



# Office of the Attorney General of Guam



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Honorable Benjamin J.F. Cruz  
Vice Speaker, 33<sup>rd</sup> Guam Legislature  
Chairperson, Committee on Appropriations & Adjudication  
155 Hesler Street  
Hagatna, Guam 96910

June 23, 2015

RE: An Act Relative To Government Attorney Salaries/Draft Legislation

Hafa Adai Mr. Chair:

Attached for your kind consideration is a draft Bill affecting government attorney salaries. It seeks to return the pay scale for all government attorneys to 4 GCA §6208, with adjusted modification to reflect the goals of the 2014 Competitive Wage Act (CWA).

In January 2014 the salaries of all government attorneys were merged into the CWA by the Department of Administration. As the largest agency employing government attorneys it caused significant changes. Nearly 50% of our classified attorney staff filed employee grievances with the Department of Administration which wrote, in somewhat of a contorted effort, the CWA conversion for attorneys from 4 GCA §6208. The Department, however, refused to entertain any of the attorney grievances indicating they had no jurisdiction to hear them. The grievances went to the Civil Service Commission who also refused jurisdiction and sent the matter back to this Office to resolve.

It was abundantly clear upon assuming office that the resolution of this problem was to request legislation returning the government attorney compensation standard back to 4 GCA §6208. This statute is unique for government attorneys. It recognizes an attorney's years of practice in addition to length of government service. Its uniqueness caused the difficulty in conversion; a square peg into a round hole analogy. The conversion to CWA has also created difficulty in recruiting new attorneys at salary levels competitive and commensurate with senior experience.

Your consideration is greatly appreciated. The reversion back to 4 GCA §6208 will resolve all grievances and in the long run be more cost effective in relation to government attorney salaries than CWA. Thank you for your support.

Sincerely,

Elizabeth Barrett-Anderson 83-15-0566  
Office of the Speaker  
Judith T. Won Pat, Ed.D

cc: Chief Justice of Guam  
Executive Director Public Defender  
Executive Director Alternative Public Defender  
Superintendent, Guam Department of Education

Date: 06-24-15  
Time: 2:20pm

Received By:

0566

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I MINA' TRENTE TRES NA LIHESLATURAN GUÅHAN  
2015 (FIRST) Regular Session

Bill No. \_\_\_\_ ( )

Introduced by: \_\_\_\_\_

**AN ACT TO REPEAL AND REENACT §6208 OF TITLE 4, GUAM  
CODE ANNOTATED, RELATIVE TO GOVERNMENT  
ATTORNEYS SALARIES**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the last statutory salary adjustment for government attorneys was in 1992 by amendment to the Attorney Pay Plan found in 4 G.C.A. §6208. The Government of Guam Competitive Wage Act of 2014 (“CWA 2014”) provided an adjustment to the Attorney Pay Plan but did not specifically repeal §6208. Section 6208 was intended to make salaries of government attorneys consistent across agencies, and also had the effect of uniformly placing attorneys within the pay scale based on years of practice. The implementation of CWA 2014 has resulted in inconsistent compensation of attorneys across government agencies; multiple and differing interpretations about how to compensate attorneys; and difficulty recruiting experienced attorneys because the CWA 2014 pay scale does not adequately allow for compensation based on years of legal experience.

This legislation proposes to remedy the difficulties presented by CWA 2014 by reverting to an Attorney Pay Plan based on years of practice and prior government service. The revised Attorney Pay Plan provides for salary adjustments which, over time, cost less than those proposed by CWA 2014 while still allowing for compensation based on seniority in government practice. Finally, the revised Attorney Pay Plan does not leave room for differing interpretations on how to place lawyers within the plan based on time in practice.

It is the intent of *I Liheslatura* that all full-time attorneys working for the government of Guam, its agencies, instrumentalities (including autonomous agencies and instrumentalities), be paid according

1 to the following schedule in order to make the pay received by full-time attorneys working for different  
2 departments and agencies more uniform.

