



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam
134 W. Soledad Ave., BOH Bldg. Ste. 406
Tel: 671-969-5625 | Telefax: 671-969-5626

Transmitted Via Electronic Mail

January 3, 2024

Honorable Lourdes A. Leon Guerrero
Governor of Guam
Office of the Governor
513 W. Marine Corps Drive
Hagåtña, Guam 96910

Honorable Therese M. Terlaje
Speaker, 37th Guam Legislature
I 'Mina Trentai siette Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Honorable Benjamin J. F. Cruz
Public Auditor
Office of Public Accountability
238 Archbishop Flores St. Suite 401, DNA Building
Hagåtña, GU 96910

Honorable Douglas B. Moylan
Attorney General of Guam
Office of the Attorney General of Guam
590 S. Marine Corps. Dr. Suite 901
Tamuning, Guam 96913

Re: Reporting Requirements for Boards and Commissions – December 2023

Håfa Adai Governor Leon Guerrero, Speaker Terlaje, Public Auditor Cruz, and Attorney General Moylan,

On behalf of the Guam Ethics Commission, respectfully transmitted herewith is the reporting requirements of 5 GCA Chapter 8 § 8113.1 regarding the Guam Ethics Commission's regular meeting held on December 29, 2023.

If I can provide further assistance or clarification, please feel free to contact me through email at jesse.quenga@ethics.guam.gov.

Si Yu'os Ma'ase!

JESSE JOHN QUENGA, CM®
Executive Director

Enclosure: Guam Ethics Commission December 29, 2023 Meeting Packet



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**GUAM ETHICS
COMMISSION
MEETING PACKET**

December 29, 2023

1:00 PM



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting
Friday, December 29, 2023
1:00 PM

COMMISSIONERS

Christopher A. Cruz
Chairman

Margaret E.R. Tyquiengco
Vice-Chairwoman

Marilyn R. Borja

Robert S. Jack, MD

Daphne M. Leon Guerrero

Shannon J. Murphy

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
*Ethics Investigation &
Compliance Officer II*

Reuben C. Bugarin
*Ethics Investigation &
Compliance Officer II*

Arielle L. Navarro
Administrative Assistant

AGENDA

I. Call to Order / Roll Call of Members

II. Approval of Minutes

- a. September 29, 2023 – Regular Meeting

III. Executive Director's Report

IV. Closed Proceedings 4 GCA 15 §15401

ETH-23-110-OT-201|ETH-23-115-COI-202| ETH-23-120-OT-202
ETH-23-121-UT-201| ETH-23-122-UT-201| ETH-23-123-OT-202
ETH-23-124-OT-202 | ETH-23-125-OT-202| ETH-23-126-OT-202
ETH-23-127-OT-201

V. New Business

- a. Commission to Act on the following cases:
ETH-23-120-OT-202 | ETH-23-121-UT-201| ETH-23-122-UT-201
ETH-23-123-OT-202 | ETH-23-124-OT-202 | ETH-23-125-OT-202
ETH-23-126-OT-202 | ETH-23-127-OT-201
- b. Review and Approve Advisory Opinion (AO-23-003)
- c. Biennial Review and Approval of Commission Policies
 - i. GETHC Policy 1 – (2021-001) Hiring and Dismissal of the Executive Director and Staff
 - ii. GETHC Policy 2 – (2021-002) Procurement Policy
 - iii. GETHC Policy 3 – (2021-003) Ethics Complaint Procedures
 - iv. GETHC Policy 4 – (2022-001) Election of Officers
 - v. GETHC Policy 5 – Ethics in Government Program Training Fee
 - vi. GETHC Policy 6 – Authorizing and Certifying Officials of the Guam Ethics Commission
 - vii. GETHC Policy 7 – Travel Policy
- d. Review and Adopt Standard Operating Procedures
 - i. Ethics Complaint Manual
 - ii. Invoice and Certificate Manual
 - iii. Financial Management Manual
- e. Review and Approve Fiscal Year 2025 Budget Request
- f. Review and Approve Annual Executive Director Performance Evaluation and Pay Adjustment
- g. Commission Boardmanship Training / Education Program
P.L. 32-031

VI. Old Business - none

VII. Announcements

VIII. Adjournment

Guam Ethics Commission Board Meeting—Minutes

Date: 9.29.2023

Time: 12:40 pm

Location: Zoom/In Person

I. Call to Order / Roll Call of Members

a. Members Present:

- Chairman Christopher Cruz
- Vice-Chairperson Margaret Tyquiengco
- Dr. Robert Jack, Commissioner
- Daphne Leon Guerrero, Commissioner
- Shannon Murphy, Commissioner

b. Members Absent:

- Marilyn Borja, Commissioner

c. Staff Present:

- Jesse J. Quenga, Executive Director
- Pamela D. Mabazza, Ethics Investigation and Compliance Officer II
- Reuben C. Bugarin, Ethics Investigation and Compliance Officer II
- Arielle L. Navarro, Administrative Assistant

II. Approval of Minutes

July 14, 2023 – Regular Meeting

MOTION: S. Murphy motion to approve July 14, 2023 minutes

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

III. Executive Director's Report

a. Ethics Training Update

- Following the devastation of Typhoon Mawar, all pre-existing ethics workshops from June to August were canceled. The typhoon further impact network connections island-wide, correlating to a lower than usual online workshops completed. August returned with a large number of participants fulfilling their mandated training through our online platform. Additionally, there is one additional live workshop scheduled and preliminary numbers suggest that we are on track to record an additional 500 employees trained in the month of

September. The participation figures for both in-person and online training are shown below.

Month	Live Workshop	Online Workshop	TOTAL
June	-0-	7	7
July	-0-	50	50
August	-0-	191	191
September	388	165*	553

b. Ethics in Leadership – UOG Pilot Program

- We are in receipt of an emailed request from UOG School of Business and Public Administration Dean Dr. Roseann Jones seeking approval to offer their students enrolled in their PA-405 Leadership Ethics in the Professions course an Ethics in Government Program certificates of completions upon fulfilling their course requirements. The request seeks to waive the current training fee for the enrolled students.

Motion: M. Tyquiengco motion to approve Ethics in Leadership - UOG Pilot Program

Seconded by: S. Murphy

Discussion: None

Decision: Motion Carries

c. Fiscal Year 2024 Budget Act and Spending Plan

- Governor Leon Guerrero allowed Bill 26-47 to lapse into law enacting the Fiscal Year 2024 Budget Act. Within it, the Guam Ethics Commission was appropriated \$531,070 for its operations. The proposed spending plan is provided for the Commission’s review.

IV. Old Business-None

V. New Business

a. 2023 Ethics Training Compliance Report

Motion: M. Tyquiengco motion to discuss closed proceedings @ 1:33 pm before proceeding to New Business Item B.

Seconded by: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

b. Commission to Act on the following cases:

ETH-23-102-UT-202 | ETH-23-107-OT-202 | ETH-23-110-OT-201
ETH-23-112-UT-202 | ETH-23-113-UT-201 | ETH-23-114-UT-201
ETH-23-115-COI-202 | ETH-23-116-UT-201 | ETH-23-117-UT-201
ETH-23-118-UT-201 | ETH-23-119-UT-202 | ETH-22-004-UT-201
ETH-22-005-COI-202 | ETH-22-012-COI-202 | ETH-22-013-COI-202

B. Commission goes back into Regular Session to take action on the following cases:

ETH-22-004-UT-201

MOTION: D. Leon Guerrero motion to dismiss case ETH-22-004-UT-201

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

ETH-22-005-COI-202

MOTION: S. Murphy motion to dismiss case ETH-22-005-COI-202

Seconded by: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

ETH-22-012-COI-202

MOTION: R. Jack motion to dismiss case ETH-22-012-COI-202

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

ETH-22-013-COI-202

MOTION: D. Leon Guerrero motion to dismiss case ETH-22-013-COI-202

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

ETH-23-102-UT-202

MOTION: R. Jack motion to dismiss case ETH-23-102-UT-202

Seconded by: S. Murphy

Discussion: None

Decision: Motion Carries

ETH-23-119-UT-202

MOTION: M. Tyquiengco motion to dismiss case ETH-23-119-UT-202

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

ETH-23-112-UT-202

MOTION: D. Leon Guerrero motion to dismiss case ETH-23-112-UT-202

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

ETH-23-107-OT-202

MOTION: M. Tyquiengco motion to refer case ETH-23-107-OT-202 to the Office of the Attorney General

Seconded by: S. Murphy

Discussion: None

Decision: Motion Carries

ETH-23-113-UT-201, ETH-23-114-UT-201, ETH-23-116-UT-201,
ETH-23-117-UT-201, ETH-23-118-UT-201

MOTION: S. Murphy motion to consolidate cases ETH-23-113-UT-201,
ETH-23-114-UT-201, ETH-23-116-UT-201, ETH-23-117-UT-201,
ETH-23-118-UT-201

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

ETH-23-113-UT-201, ETH-23-114-UT-201, ETH-23-116-UT-201,
ETH-23-117-UT-201, ETH-23-118-UT-201

MOTION: M. Tyquiengco motion to refer cases ETH-23-113-UT-201,
ETH-23-114-UT-201, ETH-23-116-UT-201,
ETH-23-117-UT-201, ETH-23-118-UT-201 to the Office of the Attorney General

Seconded by: S. Murphy

Discussion: None

Decision: Motion Carries

ETH-23-110-OT-201

MOTION: D. Leon Guerrero motion table case ETH-23-110-OT-201

Seconded by: S. Murphy

Discussion: None

Decision: Motion Carries

ETH-23-115-COI-202

MOTION: D. Leon Guerrero motion to table case ETH-23-115-COI-202

Seconded by: S. Murphy

Discussion: None

Decision: Motion Carries

VI. Closed Proceedings 4 GCA 15 §15401

ETH-23-102-UT-202 | ETH-23-107-OT-202 | ETH-23-110-OT-201
ETH-23-112-UT-202 | ETH-23-113-UT-201 | ETH-23-114-UT-201
ETH-23-115-COI-202 | ETH-23-116-UT-201 | ETH-23-117-UT-201
ETH-23-118-UT-201 | ETH-23-119-UT-202 | ETH-22-004-UT-201
ETH-22-005-COI-202 | ETH-22-012-COI-202 | ETH-22-013-COI-202

VII. Announcements

- a. Annual Conference Council on Governmental Ethics Laws (COGEL) December 3, 2023 – December 6, 2023

VIII. Adjournment

MOTION: M. Tyquiengco motion to adjourn at 2:17 pm

Seconded by: D. Leon Guerrero

Discussion: None

Decision: Motion Carries



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EXECUTIVE DIRECTOR'S REPORT

Updates

a. Ethics Training Update

- The participation figures for both in-person and online training are shown below.

Month	Live Workshop	Online Workshop	TOTAL
October	148	346	494
November	-0-	153	153
December	115	110	225

b. New Financial Management Information System

- The Department of Administration has indicated an anticipated launch of their new web-based financial management information system in January. To prepare for the launch, Commission personnel have participated in training seminars on how to use the system to perform various personnel, budget, and accounting functions for the Commission.

c. Correspondence from the Office of Public Accountability

- In November communication from Office of Public Accountability was received which extended an invitation for our office to provide topic recommendations as their office develops its 2024 audit calendar. With concurrence from the Commission Chair, a letter was returned requesting for consideration to conduct a performance audit of the Ethics Commission. The audit planning committee to consider when preparing their audit schedule for 2024.

d. FY 2024 Budget Report

A	B	C	D	E	L	M
Account Code	Budget Act(s) Appropriations 37-42	Reserve	FY 2024 Allotments (B - C)	Year to Date Exp. / Encumb. As Of: 12/11/23	Other Requirements	Projected Lapse / (Shortfall) [D - (E + G + L)]
111 Salary	254,758	0	254,758	51,401	2,666	1/ 8,172
112 OT	0	0	0	0	0	0
113 Benefits	91,940	0	91,940	19,909	716	2/ (3,431)
TOTAL PerSvs	346,698	0	346,698	71,310	3,382	4,741
220 Travel	12,760	0	12,760	10,922	0	1,838
230 Contract	43,806	0	43,806	21,037	31,452	3/ (8,683)
233 Rent	65,993	0	65,993	43,995	21,998	4/ 0
240 Supplies	16,500	0	16,500	0	10,000	5/ 6,500
250 Equip.	0	0	0	0	0	0
271 Drug Testing	80	0	80	0	0	80
280 Sub.Rec.	0	0	0	0	0	0
290 Misc.	41,127	0	41,127	5,000	20,300	6/ 15,827
361 Power	0	0	0	0	0	0
362 Water	0	0	0	0	0	0
363 Tele.	4,116	0	4,116	0	4,116	7/ 0
450 Cap. Out.	0	0	0	0	0	0
TOTAL Opers	184,382	0	184,382	80,955	87,866	15,561
TOTALS	531,080	0	531,080	152,265	91,248	20,303

Footnotes / Notes:

- 1/ Pay Increments for 3 FTEs
- 2/ Benefits Increase following Increment
- 3/ Legal Contract \$12.9k; Prosecutorial Contract \$12.9k; Website Maintenance \$5.6k
- 4/ Lease Renewal - 4 mos of Second Year
- 5/ Supplies: Folders, Envelopes, Certificates \$10k
- 6/ Misc.: Meetings Ads \$10.75k, Commissioner Stipends \$5.7k, Procurement Training \$832, Postage for Ethics Complaint Comms. \$2k
- 7/ IFB No. GETHC-001-24 Award



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Closed Proceedings-4 GCA 15 §15401

ETH-23-110-OT-201|ETH-23-115-COI-202| ETH-23-120-OT-202
ETH-23-121-UT-201| ETH-23-122-UT-201| ETH-23-123-OT-202
ETH-23-124-OT-202 | ETH-23-125-OT-202| ETH-23-126-OT-202
ETH-23-127-OT-201



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V. New Business

d. Commission to Act on the following cases:

ETH-23-120-OT-202| ETH-23-121-UT-201| ETH-23-122-UT-201|
ETH-23-123-OT-202| ETH-23-124-OT-202 | ETH-23-125-OT-202|
ETH-23-126-OT-202| ETH-23-127-OT-201



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ADVISORY OPINION

Sent via electronic mail

December 29, 2023

TO: Chad Palomo
Senior Citizens Assistant Administrator,
Division of Senior Citizens,
Department of Public Health and Social Services

RE: Guam Ethics Commission Advisory Opinion 23-003

You asked about the appropriateness of the Department of Public Health and Social Services Division of Senior Citizens (“DSC”) attending a Christmas Party hosted by the Mayor’s Council of Guam (“MCOG”).

The short answer to your question is, it is not appropriate for the DSC to attend a Christmas Party hosted by the MCOG. Title 4 GCA § 15201 provides:

§ 15201. Gifts.

No employee shall solicit, accept, or receive, directly or indirectly, any gift valued singly or in the aggregate from a single source in excess of \$200, whether in the form of money, prize, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, when a reasonable person would infer that the gift is intended to influence the employee in the performance of that individual’s official duties or is intended as a reward for any official action on that individual’s part.

