32-14-1361

BEFORE THE GUAM CIVIL SERVICE COMMISSION

IN THE MATTER OF:

LIZA GARCIA, et al.,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

GRIEVANCE APPEAL
CASE NO. 13-GRE-08

DECISION AND JUDGMENT

I. INTRODUCTION

This Grievance came before the Civil Service Commission ("Commission") for hearing on an appeal of grievance committee findings on Tuesday October 29, 2013. Attorney Daniel Somerfleck appeared on behalf of Liza Garcia, John G. San Nicolas, John Meno, Frances Arriola, Sauna Santos, Alfred T. Garrido, Vicente G. Chargualaf, Nadine Calvo, Geraldine Tajalle, all of whom are school attendance officers with the Department of Education (hereinafter, "Employees"). Robert E. Koss, Lay Representative of the Department of Education ("DOE Management") and Robert Malay, Deputy Superintendent of Assessment and Accountability appeared on behalf of DOE Management.

II. JURISDICTION

The Commission has jurisdiction over appeals of grievance determinations pursuant to 4 G.C.A. §4403(c) and the Department of Education's Personnel Rules and Regulations at 909.800.

ORIGINAL

III. FACTUAL BACKGROUND AND DISCUSSION

On or about April 5, 2013, the Employees filed individual grievances appealing their respective position classifications and seeking a position reallocation or reclassification to a higher pay grade retroactive to October 2005 and sought to recover payment of associated back pay. Although the Employees proceeded through each of the previous steps of the grievance procedure contained in the DOE's Personnel Rules and Regulations individually, on June 21, 2013 Employees appealed the determinations made by the Step III Grievance Committee collectively and under a single case number. Thus, for purposes of hearing the Employees' grievances, the Commission held a single hearing.[1]

Pursuant to the Commission's Rules of Procedure for Grievance Appeals, the Commission reviews the findings issued by the Step III Grievance Committee for purposes of determining whether to accept or reject the same, either in whole or in part. CSC G#19. After reviewing the June 13, 2013 Step III Grievance Committee's recommendation, the Commission adopts and ratifies the same.

While the Commission ratifies the recommendations, it also strongly encourages DOE Management to work cooperatively with this group of employees to address their concerns.

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[1] It is also noted that the Step III Grievance Committee's June 13, 2013 recommendation was also issued in relation to all of the Employees' grievances.

V. CONCLUSION

The Commission, by a vote of 7-0, adopts and ratifies the recommendation of the Step III Grievance Committee, which was signed in concurrence by the Superintendent of Education, Jon J.P. Fernandez on June 18, 2013.

SO ORDERED THIS 27th DAY OF February 2014 as determined by a vote of 7-0 on October 29, 2013.

LUIS R. BAZA
Chairman

MANUEL R. PINAUIN
Vice-Chairman

PRISCILLA T. TUNCAP
Commissioner

Not present
JOHN SMITH
Commissioner

LOURDES HONGYEE
Commissioner

DANIEL D. LEON GUERRERO
Commissioner

EDITH C. PANGELINAN
Commissioner