BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:

CLARICE PEREDO,

Employees,

vs.

GUAM BEHAVIORAL 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 25th 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

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

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

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

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

SO ORDERED THIS 18th DAY OF July, 2019

L U I S  R . B A Z A
Chairperson

J U L I A N K . C A L V O
Vice-Chairperson

P R I S C I L L A  T . T U N C A P
Commissioner

J O H N  S M I T H
Commissioner

C A T H E R I N E  G A Y L E
Commissioner

DECISION AND ORDER
Clarice Peredo vs. Guam Behavioral Health & Wellness Center
Grievance Appeal Case No.: 18-GRE04
Transmission Report

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GUAM CIVIL SERVICE COMMISSION
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IN THE MATTER OF:

CLARICE PEREDO,

Employees,

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GUAM BEHAVIORAL 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 29th day of April 2019. Present for the hearing were Employee, Clarice Peredo, appearing with her representative, Robert Kose, 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 Regulation, 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...”

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

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Abbreviations:
HS: Host send
HR: Host receive
WS: Waiting send
PL: Pollled local
PR: Polled remote
MS: Mailbox save
MP: Mailbox print
RP: Report
FF: Fax Forward
CP: Completed
FA: Fall
TU: Terminated by user
EC: Error Correct
TS: Terminated by system
G3: Group 3
Civil Service Commission Judgments

1 message

Susan Corbin <susan.corbin@csc.guam.gov> Fri, Jul 19, 2019 at 10:54 AM
To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

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'asé
Susan Corbin
Legal Secretary
Civil Service Commission
Tel: 647-1655

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