Furthermore, § 15204(d) prohibits employees from using or attempting to use an official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or herself, a spouse, children, or others, including but not limited to the following:

(d) soliciting, selling, or otherwise engaging in a financial transaction with a subordinate or a person or business whom the employee inspects or supervises in official capacity.

Based on the information provided, DSC provides funding to the MCOG for the operations of the Senior Centers on Guam. Without a thorough review of the Memorandum of Understanding referenced in your request, arguably, in return for accepting funding from DSC the MCOG must ensure the funds are spent and used for the purposes required and supervised in an official capacity by the DSC. As a result, it would appear a conflict of interest exists since the DSC supervises the MCOG to ensure the proper use of DSC funds and therefore, DSC’s attendance could be in violation of 4 G.C.A. §§ 15201 and 15204(d).

While it does not appear from the information provided that government funds will be used to pay for the DSC’s attendance at the MCOG’s Christmas party, it is important to point out that the Governor of Guam issued Circular 97-01 to all government department and agency heads regarding the prohibited use of

government funds to pay for non-government and/or social events. Such events include, but are not limited to, New Year's, Thanksgiving, Christmas, employee retirement, and birthday parties. In addition, in memorandum GOV 98-0079 dated March 27, 1998, the Attorney General of Guam stated that using government funds for employees' entertainment is not authorized under Guam law. See generally, OPA Report 05-06, December 2005.

Therefore, DSC must ensure its attendance at the MCOG's Christmas party does not violate 4 G.C.A. §§ 15201 and 15204(d), and it must also ensure that no government funds are used to pay for its attendance at the event.

PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS ___ DAY OF _____.

Christopher A. Cruz
Chairman

Margaret E.R. Tyquiengco
Vice-Chairwoman

Marilyn R. Borja
Commissioner

Robert S. Jack, MD
Commissioner

Daphne May N. Leon Guerrero
Commissioner

Shannon J. Murphy
Commissioner

DRAFT

HIRING AND DISMISSAL OF THE EXECUTIVE DIRECTOR AND STAFF

POLICY NUMBER: GETHC POLICY 1

Effective Date: _____

I. GOVERNANCE

TITLE 4 GUAM CODE ANNOTATED CHAPTER 15 §15407

(A) The Guam Ethics Commission may employ such persons as it deems necessary for the performance of its functions. They shall submit an annual budget request to the Legislature for its required operations.

(B) The Commission shall appoint an Executive Director who shall:

- 1) administer the laws under this Chapter and all Commission policies, and ensure that investigations and subsequent hearings are held in accordance with the procedures outlined in this Chapter;
- 2) manage the daily operations of the Commission and perform duties as assigned by the Commission or specified by law or rule or regulation;
- 3) be the ex-officio secretary for the Commission but shall not be a voting member thereof. As such secretary, the Executive Director shall keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe;
- 4) be a member of the unclassified service and shall receive an annual salary within a range of compensation to be prescribed by the Commission in accordance with the laws of Guam. Said Executive Director shall serve at the pleasure of the Commission; provided, however, that the Executive

(C) Staffing for the Guam Ethics Commission.

- 1) With the consent of the Guam Ethics Commission, the Executive Director is authorized to hire and dismiss staff to support the operations of the Guam Ethics Commission.
- 2) The Executive Director shall be supervised by the Commission, and staff of the Commission shall be under the direct supervision of the Executive Director.
- 3) The Executive Director is responsible for developing, initiating, and implementing workplace policies.

II. APPLICABILITY

This policy shall apply to the Executive Director, an unclassified employee of the Guam Ethics Commission, and staff. It shall contain the procedures for the recruitment and dismissal of said positions.

III. POLICY

Executive Director

The Executive Director works under the supervision of the Commission and through the administrative guidance of the Chairperson and exercises executive and administrative authority as delegated by the Commission. The Executive Director also supervises the professional and support staff of the Commission in accordance with established duties and responsibilities, and within this context, oversees the operations, programs and activities of the Commission. The Executive Director provides technical and logistical support to the Ethics Commissioners in the performance of their duties and responsibilities.

HIRING

In the event a permanent vacancy occurs in the Executive Director position the Commission shall, through action at a publicly announced / open Commission meeting, announce the start of the search for an Executive Director. The Commission shall form an ad hoc search committee and identify whom among their membership shall serve as the Chairperson of the Search Committee. All Commissioners may serve on the Search Committee.

The Chairperson of the Search Committee shall direct the Commission staff to prepare the public announcement on the opening of the search and shall set the process for which applications are to be received and reviewed by the Search Committee. The Search Committee shall make a report on progress made on the hiring of an Executive Director at each publicly announced / open Commission meeting until the search is complete.

The Chairperson of the Search Committee shall preside over all proceedings concerning the recruitment of the Executive Director and shall direct Commission staff to prepare a committee report along with a recommendation of a candidate to offer the Executive Director position to. The report of the Search Committee's recommendation shall be given at a publicly announced / open Commission meeting.

Though discussions and deliberations regarding the hiring of an Executive Director may be conducted amongst Commissioners during an executive session, the final vote on the hiring shall be made out of executive session and in an open meeting. A vote of four (4) or more Commissioners at a publicly announced / open meeting shall be required to hire an Executive Director.

The Chairperson of the Guam Ethics Commission shall direct the Commission staff to prepare the necessary employment forms and shall sign, on behalf of the Commission, all pertinent forms formalizing the hiring of the Executive Director.

DISMISSAL

Termination by the Commission with Cause

The Guam Ethics Commission, by affirmative vote of four (4) or more members, may terminate the employment of the Commission's Executive Director for cause. The Executive Director shall not be removed from office before a written bill of particulars is presented to the Executive Director.

Resignation

The Executive Director may terminate his or her employment with the Commission provided that he or she furnish, no less than sixty (60) days, a written resignation letter to the Chairperson of the Commission.

TEMPORARY ABSENCE OF EXECUTIVE DIRECTOR

The Executive Director may request for time off which is subject to approval by the Commission. If the leave request is made when the Commission is not in session, the Commission Chairperson may review and grant the request on behalf of the Commission. If a leave request is denied by the Commission Chairperson, the Executive Director may present his/her leave request for consideration by the full Commission at an open/public meeting.

When on leave status, the executive director shall designate a member of the staff to serve as acting executive director for the duration of the temporary absence and shall ensure for detailed assignments exceeding 30 days all reporting and compensation actions is processed in accordance with existing laws.

PERFORMANCE EVALUATION

The Commission shall meet annually to evaluate and discuss the performance of the Executive Director. The Commission shall conduct the evaluation based on a performance evaluation outline and process mutually agreed upon by the Commission and the Executive Director. The Executive Director shall support the Commission in the development of the evaluation tool. Following the meeting, the Executive Director shall prepare a written report which outlines the successes of the Commission in achieving its goals, as well as challenges currently being faced and the plans for improvement.

To ensure operational effectiveness through positive and productive Commission / Executive Director relations, the Commission shall set a strategic planning retreat at least once a year to outline the goals of the Commission and key performance indicators desired from the Executive Director and all Commission staff.

COMMISSION STAFF

Professional staff shall be recruited and maintained to support the Commission and Executive Director in effectively executing their duties and responsibilities.

HIRING

The Executive Director, with concurrence of the Commission, may initiate a search for vacant staff positions. Recruitment of staff positions may be for the following appointments: temporary, limited-term, unclassified, or probationary. The Executive Director or his/her designee shall serve as chair for the search committee. Commission members and staff are eligible to serve as members on the search committee.

The chairperson of the search committee shall be responsible for coordinating the posting of the job announcement. When a list of eligibles is established, the search committee chairperson shall coordinate with the remaining members of the committee interviews with the job candidates.

After the interviews are completed, the chairperson of the search committee will compile the committee's notes and present their recommendations to the executive director for consideration and action. The executive director has the option to choose a candidate from those interviewed by the committee or inform the committee that no candidate has been selected. In the event that no candidate is selected, the search committee may request a supplementary list of eligible candidates to conduct additional interviews. They will then present their recommendations to the executive director for review and action.

If the executive director selects from among the search committee's recommendation, the executive director may direct the staff to prepare the necessary recruitment forms for the onboarding of the selected candidate.

DISMISSAL

Dismissal of staff serving in the classified service shall be made following the personnel rules and regulations. Staff serving in a temporary, limited-term, or unclassified appointment may be dismissed at the discretion of the executive director, with the concurrence of the Commission.

IV. EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

V. AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of four (4) or more members at a publicly announced / open meeting.

[] APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

Adopted: February 2021

Reviewed and Modified: December 2023

DRAFT

PROCUREMENT POLICY

POLICY NUMBER: GETHC POLICY 2

Effective Date: _____

Cash Management, Procurement Guidelines, and Procedures

PURPOSE

It is the purpose of this Policy, to provide standard procurement policies and procedures for the Guam Ethics Commission

GENERAL POLICY

It shall be the policy of the Guam Ethics Commission to procure supplies and services from the lowest responsive and responsible bidder, consistent with quality and service, and to conduct procurement activities in the manner that shall best serve the public interest.

DEFINITIONS

As used in this Policy:

- a) "Supplies" means any item or article, except real estate, which is furnished to or used by the Guam Ethics Commission, including, but not limited to, printing of stationery, forms and journals; reproduction or publications and binding; repair and maintenance items, and fuel, furnishings and foodstuffs; and all materials and equipment.
- b) "Services" means any rental or facilities, remodeling, renovations or new construction of buildings, rental repair or maintenance of equipment, machinery or other personal property, but does not include contracts for professional or personal services, or other services incident to employment.
- c) "Procurement" means any authorized acquisition of supplies and services, including purchase, rental, lease, sale or trade by the Chairperson of the Committee on Rules, or its authorized delegate(s) within the purview of these regulations, and not in conflict with applicable laws.
- d) "Purchasing Agent" means the Executive Director of the Guam Ethics Commission.
- e) "Procurement Officer" means the employee designated by the Executive Director, authorized to procure supplies and services for the Guam Ethics Commission by

purchase, rental, lease, or trade.

DUTIES AND RESPONSIBILITIES OF THE PURCHASING AGENT

The Purchasing Agent shall:

- 1) disqualify suppliers who default in performance, or who supply poor quality goods from any bidding or negotiation for a stated period of time not to exceed a maximum of one (1) year.
- 2) disqualify suppliers who fail to comply with appropriate licensing requirements.
- 3) regulate the storage and distribution of supplies to avoid loss and waste, and account for properties and equipment; and to establish a replacement schedule to avoid costly maintenance of obsolete equipment.
- 4) prescribe the procedures and distribute forms to be used for submitting requisitions for supplies and services, and for processing procurement transactions; and
- 5) provide such other matters as may be required to effectuate the policies and procedures provided in this Policy.

DUTIES AND RESPONSIBILITIES OF THE PROCUREMENT OFFICER

The Procurement Officer shall:

- 1) purchase or contract for the purchase of all supplies and services for the Guam Ethics Commission in accordance with the provisions of this Policy and applicable laws.
- 2) prescribe the manner, place and date of delivery of supplies and materials procured for the Guam Ethics Commission
- 3) prescribe the manner of inspecting supplies and materials upon delivery of the supplies before acceptance, and of making test of samples submitted with bids to determine compliance with ordering specifications.
- 4) determine whether a surety bid bond or cash deposit shall be submitted with any bid, or whether a surety performance bond shall be required before a contract is entered into, and if required, to prescribe the amount thereof and to enforce forfeiture of such bond or deposit upon failure of the successful bidder to enter into contract within the prescribed time or to perform the contract in a satisfactory manner.
- 5) prescribe, on item basis, the amount of liquidated damage to assess defaulter for breach of contract.

PURCHASING AND CONTRACTING PROCEDURES.

The following procedures shall govern all procurement of supplies and services.

Petty Cash: \$500

A petty cash fund is established to improve the efficiency of Guam Ethics Commission operations. These funds are available to purchase minor items when it would be otherwise impractical to purchase items through the usual purchasing methods. The maximum petty cash fund amount is \$500.00. The maximum requested amount is \$500.00.

- I. Requirement: The requestor completes the Petty Cash form justifying the need for a petty cash fund. Procurement Officer approval is required. Petty cash ORIGINAL receipts must be submitted within one week of receiving approval. The correct change (if any) must be submitted with the original receipts. If items are not purchased within the week or by an approved date by the Procurement Officer, the petty cash fund must be returned to refund the petty cash box. Petty cash fund is replenished as soon as the fund balance reaches \$100.00.

Blanket Purchase Agreements

- I. Requirement: Approved by the Executive Director. When anticipated repetitive needs for supplies or services by establishing “charge accounts” with qualified sources of supply and is to be used only if the services or supplies cannot be properly identified as to the quantity and the type of services or supplies required
- II. Individual purchases under BPAs shall not exceed \$15,000 for supplies or services or \$50,000 for construction.

Small Purchases 500 and \$[25,000].

- I. Requirement: Approved by the Executive Director. Requires three written quotes from vendors. This generally requires that specifications be emailed/faxed to at least three vendors. Award shall be made to the lowest responsible and responsive bidder.
- II. Acceptable Quote Documentation: (a) Facsimile quote, (b) Written quote provided by vendor, (c) Memo documenting oral quotation by vendor – must include vendor name, vendor representative, date, and amount of quote, or (d) Internet print out of price list.

Procedures Small Purchase Thresholds

Requestor / Procurement Officer

- A. Determine supplies or services needed.
- B. Solicit required number of quotes and select a vendor (for purchases falling under the micro-purchase and small purchase thresholds).
- C. Create requisition order.

Executive Director/Purchasing Agent

- A. Perform compliance review and funds certification for the purchase.
- B. If noncompliant with contract/grant/procurement requirements, return to requestor for more information or additional documentation.
- C. If compliant, requisition is approved and purchase order is created.
- D. Approved purchase orders are forwarded to the requestor.

Competitive sealed bidding: Purchase of Supplies and Equipment above \$25,000

- I. Requirement: Must be approved by the Executive Director. The Guam Ethics Board of Commissioners will serve as a resource in providing advice on proposals, bids, and identification of vendors, when necessary.
- II. Invitation for Bid (IFB) shall be mailed, emailed, or furnished to a sufficient number of vendors to secure competition. Competitive bidding shall follow procurement standards set forth in the Guam Procurement Law 2 G.A.R Div. 4 Chap. 3 §309 and the following Sealed Bid Process:
- III. Acceptable Quote Documentation: Sealed bid packages or email bid packages received by the Guam Ethics Commission.
 - a. Bids above \$250,000 must be afforded adequate public notice at least Fifteen (15) days before the bid due date. Bids must be solicited from an adequate number of known suppliers. Vendors have fifteen (15) days to respond from the date of notice (unless unusual circumstances prevail; reason must be documented). The IFB must be posted on a newspaper circulated in Guam no less than fifteen (15) days before the due date and must include:
 - i. A statement requiring offerors to include their contact information in their bids.
 - ii. Specifications and pertinent attachments.
 - iii. A description of the items or service being solicited sufficient to allow potential bidders to submit bids in response to the bid.
 - iv. A bid submission deadline and award decision timeline.

