

Director
Mike A. Nisperos, Jr.



ADMINISTRATIVE DIRECTOR
Remadette S.N. Charauolaf

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM
110 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3100 □ Fax: (671) 477-5844

STAFF ATTORNEYS
Richard S. Dirks
Jane L. Kennedy
Terrance A. Long
Loretta T. Gutierrez-Long
Pablo M. Aglubat
Raymond B. Ilagan
Jacelyn M. Roden
Peter J. Sablan
Maria G. Fitzpatrick
Rebecca M. Warfield

STANDARD OPERATING PROCEDURE

DIVISION/SECTION: GENERAL ADMINISTRATION		
NUMBER: 001-FY2011	DATE OF ISSUE: December 09, 2010	EFFECTIVE DATE: December 09, 2010
SUBJECT: PUBLIC DEFENDER SERVICE CORPORATION OFFICIAL VEHICLES (Use of)		

BACKGROUND:

Since the establishment of the Public Defender Service Corporation, employees with field assignments (e.g., special investigators, process servers, legal clerks, etc.), have utilized their personally-owned vehicles for this purpose. Although they have the option of requesting reimbursements for gasoline and car maintenance, their automobile insurance providers will not extend coverage for any accidents occurring while on official business.

Annual budget requests have been made to the legislature for the purchase of official vehicles, but funds were never appropriated. For Fiscal Year 2011, a proposal for the lease of official vehicles was approved and funded.

AUTHORITY:

Chapter 11 of Title 12 Guam Code Annotated established the Public Defender Service Corporation. Section 11106 in particular granted the Corporation power to do any and all things necessary to further the purposes of Chapter 11, while section 11107(a) authorizes the Board of Trustees to exercise all powers vested in the organization.

PURPOSE:

This policy shall serve to provide rules of procedure in the use of Public Defender Service Corporation vehicles. It is a tool which will ensure uniformity and consistency for motor vehicle management and utilization in conjunction with the mission, goals and objectives of the Public Defender Service Corporation.

APPLICABILITY:

This Standard Operating Procedure shall be adhered to by employees who require the use of Public Defender Service Corporation vehicles for the purpose of carrying out their official duties and responsibilities. This includes Special Investigators, Process Servers, and/or Attorneys.

POLICY:

In accordance with Section 1103 of Title 4 Guam Code Annotated, government vehicles shall be used for official purposes only. Thus, the use of Public Defender Service Corporation (PDSC) vehicles shall be restricted to travel performed by a person in an official capacity or as a PDSC employee, provided that the purpose of travel shall be related to the performance of duties or activities conducted under express authorization of the Corporation. At no time may an employee drive an official vehicle to his/her home.

Reservations for PDSC official vehicle(s) may be made in advance with the Official Vehicle Officer, and/or in accordance with a written Schedule of Use developed by the division heads of the Investigations and Process Services divisions, and approved by the Administrative Director.

PROCEDURES:

I. OPERATIONS

1. All operators of official vehicles must possess a valid Guam operator's license for the type of vehicle to be operated. Affected employees shall submit a copy of their current Guam operator's license to the Official Vehicle Officer for PDSC files.
2. Operation of an official vehicle shall be executed in a safe and prudent manner, obeying all parking and traffic regulations. A parking or traffic violation becomes the operator's personal liability, and may be subject to disciplinary action.
3. Unauthorized passengers shall not ride in government-owned or government-leased vehicles. Unauthorized passengers are private citizens not employed, involved, or participating in any Public Defender Service Corporation activity or business.
4. Driving while under the influence of alcohol or drugs is prohibited.
5. In accordance with Section 26103 of Title 16 Guam Code Annotated, each driver and passenger of a vehicle shall wear a properly adjusted and fastened safety seat belt.

