

THE CONTENT OF THIS LETTER IS INADMISSIBLE PURSUANT TO GUAM
RULE OF EVIDENCE 408

MR. JOSE B. GUEVARA III

[REDACTED]

February 6, 2020

MR. LUIS R. BAZA
Deputy General Manager, Admin and Finance
Port Authority of Guam
1026 Cabras Highway, Ste. 201
Piti, GU 96925

***RE: Civil Service Commission ADVERSE ACTION APPEAL CASE -
NO: 13-AA02T -DECISION AND JUDGMENT***

Dear Mr. Baza,

In July 30, 2018, I returned back to work in the Port Authority of Guam (PAG, Port) after the Port's Legal counsel, Mr. Michael F. Phillips, informed my lawyer in June of 2018 that the Port Authority will no longer appeal the Supreme Court of Guam's decision. The Supreme Court's decision, which was originally released in February 2018, affirmed the Superior Court and Civil Service Commission's (CSC) decision in my favor. The CSC ordered the Port in May of 2013 to fully compensate me for all the time following my termination on December 18, 2012 until the date of reinstatement. The compensation shall include all employer's contribution to the Government of Guam Retirement Fund as well as the accumulation of vacation and sick days for all the pay periods between December 18, 2012 and the reinstatement date.

After almost 1 year since my return to the Port, personnel actions were issued to me in May 2019, which indicates my original base pay when I was terminated minus income I received in my work during my separation to the Port. The base pay used in each of the personnel action did not take into consideration any increments that was owed to me. Although the acting Personnel Administrator initially provided me the salary calculation with increments that was owed to me from the time that I was terminated to the reinstatement date, management made the decision to use the base pay listed in my termination personnel action despite two increments were owed to me from prior years' performance evaluation.

The purpose of this letter is to address what is owed to me by the Port Authority of Guam based on the CSC order. These items are listed below:

1. My compensation (Salary)
2. Benefits (Medical, Dental & GovGuam Life Ins.)
3. Sick and Annual leave Accrual
4. Retirement benefits due (Define Benefit Member and GovGuam Contributions)
5. Interest payment
6. Remaining balance of unpaid attorney's fees ; and
7. Payment Schedule for Installments; and

The following are my terms & conditions

1. That I be fully compensated for all the time following my termination on December 18, 2012 until my current date of employment by the 30th day from the date of management approval.

That my reinstatement includes *all* salary increments that were due for the period of December 18, 2012 to the current date using the last performance appraisal rating on record of "Outstanding" to adjust my salary accordingly.

*Mitigated my employment salary with the private firms I worked during my separation with the Port Authority of Guam in the amount of \$209,385.64.

Private Entities Salary Breakdown

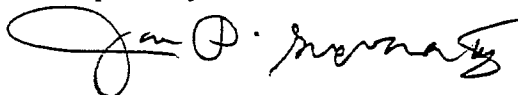
COMPANY	POSITION	YEAR	SALARY
[REDACTED]	Accountant	2014	19,567.97
[REDACTED]	Accountant	2014	1,950.08
		2014 Total	21,518.05
[REDACTED]	Accountant	2015	26,790.24
[REDACTED]	Accountant	2015	10,988.52
[REDACTED]	Accountant	2015	5,186.32
		2015 Total	42,965.08
[REDACTED]	Finance Manager	2016	48,880.25
[REDACTED]	Accountant	2016	4,027.50
		2016 Total	52,907.75
[REDACTED]	Finance Manager	2017	50,209.66
		2017 Total	50,209.66
[REDACTED]	Finance Manager	2018	41,785.10
		2018 Total	41,785.10
		Grand Total	209,385.64

2. Medical, Dental and Life Insurance Benefits reinstated from GGRF to PAG with no break in benefit coverage.
3. Reinstatement of *all* Annual and Sick Leave accrued for the period of December 18, 2012 to July 30, 2018.
4. Remit Define Contribution Plan (DC Plan) Retirement Member and Government of Guam Contributions:
5. Any remaining unpaid balance of attorneys fees by the 5th working day after the date of management approval.
6. A 6% interest charge per day is effectuated. Payment to be made by the 60th day of management approval.

My terms and conditions are reasonable as they are in accordance with CSC's May 13, 2013 Decision & Judgment, Supreme Court of Guam's February 7, 2018 Judgment and Guam Law.

Thank you for your prompt attention to this matter. I am looking forward to discussing this matter with you in the very near future. I may be reached at 727-2172.

Respectfully,



Jose B. Guevara III

Approved by:



Luis R. Baza

Deputy General Manager- Admin and Finance

2/7/2020

Date