

PORT AUTHORITY OF GUAM

JOSE D. LEON GUERRERO COMMERCIAL PORT

1026 Cabras Highway, Suite 201 Piti, GU 96925

Phone: (671) 477-5931 Fax: (671) 477-2689

Website: www.portguam.com



NEWS RELEASE

FOR IMMEDIATE RELEASE

April 1, 2019

Creation of Position Port Staff Attorney

In compliance with Title 4 of the Guam Code Annotated (GCA), the public is notified of the Port's request for the creation of the position of *Port Staff Attorney*.

Supporting documents are available for public review and comments below.

Comments can be submitted to the Human Resources Division no later than April 12, 2019. For more information, please contact the Human Resources Division at 477-5931, ext. 306 or 368.

- END -

Contact: Acting Personnel Services Administrator Shawn Cepeda

Phone: (671) 477-5931/5 Email: sbcepeda@portguam.com



PORT OF GUAM
ATURIDATI PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
1026 Cabras Highway, Suite 201, Piti, Guam 96925
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445
Website: www.portguam.com



Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor

March 27, 2019

Request for Creation of Position – Port Attorney

NEW TIMELINE

PROCESS	ESTIMATED TIMELINE
Request to be submitted to the Board for their initial review and approval to proceed with the transparency process for the creation of the position, i.e., posting such request on the Port's website.	March 29, 2019
If Board agrees to proceed with the creation, the request will be transmitted to the division heads for review and comments	April 1, 2019
Posting of proposed creation of position on Port's website.	April 1 to 12, 2019
Notification to be provided to the electronic and written media outlets of the Port's request, its availability on the website; and possible Board meeting date the request may be approved.	April 1, 2019
Request to be re-submitted to the Board for final approval and adoption by resolution	April 25, 2019
Creation of position documents transmitted to the Director of Administration and Guam Legislative Secretary	April 26, 2019
Process job announcement for positions and/or effective date of reallocation of positions.	May 27, 2019




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Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

February 7, 2019

MEMORANDUM

TO: Board of Directors
FROM: Rory J. Respicio, General Manager 
SUBJECT: Request for Creation of Position – Port Attorney

The establishment of a staff attorney position within the Port's Classification and Compensation Plan will provide Port management with advice and guidance on the day-to-day transactions, such as, reviewing commercial leases, landlord-tenant disputes, government procedure solicitations, claims filed, account receivable collections, human resources, labor relations, Sunshine Act compliance, etc.

Additionally, by employing an individual to occupy this position will provide the Authority with continuity and institutional knowledge of Port's operations. The Port in-house attorney can actively guide management in decisions that could have potential legal ramifications and assist in averting possible problems with contract management, negotiation and personnel matters.

On January 8, 2019, I presented a request to you, seeking authorization to begin the creation of position process for staff attorney under the Port's Classification and Compensation Plan. Thank you for approving such authorization.

We are attaching our classification report and analysis justifying the need to create a Port Attorney position in the classified service under the Port Classification and Compensation Plan.

Public Law 30-43 adopted the Port's Personnel Rules and Regulations which authorizes the Board of Directors to create positions in the classified service in accordance with Title 4, Guam Code Annotated, Section 6303(d). Rule 5.015 of the Personnel Rules and Regulations stipulates that the General Manager shall petition the Board to create new positions or classes of positions when necessary for the efficient performance of the duties and functions of the Port. The petition shall include:

1. The justification for the new position;
2. The essential details concerning the creation of the position;
3. An analysis of the similarities and differences between the position to be created and positions listed pursuant to Title 4, GCA, Section 4101.1(d);
4. The position description;
5. The proposed pay range and demonstration of compliance with Section 6301 of Title 4, GCA; and
6. A fiscal note as that term is described in Title 2, GCA, Section 9101 *et seq.*; and any other pertinent information.

Upon your approval to establish the Port Attorney position, Rule 5.016 of the Personnel Rules and Regulations requires the following transparencies and disclosures:

1. The petition for request for creation is posted on the Port’s website for 10 days (Saturdays, Sundays and Government of Guam holidays excepted); and
2. Notices of the postings are provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.

After the transparency process has been completed, this office will forward the petition, along with evidence of compliance to the Board. If the Board is satisfied that all requirements have been met, the petition for creation of position is approved by resolution, which copies will be transmitted to the Director of Administration and Guam Legislative Secretary.

Upon meeting the above requirements, the Port will then be able to fill the position once 30 days have elapsed from the date of filing with the Legislative Secretary. However, if the Port does not comply with the requirements, such creation of position shall be voided.

