

**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE USE OF APD LAPSED FUNDS  
TO RECTIFY ERRORS IN PAY GRADE/STEP  
UPON INITIAL HIRING AND PAY ADJUSTMENTS  
OF ATTORNEY ERIC R. OVERTON**

**RESOLUTION NO. PDSC 11-14**

- 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,** Attorney Eric R. Overton commenced employment with the Alternate Public Defender on December 6, 2010 as an Attorney I-1; and
- WHEREAS,** at the time of hire, Attorney Overton possessed one (1) year and eight (8) 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 Overton be placed at Attorney I-1 due to budgetary constraints; and
- WHEREAS,** on December 6, 2011 Eric Overton received a Pay Adjustment to Attorney I-2, when in fact the proper level (based on his legal work experience) was Attorney I-3; and
- WHEREAS,** on March 26, 2012 (prior to his anniversary date of hire), another Pay Adjustment was granted, moving him to 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,** Personnel Specialist IV Bernadette Lizama has re-evaluated Attorney Overton's Personnel Jacket to verify his "Pay Adjustment" date, and discovered the errors that were made; 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 this individual's employment at the Alternate Public Defender; and

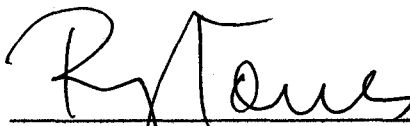
**WHEREAS,** the PDSC incorrectly slotted Attorney Overton as an Attorney I-1 at the time of his initial hiring, and subsequent pay adjustments prolonged this error, the Corporation now owes Attorney Overton the amount of \$2,204.48 in back pay.

**WHEREAS,** this amount was not budgeted for in this current fiscal year's obligations, the use of lapsed funds to satisfy this debt is necessary ; now therefore be it

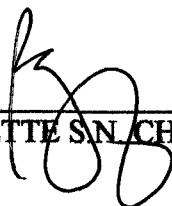
**RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of March 21, 2014, hereby approves the Corporation's request for the expenditure of \$2,204.48 from APD lapsed funds in order to resolve and correct the errors described above; and be it further

**RESOLVED,** the spreadsheets prepared by Personnel Specialist IV Bernadette Lizama, which detail the errors and necessary corrections in this matter, are attached hereto and made a part of this resolution.

**DULY AND REGULARLY ADOPTED** this 21<sup>st</sup> day of March, 2014.

  
\_\_\_\_\_  
Chief Justice ROBERT J. TORRES

ATTEST:

  
\_\_\_\_\_  
BERNADETTE S.N. CHARGUALAF  
Secretary