

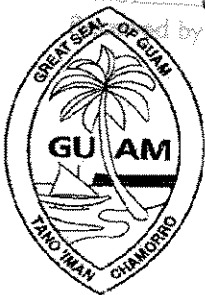
Office of the Legislative Secretary
Senator Tina Rivas Mufson Barnes

Date: 2-28-14

Time: 10:10 am

Received by: SPorder

32-14-1362



**BEFORE THE
GUAM CIVIL SERVICE COMMISSION**

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date: 2/28/14

Time: 10:15 A

Received by: B



IN THE MATTER OF:

JOHN SABLAN,

Employee,

Vs.

GUAM FIRE DEPARTMENT,

Management.

**GRIEVANCE APPEAL
CASE NO. 09-GRE-21 SP**

ORDER AFTER HEARING

IN THE MATTER OF:

JUAN P. SAN NICOLAS,

Employee,

Vs.

GUAM FIRE DEPARTMENT,

Management.

**GRIEVANCE APPEAL
CASE NO. 09-GRE-22 SP**

ORDER AFTER HEARING

This matter came before the CIVIL SERVICE COMMISSION ("Commission") on the 11th day of February, 2014, at its office located at Suite 6A, Sinajana for a motion hearing on the Peremptory Writ of Mandamus issued by the Superior Court of Guam on November 15, 2013. Present were employee, Juan P. San Nicolas, and his attorney, Jacqueline Taitano Terlaje ("Terlaje"). Employee, John J. Sablan, was not present, but represented by Terlaje. Guam Fire Department ("GFD") Chief Joey San Nicolas was present with counsel, Assistant Attorney

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1 General, Donna Lawrence.¹ Pending for consideration was GFD's Motion to Dismiss filed on
 2 January 28, 2014 requesting that the Commission dismiss for lack of subject matter jurisdiction.

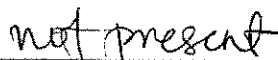
3 By unanimous vote, the Commission finds that it has subject matter jurisdiction over job
 4 reclassification appeals consistent with the Peremptory Writ of Mandamus issued by the Superior
 5 Court of Guam in Special Proceedings Case No. SP189-10. Specifically, the Superior Court of
 6 Guam in its Decision and Order, concluding that the writ should be issue, held, "[t]he Court finds
 7 the CSC does have jurisdiction over job re-classification appeals pursuant to 5.014(f)." In *Re San*
 8 *Nicolas and Sablan*, SP189-10 Decision and Order, p. 7 (Apr. 12, 2013). Therefore, the
 9 Commission denies GFD's motion to dismiss. As instructed by the Superior Court in its
 10 Peremptory Writ of Mandamus and its April 12, 2013 Decision and Order, this matter shall
 11 proceed to evidentiary hearing. Such evidentiary hearing will commence on May 6, 2014 and
 12 continue on such additional dates as determined by the Commission.

13 SO ORDERED on this 27th day of February, 2014, *nunc pro tunc* to February 11, 2014.

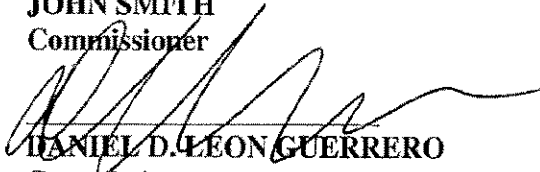
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 15 **LUIS R. BAZA**
 16 **Chairman**


 17 **MANUEL R. PINAUIN**
 18 **Vice-Chairman**

19 
 20 **PRISCILLA T. TUNCAP**
 21 **Commissioner**


 22 **JOHN SMITH**
 23 **Commissioner**

24 
 25 **LOURDES HONGYEE**
Commissioner


DANIEL D. LEON GUERRERO
Commissioner


EDITH C. PANGELINAN
Commissioner

¹ At the hearing on February 12, 2014, the employees requested that the Department of Administration be found in default or ordered to appear. Although a party to the Superior Court matter that resulted in this mandate to the Commission, the Department of Administration was not a named party to the underlying grievance appeals here when they were first filed with the Commission, nor has it appeared in these grievance appeal matters to date. The Commission is not inclined, at this time, to order its inclusion in this matter.