3 **Section 2.** The Attorney Pay Scale within the Government of Guam Competitive Wage Act of  
4 2014 is *hereby repealed and shall not apply to full time attorneys currently employed or subsequently*  
5 *hired* by the government of Guam, its agencies and instrumentalities (including autonomous agencies  
6 and instrumentalities), including classified, unclassified, and contract hire.

7 **Section 3.** Section 6208 of Title 4, Guam Code Annotated, is hereby repealed and reenacted to  
8 read as follows:

9 “§6208. **Government Attorney Salaries.** All full time attorneys employed by the Government  
10 of Guam, whether in the classified or unclassified service, in any agency, corporation, or  
11 instrumentality, shall be compensated pursuant to the pay schedule in this Section, except that no  
12 incumbent attorney employed by the Government of Guam on the effective date of this Act should have  
13 his or her salary reduced by its enactment.

14 Attorneys hired within the Government of Guam after the effective date of this Act shall be  
15 slotted into the attorney level and step matching his or her years of experience up to a maximum of  
16 Attorney IV - Step 6; unless:

17 (1) the attorney is employed pursuant to reemployment provisions as defined under the  
18 Personnel Rules and Regulations, in which case such attorney shall be slotted pursuant to said  
19 Rules and Regulations; or

20 (2) if the attorney was previously employed with the Government of Guam as an  
21 attorney, the attorney shall be slotted first according to his or her years of experience to a  
22 maximum of Attorney IV - Step 6. The hiring authority may allow a higher level or step, at a  
23 rate of *1 step for every 2 years previously employed with the Government of Guam as an*  
24 *attorney*, up to a maximum level and step of Attorney IV - Step 10.

## 25 **ATTORNEY I**

26 (a) An attorney with zero (0) to three (3) years experience as an attorney, working under  
27 the supervision of a senior attorney or judge. The pay scale and steps shall be as follows:

28 Step 1 - - under one (1) year as an attorney, \$49,305;

1 Step 2 -- more than one (1) year but less than two (2) years as an attorney, \$52,205;  
2 and  
3 Step 3 -- more than two (2) years but less than three (3) years as an attorney,  
4 \$54,059.

#### 5 ATTORNEY II

6 (b) An attorney with three (3) years experience but less than five (5) years experience as  
7 an attorney, working under the supervision of a senior attorney. The pay scale and steps shall be  
8 as follows:

9 Step 1 -- more than three (3) years but less than four (4) years experience as an  
10 attorney, \$57,239;  
11 Step 2 -- more than four (4) years but less than five (5) years experience as an  
12 attorney, \$59,481.

#### 13 ATTORNEY III

14 (c) A senior attorney with over five (5) years but less than eight (8) years experience as  
15 an attorney, working with minimal supervision, who may supervise and direct other attorneys.  
16 The hiring authority may allow up to two (2) years of attorney experience credit or seniority  
17 credit for special skills, training, or excellence as an attorney. The pay scale and steps shall be as  
18 follows:

19 Step 1 -- more than five (5) years but less than six (6) years experience as an  
20 attorney, \$62,980;  
21 Step 2 -- more than six (6) years but less than seven (7) years experience as an  
22 attorney, \$68,228; and  
23 Step 3 -- more than seven (7) years but less than eight (8) years experience as an  
24 attorney, \$71,431.

#### 25 ATTORNEY IV

26 (d) A senior attorney with over eight (8) years as an attorney, working with minimal  
27 supervision, with possible supervisory duties over other attorneys. The hiring authority may  
28

1 allow up to three (3) years of attorney experience credit or seniority credit for special skills, trial  
2 experience, training or excellence as an attorney, up to a maximum level and step of Attorney IV  
3 - Step 10. The pay scale and steps shall be as follows:

