

DIRECTOR
Eric D. Miller



ADMINISTRATIVE DIRECTOR
Bernadette S.N. Chargualaf

PUBLIC DEFENDER SERVICE CORPORATION (Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM
MVP Sinajana Commercial Building, Unit B
779 Route 4, Sinajana, Guam 96910-5174
Tel: (671) 475-3100 □ Fax: (671) 477-5844

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Peter J. Sablan
Maria G. Fitzpatrick
Rebecca M. Warfield
Ali N. Nusbaum
Suresh Sampath
Brian E. Kegerreis
Mikaela S. Henderson

January 24, 2013

Hand-Delivered

Speaker Judith T. Won Pat, Ed. D.
I Mina' Trenta Dos Na Liheslaturan Guahan
155 Hesler Place, Suite 201
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Pursuant to §8113.1 of Chapter 8 Title 5 GCA, enclosed you will please find a compact disc containing an electronic file of the meeting packet used for the Public Defender Service Corporation Board of Trustees' meeting conducted on Tuesday, January 15, 2013.

We appreciate your attention to this matter, and look forward to answering any questions you may have in this regard.

Sincerely,


BERNADETTE S.N. CHARGUALAF
Board Secretary

2013 JAN 25 AM 11:28
WCP

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

Date 1/25/13
Time 11:25 AM
Received by Faith
32-13-40

0040

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees Regular Meeting
Tuesday, January 15, 2013
Conference Room,
Public Defender Service Corporation
12:30 p.m.

A G E N D A

I. Call to Order

II. Roll Call

III. Proof of Due Notice of Meeting:

5 Working Days Notice: Marianas Variety, Friday, January 04, 2013
48 Hours Notice: Marianas Variety, Friday, January 11, 2013

IV. Determination of Quorum

V. Approval of Minutes: (Regular Meeting of October 23, 2012)

VI. Old/Unfinished Business:

- A. Financial Status Update (PDSC and APD Allotment Releases)
- B. Domestic Violence Program Update
- C. Alternate Public Defender Update
- D. Director's Performance Review
- E. Resolution Nos. 04-12 and 05-12:
Night Differential Policy (pending board approval)
- F. PDSC's Policy for Conflicts of Interest
- G. Formation of Task Force re: Development of Civil Division at PDSC
- H. NLADA Conference in Chicago, IL
(Executive Director's Attendance)

VII. New Business:

- A. Resolution No. 03-13
(Request to Use PDSC Lapsed Funds for Funding Advance of the Domestic Violence Program)

- B. Hiring of Chief Fiscal Officer
at FY2013 Budgeted Amount
- C. Resolution No. 04-13
(Request to Use Lapsed Funds for
Attendance at Tennessee Association of Criminal
Defense Lawyers' Trial College, April 2-6, 2013)
- D. Ten Percent (10%) Cut re: Executive Director's Salary
(Public Law 31-279)
- E. Merit Bonus Awards (informational purposes only)

VIII. Public Discussion

IX. Adjournment and Next Meeting Date

Mayors discuss need for more defined roles, revitalized MCO

By Joy White
 joy@mvguam.com
 Variety News Staff

Persons requiring special accommodations should contact GCAHA Office at 475-2781/2/3661 or fax at 477-2786.

"Paid with government funds by Guam CAHA"

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Tuesday, January 15, 2013 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Bernadette S. N. Chargualaf at 475-3100.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
 Chairman

This public notice is paid for with government funds.

held Jan. 9 to 11 at the Hotel Nikko Guam.

Organized by the Department of Integrated Services for Individuals with Disabilities (DISID), the conference seeks to make the community understand the changes brought about by the ADA Amendments Act, which was enacted Sept. 25, 2008 and became effective Jan. 1, 2009.

The amended law made a number of significant changes to the definition of disability, which was not previously incorporated into the Americans with Disabilities Act of 1990. The changes, according to information posted at the U.S. Equal Employment Opportunity Commission site, offered a broad scope of protection to people with different types of disabilities.

Agencies and businesses on Guam are encouraged to participate and learn how to step up their compliance with the provisions of the amendment act.

