



BEFORE THE  
 GUAM CIVIL SERVICE COMMISSION  
 BOARD OF COMMISSIONERS



IN THE MATTER OF:

CLARICE PEREDO,

Employees,

vs.

GUAM BEHAVIORIAL HEALTH & WELLNESS  
 CENTER,

Management.

GRIEVANCE APPEAL  
 CASES NO.: 18-GRE04

DECISION AND  
 ORDER

This matter came on to be heard before the Civil Service Commission (CSC) the 25<sup>th</sup> day of April 2019. Present for the hearing were Employee, Clarice Peredo, appearing with her representative, Robert Koss, and also present, were Donna Lawrence Assistant Attorney General, and Theresa Arriola, representing Guam Behavioral and Health and Wellness Center.

Attorney Lawrence argued that the grievance should be dismissed because the Employee's complaint involves pay, not the conditions of employment. Commissioner Gayle pointed out that Personnel Rules and Regulations, Section 12.1 provides:

“A grievance is any question or complaint filed by a permanent employee alleging that there has been a misinterpretation, misapplication or violation of personnel statute, rule, regulation or written policy which directly affect the employee...”

**DECISION AND ORDER**

*Clarice Peredo vs. Guam Behavioral Health & Wellness Center*  
 Grievance Appeal Case No.: 18-GRE04

1 Employee here complains that Management violated 4 GCA, §2108 and the  
2 Personnel Rules and Regulations, §4.502 (A) which requires that she be hired back at not  
3 less than the same salary she earned at her former position.

4 Mr. Koss did not file a brief in opposition to Management's motion but stated he  
5 believed the issue was resolved against Employee because of the Superior Court's  
6 decision in Juanita Aguon vs. Department of Corrections which involved a similar set of  
7 facts.

8 The Commissioners voted 3 to 2 in favor of Management's Motion to Dismiss,  
9 lacking four (4) affirmative votes, Management's Motion to Dismiss failed.

10 Attorney Lawrence then moved to void the Decision and Order signed on October  
11 25, 2018 (with respect to a vote taken on July 3, 2018) for failure to comply with the  
12 Open Government Law. After a discussion, the Commission voted 5 to 0 that the  
13 Commission did not violate the Open Government Law, and therefore the Motion to Void  
14 Decision is denied.

15 SO ORDERED THIS 18<sup>th</sup> DAY OF July, 2019

16   
17 LUIS R. BAZA  
Chairperson

18   
19 JUAN K. CALVO  
Vice-Chairperson

20   
21 PRISCILLA T. TUNCAP  
Commissioner

22   
23 JOHN SMITH  
Commissioner

24   
CATHERINE GAYLE  
Commissioner

**DECISION AND ORDER**

*Clarice Peredo vs. Guam Behavioral Health & Wellness Center*  
Grievance Appeal Case No.: 18-GRE04

# Transmission Report

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CIVIL SERVICE COMMISSION

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5	<b>IN THE MATTER OF:</b>		<b>GRIEVANCE APPEAL CASES NO.: 18-GRE04</b>	
6	<b>CLARICE PEREDO,</b>			
7	<i>Employees,</i>			
8	<b>vs.</b>		<b>DECISION AND ORDER</b>	
9	<b>GUAM BEHAVIORIAL HEALTH &amp; WELLNESS CENTER,</b>			
10	<i>Management.</i>			
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12	<p>This matter came on to be heard before the Civil Service Commission (CSC) the</p>			
13	<p>25<sup>th</sup> day of April 2019. Present for the hearing were Employee, Clarice Peredo,</p>			
14	<p>appearing with her representative, Robert Koss, and also present, were Donna Lawrence</p>			
15	<p>Assistant Attorney General, and Theresa Arriola, representing Guam Behavioral and</p>			
16	<p>Health and Wellness Center.</p>			
17	<p>Attorney Lawrence argued that the grievance should be dismissed because the</p>			
18	<p>Employee's complaint involves pay, not the conditions of employment. Commissioner</p>			
19	<p>Gayle pointed out that Personnel Rules and Regulations, Section 12.1 provides:</p>			
20	<p>"A grievance is any question or complaint filed by a permanent employee</p>			
21	<p>alleging that there has been a misinterpretation, misapplication or violation</p>			
22	<p>of personnel statute, rule, regulation or written policy which directly affect</p>			
23	<p>the employee..."</p>			
24	<b>DECISION AND ORDER</b>		Page 1 of 2	
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**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fall  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct



Susan Corbin &lt;susan.corbin@csc.guam.gov&gt;

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**Civil Service Commission Judgments**

1 message

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**Susan Corbin** <susan.corbin@csc.guam.gov>

Fri, Jul 19, 2019 at 10:54 AM

To: Office of Senator Shelton Guam Legislature &lt;officeofsenatorshelton@guamlegislature.org&gt;

*Hafa Adai Senator Shelton: Please find attached judgments executed by the Civil Service Commission in its meeting of July 18, 2019. This is mandated under 4 GCA, Section 4403. Thank you.*

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

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 **Civil Service Commission Judgments-July-18-2019.pdf**  
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