

**BEFORE THE
BOARD OF TRUSTEES OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE USE OF PD AND APD LAPSED FUNDS
TO RECTIFY ERRORS IN PAY GRADE/STEP
(AMENDEMED BASED ON CWA 2014)
AND PAY ADJUSTMENTS
FOR ATTORNEYS RICHARD DIRKX, ANA MARIA GAYLE,
PETER SABLAN AND WILLIAM JONES**

RESOLUTION NO. PDSC 10-16

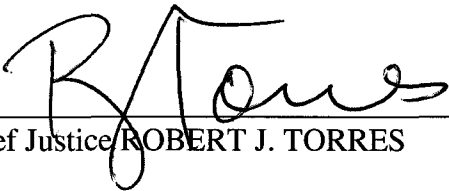
- WHEREAS,** Section 6208, Chapter 6 of Title 4 Guam Code Annotated provides the pay scale for government of Guam attorneys, as well as the methodology for pay increases occurring on their anniversary date of hire; and
- WHEREAS,** audits were made to attorneys Richard Dirkx, Ana Maria Gayle, Peter Sablan and William Jones' personnel jackets and pay adjustments needed to be made as a result of the enactment of the Government of Guam's Competitive Wage Act 2014; and
- WHEREAS,** with the implementation of the Government of Guam's Competitive Wage Act 2014, increment dates and performance evaluations also needed to be adjusted for each of the attorneys previously mentioned; and
- WHEREAS,** Personnel Specialist IV Bernadette Lizama evaluated as well as verified the Personnel Jackets to ensure that "Pay Adjustments and Increment Dates" due for each of the attorneys; consequently assessing retro payments due for attorneys Richard Dirkx (\$22,475.68), Ana Maria Gayle (\$29,058.48), Peter Sablan (\$16,176.96) and William Jones (\$15,744.64) for FY2014/2015; and
- WHEREAS,** details of Mrs. Lizama's assessment are included and specified on the attached spreadsheets, as well as the proper advancement(s) associated with these individuals' employment at the Public Defender Service Corporation and/or Alternate Public Defender; and
- WHEREAS,** the amounts were not budgeted for in this current fiscal year's obligations, necessitating the use of lapsed funds to satisfy this debt; now therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of February 25, 2016, hereby approves the Corporation's request for the expenditure of \$84,455.66 from the PDSC and APD lapsed funds in order to resolve and correct the errors described above; and be it further

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RESOLVED, the spreadsheets prepared by Personnel Specialist IV Bernadette Lizama, which details the adjustments for attorneys Richard Dirkx (\$22,475.68), Ana Maria Gayle (\$29,058.48), Peter Sablan (\$16,176.96) and William Jones (\$15,744.64) for FY2014/2015, are attached hereto and made a part of this resolution.

DULY AND REGULARLY ADOPTED this 25th day of February, 2016.



Chief Justice **ROBERT J. TORRES**

ATTEST:



CATHY C. GOGUE
Secretary

Richard S. Dirkx

POSITION TITLE	NATURE OF ACTION	DATES		NO. OF DAYS	Work Hours - Proper	FROM				TO				RATE DIFF	AMOUNT OWE	COMMENTS
		FROM	TO			PAY GRADE	STEP	SALARY	HOURLY RATE	PAY GRADE	STEP	SALARY	HOURLY RATE			
Attorney IV	Amend Pay Adj	10/01/04	10/09/04	6	48	A4	8	\$80,580.00	\$38.74	A4	6(4X)	\$92,467.00	\$44.46	\$5.72	\$274.56	Transition to \$6208 10/01/04
Attorney IV	Amend Pay Adj	10/10/04	09/30/05	255	2040	A4	6(4X)	\$92,467.00	\$44.46	A4	6(5X)	\$95,703.00	\$46.01	\$1.55	\$3,162.00	Was due Pay Adjustment which affected all subsequent actions thereafter.
Attorney IV	Amend Pay Adj	10/10/06	09/30/07	254	2032	A4	6(5X)	\$95,703.00	\$46.01	A4	6(6X)	\$99,053.00	\$47.62	\$1.61	\$3,271.52	
Attorney IV	Amend Pay Adj	10/10/08	09/30/09	254	2032	A4	6(6X)	\$99,053.00	\$47.62	A4	6(7X)	\$102,520.00	\$49.29	\$1.67	\$3,393.44	
Attorney Level 4	Pay Adjustment	10/10/10				A-L-4	MAX	\$102,520.00	\$49.29						\$5,126.00	Outstanding PE (5% lump Sum)
Attorney IV	Amend Hay Susp	01/31/11	09/30/11	175	1400	A4	6(7X)	\$102,520.00	\$49.29	A4	6(8X)	\$106,108.00	\$51.01	\$1.72	\$2,408.00	
Attorney IV	Amend Pay Adj	10/10/12	01/25/14	338	2704	A4	6(8X)	\$106,108.00	\$51.01	A4	6(9X)	\$109,822.00	\$52.80	\$1.79	\$4,840.16	
Attorney Level 4	Salary Increment	04/10/14	09/05/15	367	2936	A-L-4	9	\$111,451.00	\$53.58	A-L-4	10	\$117,880.00	\$56.67	\$3.09	\$9,072.24	PE Period 10/10/12-04/10/14 Paid out on PPE 09/05/15 Rate changed PPB 09/06/15 to present

