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# **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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DECISION AND JUDGMENT

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

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DECISION AND JUDGMENT

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

#### 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 reemployment 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 14<sup>th</sup>, 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

PRISCILLA TUNCAP

Commissioner

ANTHONY P. BENAVENTE

Commissioner

JOHN SMITH Vice Chairman

**EMILIA F. RICE** 

Commissioner