The conference also seeks

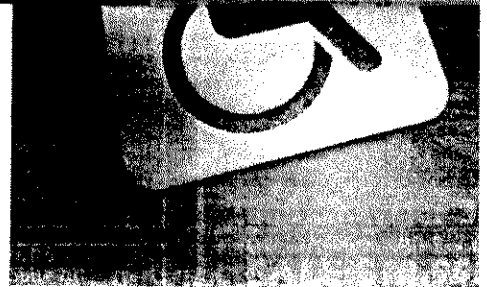
GovGuam ADA coordinators relative to the provisions of ADA Title II, and create greater awareness of the provisions of ADA Title III

among the business community and operators of places of public accommodations.

The ADA Titles cover provisions related to employment and disability-related job accommodation; non-discrimination in state and local government facilities, programs and services; and non-discrimination in public accommodations and commercial facilities.

DISID said they have invited, as conference speakers, Alberto Ruisanchez, J.D., deputy chief of the Disability Rights section of the U.S. Department of Justice; Barbara Judy, co-founder and president of the National Association of ADA Coordinators; and Dr. Beth Loy, chief consultant and webmaster of the Job

in line with the title as use other places.



Accommodations Network.

The conference is funded the DISID Evaluation, Enforcement and Compliance Improvement Assistance grants from U.S. Department of Interior and co-sponsored by the Civil Legal Services Corporation the Bank of Guam.

Hotel reservation is limited to only 200 participants per and pre-registration is required. Anyone who registers on Jan. 7 will be accommodated on a seat-available basis or will pay \$22 plus tax per if the 200-seating reservation exceeded.

For more information, contact Dr. Zeni Natividad at 475-4 or at zenina.natividad@dfp.guam.gov.

"Marianas Variety-Guam Edition is circulated by home and office delivery, consignments, and vending machines throughout Guam, as mail delivery to the Federated States of Micronesia, the Marshall Islands, South Pacific, Hawaii, Japan and the continental U.S. Daily coverage can also be read from our website: www.mvguam.com.

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Police scanner app allows tuning in to GPD, GFD dispatch

an types, designed the website and app offering the scanning service about a month ago.

Vigilant

Friday's social and political events, chairman explains in his view, it is important for citizens to remain vigilant as to what is going on around us.

"As budgets are stressed, public services such as police, fire and other emergency services become stressed as well," he said. "It is just a smart thing to do to stay informed of events that are taking place around you that may have a direct impact on you and your family's safety and security."

Individuals who access the website will be listening to a live radio scanner. An array of scanners are programmed to receive a variety of general, routine dispatch, administrative and operation channels from many of Guam's public safety services, mainly GPD and GFD.

Legal

As far as its legality, Board-

app is in use or that there has been a problem for our department," he said. "I will look into this more; however, at this point there is no reason to believe we should be concerned about this app at this time."



with the Lillian Lee Smith Memorial Grant, known locally as the Focus on Life program, the Department of Mental Health and Substance Abuse is able to provide prevention, intervention and "post-vention" programs.

release. "Suicide prevention is a responsibility that each person on our island holds. We need to believe that we can stop suicide from happening."

DMHSA also distributes sub-grants to various nonprofit

and 25 of the Marriott Hotel and Spa. Participants must pre-register and must be 16 years old or above.

DMHSA first received the grant in 2009 and was awarded a second grant in August 2012.

Eddie Baza Calvo Governor **GSA** GENERAL SERVICES AGENCY (Aghosian De(ision H(illas) Department of Administration Government of Guam; 148 Route 1 Marine Corps Drive, Piti, Guam 96915 Tel: 475-1707-13 Fax: 472-4217 / 475-1716 / 475-1727 Raymond Teaurio Lt. Governor

THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:

CUSTOMS & QUARANTINE

A non-refundable fee of \$10.00 per bid package will be assessed. Certified Check, Cashier's Check, Cash will be accepted. No personal or company checks. Payment for bid package picked up after 3:00 pm will not be accepted.

BID INVITATION

BID NO. GSA-018-13

DESCRIPTION: Baggage/Luggage Parcel Scanning X-Ray Machine, Air Freight Cargo Scanning X-Ray Machine and Mobile Self Contained Dual View Parcel/Baggage X-Ray Van.

Opening Date: January 28, 2013 Time: 10:00 AM

Place: GENERAL SERVICES AGENCY, PITI GUAM

INTERESTED PARTIES MAY PICK UP FORMS SPECIFICATIONS AT SAID PLACE

/s/ CLAUDIA S. ACFALLE Chief Procurement Officer

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Tuesday, January 15, 2013 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Bernadette S. N. Chargualaf at 475-3100.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

This public notice is paid for with government funds.