- v. A statement that only written bids will be accepted and can be
 1. hand delivered
 2. mailed to the street address on the IFB; or
 3. emailed to the email address indicated on the IFB.
- IV. Bids submitted after the bid submission deadline will not be accepted.
- V. Pre-bid conferences may be scheduled and, if scheduled, Pre-bid conference information will be contained in the bid packet or an amendment to the bid packet.
- VI. The Guam Ethics Commission Executive Director may extend the deadline for bid submission beyond 15 days of public notice. Deadline extension must be documented and posted on a circulated newspaper on Guam.
- VII. Receipt and Handling of IFB submissions.
 - a. Hard copies of the bids and modifications thereof for bids hand delivered or mailed to the Guam Ethics office, shall be time stamped upon receipt and held in a secure place until the established due date, or
 - b. For digital copies of bids emailed to the Guam Ethics Commission, the date and time of the sent email shall serve as the official submission date and time and the documents will be downloaded and held in a secure place until the established due date.
 - c. Bids must be opened publicly at a location specified in the IFB. The bids shall be opened, recorded, and evaluated.
- VIII. Evaluation and Award Process
 - a. The Evaluation Committee may seek clarification from bidders.
 - b. The bids shall be evaluated and compared.
 - c. The Bid is awarded to the responsible, responsive bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
 - d. An evaluation report which includes a price analysis will be signed by the Evaluation Committee chair and submitted to the Guam Ethics Commission Executive Director for approval.
 - e. A notification of award will be sent to successful bidder within ten days of the approval of the evaluation report to the Guam Ethics Executive Director.

Competitive Sealed Bidding: For professional services above \$25,000

- I. Requirement: Must be approved by the Executive Director. The Guam Ethics Commissioners will serve as a resource in providing advice on proposals, bids and identification of vendors, when necessary. Solicitations for professional services, such as architects, engineers, lawyers, land surveyors, and other professionals, shall be in the form of a Request for Proposals (RFP). RFPs shall follow procurement standards set forth in the Guam Procurement Law 5 GCA
§5216; 2 GAR, Div. 4 §3114(c)(1) and following RFP Process:
- II. Adequate public notice shall be made at least Fifteen (15) days before the proposal due date and notice of the RFP shall be posted on a circulated newspaper on Guam no less than fifteen (15) days prior to the deadline for submission of proposals. Guam Ethics Commission may send notice of the RFP to companies or individuals known to provide the required professional services.
- III. Sealed Price Proposals: Proposals shall be submitted with Sealed Price Proposals to the Guam Ethics Commission Office on or before the deadline for submission of Proposals.
- IV. RFPs shall include:
 - a. A description of the professional services required.
 - b. A copy of or a description of the type of contract to be used.
 - c. A description of the work to be performed.
 - d. The start date of the work and the duration of the professional services.
 - e. The deadline for the submission of proposals.
 - f. A statement that only written Proposals and Sealed Price Proposals will be accepted.
 - g. A statement indicating that the sealed price proposals must be submitted:
 - i. in a separate, sealed envelope to be opened only after the proposals have been evaluated, or
 - ii. a password protected digital file with the password included in the proposal to be downloaded and printed only after the proposals have been evaluated.
 - h. A statement that offerors may request portions of their proposals which contain trade secrets or proprietary data to remain confidential. Guam

Ethics Commission shall review all such requests approve them only if such portions of the proposals contain trade secrets or proprietary data and shall provide a written decision to the offeror making such request that grants or denies the request and which states Guam Ethics Commission reasons for doing so.

- i. A statement regarding the minimum information proposals must contain including:
 - i. Offeror contact information and principal place of business.
 - ii. The abilities, qualifications, and experience of all persons assigned to provide the required services.
 - iii. Description of past performance on similar contracts.
 - iv. Detailed plan explaining how the services will be performed.
 - v. The factors that Guam Ethics Commission will use to evaluate the proposals.
- V. Proposals submitted after the deadline for the submission of proposals will not be accepted.
- VI. Pre-Proposal conferences may be scheduled and information regarding Pre-Proposal conferences, if any, will be contained in the RFP or an RFP amendment.
- VII. Questions from offerors will be accepted in writing by the Guam Ethics Commission Procurement Officer up to five (5) days before the submission deadline. Responses will be shared with all offerors.
- VIII. The Guam Ethics Commission Executive Director may extend the deadline for submission of proposals beyond the fifteen (15) day public notice period. Any such extension will be posted on a circulated newspaper on Guam.
- VIII. Receipt and Handling of Proposals and RFP submissions.
 - a. Proposals and modifications shall be delivered to Guam Ethics Commission via:
 - i. Hard copies of Proposals delivered to the Guam Ethics Commission office and time stamped upon receipt and held in a secure place until the established due date.
 - ii. Digital bids emailed to the Guam Ethics Commission, the date and time of the sent email shall serve as the official submission date and time and the documents will be downloaded and held in a secure place until the established due date.
 - b. Proposals shall have a sealed price proposal included in a separately sealed envelope or in a password protected digital file with the password included as part of the proposal.

- c. Proposals shall not be opened publicly nor disclosed to unauthorized persons but shall be opened in the presence of two more members of the Evaluation Committee.

IX. Evaluation and Award Process

- a. Proposals shall be ranked by the Evaluation Committee with the most qualified offeror ranked first, the second most qualified offeror ranked second, etc.
- b. Once the ranking process is complete, the committee will open the most qualified offeror's sealed price proposal and begin negotiations with the most qualified offeror. If price and contract terms can be agreed upon, Guam Ethics Commission shall award the contract to the most qualified offeror. If Guam Ethics Commission is unable to agree on price and contract terms with the most qualified offeror, the Guam Ethics Commission shall terminate negotiations with that offeror in writing and proceed with negotiating with the next most qualified offeror or offerors, in the order they are ranked, until price and contract terms can be agreed upon and the contract is awarded.
- c. An evaluation report which includes a cost analysis and the outcome of any pricing negotiation with the offeror or offerors will be signed by the Evaluation Committee chair and submitted to the Guam Ethics Executive Director for approval.
- d. A notification of award will be sent to the successful offeror within ten business (10) days following the approval of the evaluation report to the Guam Ethics Commission Director.

Sole source/noncompetitive procurement

- I. Requirement: All sole source procurements require written justification as to why no other bidder will be suitable or acceptable to meet the need. A sole source procurement must be approved in writing by the Guam Ethics Executive Director before an item is procured. Sole source procurements are allowed only in the following situations:
 - a. compatibility of equipment, accessories, or replacement parts is of paramount consideration;
 - b. sole supplier's item is needed for trial use or testing;
 - c. sole supplier's item is to be procured for resale;
 - d. public utility services are to be procured;
 - e. supplies are offered through bankruptcy or receivership sales, or other disposition at lower than prevailing market prices;
 - f. public exigency or emergency declared by the of Guam will not permit

- a delay resulting from competitive solicitation;
 - g. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Principal Investigator for the grant project;
 - h. after an IFB or RFP solicitation in which no bids or proposals are submitted and another solicitation would be ineffective as determined in writing by the Procurement Officer.
- II. Quotes. Guam Ethics Commission shall solicit a Quote from the sole source, in the form of:
- i. facsimile quote
 - ii. written quote provided by vendor
 - iii. internet printout; and, if the price for the item or service is reasonable, Guam Ethics Commission may award the contract to the sole source.
- III. Establishing a Pre-qualified Pool of vendors for a specific product/service/material or for unspecified quantity purchases

The Guam Ethics Commission may establish a pre-qualified pool of vendors for a specific product(s), service or material using the following process:

- a. The Guam Ethics Commission must post a Request for Information (RFI) soliciting a specific product(s), service, or material on a newspaper recirculated in Guam or government website for a period of fifteen (15) days. A submission deadline will be included in the RFI. To ensure maximum participation, the RFI should be sent via email or fax to multiple offerors. In addition to the website posting, Guam Ethics Commission may decide to announce via media or social media outlet to ensure maximum participation.
- b. The RFI must contain clear and accurate description of the requirements for the material, product, or service procured and identify all requirements which offerors must fulfill in order to participate in the pre-qualified pool.
- c. All offerors who submit their required documents prior to the published deadline and who meet Guam Ethics Commission requirements may qualify to participate in the pre-qualified pool.
- d. All prequalified lists of persons, firms, or products which are used in acquiring goods and services must be current and include enough qualified sources to ensure maximum open and free competition.
- e. All offerors in a pre-qualified pool will be utilized on a rotating basis by Guam Ethics Commission when making purchases for specific product(s), service or material as indicated in the initial RFI.
- f. Each pre-qualified pool must be updated on an annual basis.

IV. Composition, Roles, and Responsibilities of a Bid Evaluation Committee

The Bid Evaluation Committee shall be a three (3) member committee which shall consist of the Executive Director, other administrators, and employees. The Guam Ethics Board of Commissioners may also be invited to sit on the Bid Evaluation Committee to provide advice and input.

Roles and responsibilities include ensuring that the Bid was conducted in a manner providing full and open competition as specified in Guam Procurement Law.

V. Price and Cost Analysis for Evaluation Purposes

Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, and discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

a. Price Analysis for Bids:

Price analysis is the process of determining whether the price is reasonable and acceptable. The analysis should include an evaluation of price for the same or similar products or services, details of the research conducted, details of negotiations with the vendor or contractor, or details of other efforts made by the program to validate price reasonableness. Price comparisons, not limited to the following, may be used in the price analysis:

- i. Comparison with bids in the current procurement action
- ii. Comparison with prior price quotations for the same or similar items or services
- iii. Comparison with a published catalog price or published price list (a vendor's quotation or correspondence does not qualify as a published price list)
- iv. Comparison with prices available on the open market
- v. Comparison with an in-house estimate (e.g., the cost of the work if performed by own staff) or an independent cost estimate (e.g., cost review by a third-party expert)
- vi. Comparison with prevailing rates in the industry
- vii. The price analysis must be documented and attached to the purchase order.

b. Cost Analysis for RFPs

Cost analysis is the process of reviewing and evaluating each element of cost to determine reasonableness, allocability, and allowability. In the analysis, consider the following:

- i. Specific elements of cost.
- ii. The necessity for certain costs.
- iii. The reasonableness of amounts estimated for necessary costs.
- iv. The reasonableness of allowances for contingencies.
- v. The basis used for allocation of indirect costs.
- vi. The appropriateness of allocations of indirect costs to the proposed contract.
- vii. The reasonableness of the total cost.

Generally, cost analysis, rather than price analysis, is used to evaluate offered prices for complex procurement actions, or when comparative data to perform a price analysis does not exist. These comparisons are documented in a memo from the Commission Staff to the Executive Director who must approve the fair and reasonable cost.

VI. Appeal Process

An offeror may appeal a decision made by the IFB or RFP Evaluation Committee by following the Appeal Process.

Step One

The offeror must submit their appeal in writing to the Guam Ethics Commission Executive Director within ten (10) days of the bid award notice. The offeror must specifically cite the section of the Guam Ethics procurement policy which they feel has been unfairly applied.

The Guam Ethics Commission Executive Director must respond to the appeal in writing within ten (10) days of the filing of the appeal. The Executive Director will only consider the issue stated in writing and will not consider any new issues.

Step Two

If the offeror does not accept the decision of the Guam Ethics Commission Executive Director, the offeror may submit a second appeal to the Guam Ethics Commission Board of Commissioners within ten (10) days of receiving the appeal response from the Guam Executive Director.

The Chair of the Guam Ethics Commission Board of Commissioners may call a committee meeting to respond to the appeal comprised of five Board Members of

his/her choosing. The committee will only consider the original issue stated in writing and will not consider any new issues. The Chair will respond in writing to the appeal within ten working days. The Chair of the Guam Ethics Commission Board of Commissioners decision is final. The process ends.

VII. Contracting with Minority Businesses and Women's Business Enterprises

CFR Procurement Standards 200.319 (b) prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals. However, CFR Procurement Standards 200.321 specifies that Guam Ethics Commission must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

These steps are indicated in CFR Procurement Standards 200.319. Local purchases are encouraged where possible.

VIII. Cancellation of an RFP or Bid

RFPs and IFBs may be cancelled due to lack of funding, lack of an adequate number of respondents, when public notice timelines were not followed, or other reason documented by the Procurement Officer. If an RFP or IFB is cancelled, the Guam Ethics Commission will notify those offerors who responded to the RFP or IFB of the cancellation. Public notice of cancellations will also be posted on a newspaper circulated in Guam.

IX. Rejection of Bid or Proposal

RFPs and IFBs may be rejected if they do not contain the basic information as stated in #5 and #6 above.

ETHICS COMPLAINT PROCEDURES

POLICY NUMBER: GETHC POLICY 3

Effective Date: _____

I. GOVERNANCE

Title 4 Guam Code Annotated Chapter 15 §15401(a)(3)

It shall initiate, receive, and consider charges concerning alleged violations of this Chapter, initiate or make investigations, and hold hearings.

§15401(a)(4)

It may subpoena witnesses, administer oaths, and take testimony relating to matters before the Commission and require the production for examination of any books, papers, or electronic records relative to any matter under investigation or in question before the Commission. Before the Commission shall exercise any of the powers authorized herein with respect to any investigation or hearings, it shall by formal resolution, supported by a vote of five or more members of the Commission, define the nature and scope of its inquiry.

§15405

The Guam Ethics Commission may request and shall receive from every governmental agency cooperation and assistance in the performance of its duties.

§15406

In addition to any provision contained in this Chapter, the Legislature and the Judicial Branch may each prescribe further rules of conduct covering its members and may investigate and discipline its employees for any violation of this Chapter, or its own Rules, or both.

II. APPLICABILITY & JURISDICTION

This policy shall apply to all charges made against a Government of Guam employee or official for violating any provision of law or administrative rule that governs their standards of conduct.

The Commission shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this Chapter in all proceedings commenced within three (3) years of an alleged violation of this Chapter by an employee, or former employee. Nothing herein shall bar proceedings against a person who by fraud or other device prevents discovery of a violation of this Chapter. A proceeding shall be deemed commenced by the signing of a charge by five (5) or more members of the Commission. 4 GCA §15401(a)(6)

III. POLICY

PART 1: FILING OF A COMPLAINT

Charges concerning the violation of this Chapter shall be in writing signed by the person making the charge under oath, except that any charge initiated by the Commission must be signed by five (5) or more members of the Commission. 4 GCA §15401(b)

1.1 Preliminary Intake Appointment and Completing Complaint Form

The Guam Ethics Commission staff shall provide an appointment portal for interested persons to provide their best contact information. Ethics Commission staff shall collect preliminary information regarding their complaint at the scheduled appointment. Staff will review the complaint application form thoroughly with the complainant, expounding on the areas of jurisdiction, while reviewing the complainants obligation to maintain confidentiality and prohibition from filing frivolous complaints.

The filer shall ensure all documents required have been properly filled out, completed, submitted, and notarized (if needed). If no amendments are requested in the draft the filer shall sign the affidavit which shall be countersigned by Commission staff, initiating the review process.