\$22,475.68

Ana Maria Gayle

POSITION TITLE	NATURE OF ACTION	DATES		NO. OF DAYS	Work Hours - Proper	FROM				TO				RATE DIFF	AMOUNT OWE	COMMENTS
		FROM	TO			PAY GRADE	STEP	SALARY	HOURLY RATE	PAY GRADE	STEP	SALARY	HOURLY RATE			
Attorney IV	Pay Adjust	10/01/04	09/26/05	257	2056	A4	4	\$75,208.00	\$36.16	A4	5	\$77,894.00	\$37.45	\$1.29	\$2,652.24	Correct Step/Salary
Attorney IV	Pay Adjust	09/27/05	09/26/08	784	6272	A4	5	\$77,984.00	\$37.45	A4	6	\$80,580.00	\$38.74	\$1.29	\$8,090.88	Correct Step/Salary
Attorney IV	Pay Adjust	09/27/08	09/26/10	520	4160	A4	6	\$80,580.00	\$38.74	A4	6(1x)	\$83,400.00	\$40.10	\$1.36	\$5,657.60	Correct Step/Salary
Attorney IV	Pay Adjust	09/27/10	09/30/10	4	32	A4	6(1x)	\$83,400.00	\$40.10	A4	6(2x)	\$86,319.00	\$41.50	\$1.40	\$44.80	Correct Step/Salary
Attorney Level 5 Managing	Hay Study Impl	10/01/10	01/30/11	86	688	ATTY 4	MPP	\$84,200.00	\$40.48	A-L-5	2	\$89,022.00	\$42.80	\$2.32	\$1,596.16	Correct Step/Salary
Attorney IV	Hay Study Suspension	01/31/11	09/26/12	433	3464	A4	6(1x)	\$83,400.00	\$40.10	A4	6(2x)	\$86,319.00	\$41.50	\$1.40	\$4,849.60	Correct Step/Salary
Attorney IV	Pay Adjust	09/27/12	01/25/14	347	2776	A4	6(2x)	\$86,319.00	\$41.50	A4	6(3x)	\$89,640.00	\$42.95	\$1.45	\$4,025.20	Correct Step/Salary
Attorney Level 5 Managing	Transition CWA 2014	01/26/14	09/26/14	175	1400	A-L-5	2	\$89,022.00	\$42.80	A-L-5	3	\$92,204.00	\$44.33	\$1.53	\$2,142.00	Correct Step/Salary
Attorney Level 5 Managing	Salary Increment	09/27/14	05/16/15	165	1320	A-L-5	2	\$89,022.00	\$42.80	A-L-5	4	\$95,500.00	\$45.91	\$3.11	\$4,105.20	S/I Due. To be paid out on PPE 05/30/15

