BEFORE THE
GUAM CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS

IN THE MATTER OF:
CIVIL SERVICE COMMISSION,
[Clarice B. Briggs, Complainant]
Employee,

vs.

GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER,
Management.

POST AUDIT APPEAL
CASE NO.: 21-PA07

ORDER AFTER HEARING

INTRODUCTION

This matter came on to be heard February 22, 2022 for Post Audit Staff Investigation Report Hearing. Commissioners present for the hearing were Chairman Juan K. Calvo, Vice Chairman John A. Smith, Commissioner Priscilla T. Tuncap, Commissioner Anthony P. Benavente and Commissioner Robert C. Taitano.

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JURISDICTION

The jurisdiction of the Commission is based on the Organic Act of Guam and 4 GCA §4401 (d)

FINDINGS OF FACT

1. On October 4, 2-21 Complainant, now employed at Department of Corrections requested for the Civil Service Commission to conduct a Post Audit into Guam Behavioral Health and Wellness Center’s rehiring Complainant.

2. Complainant and GBHW MC agreed to place her on Step 3 for her rehiring.

3. BBMR rejected that placement and would only fund rehiring at Step 1

4. Complainant was hired at Step 1.

5. Complainant believes she should have been placed at Step 3.

Complainant contends that the Step 1 placement is in violation of 4 GCA §2108 which states that Agencies may rehire at the applicants step at time of separation. Rehiring at the step held at separation is discretionary, not mandatory.

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6. Staff concluded that the actions of BBMR was beyond the scope of their power. However the actions of GBWHC were legal and did not violate the law.

7. The staff recommended that no further actions be taken on this matter.

CONCLUSIONS

After a lengthy discussion, the Commissioners voted as follows:

Chairman Calvo, Vice Chairman Smith, and Commissioner Taitano voted to provisionally null and void. Commissioner Tuncap abstained. Commissioner Benavente voted to take no further action.

SO ORDERED this 15th day of March, 2022.

(JA)  

JUAN K. CALVO  
Chairman

JOHN SMITH  
Vice Chairman

PRISCILLA T. TUNCAP  
Commissioner

ANTHONY P. BENAVENTE  
Commissioner

ROBERT C. TAITANO  
Commissioner

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