BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

GL# 34-17-487

IN THE MATTER OF:

CELINE TAITAGUE, JAY J. FEJERAN, GABRIELA P.R. RIPPEL, DONALD SAN AGUSTIN, YVONNE ARCEO, and JULIA G. SALAS,

Employees,

vs.

ATTORNEY GENERAL'S OFFICE,

Management.

GRIEVANCE APPEAL
CASE NOS.: 14-GRE-47, 51, 55, 56, 63, 64

DECISION AND JUDGMENT

Office of the People
Senator Régine Biscoe Lee
Legislative Secretary
Date/Time: 5/3/17 @ 2:16pm
Initials:

2017 MAY -3 PM 2:38

This matter came before the Civil Service Commission (Commission) on Tuesday, December 8, 2016, on an Order to Show Cause Re: Jurisdiction. Employee Grievant, Donald San Agustin was present. Deputy Attorney General Karl Espaldon appeared on behalf of Management. Given that the parties had stipulated to waive oral argument on the Order to Show Cause, the Commission proceeded directly to deliberations.

Relying on our February 24, 2015, Judgment of Dismissal in *44 Signatories, Simon Sanchez High School* and *38 Signatories, Agana Heights Elementary v. Department of Education* (Grievance Appeal Case Nos. 14-GRE-04 and 14-GRE-05), the Commission reiterates its determination that, pursuant to Public Law 28-68, it does not have jurisdiction to hear employee grievances regarding classification and compensation. Furthermore, even if the Commission could

Speaker Benjamin J.F. Cruz

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hear these cases, it does not appear there is any enforceable remedy that we can fashion for these grievances.

Accordingly, as the instant grievance pertains to classification and compensation related to the implementation of the Competitive Wage Act of 2014, the Commission is without jurisdiction to hear this case. 4 GCA § 4403(c) gives the Commission jurisdiction to hear grievance appeals that are provided for in the relevant personnel rules. Department of Administration Personnel Rules and Regulations Rules 12.200 and 12.301(E) specifically exempt classification related appeals from grievances. Since the underlying complaint is that the employees' classification was modified through lowering of their step, this matter is outside the Commission's jurisdiction to hear.

THEREFORE, by a vote of 5-0, the Civil Service Commission dismisses this grievance for lack of jurisdiction.

SO ADJUDGED THIS 2nd day of May 2017.

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

CATHERINE GAYLE
Commissioner

MICHAEL G. TOPASNA
Commissioner

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