



**BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS**



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IN THE MATTER OF:

CLARICE PEREDO,

Employee,

vs.

**GUAM BEHAVIORAL HEALTH AND
WELLNESS CENTER,**

Management.

**GRIEVANCE APPEAL
CASE NO.: 18-GRE04**

ORDER AFTER HEARING

This matter came before the Civil Service Commission (CSC) September 12, 2019, on Managements' multiple motions. Commissioners present were Chairman Luis R. Baza, Vice-Chairman Juan Calvo, Commissioner Priscilla T. Tuncap, Commissioner John Smith, and Commissioner Emilia F. Rice. Present for Management were Acting Director Carissa E. Pangelinan, with her attorney, Assistant Attorney General Donna Lawrence. Employee was present with her lay representative, Robert Koss.

Chairman Baza noted that most of the motions presented by Management had already been ruled on by the Commission.

The Commission considered Management's motion to strike GFT's filing of July 10, 2019, which included a personal attack on Assistant Attorney General Lawrence.

ORDER AFTER HEARING

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

1 The Commission found the filing inappropriate and defamatory of opposing counsel. The
2 Commission voted 5 to 0 to strike the pleading from the record.

3 Management moved to dismiss the Grievance on the grounds that the CSC does not have
4 subject matter jurisdiction because the CSC does not have jurisdiction to decide classification
5 issues. Four members of the Commission found that this is a question of slotting (that is to say a
6 question of what step to place the returning employee into), not a classification issue. Employee
7 was returned to the same classification, but to a lower step within the classification. Commissioner
8 Tuncap ruled that the Commission did not have jurisdiction because this is an appeal of adverse
9 personnel action citing Department of Administration Personnel Rules and Regulations 12.301 F.
10 which excludes appeals of adverse personnel actions. By a vote of 4 to 1 (Commissioner Tuncap
11 dissenting) the Commission **DENIED** the motion to dismiss. Chairman Baza continued the hearing
12 on the merits to allow new the Commissioners to review the video of prior hearings.

13 **SO ORDERED THIS** 30 day of December 2019.

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15 (resigned)
16 **LUIS R. BAZA**
Chairman

Juan K. Calvo
JUAN K. CALVO
Vice-Chairman

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18 Priscilla T. Tuncap
PRISCILLA T. TUNCAP
Commissioner

John Smith
JOHN SMITH
Commissioner

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20 Emilia F. Rice
EMILIA F. RICE
Commissioner

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24 **ORDER AFTER HEARING**

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