# M&C Fwd: Civil Service Commission Judgments

1 message

**Speaker's Office** <speaker@guamlegislature.org> Wed, Jan 29, 2020 at 3:18 PM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>
Bcc: Tina Muna Barnes <tinamunabarnes@gmail.com>

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|---|---|---|---|---|---|
| 01-29-20 | 12:13 PM | 01-29-20 | Judgments executed by the Civil Service Commission in its meeting of January 28, 2020.* | Civil Service Commission | 35GL-20-1462 |

*Sinseru yan Minagâhet,*

**Office of the Speaker • Tina Rose Muña Barnes**
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
*I Mina'trentai Singko na Liheslaturan Guåhan*

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

35GL-20-1462
Speaker Tina Rose Muña Barnes

JAN 2 9 2020
Time 12:13 ( )AM (PM
Received By:

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Office of Senator Shelton Guam Legislature** <officeofsenatorshelton@guamlegislature.org>
Date: Wed, Jan 29, 2020 at 12:13 PM
Subject: Fwd: Civil Service Commission Judgments
To: Speaker's Office <speaker@guamlegislature.org>

Good afternoon Speaker Barnes:

Forwarding for your information.

Regards.

Evelyn Claros

---------- Forwarded message ---------
From: **Susan Corbin** <susan.corbin@csc.guam.gov>
Date: Wed, Jan 29, 2020 at 10:24 AM
Subject: Civil Service Commission Judgments
To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

2020 JAN 29 PM 4:04

*Hafa Adai Senator Shelton: Please find attached the judgments executed by the Civil Service Commission in its meeting of January 28, 2020. This is mandated under 4 GCA, Section 4403. Thank you.*

***Si Yu'os Ma'åsé***
Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1855

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*Si Yu'os Ma'åse,*

**Office of the People • Senator Amanda L. Shelton**
Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens

35th Guam Legislature
*I Mina'trentai Singko na Liheslaturan Guåhan*

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**2 attachments**

**Clarice Peredo vs. GBHWC-CSC18-GRE04 (1-28-20).pdf**
83K

**CSC vs. GIAA [Rick T. Garcia] CSC19-PA07 (1-28-20).pdf**
52K

1462

# BEFORE THE
# GUAM CIVIL SERVICE COMMISSION

## BOARD OF COMMISSIONERS

**IN THE MATTER OF:**

**CLARICE PEREDO,**

**Employee,**

**vs.**

**GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER,**

**Management.**

**GRIEVANCE APPEAL**
**CASE NO.: 18-GRE04**

## DECISION AND JUDGMENT

This matter came before the Commission for a grievance hearing November 21, 2019. Commissioners present were Chairperson Luis Baza, Vice Chairman Juan Calvo, Commissioner Priscilla T. Tuncap, Commission John Smith, and Commissioner Emilia F. Rice. Also present were Employee appearing with her Lay Representative, Robert Koss. Reina R. Sanchez, Acting Director of Guam Behavioral Health and Wellness Center (GBHWC) appeared along with her counsel, Donna Lawrence Assistant Attorney General.

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## JURISDICTION

The jurisdiction of the Commission is based upon the Organic Act of Guam, 4 GCA §4403(c), and relevant portions of the Personnel Rules and Regulations in effect for GBHWC.

## BACKGROUND

In May of 2016, Employee resigned in good standing from her position of Administrative Assistant with GBHWC at step 5 of her pay grade. In February, 2017, Employee requested re-employment to her former position at the same pay grade and step. The GBHWC Director approved the Employee's request at the same pay grade and step and submitted a request to Bureau of Budget and Management Research (BBMR) for issuance of a personnel action. BBMR responded that there was a policy that all re-employment personnel actions are to be processed at step 1 of the respective pay grade last held by the Employee.

On June 14th, 2017, Management advised Employee that she must sign a letter stating that she would accept re-employment at step 1 or she would not be re-employed. On June 15, 2017, Employee signed a letter accepting re-employment at step 1. Employee commenced re-employment July 24, 2017, and then filed her grievance December 22, 2017.

## DISCUSSION AND DECISION

Employee argues the letter she signed (the waiver of her claim to start back at level 5) was not voluntary, and that BBMR had no authority to force her to enter at level 1. Vice Chairman Calvo stated that she should be reinstated at level 5. Commissioner Rice agreed as did Chairman Baza. Commissioners Tuncap and Smith agreed with Management that this was a classification issue not subject to the grievance process. Chairman Baza argued that this is clearly not a classification issue, but a slotting issue within an existing classification. The

Commissioners voted 3 to 2 in favor of Employee. The grievance failed because Employee did not get the necessary vote of 4 affirmative votes from the Commissioners to support her grievance.

**IT IS SO ADJUDGED on this 28th day of January, 2020.**

**JUAN K. CALVO**
Chairman

**JOHN SMITH**
Vice Chairman

**PRISCILLA TUNCAP**
Commissioner

(absent)
**EMILIA F. RICE**
Commissioner

**ANTHONY P. BENAVENTE**
Commissioner

# BEFORE THE
# GUAM CIVIL SERVICE COMMISSION

## BOARD OF COMMISSIONERS

**IN THE MATTER OF:**

**CIVIL SERVICE COMMISSION, [RICK T. GARCIA]**

**Employee,**

**vs.**

**GUAM INTERNATION AIRPORT AUTHORITY,**

**Management.**

**POST AUDIT**
**CASE NO.: 19-PA07**

## ORDER AFTER HEARING

This matter came on before the Civil Service Commission (CSC) December 30, 2019, for a Post Audit Assessment Report. Commissioners present were Chairperson Juan Calvo, Vice Chairman John Smith, Commissioner Priscilla T. Tuncap, Commissioner Emilia F. Rice and Commissioner Anthony P. Benavente. Also present were John M. Quinata, Deputy Executive Manager of the Guam International Airport Authority (GIAA), and his counsel Dana Guiterrez.

CSC Staff read the staff assessment report into the record. On December 2, 2019, Rick T. Garcia, an employee of GIAA requested for the CSC to conduct a Post Audit into GIAA's selection of their Airport Police Supervisor.

By a vote of 5 to 0 the Commission voted to proceed forward with an investigation to determine if the GIAA complied with the merit process, and procedures in accordance with Guam law, personnel rules, and regulations in the selection of the airport Police Supervisor (lieutenant).

**SO ORDERED THIS 28th day of January, 2020.**

Juan C. Calvo
**JUAN K. CALVO**
Chairman

**JOHN SMITH**
Vice Chairman

Priscilla T. Tuncap
**PRISCILLA T. TUNCAP**
Commissioner

(absent)
**EMILIA F. RICE**
Commissioner

**ANTHONY P. BENAVENTE**
Commissioner