



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



IN THE MATTER OF:

JANE MARIE DIA,

Employee,

vs.

DEPARTMENT OF AGRICULTURE,

Management.

**GRIEVANCE APPEAL
CASE NO.: 21-GRE03**

DECISION AND JUDGMENT

This matter came before the Civil Service Commission (Commission) for grievance merit hearings on June 7, 8, and 9, 2022, at 9:00 a.m. to hear Employee's Step 5 grievance appeal filed with the Commission on December 23, 2021. Present at the motion hearings were on each of the above dates: Chairman Juan K. Calvo, Commissioner Priscilla Tuncap, Commissioner John Smith and Commissioner Robert C. Taitano. Commissioner Francisco Guerrero was present

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1 for the June 7, 2022 grievance hearing, but did not thereafter appear on June 8 and
2 June 9, 2022. Commissioner Guerrero did not deliberate or vote on this grievance
3 appeal on June 9, 2022. Vice Chairman Anthony Benavente was not present for
4 the June 7 and 8, 2022, hearings but was present for the June 9, 2022 hearing, but
5 did not deliberate or vote on the grievance appeal.

6 Employee Jane Maria Dia and her Lay Representative Robert Koss were
7 present for all three (3) grievance hearings. Present for Management at all
8 grievance hearings was Director Chelsa Muna-Brecht and her representative,
9 AAG Donna Lawrence.

10 *Factual Background/History/Discussion*

11 Employee's complaint is that she was treated unfairly and disrespectfully by
12 the Agency Director. The remedy she seeks is an apology. Employee testified that
13 she was subjected to a hostile work environment. Details were scarce to support
14 this claim, however Employee's Supervisor agreed that the Director created a
15 hostile work environment again with few specifics. At the grievance hearing,
16 Management argued that that the Commission lacked jurisdiction to hear
17 Employee's Step 5 grievance appeal under 4 GCA, § 4403 (c) because Employee
18 had no right to appeal to the Commission at Step 5 under the Department of
19 Administration's (DOA) Personnel Rules and Regulations. Management argued

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1 that Employee's Step 2 service on Jay Gutierrez on October 14, 2021, was
2 untimely.

3 Management claimed that Employee's grievance was untimely and that the
4 Commission lacked jurisdiction to hear the appeal.

5 ***Ruling***

6 The Commission did not rule on Management's motions to dismiss the
7 Employee's grievance as untimely and for lack of jurisdiction.

8 After hearing the arguments of the parties, reviewing all exhibits filed,
9 listening to the testimony of the witnesses, the Commission found Employee
10 failed to meet her burden of proof. The Commission ruled 4 to 0 in favor of
11 Management. Employee's grievance appeal is dismissed with prejudice.

12 **SO ORDERED this 30th day of June, 2022.**

13 

14 **JUAN K. CALVO**
Chairman

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16 **PRISCILLA T. TUNCAP**
Commissioner

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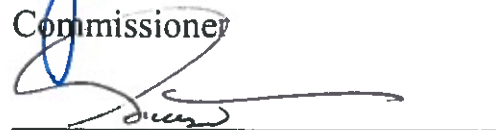
18 **ROBERT C. TAITANO**
Commissioner

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14 **ANTHONY P. BENAVENTE**
Vice Chairman

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16 **JOHN SMITH**
Commissioner

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18 **FRANCISCO T. GUERRERO**
Commissioner