



BEFORE THE
GUAM CIVIL SERVICE COMMISSION



IN THE MATTER OF:

ANTONIA M. PAULINO,

Employee,

vs.

UNIVERSITY OF GUAM,

Management.

GRIEVANCE APPEAL
CASE NO. 13-GRE-12

DECISION AND JUDGMENT

This matter came before the Civil Service Commission on December 3, 2013 at the Commission's offices located in Sinajana, Guam. The University of Guam management ("UOG") was represented by University Legal Counsel Victorina M.Y. Renacia. Employee Antonia M. Paulino ("Paulino") was represented by Marie R. Diaz, lay representative. At issue were two motions: UOG's Motion to Dismiss for Lack of Standing and Want of Jurisdiction filed on October 24, 2013 and Paulino's Motion to Amend Appeal Action to Request for Follow Up filed on October 25, 2013.

I. Issue Presented

Whether the Commission has jurisdiction over a grievance appeal filed by an employee who is no longer a member of the classified service?

II. Holding

The Commission does not have jurisdiction over this grievance appeal because Paulino was not a classified employee of the government of Guam when this matter was filed with the

Commission and was not one even when she appeared before the Commission in this matter on December 3, 2013.

III. Discussion

Paulino was employed with the University of Guam from June 9, 1980 until her retirement on September 30, 1998. (See UOG's Mot. to Dismiss for Lack of Standing and Want of Jurisdiction at 2, Ex. M-3.) Paulino filed this grievance appeal on August 23, 2013. There is no dispute that Paulino did not return to service at the University of Guam between her retirement in 1998 and the date of her filing of this grievance appeal.¹ The Commission's Rules of Procedure for Grievance Appeals provide that "[a] person may appeal their grievance to the CSC, if the person...is a permanent, classified Employee[.]" CSC G5(a). Where the appealing grievant is not in the classified service of the government of Guam, it is clear that this Commission is without jurisdiction. Since the Commission has determined that it lacks jurisdiction in this matter, the Commission thus refrains from addressing Paulino's Motion to Amend Appeal Action to Request for Follow Up.²

IV. Conclusion

By a vote of 7-0, the Commission grants UOG's Motion to Dismiss to Dismiss for Lack of Standing and Want of Jurisdiction. This matter is therefore dismissed.

So ordered and adjudged this 1st day of April, 2014 as determined by a vote of 7-0 taken on December 3, 2013.



LUIS R. BAZA
Chairman



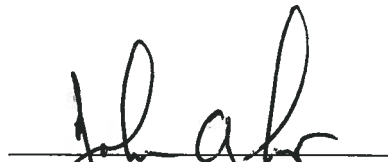
MANUEL R. PINAUIN
Vice-Chairman


¹ Indeed, at the hearing on the motions in this matter, Paulino, through her lay representative, admitted that she is not an employee of the government of Guam currently.

² At the hearing, Paulino, through her lay representative, informed the Commission that she understood that the grievance appeal process was the incorrect avenue for her to seek redress for her concerns. She further indicated that she understood that there may not be an available remedy to her at all before the Commission.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


PRISCILLA T. TUNCAP
Commissioner


JOHN SMITH
Commissioner


LOURDES HONGYEE
Commissioner


DANIEL D. LEON GUERRERO
Commissioner


EDITH C. PANGELINAN
Commissioner