To ensure that transparency and disclosure is provided to all parties concerned, the following processes and estimated timeframes are to be followed:

PROCESS	ESTIMATED TIMELINE
Request to be submitted to the Board for their initial review and approval to proceed with the transparency process for the creation of the position, i.e., posting such request on the Port’s website.	February 12, 2019
If Board agrees to proceed with the creation, the request will be transmitted to the division heads for review and comments	February 13, 2019
Posting of proposed creation of position on Port’s website.	February 13 – 26, 2019
Notification to be provided to the electronic and written media outlets of the Port’s request, its availability on the website; and possible Board meeting date the request may be approved.	February 13, 2019
Request to be re-submitted to the Board for final approval and adoption by resolution.	March 26, 2019
Creation of position documents transmitted to the Director of Administration and Guam Legislative Secretary.	March 27, 2019
Process job announcement for positions and/or effective date of reallocation of positions.	March 28, 2019

Subject: Request for Creation of Position – Port Attorney
Page 3

In light of the above, we are transmitting our request to create the Port Attorney position in the classified service for your initial review and ask you kind approval to begin the transparency and disclosure process for the creation.

I am available should you have any questions. *Si Yu'os Ma'ase!*

Attachments

PORT AUTHORITY OF GUAM
Jose D. Leon Guerrero Commercial Port
Piti, Guam

**PETITION FOR
CREATION OF POSITION – PORT ATTORNEY POSITION**

REQUEST

On January 8, 2019, the Port General Manager presented to the Board of Directors a request to authorize management to proceed with a creation of position for an attorney. The request was approved by the Board to proceed with establishing the Port Attorney position in the classified service under the Port's Classification and Compensation Plan.

AUTHORITY

Public Law 30-43 adopted the Port's Personnel Rules and Regulations which authorizes the Board of Directors to create positions in the classified service. Rule 5.015, *Creation of New Positions and Classes of Positions*, of the Personnel Rules and Regulations stipulates:

- A. *Pursuant to Section 6303(d), Title 4, GCA, the General Manager shall petition the Board to create new positions or classes of positions when necessary for the efficient performance of duties and functions of the Port.*

- B. *The petition shall include:*
 - 1. *the justification for the new position;*
 - 2. *the essential details concerning the creation of the position;*
 - 3. *the analysis of the similarities and differences between the position to be created and the positions listed pursuant to Title 4, GCA, Section 4101.1(d);*
 - 4. *the position description;*
 - 5. *the proposed pay range and demonstration of compliance with Section 6301 of Title 4, GCA; and*
 - 6. *a fiscal note as that term is described in Title 2, GCA, Section 9101 et seq.; and any other pertinent information.*

- C. *The petition shall be posted on the Port's website for ten (10) days (Saturdays, Sundays and Government of Guam holidays excepted). After the posting, the General Manager shall forward the petition, along with evidence of his compliance with Title 5, GCA, Section 6303.1(a) to the Board, who if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.*

- D. *No new position may be filled until after compliance of the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.*

In line with this, Rule 5.016, *Transparency and Disclosure of Creation of New Positions or Classes of Positions*, states:

- A. *Prompt notice of the postings required by Title 4, GCA, Sections 6205 and 6303 shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.*
- B. *The petitions required by Title 4, GCA, Sections 6205 and 6303 are public documents for the purposes of Title 5, GCA, Chapter 10, Article 1 (The Sunshine Law).*
- C. *Any attempted creation of a position or above-step recruitment not in compliance with the provisions of Title 4, GCA, Sections 6205, 6303 and 6303.1(a) is void.*

References of Compliance

2 GCA §9101, Restrictions Against Unfunded Appropriations, *“All bills that have an effect upon the revenues or the expenditure of any funds of the Government of Guam shall identify a specific funding source for which funds are, in fact, available....”*

4 GCA §4105(a) Departmental Rules *“Rules subject to criteria established by this Chapter governing selection, promotion, performance, evaluation, demotion, suspension and other disciplinary action of classified employees shall be adopted by the Board of Directors of the...Jose D. Leon Guerrero Commercial Port...with respect to personnel matters within their respective Branches, agencies, public corporations or departments, and by the Director of Administration as to all other Executive Branch employment.”*

4 GCA §4101.1(d). Responsibilities of the Director of Administration Regarding Personnel Policy of the Government. *“The Director of Administration shall perform the following functions... (d) Maintain, post and keep current on the Department’s website a list of all classified and unclassified positions in the executive branch, including autonomous agencies and public corporations, showing the job description and pay range assigned to each position....”*

4 GCA §6301. Compensation Policy.

- “(1) Employee compensation shall be based on internal equity and external competitiveness.*
- (2) To the extent practical, compensation will be targeted at the U.S. National Average levels compared to the appropriate labor markets and account taken of the relevant economic factors.*
- (3) Internal equity shall be reviewed annually and external competitiveness at least every three (3) years.*
- (4) Compensation structures and administrative policies should also recognize and reward individual employees commensurate with performance.*
- (5) All aspects of compensation (base salaries, benefits, pay differentials, and other factors) will be considered as a total reward and incentive package for employees and shall be consistent and uniformly administered through the government.*
- (6) A program of ongoing communications and training shall be a critical component of compensation administration.”*