1.2 Prepare Casefile with Collected Information

Commission Staff shall prepare within five (5) business days, a casefile with the information collected. All information will be presented on standard complaint forms approved by the Commission.

All case files shall include:

- a) Summarized overview of the complaint.
 - b) Detailed manuscript of the complaint.
 - c) All documents pertaining to each case.
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- d) Notices and subpoenas served to individuals and agencies involved
 - e) Detailed timeline of case process:
 - i. Date complaint was received by Commission.
 - ii. Board hearing(s) and discussion(s) on case.
 - iii. Dates notices and subpoenas were served.
 - iv. Conclusion of case.

1.3 Casefiles Sent to Prosecutorial Counsel for Review

The Executive Director or their designee will compile the complete complaint case file and transmit a request for work plan with the prosecutorial counsel. Upon receipt and approval of the work plan by the Executive Director, case files are transmitted to the Prosecutorial Counsel for review. Prosecutorial Counsel will prepare review of the complaint based on the testimony collected by the complainant and will make a recommendation for action by the Commission at the Commission's next regular meeting. The recommendation would be to proceed with an investigation or to dismiss the complaint.

1.4 First Review of Complaint by the Commission

At each Commission meeting the Executive Director shall prepare review of cases within the published meeting agenda. The Commission shall have the opportunity to review and discuss cases in a closed proceeding in accordance with 4 GCA §15401. Commission staff shall prepare draft Commission orders to effectuate the action the Commission takes on each case.

1.5 Formal Notification to the Accused

Following the First Review, should the Commission issue an order to proceed with an informal advisory opinion, the Commission shall notify in writing every person against whom a charge is received and afford him an opportunity to explain the conduct alleged to be in violation of this Chapter. 4 GCA §15401(b)

1.6 Launch of Investigation

The Commission may investigate, after compliance with this Section, charges and render an informal advisory opinion to the alleged violator. 4 GCA §15401(b)

1.7 Confidentiality of Cases

The Commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. 4 GCA §15401(b)

Any Commission member or any individual, including the individual making the charge, who without permission of the Commission, divulges information obtained from the Commission or who reveals confidential actions of or what happened in closed proceedings before the Commission concerning the charge prior to the issuance of the complaint or other final action by the Commission, except as permitted by this Chapter, shall be guilty of a misdemeanor.

4 GCA §15401(c)

PART 2: HEARING PROCEDURES

2.1 Procedure Following the Issuance of an Informal Advisory Opinion

If the informal advisory opinion indicates a probable violation, the person charged shall request a formal or within reasonable time comply with the informal advisory opinion. If the person charged fails to comply with such informal advisory opinion or if a majority of the members of the Commission determine that there is a probable cause for belief that a violation of this Chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be personally served upon the alleged violator in accordance with the rules for personal service found in Guam Rules for Civil Procedure. The person so charged shall have twenty (20) days after service thereof to respond in writing to the charge and statement. 4 GCA §15401(b)

2.2 Procedure to Conduct an Administrative Hearing

If after twenty (20) days following personal service, a majority of the members of the Commission conclude that there is reason to believe that a violation of this Chapter has been committed, then the Commission shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. 4 GCA §15401(d)

All parties have an opportunity:

- 1) to be heard
- 2) to subpoena witnesses and require the production of an books, papers, records, or electronic recordings relative to the proceedings
- 3) to be represented by counsel; and
- 4) to have the right of cross-examination.

2.3 Witness Testimony and the Accused's Right to an Open Administrative Hearing

All witnesses shall testify under oath and the hearings shall be closed to the public unless the party complained against requests an open hearing. 4 GCA §15401(d)

2.4 Competent and Substantial Evidence

The Commission shall not be bound by the strict rules of evidence, but the Commission's findings must be based upon competent and substantial evidence. 4 GCA §15401(d)

2.5 Hearing Transcripts

All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available only to the complainant and the alleged violator at their own expense, and the fees therefor shall be deposited into the General Fund. 4 GCA §15401(d)

2.6 Burden of Proof and Closed-door Commission Deliberations

The Commission shall make its findings and render its decision based on a preponderance of the evidence. A decision of the Commission pertaining to the conduct of any employee shall be in writing and signed by five (5) or more of the members of the Commission. Deliberations of the Commission shall be closed to the public and to all parties. 4 GCA §15401(e)

PART 3: VIOLATION OUTCOMES

3.1 Summaries of Decision, Advisory Opinions, and Informal Advisory Opinions

The Commission shall cause to be published yearly summaries of decisions, advisory opinions, and informal advisory opinions. The Commission shall make sufficient deletions in the summaries to prevent disclosing the identify of persons involved in the decisions or opinions. 4 GCA §15401(f)

3.2 Possible Criminal Violation

When the Commission, after due hearings, believes that there is cause for the possible filing of criminal charges, it shall refer the complaint to the Attorney General's Office or appropriate authority for its disposition. 4 GCA §15403(a)

3.3 Violation Caused by a Former Employee

With respect to former employees, the Commission may, with the consent of five (5) or more members of the Commission, issue a public statement of its findings and conclusions, and the Attorney General may exercise whatever legal or equitable remedies are available to the Territory. 4 GCA §15403(b)

3.4 *Violation Caused by a Current Employee*

When after due hearing, the Commission finds that the violation committed by an employee is non-criminal in nature, the Commission will remand the case to the agency where the employee is employed with the recommendation that the agency impose the corresponding punishment in accordance with the agency's personnel rules and regulations. 4 GCA §15403(c)

IV. EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

V. AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of five (5) members at a publicly announced / open meeting.

APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

Adopted: August 2021

Reviewed and Modified: December 2023

ELECTION OF COMMISSION OFFICERS

POLICY NUMBER: GETHC POLICY 4

Effective Date: _____

I. GOVERNANCE

TITLE 4 GUAM CODE ANNOTATED CHAPTER 15 §15301

There shall be within the government of Guam, a commission to be known as the Guam Ethics Commission. The Commission shall consist of seven (7) members to be appointed by I Maga'haga. Each appointee shall be a United States citizen and a bona fide resident of Guam. No person who has ever been convicted of a felony shall be eligible to serve on the Commission. Members of the Commission shall not be an employee, as defined herein, or have any member of their immediate family employed by the government of Guam. All appointments to the Guam Ethics Commission shall be confirmed by I Liheslatura.

The Chairman of the Commission shall be elected by the majority of the Commission.

II. APPLICABILITY

This policy shall apply to the procedures for electing officers of the Commission.

III. POLICY

GENERAL

Officers of the Commission shall be a Chairperson, Vice Chairperson, and Treasurer. Any voting member of the Commission is eligible to become an Officer of the Commission. The election of officers shall take place during the Commission's regular meeting held in January of each year.

DUTIES & RESPONSIBILITIES

The duties and responsibilities of each office position shall be as follows:

Chairperson

The duties of the Chairperson shall be to call and preside at all meetings of the Commission; to call special meetings of the Commission; to serve ex-officio as a member of all standing, designated or advisory committees of the Commission; to appoint committees and to take such other action as is consistent with these rules or the laws. The Chairperson is entitled to vote on all matters before the Commission.

Vice-Chairperson

The duty of the Vice Chairperson shall be to perform the duties of the Chairperson at his or her request or in case of his or her absence or incapacity.

VOTING & TERM OF OFFICE

A majority of votes in favor of a particular candidate shall be necessary for an election. Voting shall be by open ballot. The term of office for each position shall not exceed one (1) year and an officer may not serve for more than two (2) consecutive terms.

VACANCIES

In the event of a vacancy in the Officers of the Commission, the office shall be filled in the prescribed manner at the next regular meeting. The Commission may include such other officer positions deemed necessary to effectively carryout its responsibilities.

IV. EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

V. AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of four (4) or more members at a publicly announced / open meeting.

[] APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

ETHICS IN GOVERNMENT PROGRAM TRAINING FEE

POLICY NUMBER: GETHC POLICY 5

Effective Date: _____

I. GOVERNANCE

TITLE 4 GUAM CODE ANNOTATED CHAPTER 15 §15410

The ethics in government program shall be provided by the Guam Ethics Commission or other providers approved by the Guam Ethics Commission. The Public Auditor shall develop standards for the ethics program until the Guam Ethics Commission is appointed and functioning, at which time the Commission shall assume authority to develop the standards. Should the Guam Ethics Commission not be impeaneled for at least six (6) consecutive months, the Public Auditor will still have the authority to develop standards for the ethics program until the Guam Ethics Commission is impeaneled. The providers shall repeat the course as necessary to accommodate those who are required to attend. The course shall not exceed four (4) hours and shall be available in a single day and its scheduling shall accommodate the different work schedules of the persons affected by this Act.

(b) The cost of tuition, books and training materials for the ethics in government program of the officials or employees specified in § 15409(b) or § 15409(c) of this Chapter, shall be paid by the agency that employs the official or employee.

GEthC Resolution 2021-002: RELATIVE TO ESTABLISHING THE TRAINING FEE FOR THE ETHICS IN GOVERNMENT PROGRAM MANDATED BY TITLE 4 GUAM CODE ANNOTATED CHAPTER 15

II. APPLICABILITY

This policy shall apply to officials and employees specified in 4 GCA § 15409(b) and § 15409(c).

III. POLICY

The Guam Ethics Commission shall establish a fee schedule for persons attending ethics trainings to fulfill the Ethics in Government of Guam as mandated by 4 GCA § 15409. Said fee shall be used to support the operational costs of the Guam Ethics Commission as well as the direct costs of conducting the workshop which include but are not limited to instructor compensation, workshop venue, supplies, and certificates.

FEE SCHEDULE

The Executive Director shall prepare a financial summary for the Commission on the total operational costs for Commission along with conducting ethics trainings that satisfy the Ethics in Government Program. The Commission may determine what amount in any to charge for attendance of an ethics training which would satisfy the Ethics in Government Program mandate. The fee schedule shall be adopted by a vote of four (4) or more Commissioners at a public / open meeting. All fees established by the Commission shall be paid before officials receive evidence of having completed the required ethics training.

WAIVER OF TRAINING FEE

The Executive Director may petition to the Commission to waive any part or full cost of the ethics training. The Commission reserves the right through a vote of four (4) or more Commission members to either approve or reject all requests.

ANNUAL REPORT

The Executive Director is directed by the Commission to provide an annual report on the total funds collected and all expenditures made under said fund. At each annual review the Executive Director may petition the Commission to review the established training fee when necessary. The Commission may update the fee schedule in accordance with this policy with a vote of four (4) or more Commissioners at a public / open meeting.

IV. EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

V. AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of four (4) or more members at a publicly announced / open meeting.

[] APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

Adopted: February 2021

Reviewed and Modified: December 2023

DRAFT

AUTHORIZING AND CERTIFYING OFFICIALS OF THE GUAM ETHICS COMMISSION

POLICY NUMBER: GETHC POLICY 6

Effective Date: _____

I. GOVERNANCE

TITLE 4 GUAM CODE ANNOTATED CHAPTER 15 §15407

The Guam Ethics Commission may employ such persons as it deems necessary for the performance of its functions. They shall submit an annual budget request to the Legislature for its required operations.

II. APPLICABILITY

This policy shall apply to the Executive Director, an unclassified employee of the Guam Ethics Commission, and the staff of the Commission, whom shall be under the direct supervision of the Executive Director.

III. POLICY

The Certifying Official certifies that payment vouchers are correct and ready for payment. The officer does not have physical possession of the funds. A certifying officer is responsible for the existence and correctness of the facts stated in the certificate or voucher or supporting papers, the legality of the proposed payment under the appropriation or fund involved, the correctness of the computations on the certified voucher, and making good to the government of Guam the amount of any illegal, improper or incorrect payment resulting from:

- 1) any false, inaccurate or misleading certification made by the officer; or
- 2) any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

The Authorizing Official attests to the approval of payment vouchers or other requests on behalf of the Guam Ethics Commission.

DESIGNATION

The Executive Director shall serve as the primary Authorized Official, while the Chairperson and Vice-Chairperson of the Commission shall serve as alternates. The Commission by majority vote at an open / public Commission meeting may designate other persons as alternate Authorized Officials as necessary. The Executive Director may designate an employee as a Certifying Officer. To accomplish these designations, all required forms (Designation for Authorizing and Certifying Officers) must be completed by the employee, approved by the designated official, and forwarded to the Department of Administration. The Department of Administration must maintain an automated system to manage all delegations and designations of authority for disbursement related functions.

IV. EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

V. AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of four (4) or more members at a publicly announced / open meeting.

APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

GUAM ETHICS COMMISSION

TRAVEL POLICY

POLICY NUMBER: GETHC POLICY 7

Effective Date: _____

SECTION 1 – GENERAL

The goal of this policy is to ensure that all persons traveling on Guam Ethics Commission (GETHC) business receive sufficient funds for reasonable costs incurred for the trip and while traveling. All travelers are required to be knowledgeable of the content of this policy and follow it prior to initiating any and all official travel. All travelers are expected to be prudent in the incurrence of costs during travel and to ensure that all decisions are made in the best interests of the constituents we serve, the tax dollars we use, and to fulfill the Commission's purpose to hold officers and employees accountable to the Ethical standards established in Guam law. An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. This policy has been written to provide effective and efficient support for travelers and reduce fraud, waste, and abuse during official travel. All travel documents are subject to audit reviews. Respectful, professional, and cost-effective behavior and reasonable choices are expected out of every traveler on official travel. This policy covers all official travel.

This policy and all forms mentioned herein are available on the Guam Ethics Commission website (<https://guamethics.com>) under Commission Policies.

SECTION 2 – PURPOSE OF TRAVEL

All travel must be consistent with the strategic planning, goals, and mission of the Guam Ethics Commission.

SECTION 3 – DEFINITIONS

- a) Days. The term "days" means business/work days of the government of Guam. It also means official travel days, including weekends and holidays.
- b) Baggage. The term "baggage" means GETHC or private property to be used exclusively for official business, wearing apparel needed by the traveler for the work part of the journey, including written materials and other Commission-related materials brought back from the journey. In general, one (1) checked bag, based on the airline's standard weight and linear measurements, will be covered at GETHC expense. Any additional fees (e.g., second bag, special items, oversized and overweight baggage) are the responsibility of the traveler unless approved by the Executive Director and deemed necessary for business travel.
- c) Employee. The term "employee" is defined as staff, both full and part-time (<40 hours a week), who possess an official Guam Ethics Commission personnel action (GG-1).