**PUBLIC DEFENDER SERVICE CORPORATION
BOARD OF TRUSTEES
Regular Meeting of
Tuesday, October 23, 2012
1:04 p.m.
PDSC Conference Room**

MINUTES

I. CALL TO ORDER:

This meeting was called to order by the Vice-Chairman, Presiding Judge Alberto C. Lamorena III at 1:04 p.m.

II. ROLL CALL:

Present: Presiding Judge Alberto C. Lamorena III, Vice-Chairman
Attorney Cynthia V. Ecube, GBA President
Donna Muna-Quinata, Member
CathyAnn C. Gogue, Member

Absent: Chief Justice F. Philip Carbullido, Chairman (excused)

Others Present: Attorney Eric D. Miller, PDSC Executive Director
Attorney Ana Maria Gayle, APD Supervising Attorney
Bernadette S.N. Chargualaf, PDSC Administrative Director
Edbert J. Quintanilla, Personnel Specialist IV
Cecelia M. Fernandez, Administrative Assistant
Julito B. Tingson, Jr., MIS Administrator

III. PROOF OF DUE NOTICE OF MEETING:

"Notice of Public Meeting" was published in Marianas Variety on Friday, October 12, 2012 and Friday, October 19, 2012.

IV. DETERMINATION OF QUORUM:

With the presence of four (4) board members, a quorum was determined for this meeting.

V. APPROVAL OF MINUTES: Minutes of the regular board meeting held on Tuesday, August 28, 2012 were adopted and approved without opposition.

VI. OLD BUSINESS:

- A. Financial Status Update (PDSC and APD Allotment Releases):** Former Chief Fiscal Officer, Cecilia A.T. Lizama, reported that PDSC received 100% of scheduled allotments for Fiscal Year 2012.

For Alternate Public Defender (APD), 100% of the scheduled allotment releases for Fiscal Year 2012 have been received to date.

- B. Domestic Violence Program Update:** Former Chief Fiscal Officer Cecilia A.T. Lizama informed those present that funding for August 2012 was received; a request has been submitted for September 2012. PDSC Operations continues to advance funds for the operations of the program, with reimbursements occurring when DVP funds are received.

- C. Alternate Public Defender Update:** APD Supervising Attorney Annie Gayle related that she had nothing to report.

- D. Director's Performance Review (5GCA §43201):** PDSC Administrative Director Bernadette Chargualaf stated that this matter remains unfinished. Board member CathyAnn Gogue indicated that the evaluation was completed and submitted to Chief Justice Carbullido, who was going to meet with Director Miller for discussions. The PDSC is mandated to provide announcements (through local media), as to the availability of the Performance Review for public viewing; this has yet to be done.

This item was then tabled until the next meeting.

- E. Resolution Numbers 04-12 and 05-12: Night Differential Policy (pending Board approval):** This matter was tabled until the next meeting.

- F. PDSC's Policy for Conflicts of Interest:** PDSC Director Eric Miller reported that work is in progress. He distributed a draft of the proposed policy based on the Guam Rules of Professional Conduct, and also mentioned that the Conflicts Committee will be meeting again in a few weeks. The policy does not require a vote for approval at this time.

Once the proposal is finalized, it will be submitted to the PDSC Board for their review and comments. A meeting between the Presiding Judge and Attorney Ecube for a review and input from the judges, as well as Guam Bar Association members will be held prior to board approval and implementation.

This item will remain on the agenda for the next board meeting.

- G. Formation of Task Force re: Development of Civil Division Within the PDSC:** PDSC Director Eric Miller presented this matter, and expressed the need to find a funding source for this project, since the legislature is not in a position to

provide addition funds for the Corporation. The proposed Civil Division within the Corporation will provide services similar to what the PDSC used to give prior to the current moratorium (with regards to the types of cases that will be accepted).

VII. NEW BUSINESS:

A. Resolution No. 01-13 (Request to Use Lapsed Funds to Cover Shortfalls of Legislative Appropriation for Fiscal Year 2013): Former Chief Fiscal Officer Cecilia Lizama presented information relative to the budgetary shortfalls in the agency's legislative appropriation for Fiscal Year 2013. Following a discussion among board members, a motion was made and adopted, thereby approving Resolution No. 01-13.