6. Operators will be responsible for completing a **Motor Vehicle Trip Ticket(s)**, and for inspecting the official vehicle for any apparent damages **BEFORE** and **AFTER** each use. All damages not previously noted must be reported to the Official Vehicle Officer or his/her designee prior to removing the vehicle from Public Defender Service Corporation premises. The Official Vehicle Officer will be responsible for reporting damages to the Administrative Director (who is also the designated Procurement Officer), and the Records, Property & Archiving Technician.
7. Operators shall ensure that the fuel gauge reads no less than one quarter (1/4) tank before the return of the vehicle. In doing so, a reading of one quarter (1/4) tank shall be reported to the Official Vehicle Officer immediately so that arrangements may be made for refueling.
8. Upon completion of official duties, the vehicle must be parked in the designated space of the Public Defender Service Corporation's facilities, and the completed Motor Vehicle Trip Ticket, any gas receipts and the keys for the official vehicle shall be submitted to the Official Vehicle Officer or his/her designee. The Motor Vehicle Trip Ticket must be turned in on a daily basis; however, if this is not possible due to extended usage, the Motor Vehicle Trip Ticket must be turned in to the Official Vehicle Officer first thing the following morning.

II. REPORTING OF INCIDENTS

1. Operators of official vehicles must immediately report all accidents and incidents of damage or theft of Public Defender Service Corporation vehicles to the Official Vehicle Officer or his/her designee, the operator's immediate Supervisor, and proper law enforcement authorities. An initial verbal report must be made, and shall be followed by a written report, via the Official Vehicle Officer, to the Administrative Director/Procurement Officer detailing the circumstances of the incident. The written report must be submitted no later than three (3) working days from the date of the incident known to the employee.

The written report must include:

- a. The date, time and place of the incident;
- b. The identities of all parties involved;
- c. The description and license plate numbers of the vehicles involved;
- d. The circumstances of the incident;
- e. The description of personal injury or property damage involved;
- f. The name of the insurance company and policy number(s), if any; and
- g. The police report and case numbers.

2. Accidents or incidents resulting in personal injury or fatality or property damage amounting to \$250.00 or more must be reported by the operator to the Department of Revenue and Taxation within ten (10) days of the accident pursuant to Section 19105 and Section 19106(a) of Public Law 20-216.
3. Failure to report accidents or incidents of injury or damage, or fleeing the scene of an accident may be cause for disciplinary action.

III. NEGLIGENCE OPERATION OR ABUSE OF AN OFFICIAL VEHICLE

1. If abuse, negligence or misuse on the part of the employee, regardless of whether the employee is the operator of the vehicle, including a violation of any provision of this Standard Operating Procedure, is suspected to be a factor involved in the accident, the employee's immediate Supervisor shall submit a written request to the Administrative Director to conduct an internal investigation. The Administrative Director is responsible for assigning the internal investigation.
2. The internal investigation of the incident and circumstances relating to the incident shall be presented in writing and will include findings and recommended disciplinary action, if any. The report shall be submitted to the Administrative Director within ten (10) working days.
3. The Administrative Director shall render a written decision within five (5) working days following receipt of the report.
4. Should the Administrative Director find that the damage is the result of the employee's own willful or wanton misconduct, the employee in question may be required, at the discretion of the Administrative Director, to reimburse the Public Defender Service Corporation for any expenses incurred as a result of the accident or incident, apart from disciplinary action, if any.

IV. MAINTENANCE OF VEHICLES

1. The Administrative Director/Procurement Officer (with the assistance of the Official Vehicle Officer), shall control the operations of the PDSC official vehicle(s) in accordance with the policies and directives outlined herein.
2. In addition to the requirements stated on the Motor Vehicle Trip Ticket form the authorized Public Defender Service Corporation Gas Card Holder must examine (or have examined), the associated parts of the vehicle to determine if minor services are needed while refueling the PDSC vehicle. Some examples include,

but are not limited to: checking the engine/transmission oil, coolant, battery, brake fluid, etc., levels. If the PDSC Gas Card Holder determines that the vehicle requires service, he/she shall inform the Official Vehicle Officer or his or her designee. The Official Vehicle Officer or his/her designee shall then make arrangements with appropriate authorities as specified in the Vehicle Lease Agreement/Contract.

