders and laws, to include your acceptance of responsibility for your actions and of any discipline, I must determine the appropriate disciplinary remedy.

After my careful review of the facts and evidence collected in this investigation to include your answering and confessions before me, it is my decision that you shall be suspended for two (2) week, effective October 3 to October 16, 2021.

Please be advised that you have Twenty (20) Days in which to appeal this Final Adverse Action to the Civil Service Commission.

Guam Civil Service Commission
Department of Administration:
Personnel Management Division
Guam Police Department:
Legal Affairs/Internal Affairs Section
Human Resource Section

RECEIVED