

**BEFORE THE
BOARD OF TRUSTEES OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO APPROVING THE USE OF LAPSED FUNDS TO
RECTIFY THE INCONSISTENCY IN PAY ASSIGNMENTS
FOR JOLEEN M.G. CRUZ**

Resolution No. PDSC 02-14

- WHEREAS,** §4114 of Chapter 4, Title 4 GCA provides for “Inter-Branch Employee Transfers” which states: “Any employee in the classified service may be appointed or transferred to a position in a different branch, department, agency, instrumentality, authority or corporation requiring equivalent qualifications for the one held or to a higher position. Qualification and standards as established by the Director of Administration in cooperation with any branch, department, agency or instrumentality authorized by law to administer the personnel laws and determine its own personnel rules shall be honored and accepted. **Any employee affected by this Section shall not have affected adversely his governmental service, retirement credits, sick or annual leave, and other fringe benefits normally granted to an employee of the Government.**”
- WHEREAS,** PDSC Legal Secretary I JOLEEN M.G. CRUZ was initially hired by the Corporation as a Legal Clerk I on March 29, 2010, and was slotted at Pay Grade F, Step 1; and
- WHEREAS,** immediately prior to her employment with the PDSC, Ms. Cruz was a Messenger Clerk with the Office of the Attorney General for almost two (2) years; and
- WHEREAS,** at the time of hire, Joleen Cruz’s move to the PDSC should have been treated as a “Transfer-Promotion”, (rather than a “Probational Appointment”), thereby assigning her pay to Pay Grade F, Step 2; and
- WHEREAS,** subsequent Personnel Actions affecting Ms. Cruz’s pay assignment prolonged this inconsistency; and
- WHEREAS,** a reconstruction of Ms. Cruz’s Personnel Files has been conducted by PDSC Personnel Specialist IV Bernadette L.P. Lizama, reflecting the proper pay assignments and the actions which must be taken to rectify the inconsistencies (a copy of which is attached hereto); and
- WHEREAS,** the above-mentioned analysis indicates that **\$5,107.95** (inclusive of the government’s share of contributions to the Retirement Fund, and Medicare taxes) is required to settle this matter; and

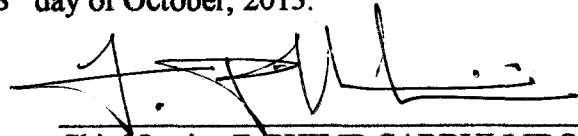
WHEREAS,

because this is a "prior year obligation", since it was not budgeted for in this current fiscal year's obligations, it is necessary to request the use of lapsed funds for this purpose; now therefore be it

RESOLVED,

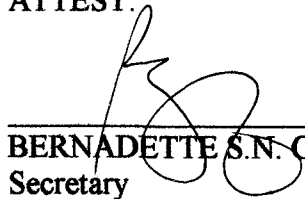
the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of October 08, 2013, hereby approves the use of lapsed funds in the amount of **\$5,107.95** to provide for the proper compensation/pay assignment of **JOLEEN M.G. CRUZ**.

DULY AND REGULARLY ADOPTED this 8th day of October, 2013.



Chief Justice F. PHILIP CARBULLIDO
Chairman

ATTEST:



BERNADETTE S.N. CHARGUALAF
Secretary

10/04/13.

Bonette:

Here's the total expense for Joleen's retroactive pay.



10/4/2013					
1110 Joleen M.G. Cruz			Retirement		
DC Plan	Gross	@ 30.03%	M/care	Total	
	\$ 3,884.96	1,166.65	56.33	\$ 5,107.95	

Position Title	Effective Date	Completed Action		Action Should Be	
Legal Clerk I	03/29/10	Probational Appointment	F-01 \$17,635	Transfer-Promotion	F-02 \$18,737
Legal Clerk I	10/01/10	Hay Study Suspension	F-01 \$17,635	Amend-Hay Study Impl	F-02 \$18,737
Legal Clerk I	03/29/11	Salary Increment	F-02 \$18,737	Amend-Salary Incr	F-03 \$19,840
Legal Secretary I	04/25/11	Promotion	H-01 \$19,974	Amend-Promotion	H-02 \$21,223
Legal Secretary I	04/25/12	Salary Increment	H-02 \$21,223	Amend-Salary Incr	H-03 \$22,471
Legal Secretary I	04/25/13	Salary Increment	H-03 \$22,471	Amend-Salary Incr	H-04 \$23,720

Title 4 Guam Code Annotated – Public Officers & Employees
Chapter 4 Personnel Policy and the Civil Service Commission

§4105. Department Rules.