AGENCY BACKGROUND

Public Law 13-87 created the Port Authority of Guam as a public corporation and an autonomous instrumentality of the Government of Guam. The Agency is mandated to provide for the needs of ocean commerce, shipping recreational, commercial/boating and navigation of the Territory of Guam. Its enabling act provides that it must be entirely self-supporting. Its financial obligations and administrative operating costs must be paid by monies generated from the use of its facilities and services in accordance with the provisions of the Port terminal tariff. The Board of Directors is comprised of five (5) non-salaried members appointed by the Governor with the consent and advice of the Guam Legislature. The Board provides and establishes policies and directives pertaining to the planning, promotion, development, construction, operation and maintenance of the Port facilities.

BACKGROUND INFORMATION OF PROPOSED POSITION

Since 2010, there have been 51 cases which were referred to Port Legal Counsel to pursue litigation. Out of the 51 cases, 16 were pending—3 civil and 13 employee adverse action appeals. The Port has expended more than \$6 million in legal fees to pursue litigation over the past 8 years.

As the Port moves forward with the capital improvement projects to prepare for the military build-up, areas reviewed to reduce costs and still achieve operational mission objectives were made. One of the areas reviewed was how the Port handled legal matters.

It was determined the bulk of legal representation deals with ordinary and routine matters. To establish an attorney position under Port's Classification and Compensation Plan will provide management with advice and guidance on the day-to-day transactions, such as, reviewing commercial leases, landlord-tenant disputes, government procurement solicitations, claims filed, account receivable collection, human resources, Sunshine Act compliance, etc.

Employing an attorney as a full-time employee of the Authority will also provide continuity and develop institutional knowledge of the Agency. The incumbent who occupies this position can actively guide management in decisions that could have potential legal ramifications and assist in averting possible problems with contract management, negotiation and personnel matters. The combination of legal knowledge and experience will make a better-rounded advisor, helping the Port avoid unnecessary liability while increasing efficiency and effectiveness.

METHODOLOGY

Management along with the Consultant reviewed the duties and responsibilities of the proposed Port Attorney position using the job evaluation systematic process for assessing the content, relative size and importance of the job within our organization using a total of 12 measurement factors. Each factor indicates a point rating and sum of all points representing the total "points" value for the job. Also provided were the organizational and functional charts.

In summary, the job evaluation provides:

1. A structured approach to assessing the relative worth of each job;
2. Measurement factors universally applicable across all sectors of industry, commerce, and government; and
3. objectivity which is attained to avoid much of the irrational and/or emotional impact of personality conflicts and personal prejudices.

Part two of the methodology completes the evaluation of these positions in using the New Port Compensation structuring which is determined based on compensation comparison of Compensation trends of the Private Sector, State and Local Government on percentage changes in wages, salaries and benefits, including Market Percentiles, the determination of Certified/Technical and Professional Positions and regression analysis of base salaries.

CLASSIFICATION REVIEW

The proposed Port Attorney position is under the policy direction of the Board of Directors and General Manager. The position's nature of work is to provide legal services and counsel to the Board, managers and staff on legal issues of significant complexity, sensitivity and potential risk and consequences to the Port. The position may represent the Attorney General of Guam for Port matters if designated or authorized. While issues vary in difficulty and complexity, the position will typically perform the most complex, difficult or sensitive matter requiring the application of seasoned, expert legal judgment and expert litigation skills.

The position requires knowledge of:

1. principles and practices of civil and administrative law, especially as they relate to government entities and the Government of Guam.
2. effective strategies, practices and techniques in the conduct of negotiations and litigation.
3. the Guam Code Annotated, federal and other laws, regulations, ordinances, policies and opinions applicable to the operations of the Port.
4. principles, methods and techniques of legal research and investigation.
5. local and federal law and regulation, court decisions and other legal requirements applicable to governmental operations and personnel.
6. effective principles and practices of legal communication.
7. basic principles and practices of law office administration.
8. principles and practices of effective management and supervision.

9. government administrative human resources rules and regulations, policies and procedures and labor contract provisions.
10. employment law, laws and policies related to labor and employment provisions.