- d) Event. The term event is defined as a course, class, workshop, meeting, symposium, conference, speaking engagement, research, etc.
- e) Federal Allowable Rate (FAR). Federal rates on per diem, Meals & Incidental Expenses (M&IE), reimbursable mileage for Privately Owned Vehicles, and other such expenses as found on the U.S. General Services Administration travel site: <http://www.gsa.gov/portal/content/1053070>
- f) Meals & Incidental Expenses (M&IE). Amount of allowance allocated for meals and other basic needs – incidental expenses – while traveling is based on GSA-approved rates. Generally, while on a plane, the traveler would only receive M&IE because there is no lodging. The M&IE rate for the entire trip is set at the Event location. Following the federal guidelines, the M&IE allowance already includes taxes and tips, so travelers will not be reimbursed separately for those items. If claiming actual expenses, taxes, and tips is allowable. If doing actual, a combination of restaurant food and food groceries is allowable to the maximum of the M&IE rate. Exceptions to these rates need prior approval.
- g) Lodging. Commercially available living quarters that are for rent and are listed on the Internet or in a local phonebook.¹
- h) Miscellaneous travel expenses. Travel expenses mean necessary expenses incidental to official government travel, excluding expenses for Lodging and M&IE, such as ground transportation. Miscellaneous travel expenses are not part of per diem. (See Section 10 for additional details).
- i) Out & Back. The term is used to refer to flight plans that take the traveler directly to the Event or GETHC-related travel and directly back to Guam in the most direct way and with no personal side trips.
- j) Per diem allowance. Per diem (Latin meaning “for the day”) allowance means a daily flat rate of allowance for Lodging and Meals and incidental (M&IE) expenses (See Section 9, Table 4 for details). While on a plane, per diem is not given because no lodging is required; only M&IE is given. Lodging only starts upon landing at the location of the Event and ends on the day of checkout. Travelers claiming lodging costs that exceed the Federal Allowable Rate will be required to submit receipts for Lodging. Per diem for Lodging plus M&IE is limited to seven (7) days in one location. In instances where a traveler is in a location for more than seven (7) days, the Lodging portion will only be reimbursed on actual receipts. The traveler will continue to receive the M&IE portion of the per diem for each day on travel status beyond the seven (7) days. The traveler may also opt for reimbursement based on actual receipts for the whole trip. Projected costs for Lodging must be estimated and approved on the TA. Any deviations will require prior approval of the Executive Director. NOTE: if the traveler is on the SAME work trip, but then moves to a “significantly different” location(s), as determined by the Executive Director, the per diem for Lodging option will reset for another seven (7) days, etc.
- k) Receipts. All requests to cover work-related lodging costs for 7 days or longer in one location or for lodging that exceeds the federally authorized rate by GSA must be accompanied by a printed official receipt provided by the lodging vendor or website where the lodging was purchased. Lodging costs on the receipt should have a zero balance, indicating that the lodging was paid in full. Employees sharing lodging are required to obtain receipts showing their name, their part of lodging costs, and a zero balance; GETHC will not determine or calculate lodging costs for employees who have chosen to lodge together. Generally, receipts are not required for the meal portion of M&IE, except in those cases where food costs in a high-cost location are justifiable and approved by the Executive Director.
- l) Traveler. The term “traveler” means persons who are traveling under the GETHC Travel Authorization (TA) form.

¹ Lodging taxes are not included in the GSA Federal Allowed per diem rate. The Federal Travel Regulation §301-11.27 states that in GSA, lodging taxes paid by the federal traveler are reimbursable as a miscellaneous travel expense limited to the taxes incurred on reimbursable lodging costs.

SECTION 4 – TYPE OF TRAVEL COVERED

This travel policy covers off-island travel only. Types of travel include events and travel as described in Definitions (Section 3).

SECTION 5 – TRAVELERS AUTHORIZED TO TRAVEL AT GUAM ETHICS COMMISSION EXPENSE

The following are authorized to travel under the GEthC Travel Authorization form while on official business for the Commission:

- a) Commission Members
- b) Employees
- c) Non-employees rendering service to the Commission – only with advance written authorization from the Chairperson and Director.

SECTION 6 – TRAVEL AUTHORIZATION FORM (TA)

All travelers are required to fill out and submit a Travel Authorization form (TA) to the DOA Office no less than 20 working days prior to the initiation of travel.

After-the-fact travel request. Expenses incurred for unauthorized travel, i.e. travel where a TA was not submitted prior to the trip as per these guidelines, will not be reimbursed.

Official support for travel “side activities.” Any side activities around an official event, such as a meeting with professional colleagues before/after an official event (meeting), are required to be included in the TA (purpose, who, date, time, place) and approved by the Executive Director. Commissioners and the Director have the discretion to make these decisions while on travel status.

TA processing. A Travel Authorization form (TA) is required for all travel conducted under this Travel Policy. No costs for travel shall be incurred until approval is received from the Executive Director. The TA should be sent to DOA as early as possible, but no less than 20 business days before the start of travel. It is a best practice to start moving the paperwork from the traveler’s desk 3 weeks before the travel date to clear all internal signature requirements. The TA shall include items listed in TA Attachments.

TA attachments. A complete set of documents needs to be submitted DOA with the TA. These attachments include:

- a) Agenda for Events. What is typically supplied by an event organizer.
- b) Airfare quotes as required in Section 7.
- c) Airfare receipt with proof of payment (if the traveler pays for ticket by himself or herself).
- d) Approved Leave form (for GEthC employees).
- e) Form ACC-VNB001 (Vendor Electronic Funds Transfer Authorization Form).
- f) Traveler Acknowledgement Form (See Appendix B).
- g) Copy/screenshot of current per diem rate for each work location where per diem allowances are to be paid GEthC. See GSA website for current Federal Allowable Rates <https://www.gsa.gov/travel/plan-book/per-diem-rates>
- h) Event registration with the required payment amount.

- i) Medical clearance forms justifying the need for atypical travel privileges (as appropriate *and as approved by DOA*)

Making departure plans for before the Event has officially ended. It is important that the traveler fully attend the Event for which the Commission is providing financial support and Administrative Leave. Leaving a meeting significantly early – as compared to the originally submitted meeting agenda, especially to start personal leave, will accordingly reduce originally approved per diem, except in the case of emergencies as approved by the Executive Director.

SECTION 7 – AIR TRAVEL QUOTES

Air travel is to be planned for the most economical, direct route. All travel will be at an economy class fare. Any upgrades will be at the expense of the traveler. The Executive Director may make exceptions to this for medical reasons, in which case, the submittal of a medical certificate is required with the TA. Economy plus or similar upgrades may be granted for travelers to accommodate medical conditions or physical characteristics, i.e. taller than 6’3”, etc. GEthC recognizes that multiple connections, long layovers, and far flight distances can take a physical toll on travelers. Some accommodations may be allowed if submitted in writing prior to travel and approved by the Executive Director on the TA.

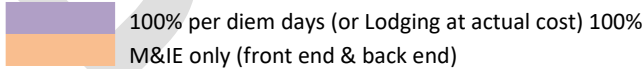
Required quotes for air travel

1. The travel request shall be prepared by GEthC staff and must be submitted to DOA for review at least Twenty (20) working days prior to the commencement date of travel. The traveler may elect among the two options below to secure their airfare:
 - a. *Traveler Booked Airfare:* In accordance with 5 GCA §5213; a minimum of three positive quotations shall be received for airfare with the award given to the lowest responsive and responsible bidder. If a traveler elects to book their airfare the travel authorization form will authorize payment to the traveler not to exceed the fare indicated by the lowest responsive and responsible bidder. An attestation shall be kept in the travelers file to document the solicitation and receipt of three positive quotes: or
 - b. *Booking through Travel Voucher:* GEthC will include the cost for airfare and will make the purchase through a travel voucher paid directly to the travel agency in rotation. Per 5 GCA §5001(f), agencies who elect to purchase travel vouchers shall utilize the approved Travel Agency Listing from the DOA Division of Accounts Travel Section. Must be attached to the Travel Request and Authorization indicating the order of selection.
 - i. If there are **multiple travelers** from one agency going to the same destination and for the same purpose *and* the Airline Tickets total \$15,000 or more, the **“three quotation requirements must be adhered to” and must be attached to the Travel Request and Authorizations** (Form ACC-TRA001).²
 - ii. In the event a travel agency is bypassed on the Approved Travel Agency Rotation Schedule, the agency/department must provide justification for the non-selection ensuring all good-faith efforts have been made for any possible issues.
 - iii. All quotations must include: Regular Fare, Advanced Purchase Fare, and Full Fare amounts.

² DOA Organization Circular #10-005
GEthC Travel Policy (October, 2023)

2. GEthC Executive Director and Certifying Funds Officer must sign and approve the Travel Request and Authorization Form authorizing the representative to travel on official Government business.
3. GEthC shall submit proof to DOA that the funding for the contract is available throughout the entire contract.
4. Booking and/or paying for a flight at the last minute. Airfares typically increase within the last 21 days before a flight. Thus, travelers are strongly urged to purchase airline tickets no less than twenty-one (21) days prior to the trip as long as they have the Executive Director’s approval. While there will be the occasional situation where an invitation to appear in a location comes at the last minute, travelers should not encourage late invitations. When a traveler books and pays for a flight where costs are significantly different from what would have been the cost 21 days prior to the flight, the traveler may be required to pay the difference out of their personal funds per instructions by the Executive Director. Multiple instances of last-minute bookings and/or purchases will jeopardize future travel opportunities for the traveler. The Commission and the Executive Director have the right, responsibility, and authority to delay or cancel a trip or completely withhold travel privileges.
5. When a traveler is allowed to arrive only one (1) day before an Event. When a traveler attends an Event where the location can be reached within 8 hours of flying time from Guam, the traveler may only book a flight that arrives the day before the Event starts. Airfare quotes should indicate one (1) day arrival before the next day’s Event.
6. When a traveler is allowed to arrive two (2) days and one (1) night before an Event.
When a traveler will travel outside of the Pacific region – more than 8 hours flying time, the traveler may request to leave Guam early enough to arrive two (2) days and one (1) night before the Event to allow for one (1) rest day. In this case, an “extra” night per diem (lodging and M&IE) will be covered. Airfare quotes should indicate two (2) days of arrival before the Event (see Table 1 for details).

Figure 1

	1	2	3	4	5	6	
Midnights (Lodging)	14th Guam	14th	15th	16th	17th	18th	19th (20th Guam)
Calendar day Action	Leave Guam	Arrive	morning afternoon	morning afternoon	morning afternoon	Travel to Guam	Arrive Guam
							

NOTE: If the traveler stays in the same city as the official work event on the last night of the event, they will be paid the lodging (with receipt) and M&IE portion of per diem to cover the next day. The traveler would then only get M&IE, no lodging, on the day following the end of the event when they start official travel back to Guam. If, however, the traveler chooses to move to another city to start their personal side trip on the morning, afternoon, or night of the last event day, they will not be entitled to any lodging per diem nor M&IE because they would not “need” support as official GEthC work has been completed. In this case, they would only receive M&IE as they would with a normal Out & Back trip once they start the final journey home on the last day of their side trip. The amount of M&IE would be calculated from the location of the official event rather than where they ended their side trip, as if they simply took an Out & Back trip.

7. Planning a personal side trip while on official travel.

Travelers are allowed to add side trips to their business travel on the front end, the back end, or in the middle of work events if there are two work events separated by time. There are no limits to the number of Annual Leave days taken before, after, or in between work that the traveler can take; that amount of time is set by available Annual Leave and administrator authorization. If Annual Leave is not available, and the traveler wants to take a side trip, they will need to take Leave Without Pay.

8. **Final Action by the Department of Administration**

Upon receipt of the travel request, the DOA Travel Coordinator shall prepare the Order for Transportation Tickets (aka "Travel Order," Form ACC-TRF001) for the Director of Administration's signature (or his/her designee) authorizing the travel agency to issue an airline ticket for the traveler. Upon approval by the Director of Administration (or his/her designee), the DOA Travel Coordinator retains a file copy for the processing of advance per diem.

- i. The travel agency or Traveler's employer shall inform the traveler when the travel reservation is complete and provide the confirmation number to the traveler. The Division of Accounts shall retain the original Travel Order in the "Travel" file of the Division of Accounts and begin any approved Travel Advances per Section 3.5.10 of this policy;
- ii. Per Executive Order 2012-02, GEthC is still required to secure the lowest possible cost (economy rate).
- iii. Once the Travel Request and Authorization are reviewed and finalized by DOA Division of Accounts-Travel Section Supervisor, the Travel Agency will proceed to secure the reservation of the approved airfare based on the final approved airfare costs.
- iv. After the final Travel Itinerary and Ticket (or Boarding Pass) have been issued to the requesting agency traveler, the Travel Agency must submit the related invoice to DOA Division of Accounts – Travel Branch Supervisor for reconciliation and filing.

SECTION 8 – TRAVEL CLEARANCE REQUIREMENTS

Per 5 GCA §23104, the traveler has **no later than ten (10) working days after return to Guam** to submit the following items to be removed from obligations to the government (Accounts Receivable) related to their travel.

Documents required to clear travel obligation(s).

The following documents (or copies) are required to be submitted by the traveler no later than ten (10) working days after return to Guam.

- a. **Standard Travel-related documents:** Boarding Passes; Certificate of Participation or Completion; Registration Receipt (if applicable); or other proof of attendance.
- b. **IF additional per diem and/or disbursement was approved:** Hotel receipts; Meal receipts; Ground Transportation receipts; and/or other travel-related receipts which must substantiate expenses that were paid with per diem PLUS those receipts should justify expenditures that exceeded the amounts provided to the traveler.
- c. **Other:** other documents may be required or may (rarely) be considered strictly on a case-by-case basis and are not guaranteed to be approved.

Failure to Comply

GEthC emphasizes the importance of complying with the preceding travel policy.

- a. **Incomplete Pre-Travel Requirements:** Failure to submit required documents prior to travel departure may result in delay and/or denial of the preparation and/or release of advance per diem allowance.
- b. **Non-submission of Post-Travel Requirements:** Failure to submit required documents within ten (10) days after return to Guam may and will result in DOA's initiation of one or both of the following actions:
 1. Suspension of Travel privileges; **and/or**,
 2. Collection of Travel receivables via EFT from traveler's account as allowed by 5 GCA §23108.

SECTION 9 – TRAVEL COST REIMBURSEMENT

Flat per diem. This allowance is based on the GSA Per diem rate for an Event location. Per diem covers Lodging and M&IE expenses. In cases where lodging costs will in fact exceed the maximum GSA-allowed Lodging cost, the actual cost of lodging will be covered with prior approval (see, Actual costs) and M&IE remain at the GSA rate.

Per Diem Rates. GEthC follows the Federal per diem allowances as promulgated by the U.S. General Services Administration (GSA) under their Joint Travel Regulations. Allowances are at: <http://www.gsa.gov/portal/content/104877> . Per diem has two parts: Lodging and Meals & Incidental Expenses (M&IE).³

Per diem for Lodging plus M&IE is limited to seven (7) days in one location. In instances where a traveler is in a location for more than seven (7) days, the lodging portion will only be reimbursed on actual receipts. The traveler may opt for reimbursement based on actual receipts for the whole trip or to continue to receive only the M&IE portion of the per diem payment and not maintain actual receipts for the trip. Projected costs for Lodging must be estimated and approved on the TA. Any deviations will require prior approval of the appropriate administrator. NOTE: if the traveler is on the SAME work trip, but then moves to a “significantly different” location(s), as determined by the appropriate administrator, the per diem for Lodging option will reset for another seven (7) days.

