



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



**IN THE MATTER OF:**

**JESSE G. QUIDACHAY,**

**Employee,**

**vs.**

**DEPARTMENT OF CORRECTIONS,**

**Management.**


**GRIEVANCE APPEAL  
CASE NO.: 19-GRE08**


**JUDGMENT OF DISMISSAL**

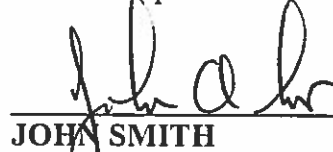
The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the signed Dismissal of Step 5 Grievance Review by the CSC, attached hereto.

SO ADJUDGED THIS 7<sup>th</sup> day of November 2019.

  
\_\_\_\_\_  
**LUIS R. BAZA**  
Chairperson

  
\_\_\_\_\_  
**JUAN K. CALVO**  
Vice-Chairperson

  
\_\_\_\_\_  
**PRISCILLA T. TUNCAP**  
Commissioner

  
\_\_\_\_\_  
**JOHN SMITH**  
Commissioner

(absent)  
\_\_\_\_\_  
**CATHERINE GAYLE**  
Commissioner

  
\_\_\_\_\_  
**EMILIA F. RICE**  
Commissioner

**JUDGMENT OF DISMISSAL**  
*Jesse G. Quidachay vs. Department of Corrections*  
Grievance Appeal Case No.: 19-GRE08



1 Robert E. Koss, Lay Representative  
 2 Guam Federation of Teachers  
 3 P.O. Box 2301  
 4 Hagatna, Guam 96910  
 5 Ph. (671) 735-4390 Fax (671) 734-8085  
 6 Email rkoss@gftunion.com

CIVIL SERVICE COMMISSION  
 RECEIVED  
 19-0851  
 OCT 04 2019  
 2:29 pm  
 GOVERNMENT OF GUAM  
 7/14/2019

BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

7 **JESSE G. QUIDACHAY,**  
 8 **Employee,**

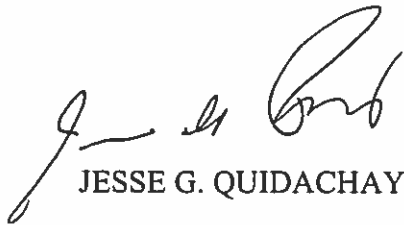
**GRIEVANCE APPEAL**  
**CSC Case No: 19-GRE08**

9 vs.

10 **DEPARTMENT OF CORRECTIONS,**  
 11 **Management.**

**DISMISSAL OF STEP 5**  
**GRIEVANCE REVIEW**  
**BY THE CSC**

12  
 13  
 14 Comes now, JESSE G. QUIDACHAY, Employee in the above referenced matter hereby  
 15 dismisses her step 5 grievance appeal pursuant to the favorable decision at step 4 of the  
 16 grievance process. Specifically, employee is satisfied with the decision of the DOA step 4  
 17 grievance review board (attached) and therefore no longer seeks further adjudication of the  
 18 matter at step 5 by the Civil Service Commission.  
 19  
 20  
 21

22   
 23  
 24 JESSE G. QUIDACHAY

10-03-2019  
 DATE

**ORIGINAL**

**GRIEVANCE REVIEW BOARD**

Department of Administration

Government of Guam

P.O. Box 884

Hagatna, Guam 96932

OCT 01 2019

**MEMORANDUM**

TO: Jesse G. Quidachay, Detention Facility Guard Leader  
Director of Corrections  
Department of Corrections

VIA: Director, Department of Administration

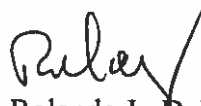
FROM: Chairperson, Grievance Review Board

SUBJECT: Employee Grievance Findings and Decision

8.20.19  
8/9/35/19

The Grievance Review Board conducted a hearing Thursday, August 22, 2019 at the Department of Administration Training Room to hear the Detention Facility Guard Leader grievance appeal against the Department of Corrections.

Based on the facts and evidence presented during this hearing, please find attached the Grievance Review Board's Decision.

  
Rolando L. Delfin  
Chairperson

Attachment

**GRIEVANCE REVIEW BOARD**

Department of Administration

Government of Guam

P.O. Box 884

Hagatna, Guam 96932

**MEMORANDUM**

**To:** Jesse G. Quidachay, Detention Facility Guard Leader  
Director of Corrections  
Department of Corrections

**Via:** Director, Department of Administration

**From:** Chairperson, Grievance Review Board

**Subject:** Grievance Review Board Decision-Step 4

In accordance with Step 4 of the Employee Grievance Procedures, the Grievance Review Board conducted a hearing Thursday, August 22, 2019 regarding a formal grievance appeal filed by Jesse G. Quidachay, Detention Facility Guard against the Director, Department of Corrections.

Pursuant to Step 4, the Director of Administration appointed the following members to the Grievance Review Board.

1. **Rolando Delfin, Conservation Officer I, Department of Agriculture**
2. **Linda Rodriguez, Human Resources Program Administrator,  
Department of Public Health and Social Services**
3. **Maria Uson, Accounting Technician II, Department of Administration**

Members of the Board elected, **Rolando Delfin** to serve as Chairperson.

