



BEFORE THE
GUAM CIVIL SERVICE COMMISSION



32-14-1688

IN THE MATTER OF:

GRIEVANCE APPEAL
CASE NO. 13-GRE-03

CAROL SOMERFLECK, et al.,

Employee,

vs.

DEPARTMENT OF EDUCATION,

Management.

DECISION AND JUDGMENT

Office of the Legislative Secretary
Senator Tina Rose Mufia Barnes

Date: 5-28-14
Time: 10:44
Received by: [Signature]

This matter came before the Civil Service Commission on June 6 and August 6, 2013 for hearings related to the appeal of several employees of the Department of Education ("DOE") of determinations rendered by the Step III Grievance Committee as constituted pursuant to DOE's personnel rules and regulations. Management of the DOE was represented by Robert Koss and Taling Taitano. Attorney Daniel Somerfleck represented the following employees: Carol Somerfleck, Patricia Bamba, Eden Laserna, Dolores Cayanan, Angela Dejesus, Norma Mafnas, Lisa Villanueva, Anna Cepeda, Neldie Pendon-Limtiaco, Rosemary Quitugua, Diana Charfauros, Jeannie Chapman, Riva Mesgnon, Melinda Benavente-Samilano, Tina-Lynn Leon Guerrero, Patrice Tenorio, Joann Brown, Susan Dejesa, Anilita Basto, Jennifer Tainatango, Ignacia Gumataotao, Stephanie Flores Taitano, Leslie Fajardo, Cecilia Cruz, Miriam Gumataotao, Rose Quitugua, Jennifer Muna, Maybell Mendiola, Barbara Salas, Welma Quitugua, Selina Castro, Crystal Duenas, Barbara Campbell, Matthew Barcinas, Angella Lujan, Rick Quinata, and Gina Munoz (collectively, "Employees").

1688

ORIGINAL

1 Employees were grieving non-payment of increments following the issuance of
 2 Executive Order 2011-14, which stopped all increment payments effective October 10, 2011.
 3 Findings and recommendations were issued by the Step III Grievance Committee on March 25,
 4 2013. At the June 6, 2013 hearing before the Commission, DOE Management represented that it
 5 was moving toward payment of any outstanding increment payments in light of the issuance of
 6 Executive Order 2013-004, which lifted the freeze on increments. Although DOE Management
 7 attempted to ensure that all payments could be made to all employees to whom such increments
 8 were owed in a timely manner, by the time this matter returned to the Commission for a further
 9 hearing on August 6, 2013, full payment of all increments, inclusive of any retroactive pay, had
 10 not yet been paid to the Employees grieving here. As a result, the Commission thus orders that
 11 these thirty eight (38) Employees be paid in full for any increments due that were unpaid as a
 12 result of the issuance of Executive Order 2011-14, including any retroactive amounts.

13 SO ADJUDGED THIS 27th DAY OF May 2014 as determined by a vote
 14 of 6-0 taken on August 6, 2013.

16 NOT PRESENT
 17 LUIS R. BAZA
 Chairman

18 Priscilla T. Tuncap
 19 PRISCILLA T. TUNCAP
 Commissioner

20 Lourdes Hongyee
 21 LOURDES HONGYEE
 Commissioner

22 Edith C. Pangelinan
 23 EDITH C. PANGELINAN
 Commissioner

Manuel R. Pinakin
 MANUEL R. PINAKIN
 Vice-Chairman

John Smith
 JOHN SMITH
 Commissioner

24 NOT PRESENT
 25 DANIEL D. LEON GUERRERO
 Commissioner