Official Travel Status. Begins three (3) hours before scheduled takeoff and ends two hours (2) after the traveler's plane lands in Guam. All time is counted as Guam time. Travel outside of these limits, including side trips, should be taken as Annual Leave (or as Administrative Leave if granted by the appropriate administrator).

Event day(s). Event days are determined by the number of midnights on a business trip. Figure 2 shows a 3-day conference and the possible times a traveler might leave an activity to come directly back either to Guam or to start a personal side trip.

³ The Executive Director and Commissioners will receive one hundred twenty-five percent (125%) of the maximum GSA per diem rate in alignment with the Government of Guam travel policy.

Figure 2. Event days

	15	16	17	18
Option 1.	morning afternoon	morning afternoon	morning afternoon	Travel to Guam
	15	16	17	18
Option 1a	morning afternoon	morning afternoon	morning	Travel back to Guam
	15	16	17	18
Option 2.	morning afternoon	morning afternoon	morning	Go on Annual Leave
	15	16	17	18
Option 2a.	morning afternoon	morning afternoon	morning afternoon	Go on Annual Leave

In all cases per the above options, the amount of Event days will be counted as 3 days

Understanding how many days are involved with travel and per diem. Table 3 shows examples of a 3-day conference (15th to the 17th) and the calculated per diem that can be claimed. *All travel times are Guam time.*

Table 1. Examples of Lodging per diem and M&IE for various trip distances based on a 3-day conference (15th, 16th, 17th). These examples are for illustrative purposes only.

A.	B.	C.	D.	E.	F.	G.	H.
Destination	Flight times (incl. transit)	Date leaving Guam	Date Arriving to Event	Rest Days	Date leaving event	Date arriving Guam	Estimated total Subsistence Allowance
Manila, Philippines (Per diem: \$300/night)	4 hours	14th (Morning)	14th	None	18th (Morning)	18th (Afternoon)	(\$300 x 4) + 1 M&IE (1 backend)
Honolulu, Hawaii (Per diem: \$294/night)	7.5 hours	15th (Morning)	14th	None	18th (Morning)	19th (Evening)	(\$294 x 4) + 1 M&IE (1 backend)
Los Angeles, CA (Per diem: \$209/night). <i>Example of a non- East Coast state.</i>	15.5 hours to LA, 18 hours for return flight	13th (Morning)	13th	14 th (two days, one night)	18th (Morning)	19th (Evening)	(\$209 x 5) + 3 M&IE (1 front & 2 backend)
Washington, DC (Per diem:\$300/night). <i>Example of an East Coast state.</i>	28 hours to DC, 30 hours for return flight	13th (Morning)	13th	14 th (two days, one night)	18th (Morning)	19th (Evening)	(\$300 x 5) + 3 M&IE (1 front & 2 backend)
Note: Front M&IEs are allowable for a travel duration over 8 hours. (See Appendix A for additional explanations).							

Event travel and per diem. As defined in Definitions, an “event” is a course, class, workshop, meeting, symposium, conference, speaking engagement, etc., generally numbering in days to a week. Generally, the traveler will receive a flat location-specific lodging per diem and M&IE allowance, but different types of

travel have different allowable expenses (Table 4). Lodging receipts are required for all trips longer than 7 days, but receipts for M&IE are not required if the per diem method of cost reimbursement is being utilized. Other expenditures must follow the “Allowed & Un-allowed Expenditures” list below (Table 5).

Scenario 1: Travel time within the same area:

Travel Time (Flight time)	Additional Coverage
< 8 hours	No Lodging per diem
> or = 8 hours	1 day per diem

Scenario 2: HAWAII; refer to Table 3, item 2, column H

Scenario 3: Travel to U.S. mainland (except Hawaii); refer to Table 3, items 3 and 4, column

Lodging where the event is held. If the Event has official lodging associated with it, GEthC recognizes that being closer to the activities can translate into benefits for the Commission. In cases where the actual cost of lodging (plus taxes) is greater than the highest rate allowed by the GSA for the Lodging portion of per diem for that location, the Commission will pay the additional lodging cost *subject to prior approval*. A request for additional allowance for lodging shall be made on the TA form, NOT after the traveler has returned to Guam. The lodging receipt will be required for this method and the Commission will reimburse only for actual lodging costs incurred.

Booking lodging prior to traveling. It is strongly recommended that final lodging reservations be made well prior to scheduled arrival at the Event site to take advantage of early booking savings.

Lodging receipts. All travelers must present lodging receipts with their Travel Clearance for travel longer than 7 days in one location. As noted earlier, per diem for Lodging plus M&IE is limited to seven (7) days in one location. In instances where a traveler is in a location for more than seven (7) days, the lodging portion may only be reimbursed on actual receipts. Those travelers traveling longer than 7 days in one location without lodging receipts will only be entitled to lodging reimbursement at the rate set for staying with friends and family (Table 4). The receipt must state the amount of the charge, the date, the name and the location of the establishment, and an explanation of the charge. Express checkout service, where the hotel bill is placed under the guest's door on the morning of departure, is an acceptable receipt if the traveler has reviewed it and the above requirements are stated. Charges for lodging, meals, parking or other services must be itemized. Personal expenses charged to the hotel bill such as in-room movies, mini-bar service, grooming, or exercising expenses are not allowable and are not eligible for reimbursement.

Actual expenses. In general, the cost of Lodging and M&IE cannot be above the GSA approved rate for a location unless authorized by the proper administrator on the TA (<http://www.gsa.gov/portal/content/104877>). In lieu of using flat per diem for Lodging and M&IE, travelers may claim to recover actual expenses based on proper receipts. In general, the cost of lodging will predetermine the allowance option. The chosen reimbursement method must be on the Travel Request and authorized by the proper administrator prior to travel initiation. Other allowable miscellaneous expenses are under Section 10. (Also refer to Section 9, Per Diem Allowance, above).

Lodging deposits and cancellations. When a reservation is not needed, it is the traveler's responsibility to cancel it. The traveler will not be reimbursed for any charges or fees assessed due to failure to cancel a reservation unless there are circumstances beyond the traveler's control.

Package deals. When a room, meals, etc. package is used, the traveler must list the items in the package. If, for example, a spa fee were included in the package, that fee would not be reimbursable.

Annual leave during the trip period. If a traveler goes on annual leave during the trip, personal leave starts at 8 a.m., Event location time, on the day following the Event, as validated through an approved Leave Form. (See also, Making departure plans for right before the Event has officially ended, Section 7, for additional rules).

Meals with other employees when all are on travel status. When several employees are on travel status and dine together, the fact that they are dining together does not constitute a business group meal. Since each employee is on travel status, each would have a per diem available and will be reimbursed accordingly.

Layover (scheduled). A traveler is entitled to Lodging per diem (at layover location), with receipts and M&IE during a layover as dictated by 1) the flight condition or 2) when it is more cost-effective to do so as determined by cost comparison.

Layover (unscheduled). Travelers will not be penalized for flight delays caused by airlines, weather, or other acts out of their control. Travelers should, however, make the best effort to take the next available flight to resume the intended travel. Unavoidable overnight lodging due to flight delays will be reimbursed based on actual receipts unless already paid by the airlines.

Break days between official business travel days. For travel days between official business days, the following applies:

- a) If the break is due to personal reasons, the traveler is not entitled to any travel compensation and personal leave of absence will apply.
- b) If there are open days within the official business (ex. in between workshop days in different state/s), these will be considered travel days, and the traveler is allowed per diem, subject to prior approval. This should be discussed before the start of the travel with the person authorizing the travel. The traveler is required to stay during the break period in the lower cost location (as identified by the GSA per diem rate for Lodging). For example, if the first Event is in Los Angeles (per diem = \$209/day), and the second is in St. Louis (per diem = \$181/day) a week later, the employee should travel to St. Louis right after Los Angeles to wait for their second Event because it is a less expensive location.

Spouses/families of employees. Family members and other companions may accompany employees on business trips if all expenses resulting from their presence are borne personally by the employee or companion. In all instances, the conduct of GETHC business shall be of first importance during business travel. The traveler is responsible for documentation to prove that any personal travel did not result in additional costs for the Commission.

SECTION 10 – ALLOWABLE AND UNALLOWED MISCELLANEOUS EXPENSES

Reimbursements with receipts. Original receipts must include a business name, a date, an amount, and an itemized description of the product or service purchased.

Electronic receipts.

- a) Electronic receipts are acceptable, provided that the detail contained in an electronic receipt is equivalent to the level of detail contained in an acceptable paper record. For example, an electronic receipt must show the name of the payee, the amount of the charge, the transaction date, and the form of payment. When required to ensure adequate documentation of the cost incurred, the traveler is responsible for providing additional detail (e.g., a receipt with itemized hotel charges).
- b) E-mailed or faxed documentation provided by the airline or travel agency for electronic ticketing is acceptable for substantiating such expenses. A copy of the faxed itinerary and receipt, or a copy of the emailed itinerary and receipt printed locally should be attached to the travel completion.

Currency conversion. Use one of the following methods.

- a) OANDA (<http://www.oanda.com/currency/converter/>)
- b) Credit card statement
- c) Currency conversion receipt is acceptable

The following are examples of miscellaneous expenses that are allowed and un-allowed in addition to the per diem allowances (Lodging and M&IE):

Table 2

Item of Cost	Allowable	Unallowable
Airport Departure Tax(s)	X	
Alcoholic beverages / minibar		X
Athletic room fees or other access fees for areas of lodging / optional resort fees/charges		X
Baggage fees for personal items		X
Car rental		X
Car rental insurance - Third Party Liability Coverage – only		X
Cash paid to another traveler		X
Check cashing charges; conversion of currency, cost of traveler’s checks	X	
Clerical assistance	X	
Clothing purchases [1]		X
Conference/workshop fees	X	
Costs incurred by traveling companions and family		X
Excess baggage means in excess of the weight or size greater than what the airline companies would allow as “free of charge”. Claims for reimbursement will be allowed if excess baggage was authorized or if it becomes necessary to take or bring back workshop or other allowable materials that benefit the Commission. (Also refer to Section 3.).	X	
Flight insurance		X
Frequent flyer program fees or airline clubs		X
Gifts for meeting hosts or friends		X
Hotel Valet or Parking Fee	X	
Laundry, cleaning and pressing of clothing. Employees are expected to take enough clothing for 7 travel days.		X
Lodging taxes. (See note in Definitions)	X	
Mandatory resort fees/taxes	X	

Other approved allowable expenses. Miscellaneous necessary expenses incurred by the traveler in connection with transacting Commission business are allowable when approved by the official authorizing the travel.	X	
Passport and visa fees for official business only.		X
Personal purchases such as reading materials unrelated to official business		X
Premium TV channel charges / in-room movies in hotels		X
Tips to porters, baggage handlers, bellboys, hotel maids, and similar. Tips to waiters and similar are only allowed when claiming actual expenses.		X
Room service		X
Taxi, subway, tram, and similar transportation for work activities such as: transportation to and from airport and to and from business-related meetings and to and from business-related meals or purposes. Uber, Lyft, Grab, and other similar services are acceptable forms of travel during a trip.	X	
Traffic fines or towing charges.		X

SECTION 11 – CHANGE IN TRAVEL PLANS

The person authorizing the travel must approve changes to the travel plans before the travel is initiated. If the trip is already underway when a potential change arises, the traveler must contact his/her administrator for written approval to change a trip if a request will be made for the Commission to cover the cost of the change. The burden of the cost of travel change(s) is subject to the rules of the funding supporting the business travel.

Changes to the itinerary before or during travel.

If a traveler changes his or her plane ticket (or other travel expenditure) to suit a personal need or desire or to fix a mistake they made in planning, costs associated with the change will be borne solely out of personal funds, not the Commission.

If a ticket is changed (or other travel expenditure) due to unforeseen issues/circumstances not the fault of the traveler, such as a family emergency, the Commission may cover some or all of the change in costs with appropriate administrator approval.

Traveler gets ill while traveling. If a traveler becomes unable to travel due to illness while on travel status due to no action of his/her own, the traveler will be provided per diem for the additional days of sick leave status until they can return to Guam. A medical certificate or other form of validation to support illness is required. This time will be considered Sick Leave, and Administrative Leave will be adjusted accordingly. See *Emergency evacuation or emergency medical condition while on official business* below.

Emergency evacuation or emergency medical condition while on official business. If the condition occurred while performing official business, the Commission will cover reasonable costs.

Postponed or canceled travel. In the case where a trip is canceled for any reason, refundable plane tickets and stipend will be refunded and the funds will go back to the original account. Plane tickets that are non-refundable will be used for the employee's next travel. Charges or lost refunds resulting from failure to cancel reservations shall not be reimbursed unless the traveler can show that such failure was the result of circumstances beyond the traveler's control.

SECTION 12 – SALARY WHILE ON TRAVEL STATUS

The traveler shall be on administrative leave and receive his/her regular salary during the authorized travel time. If a traveler becomes sick during travel and is unable to conduct GEthC business, the traveler will be required to use sick or accrued leave during that period. Overtime pay will not be allowed for employees on travel status.

SECTION 13 – MAXIMIZING EFFECTIVENESS

It is extremely expensive to send people off-island for activities. Therefore, in order to maximize the effectiveness of the dollars spent for travel, employees on travel status are encouraged to take advantage of all reasonable chances to take part in additional training and learning opportunities at the conference or event, i.e., pre-conference, applicable roundtable sessions, etc.

Per Diem

Travelers will be covered for lodging per diem, except from departure from and return to Guam, in which case only M&IE applies (see Table 4). Amounts of per diem for lodging and M&IE as below:

1. When traveling to locations within the same region as Guam, travelers can only claim one day of M&IE. Exception to this are travels requiring 8 or more hours i.e. "island hoppers", where a traveler will be entitled to one day per diem.

Example: A traveler has a conference from the 15th to the 17th in Manila, Philippines. The traveler leaves on the 14th and arrives the same day. The traveler is entitled to 4 days per diem (14th to the 17th) and one M&IE for their return.

2. When traveling to Hawaii, a traveler will be entitled to charge per diem. It is highly advised that the traveler leave the day of the conference/business day on Guam time, so the traveler will arrive in Hawaii the night before the start of their official business.

Example: The conference is from the 15th to the 17th in Honolulu, Hawaii. The traveler should leave on the 15th (Guam time), and will arrive on the night of the 14th. The traveler can claim up to 4 days per diem (14th to the 17th) and one additional M&IE for their return.

3. For business locations in the U.S. mainland, a traveler can claim up to 2 days additional M&IE while airborne (See Table 3, ColumnH).

Example: Conference from the 15th to the 17th in Los Angeles, California. The traveler leaves on the 13th and arrives on the 13th in California. The traveler is entitled to 5 days per diem (13th to the 17th) and can claim an additional 2 days of M&IE for their return from their location. One (1) day for rest is allowed.

4. For business locations in the U.S. mainland, a traveler can claim up to 2 days additional M&IE while airborne (See Table 3, Column H)

Example: Conference from the 15th to the 17th in Washington DC. The traveler leaves on the 13th and arrives on the 13th in Washington DC. The traveler is entitled to 5 days per diem (13th to the 17th) and can claim an additional 2 days of M&IE for their return from their location. One (1) day for rest is allowed.