Ability to:

1. define, analyze and litigate complex legal issues and problems. Research and organize facts, perform legal risk-benefit analyses, evaluate alternatives and develop sound conclusions and legal advice.
2. present statement of fact, law and argument clearly, logically and persuasively.
3. exercise sound, independent judgment within general policy guidelines and legal parameters.
4. Interpret and explain local and federal law, regulations, legislation and constitutional provisions affecting Port operations.
5. develop sound negotiations and litigation strategy and represent the Port effectively in meetings and hearings.
6. draft clear, concise and competent legal opinions, briefs, resolutions, ordinances, agreements, contracts, proposed legislation, reports, correspondence and other written materials.
7. use effective written and oral communication skills, including explaining complex and unfamiliar legal principles to non-technical audiences.
8. use a high degree of integrity and discretion in dealing with confidential issues and situations.
9. develop and maintain effective working relationship with the Board of Directors members, all levels of Port management and staff, other government attorneys, outside legal counsels, experts and consultants, representatives of other government agencies and departments, Port stakeholders and others encountered in the course of work.

Guidelines applied in many assignments may be limited to basic legislation, implementing regulations and agency policies which must be carefully analyzed for general application. The more specific guidelines may be of limited use as the legislative histories or precedent decisions may be ambiguous or apparently in conflict. The position must use initiative and resourcefulness in interpreting and applying guidelines and precedents in non-routine situations. In the number of situations, the position may need to rely on past personal experience to evaluate the applicability of guidelines on issues where conflicting decisions have not been resolved or where factual situations vary so widely that it is highly questionable as to which precedents can be adopted to specific matters.

The education for the position requires graduation with a Juris Doctor degree from an accredited law school by the American Bar Association.

Special requirements of the position will require the applicant to possess a current license to practice in a state or territory of the United States, current certificate of good standing, and a valid driver’s license.

ANALYSIS OF SIMILARITIES AND DIFFERENCES:

A review of the Government of Guam Classification Plan’s Occupational Listing and other autonomous agencies staffing patterns reveal the following positions that are closely associated with the proposed Port Attorney position.

Staff Attorney - Guam Waterworks Authority	\$115,003.20 per annum
Attorney IV – Office of the Attorney General	\$68,493.00 per annum

However, the positions can only be used by the Office of the Attorney General and Guam Waterworks Authority.

As a result, it is recommended that Port Attorney position be established under the Port’s Classification and Compensation Plan.

FISCAL NOTE:

Based on the attached analysis, funding has been identified and approved by the Board.

RECOMMENDATION:

Our review is recommending the compensation for the Port Attorney will commensurate with the incumbent’s years of experience as an attorney as follows:

Years of Experience	Pay Grade/Step	Minimum Base Salary	Maximum Base Salary
Zero (0) to three (3)	K-5B to K-6B	\$64,341.00	\$66,953.00
Three (3) to Five (5)	N-3C to N-4C	\$85,625.00	\$89,102.00
Five (5) to Eight (8)	P-2C to P-3C	\$107,858.00	\$112,237.00
Eight (8) plus	P-5A to P-6A	\$119,142.00	\$123,980.00

Based on the above and the attached analysis and documents, it is recommended that the Board of Directors approve the creation of the Port Attorney position and the resultant pay grade allocations at the pay grades indicated above in the classified service.

PORT ATTORNEY

NATURE OF WORK:

Under policy direction of the Jose D. Leon Guerrero Commercial Port Board of Directors and General Manager provides legal services and counsels to the Board, managers and staff on legal issues of significant complexity, sensitivity and potential risk and consequences for the Port. The employee also represents the Attorney General of Guam for Port matters if designated or authorized. Provides work direction and guidance to other professional staff as directed. While issues vary in difficulty and complexity, the employee typically performs the most complex, difficult or sensitive matters requiring the application of seasoned, expert legal judgment and expert litigation skills.

ILLUSTRATIVE EXAMPLES OF DUTIES: (These examples do not include the duties and responsibilities which may be assigned; nor do the examples cover all the duties which may be performed.)

Provides legal advice and representation on a wide range of complex legal matters related to Port contractual rights and obligations, real estate, construction, maritime employment, government employment, conflicts of interest, procurement and other applicable local and federal laws. Researches legal issues and statutory and case law; drafts and/or reviews opinions, resolutions, ordinances, contracts and other legal documents and instruments. Monitors, reviews and drafts recommended changes to existing or proposed legislation.

Negotiates or supervises the negotiation of settlement to litigations, claims and disputes.

Participates with Port staff in negotiating and drafting complex contracts and agreements for use and development of Port properties and facilities.

Performs litigation duties as to court actions, motions, and discovery. Represents the Port in administrative hearings, arbitrations, mediations or other adversarial proceedings as directed by Board of Directors, with designation or authorization by the Attorney General of Guam.

Coordinates and monitors the work of outside counsel, experts, and consultants retained to resolve claims or represent the Port in hearings and litigation. Provides advice to the Board, Port management and staff on the status of litigation.

Attends the meetings of the Board and management when assigned. Participates with Port management and staff in the preparation and review of matters to be presented to the Board and on strategic and business planning processes and issues.

Assists the Board and General Manager with policy and office management issues.

May assist the Attorney General of Guam on projects and matters of mutual interest to the Port

Supervises and provides guidance and direction to professional staff in the Authority. Prepares the budget for the legal office.