3. Prior to the expiration of decals, annual renewals of Safety Inspections and Vehicle Registration(s) shall be conducted as specified in the Vehicle Lease Agreement/Contract. The Official Vehicle Officer or his/her designee shall ensure timely compliance with the respective provisions in this regard, contained in the Vehicle Lease Agreement/Contract.
4. Operators of the official vehicles are responsible for basic cleanliness to ensure that both the interior and exterior of the vehicle be kept clean, such as emptying trash, dusting floor mats, etc. Should the vehicle require thorough cleaning, the operator shall inform the Official Officer or his/her designee, who shall then submit appropriate documents and/or make arrangements for this purpose.
5. Preventative maintenance on the official vehicles should be performed in accordance with provisions reflected in the Vehicle Lease Agreement/Contract.

V. RE-FUELING OF OFFICIAL VEHICLE(S)

The following procedures shall be followed relative to the refueling of Public Defender Service Corporation's official vehicles:

1. A formal memorandum signed by the PDSC Executive Director shall be addressed and delivered to the Chief Procurement Officer at the General Services Agency (GSA) of the Government of Guam, requesting inclusion of the respective official vehicle in the Government of Guam Gas Card Program. This memorandum shall include a copy of the vehicle's registration issued by the Department of Revenue and Taxation, Motor Vehicle Licensing division.

2. The Chief Fiscal Officer of the Public Defender Service Corporation shall coordinate with the Department of Administration, in order to establish an account number that all Fuel Billings are to be charged to by Central Accounting, Department of Administration. Furthermore, the Chief Fiscal Officer shall be the "Point of Contact" for the GSA and Central Accounting Division of the Department of Administration regarding fuel transactions, gas cards, authorized vehicle(s), etc.

3. The Administrative Director shall appoint two (2) PDSC employees who are authorized to be issued Fleet Gas Cards. The names, position titles, division/section

assigned to, and Employee Identification Badge numbers must be provided to the Chief Procurement Officer at the GSA, on the same memorandum referred to in item #1 above. Employees who are issued Fleet Gas Cards MUST attend a Gas Card Orientation conducted by GSA. Employee Identification badges must be brought to the orientation.

4. All Gas Cards issued by GSA are the property of the Government of Guam, and must be surrendered upon demand. **If lost, please contact Ms. Marissa D. Leon Guerrero at 475-1720 immediately.** A formal memorandum to Ms. Leon Guerrero must follow, indicating whether or not replacement cards will be issued. An incident report shall be filed with the PDSC Official Vehicle Officer as to the loss of the gas card. A copy of this report will be attached to the formal memorandum to GSA reporting the loss.

5. All gas receipts must be submitted to the Chief Fiscal Officer or his/her designee, no later than the same day that the official vehicle was refueled. These receipts are for audit purposes against billing statements from the Department of Administration, Division of Accounts. GSA does not receive copies of any gas receipts from designated gas vendors. Any requests for copies of misplaced gas receipts must be made through formal memorandum from the PDSC Executive Director to GSA's Chief Procurement Officer, which will then be forwarded to the current gas vendor.

6. This same procedure will be adhered to when requesting any additions of vehicles, employees to be issued gas cards, and/or the removal of vehicles and/or staff from existing authorized lists.

VI. USE OF PRIVATE VEHICLES AND MILEAGE REIMBURSEMENT

The General Appropriations Act for Fiscal Year 2011, or Public Law 30-196, did not provide funding for off-island and/or local travel (mileage reimbursement) for the Public Defender Service Corporation. Therefore, employees who use their privately-owned vehicles for official purposes will not be reimbursed for miles travelled, as the PDSC is prohibited from expending government funds for this purpose.

VII. EMERGENCY SERVICES

An official vehicle utilized by an employee may encounter problems requiring immediate services. Should this occur, the driver is authorized to obtain the services necessary as defined in the Vehicle Lease Agreement/Contract.

VIII. VIOLATION(S)

A violation of any term or provision of this Official Vehicle Policy/Standard Operating Procedure is grounds for disciplinary action including termination.

IX. AUTHORITY AND IMPLEMENTATION

This Standard Operating Procedure/Policy is hereby adopted by the Public Defender Service Corporation, as approved by the Executive Director, and shall remain in full force and effect within the operations of the Corporation. Any changes, additions or deletions shall be made in writing, and approved by the Executive Director prior to implementation.