- (a) **Rules subject to criteria established by this Chapter governing the selection, promotion, performance, evaluation, demotion, suspension and other disciplinary action of classified employees shall be adopted** by the Board of Directors of the Antonio B. Won Pat International Airport Authority, Guam; the Board of Directors of the Guam Economic Development and Commerce Authority; the Board of Commissioners of the Guam Housing and Urban Renewal Authority; **the Guam Judicial Council**; the Board of Directors of the Jose D. Leon Guerrero Commercial Port; the Guam Education Policy Board; the Board of Regents of the University of Guam; the Guam Community College Board of Trustees; the Board of Trustees of the Guam Memorial Hospital Authority; the Board of Directors of the Guam Visitors Bureau; and the Consolidated Commission on Utilities on behalf of the Guam Waterworks Authority and the Guam Power Authority, with respect to personnel matters within their respective Branches, agencies, public corporations or departments, and by the Director of Administration to all other Executive Branch employment.

§4114. Inter-Branch Employee Transfers.

Any employee in the classified service may be appointed or transferred to a position in a different branch, department, agency, instrumentality, authority or corporation requiring equivalent qualifications for the one held or to a higher position. Qualification and standards as established by the Director of Administration in cooperation with any branch, department, agency or instrumentality authorized by law to administer the personnel laws and determine its own personnel rules shall be honored and accepted. **Any employee affected by this Section shall not have affected adversely his governmental service, retirement credits, sick or annual leave, and other fringe benefits normally granted to an employee of the Government.**

Ms. Cruz was initially hired at the AG's Office on 04/07/08 and became a permanent classified employee after completion of her six months probationary period. She then applied for the Legal Clerk I position at PDSC, was selected and hired on 03/29/10 on a Probational Appointment at Pay Grade F Step 1, as this was the practice of the Superior Court. However, based on the above §4114, 4 GCA, Ms. Cruz fulfilled the requirement of becoming a classified employee under the AG's Office and her appointment to PDSC should have been Transfer-Promotion at Pay Grade F Step 2. A reconstruction of her personnel actions has been completed to reflect the correct Nature of Action, steps and salaries to date (please see attached reconstruction worksheet). The amount owed to Ms. Cruz is \$3,884.96