B. Resolution No. 02-13 (Request to Use Lapsed Funds for Purchase of Upgrade Software Version/Technical Support of APD's Case Management System): MIS Administrator Julito Tingson informed those present that the current contract for technical support services on the APD's case management software is due to expire in March 2013. While communicating with the vendor, Mr. Tingson received information involving price increases for 2013, and the necessity of purchasing upgrades to the present software version in order to ensure continued technical support. A price quote of \$2,695.44 for Fiscal Year 2013 was received.

Although initially requested in the FY2013 Budget Request for APD, this item was removed when the PDSC was directed to submit a "Maintenance Budget", limiting any increases strictly to those required by law (i.e., salary increments, etc.).

Subsequently, Resolution No. 02-13 was adopted and approved.

C. Attendance at Tennessee Trial College (for Informational Purposes): Executive Director Eric Miller reported that PDSC Attorney Suresh Sampath and APD Attorney Jeffrey Warfield have expressed an interest in attending this training, which will be held in Tennessee in the near future. Because Attorney Richard McGee and his colleagues (presenters at the Trial College held in Guam last May), have offered to pay the airfares for two (2) attorneys, this is an opportunity for our attorneys to obtain training at minimal cost. Once particulars are received regarding costs for attendance, the matter will be brought before the board for consideration.

D. NLADA Conference in Chicago, IL: Executive Director Eric Miller requested board approval for his attendance at this event, which will be held on December 4, 2012. An additional request for administrative leave (to include travel time of four days) was made. Attorney Miller will be paying for all expenses.

A motion was made, and adopted approving Miller's request.

- E. Public Law 31-233 (Addition of §8113.1 to Chapter 8 of 5GCA: Reporting Requirements for Boards and Commissions):** This matter was presented for informational purposes, and involves a recently enacted law which requires that "the governing Boards and Commissions of *all* agencies, public corporations, and departments of the government of Guam *shall* provide electronic copies of the monthly Board and Commission meeting agendas, approved minutes, and other attachments and addendums as discussed in each monthly meeting, to *I Maga'lahen Guahan* and the Speaker of *I Liheslaturan Guahan* no later than fifteen (15) days after the end of said meeting, and post the same on its website of the agency, public corporation or department to which it governs. The audio recording of each meeting *shall be* provided to the Office of Public Accountability within seven (7) calendar days after the meeting. The Office of Public Accountability *shall* post these audio files on its website upon receipt of audio files."

Administrative Director Bernadette Chargualaf indicated that she will ensure compliance by the PDSC.

VIII. PUBLIC DISCUSSION: None.

- IX. ADJOURNMENT AND NEXT MEETING DATE:** There being no further business up for discussion, this meeting was adjourned at 1:39 p.m. Scheduling of the next meeting will be decided at a later date, pending information as to the availability of board members.

Respectfully submitted,



BERNADETTE S.N. CHARGUALAF
Secretary

Agenda Item # VI (E)

**Resolution Nos. 04-12 and 05-12
(NIGHT DIFFERENTIAL POLICY)**

DIRECTOR
Eric D. Miller



ADMINISTRATIVE DIRECTOR
Bernadette S.N. Chargualaf

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM
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Suresh Sampath
Brian E. Kegerreis
Mikaela S. Henderson

MEMORANDUM

TO: Chief Justice F. Philip Carbullido
Presiding Judge Alberto C. Lamorena III
Attorney Cynthia Ecube
Mrs. Donna Muna Quinata
Ms. CathyAnn C. Gogue

FROM: Executive Director

DATE: October 19, 2012

SUBJECT: PDSC Night Differential Pay Policy

Attached you will please find our proposed PDSC Night Differential Pay Policy, setting forth provisions and procedures for this form of compensation as mandated by 4 GCA §6217.

We humbly ask for your favorable consideration and approval in order to ensure the PDSC's compliance with this respective statute.

Should you have any questions or desire further information, please do not hesitate to contact me.

