Gmail

BENJAMIN CRUZ <speaker@senatorbjcruz.com>

MC Fwd: Civil Service Commission Judgments

1 message

BENJAMIN CRUZ <speaker@senatorbjcruz.com>
To: 34th Guam Legislature Clerks <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Tue, Jul 10, 2018 at 9:49 AM

07/10/18	07/10/18	Civil Service Commission-Office of the Legislative Secretary Senator Regine Biscoe Lee	Civil Service Commission Judgments executed on July 3, 2018,*	34-18-2061

-------- Forwarded message --------
From: **Jean Cordero** <jean@guamlegislature.org>
Date: Tue, Jul 10, 2018 at 9:43 AM
Subject: Fwd: Civil Service Commission Judgments
To: speaker@senatorbjcruz.com
Cc: Edward Pocaigue <epocaigue@senatorbjcruz.com>, Hermina Certeza <hermina.certeza@senatorbjcruz.com>, Carlo Branch <carlo.branch@senatorbjcruz.com>

Submitted for messages and communications.

Thank you!

GH# 34-18-2061
Speaker Benjamin J.F. Cruz

JUL 10 2018
Time: 9:45 AM [ ] PM File No.____
Received By:

-------- Forwarded message --------
From: **James Perez Servino** <james.servino@guamlegislature.org>
Date: Tue, Jul 10, 2018 at 4:00 AM
Subject: Fwd: Civil Service Commission Judgments
To: Jean Cordero <jean@guamlegislature.org>, susan.corbin@csc.guam.gov

Hafa adai Ms. Susan, can you please include Jean@guamlegislature.org on these notices going forward please?

James Perez Servino
Office of the People, Senator Régine Biscoe Lee
mobile: 671-487-3502 | james.servino@guamlegislature.org
| Mina Trenta Kuattro Na Liheslaturan Guahan | 34th Guam Legislature | Committee on Innovation and Economic, Workforce, and Youth Development

-------- Forwarded message --------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Sun, Jul 8, 2018 at 5:52 PM
Subject: Civil Service Commission Judgments
To: senatorbiscoelee@guamlegislature.org, James.servino@guamlegislature.org

Hafa Adai Senator Lee: Please find attached the Civil Service Commission Judgments executed on July 3, 2018, for your information.

Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1855

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Jeanenne P. Cordero "Jean"
Office Manager
Office of Senator Regine Biscoe Lee
671-472-3455/6 (office)
671-486-6926 (cell)

–
OFFICE OF SPEAKER BENJAMIN J.F. CRUZ
Committee on Appropriations and Adjudication
I Mina'trenta Kuattro na Liheslaturan Guahan
Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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2018 JUL 10 AM 9:55

CSC Judgments.July 3. 2018.pdf
201K

2061

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

JUANITA AGUON,

Employee,

vs.

DEPARTMENT OF CORRECTONS,

Management.

GRIEVANCE APPEAL
CASE NO.: 17-GRE25

DECISION AND JUDGMENT

INTRODUCTION

This matter came before the Guam Civil Service Commission for a motion hearing at its regularly scheduled meeting on Tuesday, May 15, 2018, at 5:45 p.m. on Management's Motion to Dismiss upon its premise that the Civil Service Commission lacked jurisdiction because of the Employee's failure to file her grievance in a timely manner based on the Department of Administration Rules and Regulations, Chapter 12, Grievance Procedures, Section 12.505.

Management was represented by Department of Corrections Director, Alberto A. Lamorena V. The Employee was represented by GFT Union representative Robert Koss. Commissioners present were: Edith Pangelinan, Priscilla Tuncap, John Smith, and Catherine Gayle.

I.

ISSUE

Did Management meet its burden of proof relating to its Motion to Dismiss for Lack of Jurisdiction?

II.

HOLDING

Yes. Management did meet its burden of proof relating to the Motion to Dismiss for Lack of Jurisdiction.

III.

JURISDICTION

The jurisdiction of the Civil Service Commission is based upon the Organic Act of Guam, 4 G.C.A. Section 4401 et.seq., and the Department of Administration Personnel Rules and Regulations.

IV.

