

1 qualifications) of positions in the Guam Fire Department . . .". It would appear that GFD
2 responded to this request on December 19, 2017, producing certain electronic
3 correspondence. Employee's motion does not allege that Management's responses are
4 inadequate. Thus, Motion #1 is DENIED.

5 **2. Motions 2 and 3:**

6 "Motions to Compel #2 and #3," also filed December 7, 2017, appear to be
7 discovery requests directed at nonparty DOA.

8 Motion to Compel Discovery #2 seeks discovery from DOA officers Shane Ngata
9 and Michael Schniep to provide testimony and produce standard operating procedures
10 and methodology for evaluating applicants or candidates based on criteria provided by
11 GFD or other government of Guam agencies.

12 Motion to Compel Discovery #3 seeks information that would "define or clarify
13 DOA's step 4 grievance review board's decision in the Employee's case."

14 In its December 19, 2017 response to Motions #2 and #3, GFD stated that it was
15 unable to meet the requests because they are specific to DOA.

16 The Commission finds that the requested discovery from DOA would be helpful in
17 understanding why Employee was deemed ineligible for the subject promotion despite
18 completing the requisite training. Thus, the Commission GRANTS these motions, at
19 least in part.

20 Pursuant to Grievance Rule G3, the Commission takes pains to assist parties who,
21 without counsel or a representative. The Commission notes that it enjoys broad

1 subpoena powers, by virtue of 4 GCA Section 4404, which are not limited to adverse
2 action matters. Thus, the Commission may, should it elect to do so in the future, compel
3 discovery or testimony from DOA, or other persons or entities, by subpoena.

4 WHEREFORE, the motions are GRANTED IN PART AND DENIED IN PART, and
5 it is Ordered that the Department of Administration provide documents responsive to the
6 following ~~inquiries~~ ^{inquiries} within ten (10) days of the date of this Order:

7 1. Documents relating to standard operating procedures and methodology for
8 evaluating applicants or candidates for promotion at GFD based on criteria provided by
9 GFD or other government of Guam agencies.

10 2. Documents supporting, defining or clarifying DOA's step 4 grievance review
11 board's decision in the Employee's case.

12 If Employee or Management wish to subpoena particular witnesses to testify at the
13 merits hearing for this grievance, they may seek subpoenas from the Commission in the
14 customary manner.

15 IT IS SO ADJUDGED on this 20th day of February, 2018.




EDITH PANGELINAN
Chairperson



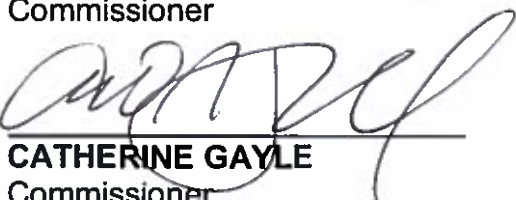
LOURDES HONGYEE
Vice-Chairperson



PRISCILLA TUNCAP
Commissioner



JOHN SMITH
Commissioner



CATHERINE GAYLE
Commissioner

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