



BEFORE THE
GUAM CIVIL SERVICE COMMISSION



IN THE MATTER OF:

CAROL SOMERFLECK, et al.,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

**GRIEVANCE APPEAL
CASE NO. 13-GRE-03**

DECISION AND JUDGMENT

This matter came before the Civil Service Commission on June 6 and August 6, 2013 for hearings related to the appeal of several employees of the Department of Education ("DOE") of determinations rendered by the Step III Grievance Committee as constituted pursuant to DOE's personnel rules and regulations. Management of the DOE was represented by Robert Koss and Taling Taitano. Attorney Daniel Somerfleck represented the following employees: Carol Somerfleck, Patricia Bamba, Eden Laserna, Dolores Cayanan, Angela Dejesus, Norma Mafnas, Lisa Villanueva, Anna Cepeda, Neldie Pendon-Limtiaco, Rosemary Quitugua, Diana Charfauros, Jeannie Chapman, Riva Mesgnon, Melinda Benavente-Samilano, Tina-Lynn Leon Guerrero, Patrice Tenorio, Joann Brown, Susan Dejesa, Anilita Basto, Jennifer Tainatango, Ignacia Gumataotao, Stephanie Flores Taitano, Leslie Fajardo, Cecilia Cruz, Miriam Gumataotao, Rose Quitugua, Jennifer Muna, Maybell Mendiola, Barbara Salas, Welma Quitugua, Selina Castro, Crystal Duenas, Barbara Campbell, Matthew Barcinas, Angella Lujan, Rick Quinata, and Gina Munoz (collectively, "Employees").

ORIGINAL

1 Employees were grieving non-payment of increments following the issuance of
2 Executive Order 2011-14, which stopped all increment payments effective October 10, 2011.
3 Findings and recommendations were issued by the Step III Grievance Committee on March 25,
4 2013. At the June 6, 2013 hearing before the Commission, DOE Management represented that it
5 was moving toward payment of any outstanding increment payments in light of the issuance of
6 Executive Order 2013-004, which lifted the freeze on increments. Although DOE Management
7 attempted to ensure that all payments could be made to all employees to whom such increments
8 were owed in a timely manner, by the time this matter returned to the Commission for a further
9 hearing on August 6, 2013, full payment of all increments, inclusive of any retroactive pay, had
10 not yet been paid to the Employees grieving here. As a result, the Commission thus orders that
11 these thirty eight (38) Employees be paid in full for any increments due that were unpaid as a
12 result of the issuance of Executive Order 2011-14, including any retroactive amounts.

13 SO ADJUDGED THIS 27th DAY OF May 2014 as determined by a vote
14 of 6-0 taken on August 6, 2013.

16 NOT PRESENT

17 **LUIS R. BAZA**
Chairman

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

20 *Lourdes Hongyee*
21 **LOURDES HONGYEE**
Commissioner

22 *Edith C. Pangelinan*
23 **EDITH C. PANGELINAN**
Commissioner

16 *Manuel R. Pinahin*
17 **MANUEL R. PINAHIN**
Vice-Chairman

18 *John Smith*
19 **JOHN SMITH**
Commissioner

20 NOT PRESENT
21 **DANIEL D. LEON GUERRERO**
Commissioner