



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



**IN THE MATTER OF:**

**FRANCES SUPERALES,**

**Employee,**

**vs.**

**DEPARTMENT OF EDUCATION,**

**Management.**

**GRIEVANCE APPEAL  
CASE NO.: 19-GRE09**

**DECISION AND JUDGMENT**

This matter came before the Civil Service Commission (Commission) October 3, 2019, on Management’s motion to dismiss. Commissioners present were Chairman Luis R. Baza, Vice-Chairman Juan K. Calvo, Commissioner Priscilla T. Tuncap, Commissioner John Smith, and Commissioner Emilia F. Rice. Appearing for Management, Guam Department of Education (GDOE) was Phyllis Blas. Daniel Del Priore, Lay Representative, appeared for the Employee who was not present.

Management moved to dismiss the grievance on the grounds that Employee failed to file her grievance appeals in a timely manner at Steps II, III, and IV of the Grievance Procedure. Management notes that GDOE Rules and Regulations 909.406 states that late filings will


**DECISION AND JUDGMENT**

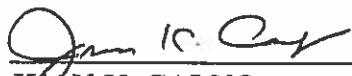
*Frances Superales vs. Department of Education*  
Grievance Appeal CSC Case No.: 19-GRE09

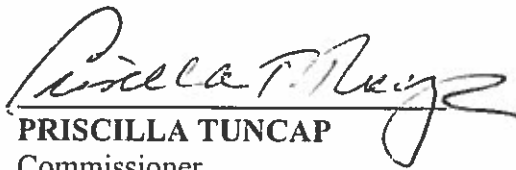
1 terminate the grievance. Lay Representative, Del Priore argued that Employee had no trained  
2 professional to help her process her grievance, and although she missed deadlines she filed her  
3 documents within a reasonable time and this matter should be heard on its merits.

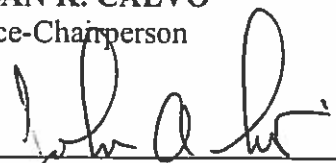
4 The Commission questioned Management about what training it provided to employees  
5 regarding the grievance process. Management responded that it does provide some training  
6 events, but attendance is voluntary. After reviewing all the arguments, the Commission decided  
7 it must follow the Rules and Regulations of the Department of Education. Rule 909.406 is  
8 unforgiving, late filings terminate a grievance. The Commission, therefore, voted 5 to 0 that it  
9 must GRANT Management's motion to dismiss.

10 IT IS SO ADJUDGED on this 7<sup>th</sup> day of November, 2019.

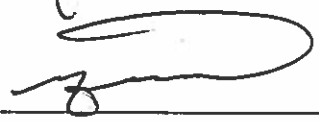
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13 **LUIS R. BAZA**  
Chairperson

  
**JUAN K. CALVO**  
Vice-Chairperson

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**PRISCILLA TUNCAP**  
Commissioner

  
**JOHN SMITH**  
Commissioner

16  
17 (absent)  
**CATHERINE GAYLE**  
Commissioner

  
**EMILIA F. RICE**  
Commissioner