**BEFORE THE BOARD OF TRUSTEES
OF THE
PUBLIC DEFENDER SERVICE CORPORATION (PDSC)
RELATIVE TO
NIGHT DIFFERENTIAL PAYMENTS
FOR PDSC EMPLOYEES
IN FISCAL YEAR 2012**

Resolution No. 04-12

- WHEREAS,** Public Law 30-105:2 was enacted, effective March 11, 2010, to amend §6217 of 4 GCA “for the purpose of ensuring that public employees that work at night receive night differential pay”; and
- WHEREAS,** a minimum of more than four (4) consecutive hours working within the time period of 6:00 p.m. and 7 a.m., in order to be entitled to night differential pay, was repealed; and
- WHEREAS,** §6217 of 4 GCA now declares “All employees of the government of Guam, except the department or agency heads and the Deputy Directors, shall be entitled to night differential pay, calculated at the rate of their regular wage plus ten percent (10%), for all periods worked between the hours of 6:00 p.m. and 6:00 a.m.”; and
- WHEREAS,** night differential payments are not customarily made by the agency due to the nature of work and services provided; and
- WHEREAS,** funds were neither requested nor approved to fund night differential payments to employees of the agency in the Fiscal Year 2012 Budget Request; and
- WHEREAS,** over three months ago, the PDSC requested an opinion from the office of the Attorney General of Guam relative to the eligibility of attorneys and/or exempt employees for night differential pay, and has yet to receive a reply; and
- WHEREAS,** it is the intent of the Board of Trustees to afford all employees equitable treatment and well-deserved compensation for all work performed, in compliance with all employment laws pertaining to the government of Guam; now therefore be it
- RESOLVED,** the Board of Trustees, at its duly-noticed, regular meeting on October 23, 2012 approved the Corporation’s policy with respect to night differential pay, which is incorporated herein and made a part thereof; and be it further

RESOLVED, the use of PDSC lapsed funds for night differential payments, not to exceed \$5,000 in Fiscal Year 2012, is hereby approved.

DULY AND REGULARLY ADOPTED this 23rd day of October, 2012.

Chief Justice F. PHILIP CARBULLIDO
Chairman

ATTEST:

BERNADETTE S.N. CHARGUALAF
Secretary

**BEFORE THE BOARD OF TRUSTEES
OF THE
PUBLIC DEFENDER SERVICE CORPORATION (PDSC)
RELATIVE TO
NIGHT DIFFERENTIAL PAYMENTS
FOR EMPLOYEES OF THE
ALTERNATE PUBLIC DEFENDER
IN FISCAL YEAR 2012**

Resolution No. 05-12

- WHEREAS,** Public Law 30-105:2 was enacted, effective March 11, 2010, to amend §6217 of 4 GCA “for the purpose of ensuring that public employees that work at night receive night differential pay”; and
- WHEREAS,** a minimum of more than four (4) consecutive hours working within the time period of 6:00 p.m. and 7 a.m., in order to be entitled to night differential pay, was repealed; and
- WHEREAS,** §6217 of 4 GCA now declares “All employees of the government of Guam, except the department or agency heads and the Deputy Directors, shall be entitled to night differential pay, calculated at the rate of their regular wage plus ten percent (10%), for all periods worked between the hours of 6:00 p.m. and 6:00 a.m.”; and
- WHEREAS,** night differential payments are not customarily made by the agency due to the nature of work and services provided; and
- WHEREAS,** funds were neither requested nor approved to fund night differential payments to employees of the agency in the Fiscal Year 2012 Budget Request; and
- WHEREAS,** over three months ago, the Public Defender Service Corporation requested a legal opinion from the office of the Attorney General of Guam relative to the eligibility of attorneys and/or exempt employees for night differential pay, and has yet to receive a reply; and
- WHEREAS,** it is the intent of the Board of Trustees to afford all employees equitable treatment and well-deserved compensation for all work performed, in compliance with all employment laws pertaining to the government of Guam; now therefore be it
- RESOLVED,** the Board of Trustees, at its duly-noticed, regular meeting on October 23, 2012 approved the PDSC’s policy with respect to night differential pay, which is incorporated herein and made a part thereof; and be it further

RESOLVED, the use of APD lapsed funds for night differential payments, not to exceed \$5,000 in Fiscal Year 2012, is hereby approved.

DULY AND REGULARLY ADOPTED this 23rd day of October, 2012.