Responds to requests from the Board and management.

MINIMUM KNOWLEDGE, ABILITIES AND SKILLS:

Knowledge of:

1. principles and practices of civil and administrative law, especially as they relate to government entities and the Government of Guam.
2. effective strategies, practices and techniques in the conduct of negotiations and litigation.
3. the Guam Code Annotated, federal and other laws, regulations, ordinances, policies and opinions applicable to the operations of the Port.
4. principles, methods and techniques of legal research and investigation.
5. local and federal law and regulation, court decisions and other legal requirements applicable to governmental operations and personnel.
6. effective principles and practices of legal communication.
7. basic principles and practices of law office administration.
8. principles and practices of effective management and supervision.
9. government administrative human resources rules and regulations, policies and procedures and labor contract provisions.
10. employment law, laws and policies related to labor and employment provisions.

Ability to:

1. define, analyze and litigate complex legal issues and problems. Research and organize facts, perform legal risk-benefit analyses, evaluate alternatives and develop sound conclusions and legal advice.
2. present statement of fact, law and argument clearly, logically and persuasively.
3. exercise sound, independent judgment within general policy guidelines and legal parameters.
4. Interpret and explain local and federal law, regulations, legislation and constitutional provisions affecting Port operations.
5. develop sound negotiations and litigation strategy and represent the Port effectively in meetings and hearings.

6. draft clear, concise and competent legal opinions, briefs, resolutions, ordinances, agreements, contracts, proposed legislation, reports, correspondence and other written materials.
7. use effective written and oral communication skills, including explaining complex and unfamiliar legal principles to non-technical audiences.
8. use a high degree of integrity and discretion in dealing with confidential issues and situations.
9. develop and maintain effective working relationship with the Board of Directors members, all levels of Port management and staff, other government attorneys, outside legal counsels, experts and consultants, representatives of other government agencies and departments, Port stakeholders and others encountered in the course of work.

MINIMUM REQUIREMENTS:

A. **Education and Training:**

Graduation with a Juris Doctor degree from an accredited law school by the American Bar Association.

B. **Experience:**

1. Zero (0) to three years of experience as an attorney, working under the supervision of a senior attorney or judge.
2. three (3) years of experience but less than five (5) years of experience as an attorney, working under the supervision of a senior attorney.
3. A senior attorney with over five (5) years but less than eight (8) years of experience as an attorney, working with minimal supervision, who may supervise and direct other attorneys.
4. a senior attorney with over eight (8) years as an attorney, working with minimal supervision, with possible supervisory duties over other attorneys.

C. **Licenses, Certificates; Special Requirements:**

1. Possession of a current license to practice in a state or territory of the United States
2. Current certificate of good standing.
3. A current and valid driver's license at time of appointment and maintained at all times thereafter in order to operate a vehicle on government business.

Fiscal Year 2019
FUNCTIONAL STATEMENT FOR
GENERAL MAANGER'S OFFICE

INTRODUCTION

The Jose D. Leon Guerrero Commercial Port is established by Public Law 13-87, as a public corporation and an autonomous instrumentality of the Government of Guam. The Agency is mandated to provide for the needs of ocean commerce, shipping, recreational, commercial/boating and navigation of the Territory of Guam.

The enabling act provides that the Port must be entirely self-supporting, i.e., it must raise capital funds for construction projects by borrowing money on its own credit. Its financial obligations and administrative operating costs must be paid by monies generated from the use of its facilities and services in accordance with the provisions of the Port terminal tariff.

BOARD OF DIRECTORS

The Board of Directors is composed of five (5) non-salaried members, appointed by the Governor with the consent and advice of the Guam Legislature. The Board provides and establishes policies and directives pertaining to the planning, promotion, development, construction, operation and maintenance of the Port facilities.

GENERAL MANAGER

The General Manager, under the general direction of the Board of Directors, serves as Chief Executive Officer for the Authority. The General Manager has charge and control of the planning, organization, staffing, direction and coordination of the Authority's operations and business affairs. The General Manager is hired and employed at the pleasure of the Board.