FACTS

A grievance was filed by the Employee on November 16, 2017, that she was coerced to waive her re-employment rights. The Employee was re-employed on March 28, 2017, beyond the fifteen (15) calendar days as outlined in the Grievance Procedure, Section 12.505. Grievance Procedure, Step 1, Part B, Time Limit, paragraph 1, states, "Grievances concerning a particular act or occurrence, must be presented within 15 calendar days of that action or occurrence." Because of Employee's failure to file her grievance within the fifteen (15) calendar days, the Commission lacks the jurisdiction to hear the grievance.

V.

FINDING AND CONCLUSION OF LAW

Based upon the documents filed, and the testimony of Management and Employee's lay representative, the Commission voted 4 to 0 to approve Management's Motion to Dismiss for Lack of Jurisdiction. The Commission found that Management did meet its burden of proof, and that the Employee's failure to file her grievance as mandated in Department of Administration Rules and Procedures, Section 12.505, Grievance Procedure, Step 1, Part B, Time Limit, paragraph 1. Although the Employee argued that the action or occurrence was continuing, the Commission found that the Employee failed to inform Management that a situation existed, and therefore it was not a continuum of the grievance. The Commission's decision therefore dismisses Grievance Appeal No. 17-GRE25 for lack of jurisdiction.

SO ADJUDGED THIS 3RD **day of** July **2018.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISICILLA TUNCAP
Commissioner

JOHN SMITH
Commissioner

(absent)
CATHERINE GAYLE
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

MERCY B. GRINO, EUGENE C. CHARFAUROS, and EDWIN P. AQUINO,

Employees,

vs.

GUAM POLICE DEPARTMENT,

Management.

GRIEVANCE APPEAL
CASE NOs.: 17-GRE28,
17-GRE29, and 17-GRE30

DECISION AND JUDGMENT

INTRODUCTION

This matter came before the Guam Civil Service Commission ("Commission") for a Grievance Hearing on April 12, 2018. Present for the hearing was Employee's representative, Mr Robert Koss, and Management's representative, Mr. Ronald Taitano. Five members of the Commission were also present: Edith Pangelinan, Lourdes Hongyee, Priscilla Tuncap, John Smith, and Catherine Gayle.

JURISDICTION

The jurisdiction of the Commission is based upon the Organic Act of Guam, § 4401 et. seq., Title 4 of the Guam Code Annotated, and relevant portions of the Government of Guam Personnel Rules and Regulations applicable to the Guam Police Department.

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FINDINGS OF FACT

The Commission hereby makes the following findings of fact:

The parties stipulated to consolidate employees cases, 17-GRE28, 17-GRE29 and 17-GRE30, pursuant to exhibit E1 and M1.

Employee's argument that the veteran's preference points were applied in error by the Department of Administration during the rating process was not compelling to prove that the action of the government was improper. Management argued pursuant to exhibit M53, that the Office of the Attorney General of Guam, through its Deputy Attorney General, opined that the current practice and interpretation of applying preferential credit points under 4 GCA §4104 to an applicant's "overall rating" is the "correct interpretation of the law".

CONCLUSION

WHEREFORE, following due deliberation and based upon the determination by the Commission by a majority vote of 5 to 0 in favor of the Management, the Commission enters its Judgment.

IT IS SO ADJUDGED on this 3RD day of July, 2018.

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA TUNCAP
Commissioner

JOHN SMITH
Commissioner

(absent)
CATHERINE GAYLE
Commissioner

BEFORE THE
GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS

IN THE MATTER OF:

PATRICK ARTERO,

Employee,

vs.

DEPARTMENT OF AGRICULTURE,

Management.

POST AUDIT
CASE NO.: 18-PA01

DECISION AND JUDGMENT

INTRODUCTION

This matter came before the Civil Service Commission for a Post Audit Staff Assessment hearing on February 6, 2018. The Post Audit Investigation Report was presented on May 15, 2018 by Cynthia Camacho, Personnel Management Analyst II. The four members of the Commission present were: Edith Pangelinan, Priscilla Tuncap, John Smith, and Catherine Gayle.

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By a vote of 4 to 0 the Commission voted to vacate the "Provisional Null and Void," and, concurrently; by a vote of 4 to 0, the Commission also voted to accept and approve the Staff's recommendations on the Post Audit Investigation Report.

SO ADJUDGED THIS 3rd **day of** July **2018.**

EDITH PANGELINAN
Chairperson

LOURDES HONGYEE
Vice-Chairperson

PRISCILLA T. TUNCAP
Commissioner

JOHN SMITH
Commissioner

(absent)
CATHERINE GAYLE
Commissioner