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

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

**Factual Background/History/Discussion**

Employee's complaint is that she was treated unfairly and disrespectfully by the Agency Director. The remedy she seeks is an apology. Employee testified that she was subjected to a hostile work environment. Details were scarce to support this claim, however Employee’s Supervisor agreed that the Director created a hostile work environment again with few specifics. At the grievance hearing, Management argued that that the Commission lacked jurisdiction to hear Employee’s Step 5 grievance appeal under 4 GCA, § 4403 (c) because Employee had no right to appeal to the Commission at Step 5 under the Department of Administration’s (DOA) Personnel Rules and Regulations. Management argued
that Employee’s Step 2 service on Jay Gutierrez on October 14, 2021, was untimely.

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

**Ruling**

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

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

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

Juan K. Calvo
Chairman

Priscilla T. Tuncap
Commissioner

Robert C. Taitano
Commissioner

Anthony P. Benavente
Vice Chairman

John Smith
Commissioner

Francisco T. Guerrero
Commissioner

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