Port Attorney

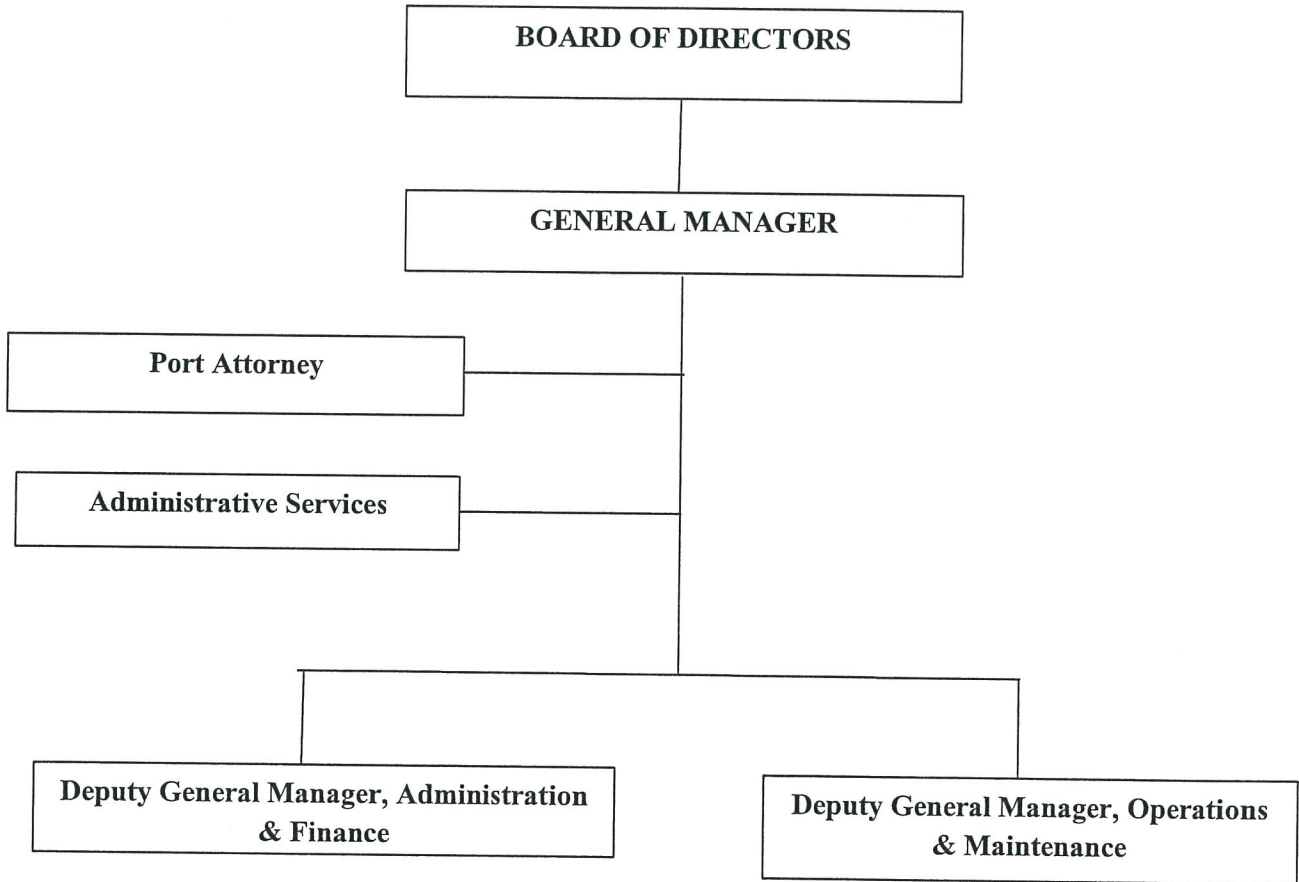
Provides legal advice and representation on a wide range of complex legal matters related to Port contractual rights and obligations, real estate, construction, maritime employment, government employment, conflicts of interest, procurement and other applicable local and federal laws.

Administrative Services

Provides administrative and secretarial services to the Board of Directors, General Manager and Deputy General Managers.

**JOSE D. LEON GUERRERO COMMERCIAL PORT
ORGANIZATIONAL CHART – FISCAL YEAR 2019**

GENERAL MANAGER'S OFFICE



PORT AUTHORITY OF GUAM



POSITION DESCRIPTION

1.0 IDENTIFICATION

POSITION TITLE	Port Attorney
POSITION NUMBER	
NAME OF EMPLOYEE	New
NAME OF DIRECT SUPERVISOR	Rory J. Respicio
TITLE OF DIRECT SUPERVISOR	General Manager
JOB LOCATION (Department / Agency)	Port Authority of Guam
DIVISION	General Manager's Office
DEPARTMENT	
SECTION / UNIT	
FLSA	
CLASSIFICATION	<input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified <input type="checkbox"/> Vacant
JOB EVALUATION POINTS	
PAY GRADE	
POSITION DESCRIPTION (Reviewed)	

2.2 NON-ESSENTIAL OR ADDITIONAL FUNCTIONS

List duties and responsibilities not listed above that may be performed, as assigned :

Duty No or % of Time	Duties and/or Responsibilities

3.0 CONTACTS

Departments, agencies and/or individuals you deal with during the course of your daily activities :

3.1 WITHIN DEPARTMENT / AGENCY

Mark one correct response below with an [X]

	None
	Up to 15% of total working hours
	15 - 50% of total working hours
X	Over 50% of total working hours

3.2 OUTSIDE DEPARTMENT / AGENCY

Mark one correct response below with an [X]

	None
	Up to 15% of total working hours
X	15 - 50% of total working hours
	Over 50% of total working hours

4.0 SUPERVISION RECEIVED

How closely is the employee / job holder's work reviewed by their direct Supervisor.

