



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



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IN THE MATTER OF:

FRANKLIN SANTOS,

Employee,

vs.

DEPARTMENT OF CORRECTIONS,

Management.

**GRIEVANCE APPEAL
CASE NO.: 19-GRE07**

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 3rd day of October 2019.

**LUIS R. BAZA
Chairperson**

**JUAN K. CALVO
Vice-Chairperson**

**PRISCILLA T. TUNCAP
Commissioner**

**JOHN SMITH
Commissioner**

**CATHERINE GAYLE
Commissioner**

**EMILIA F. RICE
Commissioner**

JUDGMENT OF DISMISSAL
Franklin Santos vs. Department of Corrections
Grievance Appeal Case No.: 19-GRE07

1-5
9-18-19



Robert E. Koss, Lay Representative
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BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

FRANKLIN SANTOS,
Employee,

GRIEVANCE APPEAL
CSC Case No: 19-GRE07

vs.

DEPARTMENT OF CORRECTIONS,
Management.

DISMISSAL OF STEP 5
GRIEVANCE REVIEW
BY THE CSC

Comes now, **Franklin Santos**, Employee in the above referenced matter hereby dismisses his step 5 grievance appeal pursuant to the favorable decision at step 4 of the grievance process. Specifically, employee is satisfied with the decision of the DOA step 4 grievance review board (attached) and therefore no longer seek further adjudication of the matter at step 5 by the Civil Service Commission.

Franklin Santos

FRANKLIN SANTOS

9/10/19

DATE

GRIEVANCE REVIEW BOARD

Department of Administration
Government of Guam
P. O. Box 884
Hagatna, Guam 96932

JUL 17 2019

MEMORANDUM

TO: Franklin Santos, Correction Officer III
Director, Department of Correction

VIA: *[Signature]* Director, Department of Administration

FROM: Chairperson, Grievance Review Board

SUBJECT: Grievance Review Findings and Decision

*for
7/16/19*

The Grievance Review Board convened and held several meetings on June 11, June 20, and July 10, 2019 at the Department of Administration Computer Room and Customs and Quarantine Conference Room to discuss and review the grievance appeal against the Department of Corrections.

Based on the facts and evidence you had submitted on your grievance appeal, we were able to render a decision, therefore, no hearing was necessary. Please find attached the Grievance Review Board's decision.

[Signature]

Maria T. Uson
Chairperson

Attachment

Department of Corrections

JUL 24 2019 1440

Director's Office

Received By: *[Signature]*

GRIEVANCE REVIEW BOARD

Department of Administration
Government of Guam
P. O. Box 884
Hagatna, Guam 96932

MEMORANDUM

TO: Franklin Santos, Correction Officer III
Director, Department of Correction

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 met on June 11, June 20, and July 10, 2019 on the formal grievance appeal filed by Franklin Santos, Correction Officer III against the Director, Department of Correction.

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

1. **Maria T. Uson, Treasury Cashier Supervisor, Department of Administration**
2. **Linda B. Rodriguez, Human Services Program Administrator
Department of Public Health and Social Services**
3. **Joseph A. Gange, Customs & Quarantine Officer III, Customs and Quarantine Agency**

Members of the Board elected **Maria T. Uson** from the Department of Administration to serve as Chairperson.

Respectively, the Board rendered its decision after several meetings. The Board unanimously agreed that since sufficient information existed to render a decision on this grievance, no hearing was necessary.

The following issue was accepted for processing and addressed by the Board.

ISSUES and FINDINGS:

Issue No. 1:

The Grievant, Franklin Santos, was detailed from Correction Officer III to Correction Officer Supervisor I and he was not compensated for his detail appointment from September 14, 2017 to February 12, 2019.

FINDINGS:

1. A Personnel Order on September 14, 2017 (P.O. FY-17-082) was issued by Department of Corrections Director Alberto A. Lamorena V effectuating the detail appointment of Franklin Santos from Corrections Officer III to Correction Officer Supervisor I.
2. Personnel Order on February 12, 2019 (P.O. FY19-011) was issued by Department of Corrections Director Samantha J. Brennan rescinding the detail appointment of Franklin Santos from Corrections Officer Supervisor I.
3. In reviewing all related documents submitted to this Board, we find that this fact is not disputed by either the grievant or respondent. The documents clearly show and supports the grievant's claim of a detail assignment.

Pursuant to the Department of Administration Personnel Rules and Regulations:

6.008 Compensation Following a Detail Appointment

- A. Employees serving a detail appointment, consistent with Rule 4.506, in excess of 30 consecutive calendar 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 calendar days in a detail.

Title 4 GCA § 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 an exemption upon written application to the Director of Administration, which exemption shall not extend beyond an additional ninety (90) days.

CONCLUSION:

In our investigation into your grievance we received on June 11, 2019 based on the review of all information and documents gathered, this Board concluded that the grievant is entitled to the compensation he is seeking in this grievance.

RECOMMENDATIONS:

Based on the findings and conclusion above, this Board recommends that the Grievant, Franklin Santos, be compensated for the period September 14, 2017 to February 12, 2019.


Therefore, since this Board recommends the remedy sought by the Grievant be granted, we further recommend that the Samantha Brennan, Director of Department of Corrections, coordinate with the Department of Administration the appropriate procedures to compensate Franklin Santos for his detail appointment.

In closing, the members of this Grievance Review Board would like to express our gratitude to the Grievant, Franklin Santos and Samantha Brennan Director of Department of Corrections for allowing us to review, deliberate, and deliver our recommendations on this matter.



Maria T. Uson
Chairperson

Date: 07/15/19



Linda B. Rodriguez
Board Member

Date: 7/15/19



Joseph A. Gange
Board Member

Date: 7/15/19