

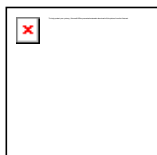
From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Thursday, June 30, 2022 4:28 PM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje
Subject: Messages and Communications for Doc. No. 36GL-22-2189*
Attachments: 36GL-22-2189.pdf

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-2189 for processing:

36GL-22-2189	Civil Service Commission Judgement - June 30, 2022*	Civil Service Commission
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Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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----- Forwarded message -----

From: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Date: Thu, Jun 30, 2022 at 4:10 PM
Subject: Messages and Communications for 36GL-22-2189
To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-2189*

36GL-22-2189	Civil Service Commission Judgement - June 30, 2022*	Civil Service Commission
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Si Yu'os Ma'åse',

Marie Cruz
Community Relations Liaison

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com
website: www.senatorterlaje.com

----- Forwarded message -----

From: **Susan Corbin** <susan.corbin@csc.guam.gov>

Date: Thu, Jun 30, 2022 at 2:00 PM

Subject: Civil Service Commission Judgment

To: Speaker's Office <speaker@guamlegislature.org>, Office of Senator Shelton Guam Legislature
<officeofsenatorshelton@guamlegislature.org>, <gll@guamlawlibrary.org>, GuamWEBZ WebCare
<webcare@guamwebz.com>

Hafa Adai: Please find attached one Decision and Judgment in the case of Jane Marie Dia vs. Department of Agriculture, CSC Case No.: CSC 21-GRE03, signed by the Commission today, June 30, 2022.

GuamWEBZ: Kindly add the Judgment to the CSC website.



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Civil Service Commission Judgment

Susan Corbin <susan.corbin@csc.guam.gov>

Thu, Jun 30, 2022 at 2:00 PM

Reply-To: susan.corbin@csc.guam.gov

To: Speaker's Office <speaker@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, gll@guamlawlibrary.org, GuamWEBZ WebCare <webcare@guamwebz.com>

Hafa Adai: Please find attached one Decision and Judgment in the case of Jane Marie Dia vs. Department of Agriculture, CSC Case No.: CSC 21-GRE03, signed by the Commission today, June 30, 2022.

GuamWEBZ: Kindly add the Judgment to the CSC website.

Jane Marie Dia vs. Dept of Agriculture; Decision & Judgment; CSC 21-GRE03; signed 6-30-22.pdf
104K

Doc Type: 36GL-22-2189
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

~~06~~ 30 2022

Time: 2:00pm
Received:

COMMITTEE ON RULES

RECEIVED:

June 30, 2022

4:10 P.M.



**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

DECISION AND JUDGMENT

Jane Marie Dia vs. Department of Agriculture
Grievance Appeal Case No.: 21-GRE03

Page 1 of 3

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

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

10 *Factual Background/History/Discussion*

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

20 **DECISION AND JUDGMENT**

Jane Marie Dia vs. Department of Agriculture
Grievance Appeal Case No.: 21-GRE03

Page 2 of 3

1 that Employee's Step 2 service on Jay Gutierrez on October 14, 2021, was
2 untimely.


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

5 ***Ruling***

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

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

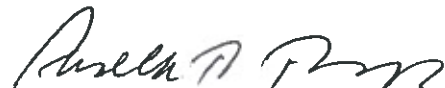
12 **SO ORDERED this 30th day of June, 2022.**

13 

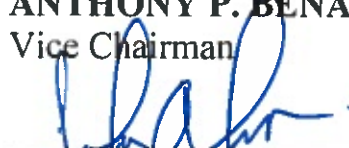
14 **JUAN K. CALVO**
Chairman

13 

14 **ANTHONY P. BENAVENTE**
Vice Chairman

15 

16 **PRISCILLA T. TUNCAP**
Commissioner

15 

16 **JOHN SMITH**
Commissioner

17 

18 **ROBERT C. TAITANO**
Commissioner

17 

18 **FRANCISCO T. GUERRERO**
Commissioner