Also present at the hearing were the Grievant, Jesse G. Quidachay, Detention Facility Guard Leader, Department of Corrections, and his representative Mr. Robert Koss, GFT, Respondent Ms. Samantha Brennan, Director of the Department of Corrections and Ms. Donna Lawrence, Representative for the Department of Corrections from the AG's office and Witness, Ms. Ovita Nauta, Administrative Services Officer, Department of Corrections.

The Grievant and Management were administered the oath and afforded an opportunity to present testimonies. Both parties were advised that only the testimonies for the issues accepted for processing at the Step 4 Employee Grievance Appeal hearing would be heard.

Respectively, the Board rendered its decision after its meeting. The Board acknowledged and addressed the following.

The following documents were submitted to the Board by the Grievant:

1. E1 – E2, Title 4GCA Public Officers & Employees, Chapter 4 Personnel Policy and Civil Service Commission
2. E3 – E4, Title 4GCA Public Officers & Employees, Chapter 6 Compensation of Public Employees
3. E5 – E6 DOA Personnel Rules and Regulations, Chapter 12, Grievance Procedures
4. E7 – E15 DOA Personnel Rules and Regulations, Chapter 6, Position Classification System & Compensation Plan
5. E16 – E19 DOA Personnel Rules and Regulations, Chapter 4
6. E20 – E25 Decision and Order Superior Court of Guam
7. E26 DOC Personnel Order FY 14-122
8. E27 Performance Evaluation Report
9. E28 – E29 Memo Captain Aguon
10. E30 Personnel Order FY16-100
11. E31 – E 33 DOA Notification of Personnel Action
12. E34 DOC Personnel Order FY 19-011
13. E35 – E 42 Memo Grievance Review Board
14. E43 DOC Personnel Order FY19-041

The following documents were submitted to the Board by the Respondent:

1. Office of the Attorney General, Grievance Step 4 Appeal
2. EX 1. DOC Memo HRD#19-369 (Quidachay)
3. EX 2, 4 GCA Public Officers & Employees CH. 4 Personnel Policy and the Civil Service Commission
4. EX 3, DOC Memo Response to Step 3
5. EX 4, DOA Notification of Personnel Action
6. EX 5, Calculator Days Between Dates
7. EX 6, CSC Letter of Appeal/Letter of Complaint dtd 5/8/19
8. EX 7, Chapter 12 Grievance Procedures
9. EX 8, Superior Court of Guam, Decision and Order Special proceedings Case No: SPOI132+18
10. EX 9, Office of the AG of Guam, Memo Ref: DOA 16-0388 Dtd, October 14, 2016

### **ISSUES and FINDINGS:**

#### **Issue No. 1:**

The Grievant, Jesse G. Quidachay was detailed from Detention Facility Guard Leader to Corrections Officer Supervisor I and was not properly compensated for the detail appointment from September 29, 2016 to February 12, 2019.

#### **FINDINGS:**

1. Department Corrections had issued a Personnel Order (FY-16-100) on July 1, 2016 for Detail Appointment from Detention Facility Guard Leader to Correction Officer Supervisor I with an effective date of July 1, 2016.

2. On February 12, 2019, Acting Director, Doc Samantha J. Brennan had issued Personnel Order FY 19-011 terminating the detail of Corrections Officer Supervisor I.
3. Department of Administration Notification of Personnel Action was prepared on February 19, 2019 for Termination of Detail Appointment with the effective date of September 29, 2016 of the detail appointment.

Pursuant to the Department of Administration Personnel Rules and Regulations:

Chapter 6, Rule 6.008 Compensation Following a Detail Appointment

- A. Employees serving a detail appointment, consistent with Rule 4.506 in excess of 30 consecutive days in a position having a higher pay grade than his regular position, shall receive a salary increase closest to and not less than a one-step increase in the current pay grade. Payment of the differential shall be deferred until the employee has served at least 30 consecutive days in a detail.

Title 4 Guam Code Annotated, Chapter 4 § 4117. Temporary Assignments

- A. No employee shall be temporarily assigned or detailed to a position nor shall the employee assume the duties and responsibilities of a position other than the one to which he has been appointed for a period in excess of ninety (90) days unless the appointing authority obtains exemption upon written application to the Director of Administration, which exemption shall not extend beyond an additional (90) days.

**CONCLUSION:**

In our investigation into your grievance which we received on June 25, 2019, we have determined the following based on the review of all information and documents and testimonies presented during the hearing. We, the Board, have concluded that the Grievant, Jesse G. Quidachay is entitled to all compensation that he is seeking in this grievance.


**RECOMMENDATIONS:**


The Board finds that your Grievance regarding the issue listed above is hereby sustained based on the aforementioned findings herein by the Board.


Therefore, since the Board recommends the remedy sought by the Grievant be granted, we further recommend that the Director of Corrections, coordinate with the Department of Administration the appropriate procedures to compensate Jesse G. Quidachay for his detail compensation.

In closing, the members of this Grievance Review Board would like to express our gratitude to the Grievant, Jesse G. Quidachay and Ms. Samantha J. Brennan, Director of Corrections for allowing us to review, deliberate and provide our recommendation.

The Board adjourned on Thursday, August 22, 2019 at 10:25 a.m.

  
**Rolando Delfin**  
Chairperson  
Date: 9/27/19

  
**Linda Rodriguez**  
Board Member  
Date: 9/27/19

  
**Maria Uson**  
Board Member  
Date: 9/27/19