



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)

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**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 GBHWC 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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1 6. Staff concluded that the actions of BBMR was beyond the scope of  
2 their power. However the actions of GBWHC were legal and did not  
3 violate the law.

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

5 **CONCLUSIONS**

6 After a lengthy discussion, the Commissioners voted as follows:

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

10 **SO ORDERED** this 15th day of March, 2022.

11 *(absent)*

12 JUAN K. CALVO  
Chairman

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12 JOHN SMITH  
Vice Chairman

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14 PRISCILLA T. TUNCAP  
Commissioner

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14 ANTHONY P. BENAVENTE  
Commissioner

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16 ROBERT C. TAITANO  
Commissioner

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