Chief Justice F. PHILIP CARBULLIDO
Chairman

ATTEST:

BERNADETTE S.N. CHARGUALAF
Secretary

**PUBLIC DEFENDER SERVICE CORPORATION
NIGHT DIFFERENTIAL PAY POLICY**

STATEMENT OF POLICY

All PDSC employees, except the Executive Director, shall be entitled to night differential pay, calculated at the rate of their regular wage plus ten percent (10%), for all authorized periods worked between the hours of 6:00 pm and 6:00 am. (4 GCA §6217)

ADMINISTRATIVE PROVISIONS

- A. **Eligibility for Pay:** All PDSC employees, except the Executive Director, shall be entitled to night differential pay for all applicable authorized periods worked.
- B. **Applicable Hours/Periods Worked:** For the purpose of this policy, applicable hours/periods worked shall refer to any and all authorized hours worked by eligible employees between the hours of 6:00 pm and 6:00 am.
- a. **Authorized Hours Worked:** It shall be the responsibility of all supervisors to manage workloads of the Corporation in an effort to minimize the need for night differential payments. Night differential payments shall only be authorized for hours worked by eligible employees and required by the employee's supervisor, or higher authority, within the applicable period to respond to urgent needs of the Corporation which was not a result of the employee's negligence, as determined by the Director.
- b. **Unauthorized Hours Worked:** Work performed within the applicable period which could have been completed during normal business hours, was not required or authorized by the employee's supervisor or higher authority, or was a result of the employee's negligence, shall not be authorized for Night Differential Pay.
- C. **Approvals:** Prior to the commencement of any work to be performed by an eligible employee within the applicable period, it shall be the responsibility of the employee to obtain the necessary approval(s) from his/her supervisor and Director utilizing the form prescribed by the Personnel Office. (Director shall refer to the Executive Director for PDSC attorneys, Administrative Director for PDSC support staff employees or the APD Supervising Attorney for employees of the Alternate Public Defender.)
- D. **Night Differential Rate:** For all applicable approved periods worked, eligible employees shall be paid their regular wage plus ten percent (10%).
- a. Example: John Doe, Legal Clerk, worked from 8:00 am through 5:00 pm daily, Monday through Friday. Additionally, John Doe worked from 6:00 pm through 8:00 pm that same Friday. The hours worked from 8:00 am through 5:00 pm will be paid at his regular rate and the hours worked after 6:00 pm would be paid at the premium rate (Night Differential Pay). Since John Doe is paid \$10 per hour, his pay for the week shall be calculated as follows:

**PUBLIC DEFENDER SERVICE CORPORATION
NIGHT DIFFERENTIAL PAY POLICY**

REGULAR PAY = Hourly Rate x Number of Regular Hours Worked

= \$10.00 per hour x 40 hours
= \$400.00

NIGHT DIFFERENTIAL PAY = (Regular Rate + 10%) x Applicable Hours Worked

= (\$10.00 + 10%(\$10.00)) x 2 hours
= \$11.00 x 2 hours
= \$22.00

TOTAL PAY = Regular Rate + Night Differential Pay = \$400.00 + \$22.00 = \$422.00

- E. **Relation to Overtime, Compensatory/Straight Time, Holiday Pay:** Night Differential Pay is in addition to overtime, compensatory/straight time (in lieu of overtime) and holiday pay.

Should any provisions contained within this policy conflict with statute, the statute shall prevail and all remaining provisions shall continue in full force and effect.

Duly adopted and effective by the approval signatures and dates certified below.

(Signature & Date)
ERIC D. MILLER
PDSC Executive Director

(Signature & Date)
ANA MARIA C. GAYLE
APD Supervising Attorney

(Signature & Date)
BERNADETTE S.N. CHARGUALAF
Administrative Director

Prepared and concurred by:

EDBERT J. QUINTANILLA
Personnel Specialist IV

REQUEST FOR NIGHT DIFFERENTIAL PAY

This application for Night Differential Pay is being requested as a mutual agreement between the employee and management before work is performed, unless otherwise approved by higher authority. All PDSC employees, except the agency heads, shall be entitled to night differential pay, calculated at the rate of their regular wage plus ten percent (10%), for all approved periods worked between the hours of 6:00 pm and 6:00 am. (4 GCA §6217)

