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.

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]
Post Audit Appeal Case No.: 21-PA06
Attorney Jacqueline Terlaje appeared on behalf of Employees who were also present. Assistant Attorney General Mathew Wolff appeared for Management, Guam Fire Department.

**JURISDICTION**

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

**FINDINGS OF FACT**

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

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

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

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

5. Complainants subsequently filed this Post Audit Complaint.

**CONCLUSIONS**

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

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Post Audit Appeal Case No.: 21-PA06
require an applicant for a classified position to resign his current position as a condition to being hired. Management’s resignation requirement was to avoid having to slot the new hires at the step required by Department of Administration Personnel Rules and Regulations relating to lateral transfers. Lateral transfers must be paid at the same pay grade and step as the position they left. Personnel Rules and Regulations (PR&R) 6.07.

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

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

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

Juan K. Calvo  
Chairman

John Smith  
Vice Chairman

Priscilla T. Tuncap  
Commissioner

Anthony P. BenaVente  
Commissioner

Robert C. Taitano  
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