MIKE A. NISPEROS, JR.
Executive Director

Date: 12/10/10

Attachments:

1. PDSC Motor Vehicle Trip Ticket Form
2. Department of Revenue & Taxation's Report of Motor Vehicle Accident Form

PUBLIC DEFENDER SERVICE CORPORATION
MOTOR VEHICLE TRIP TICKET

I	OPERATOR:	DEPARTMENT/DIVISION:	DATE:
	OPERATOR'S SIGNATURE:	TRIP AUTHORIZED BY:	LICENSE PLATE NO.:
	TYPE OF VEHICLE:	PURPOSE OF TRIP:	FUEL LEVEL:

II NOTE: WHEN THIS VEHICLE IS RETURNED TO THE OFFICIAL VEHICLE OFFICER, IT MUST BE CLEAN AND HAVE AT LEAST A ¾ TANK OF FUEL. YOU WILL ALSO BE RESPONSIBLE FOR REPORTING ANY DAMAGE OTHER THAN THAT IDENTIFIED AT THE TIME OF ASSIGNMENT. THIS VEHICLE IS FOR OFFICIAL USE ONLY. YOU ARE REQUIRED TO CARRY YOUR OPERATOR'S LICENSE WITH YOU WHEN DRIVING THIS VEHICLE.

TIME:		MILEAGE			
START:		START:			
END:		END:			
		TOTAL			

VEHICLE CONDITION	OUT	IN	VEHICLE CONDITION	OUT	IN
FENDERS			GRILL		
BODY			TIRES		
HOOD			LIGHTS		
TRUNK & INTERIOR			MIRRORS		
BED & TAIL GATE			TOOLS & SPARE TIRE		
BUMPERS			OIL/WATER		
GLASS			SAFETY BELT		
INSPECTED BY					

III	DESTINATION	TIME		MILEAGE	REMARKS
		ARRIVE	DEPART		
FROM	PDSC			DEPART	
TO 01				ARRIVE	
TO 02				ARRIVE	
TO 03				ARRIVE	
TO 04				ARRIVE	
TO 05				ARRIVE	
TO 06				ARRIVE	
TO 07				ARRIVE	
TO 08				ARRIVE	
TO 09				ARRIVE	

REVENUE & TAXATION

GOVERNMENT OF GUAM



855 West Marine Drive Agana, Guam 96910 • Tel: (671) 477-1040 Telex: 721-6218 GOVGUAM • Fax: (671) 472-2643
 Driver's Examining Branch Tel: (671) 649-3007-8-9 • Fax: 649-1040

REPORT OF MOTOR VEHICLE ACCIDENT

- Traffic Accident Case No. _____
1. Name of Driver: _____ Social Security Number _____
2. Mailing Address: _____ Telephone _____
3. Type: (Operator's) (Chauffeur) (Taxi) (Motorcycle) (Learner's Permit) Expires: _____
4. Date of Accident, Time and Location: _____
5. Number of persons involved in accident _____ Number Injured _____ Killed _____
6. Name of other driver(s) _____
7. Number of vehicles involved _____ Other vehicles _____ Other property damage _____
8. Name of the Registered owner of vehicle your were driving _____
 Legal Owner _____ Make of Vehicle _____ Year _____ Model _____
 License Plate No. _____ Excess Damage _____
9. Insurance Policy No. _____ Name & Address of Company _____
 Effective date _____ Expiration date _____ Coverages _____

Signature of Driver_____
Date_____
Signature of Registered Owner_____
Date**PUBLIC LAW 20-216****EFFECTIVE DATE: JULY 1, 1991**

SECTION 19105. Report of Accident Required. The driver of every motor vehicle which is in any manner involved in any accident within Guam except on property belonging to such driver, which accident has resulted in damage to the property of another persons in excess of \$250 or in bodily injury or the death of any person, shall within ten (10) days of such accident report the accident to the office of the Director on a form approved by the Director or to the Guam Police Department. If such operator be physically incapable of making such report, and is not the owner of the motor vehicle involved in such accident, then the owner shall, as soon as he learns of the accident, report the matter to the Director and/or the Chief of Police of the Guam Police Department.

SECTION 19106. PENALTY.

(a) Any person who willfully fails, refuses or neglects to report any accident as required by Section 19105 shall be guilty of a petty misdemeanor.