Mark one correct response below with an [X]

	Detailed and specific instructions / procedures received or followed for each assignment
	General Supervision - Routine duties are performed with minimal supervision. Standard practices or procedures allow employee to function alone at routine work. Supervisor makes occasional check of work while in progress. Work is reviewed upon completion.

	Direction - Receives guidance about general objectives in most of the tasks and projects assigned; determines methods, work sequence, scheduling and how to achieve objectives of assignments; operates within policy guidelines. (Generally applicable to skilled professionals, managers and supervisors.
X	General Direction - Receives very general guidance about overall objectives; work is usually quite independent of others; operates within division or department policy guidelines, using independent judgment in achieving assigned objectives. (Generally applicable to managers / administrators in large and complex organizations and to department / agency heads and their first assistants.)

5.0 SUPERVISION EXERCISED

The employee / job holder supervises other employees. List the number of employees supervised, their position titles and a brief description of their responsibilities.

If the employee has no supervisory responsibility mark [X] in this box

No Supervised	Position Title	Description of Responsibilities
None		

6.0 EQUIPMENT

List the equipment (pickup truck, welder, crane, etc.), office machines (word processor, calculator, copying machine, etc.), or any other machines, tools or devices that are used on a regular and continuing basis. Show what percentage of the regular workday is spent using each.

%	Tools / Equipment
90%	PC Computer or Laptop
10%	Telephone
10%	Vehicle

7.0 JOB REQUIREMENTS

Mark [X] in this box if the job holder is unable to complete this section. The direct Supervisor will then complete this section for the job holder.

7.1 MINIMUM QUALIFICATION REQUIREMENTS

Identify below the minimum experience and training a qualified applicant must have before employment.

7.1.1 WORK EXPERIENCE

List the general, specialized and/or supervisory / management work experience needed and how much (in months and/or years). If none, mark an [X] in box a) "No work experience required."

a) No work experience required

b) General Years Months

c) Specialized Years Months

Experience as an attorney working under the supervision of a senior attorney or judge	0-3	
Experience as an attorney, working under the supervision of a senior attorney	3-5	

d) Supervisor / Management Years Months

Senior attorney working with minimal supervision and may supervise and direct other attorneys	5-8	
Senior attorney working with minimal supervision and with possible supervisory duties over other attorneys	8 plus	

If no work experience is required, list the knowledge, abilities and skills a qualified applicant needs before employment to perform the essential job functions.

Years Months

7.1.2 FORMAL EDUCATION OR TRAINING

Mark an [X] in the box that indicates the most applicable education level required :

Below High School. Show number of years :

High School Graduation / GED

Vocational / Technical School. Detail below the specific training that is required by this position :

Some College. Show number of Semester Hours, or
 Quarter Hours

Detail below specific courses required by the essential functions of this position :

College Degree. Show major area of study required :

Associates :	
Bachelors :	
Masters :	
Beyond Masters :	Juris Degree from an accredited law school by the American Bar Association

7.1.3 CRITICAL SKILLS / EXPERTISE

List specialized skills or specialization needed to perform essential functions :

Negotiation
litigation

7.1.4 LICENCE / REGISTRATION OR CERTIFICATION

List possession of required license, professional registration/certification needed to perform essential functions :

Possession of a current license to practice in a state or territory of the United States
Current certificate of good standing
Valid driver's license

7.2 MENTAL / VISUAL / PHYSICAL & ENVIRONMENTAL JOB REQUIREMENTS

7.2.1 PHYSICAL REQUIREMENTS

Mark with an [X] below the most appropriate physical requirement(s) for the job.

X	Sitting	The job requires the employee to sit in a comfortable position most of the time. The employee can move about.
	Sitting	Employee is required to sit for extended periods or time without being able to leave the work area.
X	Sitting/Standing/Walking	The employee is required to sit, stand, walk most of the time.
	Climbing	Employee is required to climb ladders or scaffolding or to climb and work in overhead areas.
	Lifting	Employee is required to raise or lower objects from one level to another regularly.
	Pulling and/or Pushing	The job requires exerting force up to _____ pounds on a regular basis to move the object to or away from the employee.
	Carrying	The employee is required, on a regular basis, to carry objects in his or her arms or on the shoulder(s).
	Reaching	The employee is regularly required to use the hands and arms to reach for objects.
	Stooping and Crouching	The employee is regularly required to bend forward by bending at the waist or by bending legs and spine.
	Crawling	Employee is required to work in a confined space and/or to crawl and move about on his or her hands and knees.
X	Speaking	The job requires expressing ideas by the spoken word.
X	Listening	The job requires the perception of speech or the nature of sounds in the air.
	Other	See description below

Describe any other physical job requirements below :

7.2.2 MENTAL / VISUAL REQUIREMENTS

Mark with an [X] below the most appropriate mental / visual requirement for the job.