JOLEEN M.G. CRUZ

COMPLETED PERSONNEL ACTIONS											REQUIRED ACTIONS (AMENDMENTS)								COMMENTS		
POSITION TITLE	EFF DATE	PA #	NATURE OF ACTION	PAY PLAN	FROM			TO			EFF DATE	NATURE OF ACTION	FROM			TO					
					PAY GRADE	STEP	SALARY	PAY GRADE	STEP	SALARY			PAY GRADE	STEP	SALARY	PAY GRADE	STEP	SALARY			
Messenger Clerk	04/07/08	A-48230	Probational Appt	Unified				D	01	\$15,840.00											
Messenger Clerk	04/07/09	A-54443	Salary Increment	Unified	D	01	\$15,840.00	D	02	\$16,830.00											
Messenger Clerk	03/26/10	A-59720	Resignation	Unified	D	02	\$16,830.00														
Legal Clerk I	03/29/10	PD-24-10	Probational Appt	Unified				F	01	\$17,635.00	03/29/10	Amendment - PA PD-24-10	F	01	\$17,635.00	F	02	\$18,737.00			Amend PD-24-10 NOA to read Transfer-Promotion and to reflect correct Step/Salary
Legal Clerk I		PD-01-11	Permanent Appt	Unified				F	01	\$17,635.00		Cancel PA PD-01-11									Cancel this PA in its entirety
Legal Clerk I	10/01/10	PD-103-11	Hay Study Implementation	Hay 2010	F	01	\$17,635.00	F	1	\$23,171.00	10/01/10	Amendment - PA PD-103-11	F	02	\$18,737.00	F	1	\$23,171.00			Amend PD-103-11 to reflect correct Step/Salary
Legal Clerk I	01/31/11	PD-104-11	Hay Study Suspension	Unified	F	1	\$23,171.00	F	01	\$17,635.00	01/31/11	Amendment - PA PD-104-11	F	1	\$23,171.00	F	02	\$18,737.00			Amend PD-104-11 to reflect correct Step/Salary
Legal Clerk I	03/29/11	PD-30-11	Salary Increment	Unified	F	01	\$17,635.00	F	02	\$18,737.00	03/29/11	Amendment - PA PD-30-11	F	02	\$18,737.00	F	03	\$19,840.00			Amend PD-30-11 to reflect correct Step/Salary
Legal Secretary I	04/25/11	PD-31-11	Promotion	Unified	F	02	\$18,737.00	H	01	\$19,974.00	04/25/11	Amendment - PA PD-31-11	F	03	\$19,840.00	H	02	\$21,223.00			Amend PD-31-11 to reflect correct Step/Salary
Legal Secretary I	04/25/12	PD-68-12	Salary Increment	Unified	H	01	\$19,974.00	H	02	\$21,223.00	04/25/12	Amendment - PA PD-68-12	H	02	\$21,223.00	H	03	\$22,471.00			Amend PD-68-12 to reflect correct Step/Salary
Legal Secretary I	07/17/12	PD-73-12	Change of Name	Unified	H	02	\$21,223.00	H	02	\$21,223.00	07/17/12	Amendment - PA PD-73-12	H	03	\$22,471.00	H	03	\$22,417.00			Amend PD-73-12 to reflect correct Step/Salary
Legal Secretary I	07/17/12	PD-77-12	Amendment PA # PD-73-12	Unified	H	02	\$21,223.00	H	02	\$21,223.00	07/17/12	Amendment - PA PD-77-12	H	03	\$22,417.00	H	03	\$22,417.00			Amend PD-77-12 to reflect correct Step/Salary
Legal Secretary I	04/25/13	PD-41-13	Salary Increment	Unified	H	02	\$21,223.00	H	03	\$22,471.00	04/25/13	Amendment - PA PD-41-13	H	03	\$22,471.00	H	04	\$23,720.00			Amend PD-41-13 to reflect correct Step/Salary

JOLEEN M.G. CRUZ

POSITION TITLE	NATURE OF ACTION	DATES		NO. OF DAYS	NO. OF DAYS - PROPER	Work Hours - Proper	FROM				TO				RATE DIFF	AMOUNT OWE	COMMENTS
		FROM	TO				PAY GRADE	STEP	SALARY	HOURLY RATE	PAY GRADE	STEP	SALARY	HOURLY RATE			
Legal Clerk I	Transfer-Promotion	03/29/10	09/30/10	134	134	1072	F	01	\$17,635.00	\$8.48	F	02	\$18,737.00	\$9.01	\$0.53	\$568.16	Amend to read Transfer-Promotion and correct Step/Salary
Legal Clerk I	Hay Suspension	01/31/11	03/28/11	41	41	328	F	01	\$17,635.00	\$8.48	F	02	\$18,737.00	\$9.01	\$0.53	\$173.84	Amend to correct Step/Salary
Legal Clerk I	S/I	03/29/11	04/24/11	19	19	152	F	02	\$18,737.00	\$9.01	F	03	\$19,840.00	\$9.54	\$0.53	\$80.56	Amend to correct Step/Salary
Legal Secretary I	Promotion	04/25/11	04/24/12	262	262	2096	H	01	\$19,974.00	\$9.60	H	02	\$21,223.00	\$10.20	\$0.60	\$1,257.60	Amend to correct Step/Salary
Legal Secretary I	S/I	04/25/12	04/24/13	261	261	2088	H	02	\$21,223.00	\$10.20	H	03	\$22,471.00	\$10.80	\$0.60	\$1,252.80	Amend to correct Step/Salary
Legal Secretary I	S/I	04/25/13	10/02/13	115	115	920	H	03	\$22,471.00	\$10.80	H	04	\$23,720.00	\$11.40	\$0.60	\$552.00	Amend to correct Step/Salary
				0	0	0									\$0.00	\$0.00	

\$3,884.96