Employee Name			Payroll Number		
NIGHT DIFFERENTIAL PAY - APPLICABLE HOURS					
Date	Description of work to be performed	Period of Time Worked		Total Hours Worked	
		From	To		
APPROVALS					
		<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Employee's Signature		Supervisor's Signature		Director	
Date: _____		Date: _____		Date: _____	
FOR PERSONNEL OFFICE USE ONLY					
(A) REGULAR HOURLY RATE	(B) 10% OF REGULAR HOURLY RATE	(C) NIGHT DIFFERENTIAL HOURLY RATE <small>(A + B)</small>	(D) TOTAL APPLICABLE HOURS WORKED	(E) TOTAL NIGHT DIFFERENTIAL TO BE PAID <small>(C X D)</small>	CERTIFIED BY (signature & date)

ALL COMPLETED REQUESTS ARE TO BE ATTACHED TO THE EMPLOYEE'S TIMESHEET AND FILED IN THE EMPLOYEE'S PAYROLL JACKET.

Agenda Item # VII (A)

**Resolution No. 03-13
(Request to Use PDSC Lapsed Funds
For Funding Advance of the
Domestic Violence Program)**

**BEFORE THE BOARD OF TRUSTEES
OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE USE OF LAPSED FUNDS
FOR A FUNDING ADVANCE FOR THE
DOMESTIC VIOLENCE PROGRAM**

Resolution No. 03-13

- WHEREAS,** the PDSC is a sub-grantee of the STOP Violence Against Women federal program administered by the Office of the Governor; and
- WHEREAS,** the above-mentioned federal grant has historically funded the position of Family Violence Program Specialist within the PDSC's Domestic Violence Program, which assists attorneys in the provision of legal services to victims of family violence; and
- WHEREAS,** the 2011 funds provided by the federal grant for this position and/or program will be exhausted by January 26, 2013; and
- WHEREAS,** the 2012 Memorandum of Understanding has been signed by PDSC Director Eric Miller, and returned to the Office of the Governor for circulation and approval; and
- WHEREAS,** any interruption of services provided by the Domestic Violence Program due to local and federal contract administration would be detrimental to the overall public image and obligation of the agency, and the well-being of its clients; now therefore be it
- RESOLVED,** the Board of Trustees at its regular meeting of January 15, 2013 hereby approves the use of PDSC lapsed funds to advance the amount of \$7,990.22 to pay for the salaries and benefits of the Family Violence Program Specialist for the months and February, March and April of 2013; be it further
- RESOLVED,** immediately upon receipt of the federal grant's funds, the advanced funding from the PDSC's account shall be replenished.

DULY AND REGULARLY ADOPTED this 15th day of January, 2013.

Chief Justice F. PHILIP CARBULLIDO

ATTEST:

BERNADETTE S.N. CHARGUALAF
Secretary

Agenda Item # VII (B)

**(Hiring of Chief Fiscal Officer
at FY2013 Budgeted Amount)**

Agenda Item # VII (C)

Reso No. 04-13

**(Request to Use Lapsed Funds for
Attendance at Tennessee Association of
Criminal Defense Lawyers' Trial College,
April 2-6, 2013)**

**BEFORE THE BOARD OF TRUSTEES
OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE USE OF LAPSED FUNDS
FOR ATTENDANCE AT THE
TENNESSEE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS'
TRIAL COLLEGE (April 2-6, 2013)**

RESOLUTION NO. 04-13

- WHEREAS,** §11113.1 of 12 GCA authorizes the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** the PDSC Board of Trustees adopted Resolution No. 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** the Tennessee Association of Criminal Defense Lawyers (TACDL) is presenting a "Trial College" on April 2-6, 2013 at the Paris Landing State Park in Buchanan, Tennessee at a cost of \$850.00 per attendee, to include seminar materials, lodging and food; and
- WHEREAS,** Attorney Richard McGee and his colleagues (presenters at the Trial College held on Guam in May 2012), will be covering air fare for two (2) attendees; and
- WHEREAS,** the PDSC/APD will be responsible for tuition payments of \$850.00 each for Attorney Suresh Sampath and Attorney Jeffrey Warfield who have expressed a desire to attend this training, as well as a per diem allowance of \$1,312 for each attendee; and
- WHEREAS,** the PDSC recognizes the tremendous educational opportunity presented at this event, and appreciates the generosity of Attorney Richard McGee and his colleagues; now therefore be it
- RESOLVED,** the Board of Trustees of the Public Defender Service Corporation, in its meeting of January 15, 2013, hereby approves the Corporation's request for the expenditure of **\$1,506.00** of PDSC lapsed funds, and **\$1,506.00** of APD lapsed funds for Attorneys Suresh Sampath and Jeffrey Warfield to attend the above-described training event.