\$29,058.48

PETER J. SABLAN

POSITION TITLE	NATURE OF ACTION	DATES		NO. OF DAYS	Work Hours - Proper	FROM				TO				RATE DIFF	AMOUNT OWED	COMMENTS
		FROM	TO			PAY GRADE	STEP	SALARY	HOURLY RATE	PAY GRADE	STEP	SALARY	HOURLY RATE			
Attorney IV	Amend Prob Appt	01/08/07	07/08/07	130	1040	A3	3	\$59,329.00	\$28.52	A4	1	\$62,114.00	\$29.86	\$1.34	\$1,393.60	
		07/09/07	01/07/08	131	1048	A4	1	\$62,114.00	\$29.86	A4	1	\$62,114.00	\$29.86	\$0.00	\$0.00	
	Pay Adjustment	01/08/08	07/08/08	131	1048	A4	1	\$62,114.00	\$29.86	A4	2	\$68,493.00	\$32.93	\$3.07	\$3,217.36	
		07/09/08	01/07/09	131	1048	A4	2	\$68,493.00	\$32.93	A4	2	\$68,493.00	\$32.93	\$0.00	\$0.00	
	Salary Increment	01/08/09	07/08/09	130	1040	A4	2	\$68,493.00	\$32.93	A4	3	\$72,522.00	\$34.87	\$1.94	\$2,017.60	
		07/09/09	01/07/10	131	1048	A4	3	\$72,522.00	\$34.87	A4	3	\$72,522.00	\$34.87	\$0.00	\$0.00	
	Salary Increment	01/08/10	07/08/10	130	1040	A4	3	\$72,522.00	\$34.87	A4	4	\$75,208.00	\$36.16	\$1.29	\$1,341.60	
		07/09/10	09/30/10	60	480	A4	4	\$75,208.00	\$36.16	A4	4	\$75,208.00	\$36.16	\$0.00	\$0.00	
Attorney Lev 4	Hay Study	10/01/10	01/07/11	71	568	ATTY4	1	\$75,780.00	\$36.43	ATTY4	1	\$75,780.00	\$36.43	\$0.00	\$0.00	
	Amend S/I	01/08/11	01/30/11	15	120	ATTY4	1	\$75,780.00	\$36.43	ATTY4	2	\$78,489.00	\$37.74	\$1.31	\$157.20	
Attorney IV	Hay Suspension	01/31/11	01/07/14	767	6136	A4	4	\$75,208.00	\$36.16	A4	5	\$77,894.00	\$37.45	\$1.29	\$7,915.44	
	Amend S/I	01/08/14	01/25/14	13	104	A4	5	\$77,894.00	\$37.45	A4	6	\$80,580.00	\$38.74	\$1.29	\$134.16	
Attorney Lev 4	CWA 2014	01/26/14	01/07/15	248	1984	L4	2	\$78,489.00	\$37.74	L4	3	\$81,294.00	\$39.08	\$1.34	\$2,658.56	Paid out PPE
	Salary Increment	01/08/15	08/07/15	152	1216	L4	2	\$78,489.00	\$37.74	L4	4	\$84,200.00	\$40.48	\$2.74	\$3,331.84	09/18/15

\$16,176.96

William B. Jones

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			
Attorney Level 2	Reclass-Prom	01/27/14	01/26/15	261	261	2088	L1	1	\$50,825.00	\$24.44	L2	1	\$57,375.00	\$27.89	\$3.45	\$7,203.60	Reclass-Prom pursuant to CWA 2014 Prior Year Obligation
Attorney Level 2	Salary Increment	01/27/15	01/24/16	259	259	2072	L1	1	\$50,825.00	\$24.44	L2	2	\$59,426.00	\$28.57	\$4.13	\$8,557.36	Prior Year Obligation
Attorney Level 2	Salary Increment	01/25/16	01/26/16	2	2	16	L2	3	\$61,550.00	\$29.59	L2	2	\$59,426.00	\$28.57	-\$1.02	-\$16.32	Had effectuated S/I on PPE 02/06/16 (01/25/16 - 02/05/16)
		01/27/16	02/05/16	8	8	64	L2	3	\$61,550.00	\$29.59	L3	3	\$61,550.00	\$29.59	\$0.00	\$0.00	Had effectuated S/I on PPE 02/06/16 (01/25/16 - 02/05/16)
				0	0	0									\$0.00	\$0.00	
				0	0	0									\$0.00	\$0.00	
				0	0	0									\$0.00	\$0.00	

\$15,744.64