4 Step 1 -- over eight (8) years but less than nine (9) years of experience as an  
5 attorney, \$78,767;

6 Step 2 -- over nine (9) years but less than ten (10) years of experience as an attorney,  
7 \$83,400;

8 Step 3 -- over ten (10) years but less than eleven (11) years of experience as an  
9 attorney \$86,489;

10 Step 4 -- over eleven (11) years but less than twelve (12) years of experience as an  
11 attorney \$89,578;

12 Step 5 -- over twelve (12) years but less than fourteen (14) years of experience as an  
13 attorney, \$92,667; and

14 Step 6 -- over fourteen (14) years experience as an attorney, \$95,756.

15 Any attorney who has sixteen (16) years or more of total experience as an attorney, **and**  
16 who has reached the level of Attorney IV, Step 6, shall thereafter receive a Step increase of 3.5%  
17 every two (2) years of service as a government of Guam attorney. Each increase of 3.5% shall  
18 be slotted as a corresponding increase in numerical step at the Attorney IV Level. The hiring  
19 authority is authorized to assign First Assistants who shall earn plus 5% of that salary he or she  
20 would earn as a government attorney, according to the above schedule, with maximum additional  
21 credit for seniority and experienced as allowed.

## 22 **ATTORNEY V – MANAGING ATTORNEY**

23 (e) The Attorney General is authorized to hire in the unclassified service a Chief Deputy  
24 Attorney General and Deputy Attorneys General to manage Divisions or Programs within the Office of  
25 the Attorney General. The Public Defender Service Corporation, Judiciary of Guam, and Department or  
26 Agency heads authorized by law to hire attorneys, may hire in the unclassified service a Managing  
27 Attorney to oversee legal programs for their respective departments or agencies. A Chief Deputy  
28 Attorney General, Deputy Attorney General, or Managing Attorney hired pursuant to this section shall

1 be considered to be an Attorney V and compensated according to the following provisions:

2 (1) Attorney V is an attorney who manages a division or program; is responsible for  
3 managing program personnel, administration, and resources; and establishes and implements program  
4 policy. Compensation for Attorney V may be set between \$ \$100,000 and \$125,000 or in the case of an  
5 incumbent classified attorney plus 10% of his or her base salary whichever is higher. Increments may  
6 be granted thereafter at a rate of 3.5% every two (2) years of service as a government of Guam attorney.

7 (2) Attorneys employed in the classified service at the time of appointment to an unclassified  
8 Attorney V shall be eligible to return to the classified service at the termination of their unclassified  
9 appointment, with credit for time served in the unclassified position, and with salary increment steps that  
10 would have been earned for their time in the classified appointment. Increment dates for incumbent  
11 Attorneys that are appointed under this Subsection shall remain the same.

12 (f) The salary schedules contained in the above sections may be modified upwards from time  
13 to time by the Director of Administration, the Office of the Attorney General, or the Judiciary, pursuant  
14 to the Administrative Adjudication Act public notice requirements without further legislation.

15 (g) **Re-slotting to 6208:** In the case of attorneys working for the government of Guam as of  
16 the effective date of this Section, the Department of Administration, the Office of the Attorney General,  
17 Government Agencies authorized to hire attorneys, and the Judiciary shall:

18 (1) use one of the following methods to determine an attorney's pay grade and step. The  
19 method that results in a higher pay grade and step applies.

20 i. attorneys employed pre-CWA (Jan. 26, 2014) shall be reinstated to their previous  
21 level and step plus any increments due; or

22 ii. use the schedule above to place the attorney in the proper level and step. If an  
23 attorney's salary prior to this Act is more than the level and step in which the attorney will be  
24 placed under this Act, the attorney shall be placed in the level and step closest to but not less than  
25 the attorney's current salary.

26 (2) not reduce an attorney's salary as a result of the reenactment of this statute.

27 (3) use experience and seniority credits, as granted, when slotting the attorney to the  
28 appropriate level and step.

1           (4)     Incumbent attorneys shall be eligible for an increment on their anniversary date of hire if  
2 they meet the requisite years of attorney experience in the level and provided that a satisfactory or better  
3 performance evaluation is granted.

4           **Section 3.**     Severability. If any of the provisions of this Code, or the application thereof to  
5 any person or circumstance, is held invalid, such invalidity shall not affect any other provision or  
6 application of this Code which can be given effect without the invalid provision or application, and to  
7 this end the provisions of this Code are severable.

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