SECTION 14 – TRAVEL CLEARANCE

Official Travel Clearance (TC) shall be due to the GEthC within ten (10) business days starting the first day the traveler returns. The Traveler must sign the travel document to certify that the trip was taken and all expenses were incurred. The Traveler is liable for any false claims. The TC contains the following:

- a) Trip Report (form available on GEthC website).
- b) Boarding passes or e-ticket/QR codes (if unavailable, use frequent flyer record, photo of you at the Event with a time stamp, name badge from Event, printed luggage tag, or provide some alternative form of verification that you attended the Event paid for by the GEthC).
- c) Taxi/Transportation receipt as proof of payment.
- d) Copies of Certificates of Completion (if travel included a course of some type).
- e) Foreign currency conversion.
- f) Lodging and M&IE original receipts.
- g) Other receipts for Allowed Miscellaneous Expenses (Section 10).
- h) Receipts and the administrative approval email(s) for approved additional expenses.
- i) Revised itinerary, if any, and an explanation of the change.

Reminder notices will be sent out by GEthC staff 3 days prior to the travel clearance due date.

SECTION 15 – ADMINISTRATIVE COMPLIANCE

- a) Travelers who do not comply with travel policy, guidelines, or procedures are subject to restrictions such as future travel. A traveler will not be authorized further travel until GEthC Office clears prior travel arrangements.
- b) Administrators or administrative officers who submit or approve non-compliant TA's are subject to loss of authority to approve TA's following consultation with them and with the approval of their supervisor.

- c) Travelers, administrators, and/or administrative officers submitting fraudulent TAs are subject to disciplinary action.

EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission

AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of five (5) members at a publicly announced / open meeting.

[] APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

Adopted: December 2023

GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

Traveler Acknowledgement Form

I, _____ (traveler's full name), acknowledge that I have read and been informed about the content, requirements, and expectations of the Guam Ethics Commission Travel Policy adopted on **10/01/2023**. As a Guam Ethics Commission employee governed by this policy, I agree to abide by the policy guidelines and understand that non-compliance could result in restriction to future official travel and other administrative actions determined by the GEthC Chairperson and the Executive Director.

Employee Signature: _____

Employee Printed Name: _____

Date: _____

**STATEMENT OF RESPONSIBILITY, RELEASE AND AUTHORIZATION TO PARTICIPATE
IN GUAM ETHICS COMMISSION EVENTS**

I, _____, an employee of the Guam Ethics Commission (“Commission”). I have agreed to participate in the _____ during (dates) _____. My participation in this event is wholly voluntary. In consideration of being allowed to participate in this event, I hereby state and agree as follows:

1. By my signature below, I certify that my health insurance policy will adequately cover me while outside Guam, and I release and absolve the Commission of all responsibility and liability for any injuries, illnesses (including death), claims, damages, charges, bills and/or expenses I may incur while I am abroad.
2. I understand that the Commission reserves the right to make changes to the Program itinerary at any time and for any reason, with or without notice, and the Commission shall not be liable for any loss whatsoever to participants by reason of any such cancellation or change. The Commission is not responsible for penalties assessed by air carriers that may result due to operational and/or itinerary changes, regardless of whether the participant or the Commission makes a flight arrangement. Any additional expense resulting from the above will be paid by the participant. The Commission reserves the right to substitute hotels or accommodations or housing of a similar category at any time. Specific room and housing assignments are within the sole discretion of the Commission.
3. I understand and acknowledge that the Commission does not assume responsibility or liability, in whole or in part, for any delays, delayed or changed departure or arrival times, fare changes, dishonors of hotel, airline or vehicle rental reservations, missed carrier connections, sickness, disease, injuries (including death), losses, damages, weather, strikes, acts of God, circumstances beyond the control of the Commission, force majeure, war, quarantine, civil unrest, public health risks, criminal activity, terrorism, expense, accident, injuries or damage to property, bankruptcies of airlines or other service providers, inconveniences, cessation of operations, mechanical defects, failure or negligence of any nature howsoever caused in connection with any accommodations, restaurant, transportation, or
other service or for any substitution of hotels or of common carrier beyond the Commission’s control, with or without notice, or for any additional expenses occasioned by any of the foregoing. If due to weather, flight schedules, or other uncontrollable factors I am required to spend additional nights, the Commission will not be responsible for my hotel, transfers, meal costs, or other expenses. My baggage and personal property are at my risk entirely. The Commission reserves the right to decline to accept or retain me on the event at any time should my actions or general behavior impede the operation of the event or the right or welfare of any person, including but not limited to my own welfare.

Similarly, if my conduct violates any policy or procedure of the Commission, I understand that I may be required to leave the event in the sole discretion of the Commission’s agents and representatives, and may be referred to the appropriate Commission officials for further disciplinary or other action. In such an event, no refund will be made for any unused portion of the event. The right is reserved by the Commission, in its sole discretion, to cancel the event or any aspect thereof prior to departure; and, in the Commission’s sole discretion, to cancel the Program or any aspect thereof after departure, requiring that all participants return to Guam, if the Commission determines or believes that any person is or will be in danger if the event or any aspect thereof is continued.

4. I, individually, and on behalf of my heirs, successors, assigns, and personal representatives, agree to indemnify, defend and hold harmless the Commission and their employees, agents, officers, Commissioners and representatives (in their official and individual capacities) from any and all liability, loss, damage or expense, including attorney's fees, that they or any of them incur or sustain as a result of any claims, demands, actions, causes of action, damages, judgments, costs or expenses, including attorney's fees, which arise out of, occur during, or are in any way connected with my participation in the event or any travel incident thereto.

5. I hereby acknowledge that I have read, understand, and will abide by each of the terms and conditions of this Agreement.

Dated: _____

Signature

Name (Printed)

ETHICS COMPLAINT MANUAL

Standard Operating Procedures for Ethics Complaints

DRAFT

First Edition
September 2023

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INTRODUCTION

Chapter 1: Introduction

1.1 Purpose and Scope

The Guam Ethics Commission (GEthC) Complaint Handling Manual outlines the procedures for handling complaints and alleged violations of ethics laws, regulations, policies, and ethical principles. It is intended to provide guidance to GEthC staff on how to handle and process each complaint in compliance with applicable laws and regulations.

This manual is designed to ensure that all complaints are handled efficiently, while upholding the highest standards of ethical conduct and professional excellence. It sets out clear protocols to ensure fairness in all aspects of complaint handling, from initial intake through investigation and resolution.

1.2 Background of the Guam Ethics Commission

The Guam Ethics Commission is an independent and autonomous entity, whose purpose is to hold officers and employees accountable to the Ethical standards established in Guam law. The Ethics Commission shall prescribe a process for receiving complaints, investigating the facts, conducting hearings, and rendering opinions on whether any violation of the standard of conduct for officials and employees have been violated. The Commission shall also conduct Ethics in Government Program workshops for elected officials, appointed officials, and employees.

1.3 Mission of the Guam Ethics Commission

The Guam Ethics Commission's mandate is to uplift the public's confidence in government employees, programs, and operations by ensuring the practice and promotion of the highest standards of ethical behavior in the government of Guam. The Ethics Commission will do this by creating outreach programs for ethics in government and ensure compliance and enforcement of ethics and lobbying laws on Guam. In order to accomplish the mission of the Guam Ethics Commission, the Commission shall clearly inform candidates for public office, public employees, and other officials and members of the public of existing ethics laws and rules; recommend new laws, rules, and programs that will lead to ethics compliance and serve as a model for other elected and appointed officials and government employees; and faithfully adhere to its own Code of Ethics.

To ensure the public's trust in government. The Guam Ethics Commission will:

- Establish an orderly procedure for filing Financial Disclosure Statements of persons covered under 4 GCA Chapter 15 § 15208.
- Render advisory opinions on requests made by employees of the Government on whether the facts and circumstances of a particular case warrant a violation of the Code of Ethics.
- Establish a process to receive, hear, and investigate complaints.
- Make available every action, opinion, or decision made by the Commission online and have a registry to indicate the compliance levels for the mandates of persons covered under this chapter of the Guam code.

- Conduct Ethics in Government Program workshops for elected officials, appointed officials, and government employees.

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ETHICS COMPLAINT PROCEDURES

Chapter 2: ETHICS COMPLAINT PROCEDURES

2.1 Role of the Ethics Commission Staff

In our pursuit of maintaining the highest ethical standards within the government of Guam, the Guam Ethics Commission plays a pivotal role in investigating and resolving ethics complaints. One crucial aspect of this process is the role of staff members, who serve as case managers. This briefing outlines the primary responsibilities and procedures that staff must follow when handling ethics complaints filed with the Guam Ethics Commission. The staff member's primary responsibility is to produce a comprehensive case file for review by the prosecutorial counsel and commissioners. This file is essential in facilitating a fair and thorough evaluation of the complaint.

2.2 Key Responsibilities

A. Record Compilation

Staff must compile a complete and accurate case file, ensuring that it contains all relevant documents, statements, and evidence pertaining to the complaint. This includes gathering records, correspondence, and any other relevant materials that can help in understanding the case.

B. Conflict Scrub

Before proceeding with the case, staff members are required to conduct a conflict scrub to identify and eliminate any potential conflicts of interest. This involves assessing whether there are any personal or professional relationships between the case manager and both the complainant and the accused that could compromise objectivity. If such conflicts are identified, appropriate steps must be taken to address them, including reassigning the case if necessary.

C. Maintaining Confidentiality

Case managers must ensure that all information related to the ethics complaint is handled with the utmost confidentiality. This includes protecting the identities of both the complainant and the accused, as well as any sensitive information that may emerge during the investigation.

D. Communication

Effective communication with all parties involved in the case is crucial. Case managers should facilitate the flow of information between the complainant, accused, legal counsel, and the Ethics Commission, while maintaining impartiality throughout the process.

E. Assisting Counsel

Case managers may be required to assist the prosecutorial counsel in building a case, which includes providing relevant documents and information as needed.

2.3 Ethics Case File Preparation

A. Introduction

The overarching goal of establishing standardized procedures within the Guam Ethics Commission is twofold: first, to ensure a consistent and equitable approach to handling ethics complaints, and second, to guarantee the accurate and prompt compilation of all ethics complaint files. By implementing these standardized procedures, we aim to create a transparent and accountable system that upholds the highest ethical standards in our government operations.

These procedures not only enhance the efficiency and effectiveness of our processes but also foster public trust by demonstrating our commitment to a fair and timely resolution of ethics complaints. Through these standardized procedures, we intend to streamline the compilation of complaint files, which will serve as the foundation for the Commission's review and decision-making processes, ultimately promoting integrity and ethical conduct within the government of Guam.

B. Process of Establishing a Case File

1. Intake Interview:

The first step in the process is to conduct an intake interview with the complainant. During this interview, use the Ethics Intake Form to systematically gather crucial information and take detailed notes. Ensure that you record the name of the government agency involved, any possible violations, the name(s) of the government official(s) allegedly involved, the date(s) when the violation occurred, and the complainant's name and contact information. This initial step serves as the foundation for the case and sets the stage for a thorough investigation.

2. Fill out an Ethics Complaint Form:

Following the intake interview, provide the complainant with an Ethics Complaint Form to complete. It is essential to ensure that all necessary information is provided by the complainant. Additionally, ensure that the complainant signs both the confidentiality agreement and declaration of the complainant, emphasizing the importance of maintaining the confidentiality of the case. If the complainant has any supporting documents, collect these as they can be crucial in substantiating the complaint.

3. Log New Case into the Case Tracker and Master Log:

Create an organized record of the new case by logging it into the Case Tracker and Master Log. This step is crucial for efficient case management. Include essential details such as the unique Case Number, the responsible Ethics Investigating and Complaint Officer (EICO) handling the case, the name and contact information of the complainant, important dates (e.g., date of intake, date of complaint submission), the status of the case (e.g., open, under review, closed), any preliminary recommendations, detailed notes, and a summary of the case for quick reference.

4. Review and Analyze Ethics Complaint:

Thoroughly review and analyze the ethics complaint in light of the applicable legal framework, such as the 4 GCA Chapter 15 Standard of Conduct for Elected Officers, Appointed Officers, and Public Employees of the Government of Guam. This step involves understanding the specific allegations, identifying potential violations, and assessing the severity and merit of the complaint. It's essential to ensure that the complaint aligns with ethical standards and legal requirements.

5. Prepare Memo and Recommendation:

Based on your analysis, prepare a memorandum summarizing the case findings and recommendations for the Guam Ethics Commission. Include the date of the memo, an attestation confirming no conflicts of interest with either the agency or the complainant, and your signature. This memo serves as a critical document that guides the Commission's decision-making process.

6. Compile Ethics Case Folder:

Assemble a physical Ethics Case Folder for the comprehensive documentation of the case. Print a label with the assigned Ethics Case number and affix it to the folder. Inside the folder, include all pertinent documents, including the Ethics Intake Form, Ethics Complaint Form, Transmittal Memorandum, supporting documents provided by the complainant, and any other relevant materials. An organized folder is essential for easy reference and accessibility during the case review process.

7. Create a Digital Copy and Upload on the Drive:

To ensure data security and easy access, create a digital copy of the entire case file. Create a folder on the designated drive with the Ethics Case Number as the title. Scan all the documents, including the Ethics Intake Form, Ethics Complaint Form, Transmittal Memorandum, and any supporting materials. Upload these digital copies to the designated drive folder. This step enhances data backup, retrieval, and sharing among relevant parties involved in the case.

By meticulously following these seven steps, you ensure that ethics case files are prepared systematically, facilitating a fair and efficient resolution of ethics complaints in line with the Guam Ethics Commission's mission and standards.

**ETHICS
COMPLAINT
FORM**

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Chapter 3: ETHICS COMPLAINT FORM

3.1 Jurisdiction

Title 4 GCA § 15000 et seq. (The Act), brought into existence the Guam Ethics Commission. This commission holds the authority to thoroughly investigate any claims of misconduct violations. The Ethics Complaint Form is used for Complainants to file an official, confidential complaint with the Commission. It asks for the essential details of a Complaint so that the Commission has enough information to determine whether the complaint is (i) about a violation of the Ethical Standards, (ii) involves an Employee, and (iii) occurred within the last 3 years. These essential details allow the Commission to take jurisdiction over a complaint. If the complaint does not include at least these essential details, the Commission is not permitted to take further action on it, and the complainant will be informed about the Commission's not having jurisdiction over it. If the Commission does take jurisdiction over your complaint, the complainant may be contacted for further information and or to make statements in support of an investigation. Complainants may also be asked to testify at a formal hearing before the Commission.

3.2 Confidentiality

Once a complaint is filed, it becomes CONFIDENTIAL under the Act, and the sharing of information related to a complaint is restricted to assigned employees, management, Commission members, and the Commission's attorney(s), unless the Act permits the sharing of information:

4 GCA § 15401 (c). Any Commission member or any individual, including the individual making the charge, who without permission of the Commission, divulges information obtained from the Commission or who reveals confidential actions of or what happened in closed proceedings before the Commission concerning the charge prior to the issuance of the complaint or other final action by the Commission except as permitted by this Chapter, shall be guilty of a misdemeanor.

