

**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO APPROVING THE USE OF LAPSED FUNDS FOR  
NECESSARY CORRECTIONS TO THE EARNINGS OF  
ATTORNEY SURESH SAMPATH**

**Resolution No. PDSC 08-13**

- WHEREAS,** Section 6208, Chapter 6 of Title 4 Guam Code Annotated provides the pay scale for government of Guam attorneys, as well as the methodology for pay increases occurring on their anniversary date of hire; and
- WHEREAS,** Assistant Public Defender Suresh Sampath commenced employment with the Public Defender Service Corporation as an Attorney I-1 on February 28, 2011; and
- WHEREAS,** at the time of hire, Attorney Sampath possessed one (1) year and seven (7) months of creditable legal work experience which would place him at Attorney I-2 level; and
- WHEREAS,** then PDSC Executive Director Mike A. Nisperos, Jr. directed that Attorney Sampath be placed at Attorney I-1 due to budgetary constraints; and
- WHEREAS,** on February 28, 2012 Attorney Sampath was given a Pay Adjustment, moving him to Attorney I-3, which was the proper level based on his creditable legal work experience of two (2) years and seven (7) months; and
- WHEREAS,** On July 28, 2012 (prior to his anniversary date of hire), another Pay Adjustment was granted when his legal work experience was "more than three (3) years, but less than four (4) years", moving him up to the level of Attorney II-1; and
- WHEREAS,** the above-mentioned move was based on erroneous information received from the Department of Administration relative to pay adjustments being made for attorneys when they reach the required experience level, and not on their anniversary date of hire; and
- WHEREAS,** upon re-evaluating and reconstructing Attorney Sampath's employment records with the PDSC, these errors were discovered. The following depicts the proper advancement associated with this individual's employment at the PDSC:

Effective Date:	Position Title:	Pay Grade and Step:	Annual Salary:	Hourly Rate:
02/28/11	Attorney I (Probationary Appointment)	I-2	\$42,874.00	\$20.61
08/28/11	Attorney I (Permanent Appointment)	I-2	\$42,874.00	\$20.61
02/28/12	Attorney I (Pay Adjustment)	I-3	\$45,396.00	\$21.83
02/28/13	Attorney II (Pay Adjustment)	II-1	\$47,008.00	\$22.60

**WHEREAS,** because the PDSC incorrectly slotted Attorney Sampath as an Attorney I-1 from February 28, 2011 to February 28, 2012, instead of the statutory mandate of Attorney I-2, the Corporation owes him \$2,526.48.

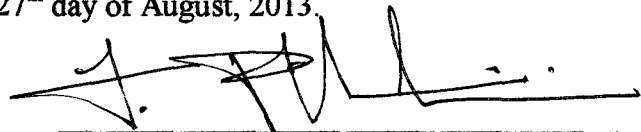
**WHEREAS,** because the PDSC erroneously granted Attorney Sampath a Pay Adjustment on July 28, 2012, seven (7) months prior to his anniversary date of hire, the Corporation overpaid him by \$942.48.

**WHEREAS,** the actual amount owed to Attorney Sampath is the difference between \$2526.48 and \$942.48, or \$1,584.00; 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 August 27, 2013, hereby approves the use of lapsed funds in the amount of \$1,584.00 to provide for the proper compensation of Attorney Sampath when he was first hired on February 28, 2011.

**DULY AND REGULARLY ADOPTED** this 27<sup>th</sup> day of August, 2013.



Chief Justice F. PHILIP CARBULLIDO  
Chairman

ATTEST:

  
BERNADETTE S.N. CHARGUALAF  
Secretary