- General Intelligence (typical requirement for machine operators, office staff, etc.)
- Motor Coordination Skills (typical for automotive mechanic, painter, etc.)
- Coordination of Eyes, Hands, and Feet (e.g. tractor trailer driver, fire fighter, line electrician, etc.)
- Verbal Intelligence (typical for counsellors, customer service representatives, etc.)

Numerical Intelligence (typical for an accounting clerk, cargo checker, etc.)

Other (outline below)

7.2.3 WORK ENVIRONMENT & WEATHER EXPOSURE

Selecting one response only show what percent of a typical workday is spent :

%

90 Indoors in a comfortable temperature-controlled environment (for instance, in an office)

Indoors in a non-temperature-controlled environment (e.g. storerooms and warehouses, etc.)

5% Outdoors exposed to changing weather conditions (for instance, rain, sun, wind, etc.)

5% Outdoors but in an enclosed vehicle protected from extreme weather conditions.

7.2.4 OTHER PHYSICAL WORKING CONDITIONS

Mark an [X] in the box if none of the following is applicable

Show what percent of a typical workday this position is exposed to:

%

Air contamination (i.e., dust, fumes, smoke, toxic conditions, disagreeable odours).

Vibration (i.e., operating jackhammer, impact wrench).

Noise (Exposure at a level enough to cause hearing loss or fatigue).

An improperly illuminated or awkward and confining work space.

Working above ground level where the chance of falling exists (e.g. ladders, bucket trucks etc)

Lifting or carrying items or objects. Describe item/object and weight:

--

Heat. Describe source and degree of high temperature.

Cold. Describe source and degree of cold temperature:

Other hazards. Describe:

7.2.5 IRREGULAR / UNUSUAL JOB REQUIREMENTS

Describe the working conditions that are irregular or unusual for the job and show frequency of exposure.

Mark an [X] in the box if not applicable

Condition	Frequency of Exposure

7.3 WORK SCHEDULE / HOURS

Work Schedule/Hours – Mark an [X] the most appropriate work schedule/hours for the job.

Regular - Standard Eight (8) hours daily, Monday - Friday

Irregular - Shift work - A 24-hour work operation.

Regular / Irregular - Overtime hours with overtime pay entitlement

State purpose and average total hours required per pay period:

Regular / Irregular - Overtime hours without overtime pay entitlement

State purpose and average total hours required per pay period:

The information given on this position is complete and correct.

Signature of Employee

Date

FISCAL NOTE

1. A. Fiscal effect: Identify the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current Budget.

	FY 2019				FY 2020			
	General	Crane Surcharge	FMF	Marinas	General	Crane Surcharge	FMF	Marinas
Revenues								
Expenditures	\$ 97,814							
Budget	\$ 97,814							

2. A. Fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact.*

The Port is in the process of petitioning the creation of a staff attorney position under the Port's Classification and Compensation Plan. The salaries and benefits for the position has also been identified. The following are the different levels recommended for the Port Attorney position and their corresponding salary ranges.

1. Port Attorney I (0 to 3 years experience) - \$64,341 (K-5-B) to \$66,953 (K-6-B)
2. Port Attorney II (3 to 5 years experience) - \$85,625 (N-3-C) to \$89,102 (N-4-C)
3. Port Attorney III (5 + years of experience) - \$107,858 (P-2-C) to \$112,237 (P-3-C)
4. Port Attorney IV (8 + years of experience) - \$119,142 (P-5-A) to \$123,980 (P-6-A)

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

During the regular meeting on January 8, 2019, the Board approved management's proposal to create an In-House Staff Attorney. This position will be under the General Managers Office, which will affect the GM's Budget. A full-time equivalency has been identified and transferred to the General Manager's Office.

3. Fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues:

B. Expenditures:

Depending on what level the Port decides to hire for the attorney position, the effect on the projected expenditures would increase based on the final salary level minus the FTE budget for the Maintenance Custodian. The total amount of \$97,814 is based on the highest salary level for a Port Attorney IV at \$123,980 less the FY19 Budget for a Maintenance Custodian at \$26,166.40.

C. Budget: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The FTE position for the vacant Maintenance Custodian is identified to be used for the attorney position. The annual budget for the vacant position is \$26,166.40. The General Manager's budget will increase by the total approved salary of the attorney from the hire date to the end of Fiscal Year 2019.

Name: Jose B. Guevara III, Financial Affairs Controller
Division: Finance Division
Telephone: 477-5931
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