DULY AND REGULARLY ADOPTED this 15th day of January, 2013.

Chief Justice F. PHILIP CARBULLIDO
Chairman

ATTEST:

BERNADETTE S.N. CHARGUALAF
Secretary

Agenda Item # VII (D)

**10% Cut to
Executive Director's Salary
(Public Law 31-279)**

1 (b) The issuance of a pension Bond to decrease the unfunded liability of the
2 Government of Guam Retirement Fund; and

3 (c) Any other retirement fund reform(s) which the Government of Guam
4 Retirement Fund reasonably believes will decrease the cost of the
5 Retirement Fund to the taxpayer and is in the best interest of its members.

6 **Section 5. Salary Reduction.** Notwithstanding any other law, the base salary
7 of each elected or unclassified employee of any department, autonomous agency,
8 public corporation, commission, or branch of the government of Guam with base pay
9 greater than Fifty Thousand Dollars (\$50,000) *shall* be reduced by ten percent (10%)
10 effective January 8, 2013 to December 31, 2014, but said salary for those employees
11 *shall not* be reduced below Fifty Thousand Dollars (\$50,000). This provision *shall*
12 *not* apply to Judges or Justices of the Supreme Courts of Guam or those in federally
13 funded positions.

14 **Section 6. Appropriation for GMHA.** The ten percent (10%) reduction in
15 the previous Section of this bill is hereby de-appropriated from the respective agency
16 appropriations from the General Fund, if applicable, and re-appropriated to the Guam
17 Memorial Hospital Authority (GMHA) to offset the government of Guam agencies'
18 debt to GMH.

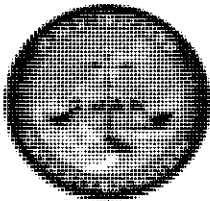
19 **Section 7.** A new Section 4 is *added* to Public Law 31-154 to read:

20 “**Section 4. Non-Compliance.** Failure of *I Maga'lahaen Guåhan* to
21 submit a report pursuant to Section 3 of this Act, will result in a five percent
22 (5%) de-appropriation of *I Maga'lahaen*'s annual budget, and the savings shall be
23 used to support the reduction of the General Fund deficit.”

24 **Section 8. Modernization and Rightsizing Commission.**

25 (a) **Legislative Findings and Intent.** *I Liheslatura* finds that two (2)
26 consecutive administrations did not implement the Modernization and

DIRECTOR
Eric D. Miller



ADMINISTRATIVE DIRECTOR
Bernadette S.N. Chargualaf

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM
MVP Sinajana Commercial Building, Unit B
779 Route 4, Sinajana, Guam 96910-5174
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Peter J. Sablan
Maria G. Fitzpatrick
Rebecca M. Warfield
Ali N. Nusbaum
Suresh Sampath
Brian E. Kegerreis
Mikaela S. Henderson

January 24, 2013

Hand-Delivered

Speaker Judith T. Won Pat, Ed. D.
I Mina' Trenta Dos Na Liheslaturan Guahan
155 Hesler Place, Suite 201
Hagåtña, Guam 96910

Dear Speaker Won Pat:

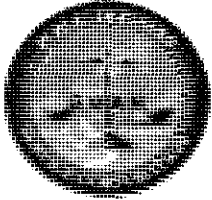
Pursuant to §8113.1 of Chapter 8 Title 5 GCA, enclosed you will please find a compact disc containing an electronic file of the meeting packet used for the Public Defender Service Corporation Board of Trustees' meeting conducted on Tuesday, January 15, 2013.

We appreciate your attention to this matter, and look forward to answering any questions you may have in this regard.

Sincerely,

BERNADETTE S.N. CHARGUALAF
Board Secretary

DIRECTOR
Eddie G. Miller



ADMINISTRATIVE DIRECTOR
Bernadette S.N. Chargualaf

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Hand-Delivered

Governor Eddie Baza Calvo
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Dear Governor Calvo:

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BERNADETTE S.N. CHARGUALAF
Board Secretary