



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



IN THE MATTER OF:

Civil Service Commission,
[Three (3) Guam Fire Department Employees
[J.J Cruz, R.T Candaso and J.A Pangelinan],

Employees,

vs.

GUAM FIRE DEPARTMENT,

Management.

**POST AUDIT APPEAL
CASE NO.: 21-PA06**

**ORDER AFTER
HEARING;
PROVISIONAL NULL
AND VOID**

INTRODUCTION

This matter came on to be heard February 8, 2022 for Post Audit Staff Investigation Report Hearing. Commissioners present were Chairman Juan K. Calvo, Vice Chairman John Smith, Commissioner Priscilla T. Tuncap, Commissioner Anthony P. Benavente, and Commissioner Robert C. Taitano.

ORDER AFTER HEARING; NULL AND VOID

*Civil Service Commission vs. Guam Fire Department [Three (3) GFD Employees:
J.J Cruz, R.T Candaso and J.A Pangelinan]*
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1 Attorney Jacqueline Terlaje appeared on behalf of Employees who were
2 also present. Assistant Attorney General Mathew Wolff appeared for
3 Management, Guam Fire Department.

4 JURISDICTION

5 The jurisdiction of the Commission is based upon the Organic Act of
6 Guam 4 GCA, §4401 (d).

7 FINDINGS OF FACT

8 1. Complainants, employees of the Government of Guam applied for and
9 were offered the position of Firefighter Recruit.

10 2. Management wanted to start the Complainants at Step 1 of the
11 Firefighter Recruit wage scale.

12 3. Management required Complainants to resign their current Government
13 of Guam positions as a condition of employment in order to avoid having to slot
14 them at a higher level through lateral transfer.

15 4. Complainants resigned their current positions and accepted the new
16 positions at Step 1.

17 5. Complainants subsequently filed this Post Audit Complaint.

18 CONCLUSIONS

19 There is no provision in statute nor rule which allows the Agency to
20

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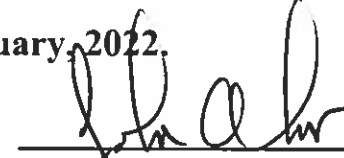
1 require an applicant for a classified position to resign his current position as a
2 condition to being hired. Management's resignation requirement was to avoid
3 having to slot the new hires at the step required by Department of Administration
4 Personnel Rules and Regulations relating to lateral transfers. Lateral transfers
5 must be paid at the same pay grade and step as the position they left. Personnel
6 Rules and Regulations (PR&R) 6.07.

7 If the Complainants had been allowed to laterally transfer PR&R 6.003,
8 Compensation Adjustment Following a Voluntary Demotion would require
9 Management to slot the new hires in the new pay grade closest to, but not more
10 than, the Complainant's salary at the time of demotion.

11 The Commission voted 5 to 0 to PROVISIONALLY NULL AND VOID
12 Complainants' personnel action. Management shall have ten (10) days to
13 respond pursuant to 4 GCA§4403 (d).

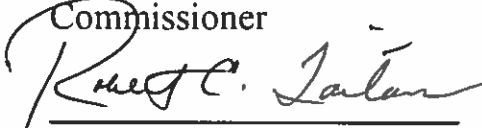
14 **SO ORDERED** this 22nd day of February, 2022.

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16 **JUAN K. CALVO**
Chairman


17 **JOHN SMITH**
Vice Chairman

18 
PRISCILLA T. TUNCAP
Commissioner


ANTHONY P. BENAVENTE
Commissioner

19 
ROBERT C. TAITANO
20 Commissioner

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