Generally, the sharing of information is permitted when the Commission makes a referral to the Attorney General or the Employee's Agency, or if the Commission decides to make a matter involving a former Employee public.

3.3 Filing of False Charges

The Act prohibits the filing of FALSE CHARGES and requires that statements made to the Commission be truthful and accurate to the best of your knowledge and belief:

4 GCA § 15402. Filing of False Charges. (a) Any person who knowingly and intentionally files a false charge with the commission, or any member of the commission who initiates action against any Guam official, Guam employee, or any other person covered by this chapter, knowing such charge to be false, shall be guilty of

the crime of perjury and subject to the penalty set forth in Title 9 of Guam Code Annotated (Crimes and Corrections).

(b) Whoever is convicted in a court of competent jurisdiction of the crime of perjury under this section, in addition to any other punishment prescribed by law thereof, shall be required by court order to reimburse the person against whom the false charge was filed for all of the person's legal expenses and court costs incurred in relation to that person's defense against the false complaint.

(c) If such charge is filed within six months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above and shall also pay an equal amount to the general fund of Guam.

(d) This section shall not supersede or preclude any other right or remedy at law available to the person falsely accused.

At the end of the Form, the complainant must attest that the information and statements provided are truthful and accurate to the best of your knowledge and belief. When filing a Complaint, the complainant acknowledges that intentionally filing false charges may subject them to criminal liability under Guam law.

3.4 Appointment of Investigator(s)

The process of assigning investigators to ethics complaints is designed to ensure objectivity and fairness. A master complaint log serves as the central repository for all cases. Cases are interchangeably assigned between the two Ethics Investigation and Compliance Officers (EICOs) based on a predefined rotation schedule. This rotation helps distribute the workload evenly and minimizes the risk of bias in case assignments. However, should a situation arise where a conflict of interest is identified between an EICO and a specific case we adhere to Rule 2.2 of the Ethics Manual. This rule outlines key responsibilities when processing ethics complaints, including reassigning the case to another qualified investigator to ensure the integrity of the investigation process and maintain the highest ethical standards in our operations. The Commission's commitment to transparency and impartiality in handling ethics complaints is paramount, and we are dedicated to upholding the principles outlined in our Ethics Manual.

3.5 Timelines for Investigation

The investigation of ethics complaints is a crucial process in maintaining the integrity and ethical standards within the government. The timeline for investigating complaints may vary depending on the complexity and magnitude of each individual case. Each case will come with its own circumstantial evidence, which must be thoroughly examined to reach a fair and just conclusion.

It is essential to understand that there is no fixed timeline for investigating ethics complaints, as each case requires a unique approach and varying amounts of time. Some cases may be resolved quickly, while others may require more in-depth

investigations and discussions before reaching a final decision. However, all cases will be presented to the Commission while in session for their deliberation and subsequent order. This ensures that each complaint is given fair consideration by multiple individuals before a final decision is made.

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INVOICE & CERTIFICATE MANUAL

Standard Operating Procedures for Issuing Invoices and
Certificates of Completion for Ethics Trainings

DRAFT

First Edition
September 2023

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DRAFT

**ETHICS TRAINING
INVOICE
PREPARATION**

Chapter 1: Ethics Training Invoice Preparation

1.1 Purpose

The purpose of these standard operating procedures is to establish a consistent and efficient process for invoicing agencies for ethics training services provided by the Guam Ethics Commission. This will ensure that all agencies are charged appropriately and in a timely manner, while also providing transparency in the billing process.

1.2 Essential elements of the process:

In-Person Workshop

- A. *Review Sign-in and Sign-out sheets.* Make sure each participant signed in and out of the attendance sheet after the training. If participants only signed in, verify with the agency and request for an attestation. If the training is through Zoom, verify that participants have inputted their name and agency after the training. Remove participants that did not attend from the attendance sheet. If participants forget to input their names, verify with the agency and request for an attestation.
- B. *Prepare Agency Invoice.* Generate invoice for each agency that attended the training. Include: Invoice Number, Date, Bill to Agency and Point of Contact, Customer ID, Description of Training, Quantity of Participants, Unit Price, Participants' Names, and Subtotal.
- C. *Log Invoice Numbers to Masterlog.* Include: training date, invoice number, issue date, revised date (if applicable), Agency/Vendor Name, Amount, and Transaction Information (JV, PO, Check Number).
- D. *Upload Generated Invoice.* Upload the invoice to the respective agency folder and date.
- E. *Transmit Invoice Electronically.* Email invoice to the respective agencies and their point of contact. Include in the email to line agencies: info@ethics.guam.gov and Mary Grace Edrosa marygrace.edrosa@doa.guam.gov from the Department of Administration.
- F. *Invoice Follow Up.* At the end of each month, compile a list of unpaid invoices from line agencies and send them to Mary Grace Edrosa marygrace.edrosa@doa.guam.gov from the Department of Administration for collection.

Online Module

- A. *Retrieve Monthly CSV Report.* Review CSV File of participants that have taken the online module for the prior month. Make sure all information is accurate.

- B. *Prepare Agency Invoice*. Generate invoice for each agency that attended the training. Include: Invoice Number, Date, Bill to Agency and Point of Contact, Customer ID, Description of Training, Quantity of Participants, Unit Price, Participants' Names, and Subtotal.
- C. *Log Invoice Numbers to Masterlog*. Include: training date, invoice number, issue date, revised date (if applicable), Agency/Vendor Name, Amount, and Transaction Information (JV, PO, Check Number).
- D. *Upload Generated Invoice*. Upload the invoice to the respective agency folder and date.
- E. *Transmit Invoice Electronically*. Email invoice to the respective agencies and their point of contact. Include in the email to line agencies: info@ethics.guam.gov and Mary Grace Edrosa marygrace.edrosa@doa.guam.gov from the Department of Administration.
- F. *Invoice Follow Up*. At the end of each month, compile a list of unpaid invoices from line agencies and send them to Mary Grace Edrosa marygrace.edrosa@doa.guam.gov from the Department of Administration for collection.

DRAFT

**ETHICS
CERTIFICATE
CREATION & FILING
PROCEDURES**

Chapter 2: Ethics Certificate Creation & Filing Procedures

2.1 Policy

Certificate creation is an important process that ensures individuals are properly recognized for fulfilling the mandates of the Ethics in Government Program. To guarantee that all ethics certificates are created correctly and on time, the Guam Ethics Commission has implemented a set of standard operating procedures. These procedures provide a framework for consistently creating and issuing certificates, ensuring quality and accuracy in the certification process.

2.2 Essential Elements of the Process

- A. *Verify that Invoice has been paid.* Check the Invoice Master log and verify that the Invoice has been paid (highlighted in light green).
- B. *Log Certificate.* Log certificate and participant in the corresponding year's master log. Include: Certificate Number, Agency, Name, and Training Date.
- C. *Generate Certificate.* Retrieve Certificate Template and Create the participant's certificate. Update: Name of Participant, Date of Training, Certificate Number.
- D. *Send Certificate for Review.* After the certificate has been generated, send certificates to Ethics Investigation and Compliance Officers to review and approve.
- E. *Upload to the Drive.* Once the certificates have been reviewed and approved, upload them to their respective folders on the drive.
- F. *Send Certificates to Participants.* Email participants and the agency point of contact the participants' certificates for their record.

FINANCIAL MANAGEMENT MANUAL

Standard Operating Procedures for Purchasing

DRAFT

First Edition
September 2023

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SMALL PURCHASE STANDARD OPERATING PROCEDURE

Chapter 1: SMALL PURCHASE STANDARD OPERATING PROCEDURE

1.0 Policy

To provide standard procedures for the Guam Ethics Commission and to guarantee that all small purchases follow the Guam Procurement Law.

The head of an agency or entity has the authority and ability to conduct its own small purchase procurement pursuant to 2 GAR, Div. 4 § 3111(b)(1) and (2). Agencies do not have to go through GSA for small purchases of either supplies, regular services, or professional services.

1.1 Supplies and Regular Services Small Purchase Process:

A. Competition for Small Purchases of Supplies or Services Between \$500 and \$25,000.

(1) *Procedure.* Insofar as it is practical for small purchases of supplies or services between \$500 and \$[25,000], no less than three positive written quotations from businesses shall be solicited, recorded and placed in the procurement file. Awards shall be made to the lowest responsible and responsive bidder.

(2) *Records.* The names of the business submitting quotations to include the date and amount of each quotation shall be recorded and maintained as a public record.

2 GAR, Div. 4 § 3111(c) (emphasis added).

1.2 Essential elements of the process:

- A. **Create a Procurement Record Binder** (i.e., “Procurement File”). This is required under 5 GCA § 5249: “Record of Procurement Actions. Each procurement officer shall maintain a complete record of each procurement.” (emphasis added).
- B. **Develop a Scope of Work or Specifications.** Put it in the Procurement Record Binder. Include any brochures or reference materials used to develop the Scope of Work/Specifications in the Procurement Record Binder, and all drafts. 5 GCA § 5249(d).
- C. **Write a Letter to GSA** asking if they have the required supplies and/or services available. This is required under 5 GCA Section 5130(d).
- D. **Wait 10 days for a response.** This is required under 5 GCA Section 5130(d). If you receive a response, put it in the Procurement Record, and follow it. If no response is received, proceed with the small purchase.

- E. **Draft a Determination of Need (DON).** 5 GCA Section 5249(e): “The record shall include the following: ... (e) the requesting agency’s determination of need.” This must be signed by the DIRECTOR and placed in the Procurement Record BEFORE you obtain the three quotes.
- F. **Call or email Vendors** or Print out price from the internet to obtain three written quotes for the Scope of Work/Specifications you developed earlier. Put the written quotes with the name, date, and amount of the quote in the Procurement Binder. 2 GAR, Div. 4 § 3111(c).
- G. **Record any and all oral discussions** you have with any of the vendors! This is required under 5 GCA Section 5249(c): “The record shall include: ... sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement;” (emphases added).
- H. **Award the procurement to the lowest responsive and responsible bidder.** 2 GAR, Div. 4 § 3111(c). This means that you first have to determine that the lowest bidder is “responsible.” See 2 GAR, Div. 4 § 3116 (b)(4): “Responsibility of Bidders and Offerors...4) Duty Concerning Responsibility. Before awarding a contract, the Procurement Officer must be satisfied that the prospective contractor is responsible.”
- I. **Certify the Procurement Record.** This is required under 5 GCA § 5250. Certification of Record. Then, use a Purchase Order or whatever document your agency uses to finalize the small purchase.
- J. **Keep ALL invoices and e-mails** and put them in the Procurement Record, both before and after the EXECUTIVE DIRECTOR signs the Purchase Order or other document and the agency receives the required supplies or services. Keep the Procurement Record Binder for 5 years. This is required under 5 GCA § 5249(b) and 5 GCA § 5247.1. Retention of Electronic Mail Correspondences.

1.3 Professional Services Small Purchase Process:

Here is the general rule for obtaining “professional” services through a small purchase procurement:

- A. **Conditions for Use.** If it is expected that the services of accountants, physicians, lawyers, dentists, architects, engineers, or land surveyors can be procured for less than \$[25,000] and more than \$500, the methods specified in this Section may be used in lieu of the procedures specified in § 3114 (Competitive Selection Procedures for Services Specified in § 2112) and § 5108 (Architect-Engineer and Land Surveying Services of these Regulations).

2 GAR, Div. 4 § 3111(f)(1) (emphasis added).

- B. **Essential elements of the process:**
Create a Procurement Record Binder (i.e., "Procurement File"). This is required by 5 GCA § 5249 ("Record of Procurement Actions. Each procurement officer shall maintain a complete record of each procurement.") (emphasis added).
- C. **Develop a Scope of Services** This should include information regarding the type of matter to be handled---enough information that any conflicts of interest could be identified. Put it in the Procurement Record Binder. Include any brochures or reference materials used to develop the Scope of Services in the Procurement Record Binder, and all drafts. 5 GCA § 5249(d).
- D. **Call DOA and examine any current "Statements of Qualifications" on file with DOA.** See, 2 GAR, Div. 4 § 3111(f)(2) ("Before contacting any person to perform the required services, the Procurement Officer shall examine any current statements of qualifications on file with the territory. Based on this examination, the Procurement Officer shall contact the most qualified firm and attempt to negotiate a contract for the required services at a fair and reasonable price. If no current statements of qualifications are on file or the statements on file are inadequate to determine the most qualified firm, technical proposals or statements of qualifications shall be solicited.").
- E. **If no current Statements are on file with DOA,** write a Letter to DOA asking if they have this type of professional services available from any government personnel, retired or otherwise. This is required as a prerequisite for the Determination of Need required under 5 GCA Section 5249(e); see also 2 GAR, Div. 4 § 3114(c)(2) "the head of the using agency must determine: ...that a reasonable inquiry has been conducted, which shall include requesting the appropriate Personnel Services Department to report on the availability of such personnel, and the territory does not have the personnel nor resources to perform the services required under the proposed contract...."
- F. **Wait a reasonable amount of time for a DOA response.** If you receive a response, put it in the Procurement Record, and follow it. If no response is received, proceed with the small purchase. If no response received, put a Memorandum in the Procurement Record that "a reasonable inquiry was conducted and no response was received from DOA within ____ (____) days" and the DIRECTOR signs this memo.
- G. **Draft a Determination of Need (DON).** See, 5 GCA Section 5249(e) ("The record shall include the following: ...(e) the requesting agency's determination of need."). This must be signed by the DIRECTOR and placed in the Procurement Record BEFORE you obtain the three statements of qualification.
- H. **Call or E-mail Vendors to obtain three written "Statements of Qualification" for the Scope of Services you developed earlier.** You must request the following

information to be provided from the Vendors: “(d) Statement of Qualifications. When the services specified in §3114(a) (Application) are needed on a recurring basis, the Procurement Officer shall actively solicit ... statements of qualifications in a prescribed format which shall include the following information: (1) technical education and training; (2) general or special experience, certifications, licenses, and membership in professional associations, societies, or boards; (3) an expression of interest in providing a particular service specified in §3114(a); and (4) any other pertinent information requested by the Procurement Officer.” 2 GAR, Div. 4 § 3114(d).

DO NOT ASK FOR PRICES AT THIS TIME. “A price or fee shall not be solicited until the most qualified firm is chosen and only the most qualified firm will be requested to submit a price.” 2 GAR, Div. 4 § 3111(f)(2) (emphasis added).

- I. If you don't get three Statements of Qualification, and you only get two or fewer, then draft a Written Determination justifying the consideration of only one or two firms and put it in the Procurement Record once it is signed by the DIRECTOR (i.e., because we only received 2 or 1). 2 GAR, Div. 4 § 3111(f)(2).
- J. Examine the Statements of Qualifications, rank them, and “contact the most qualified firm and attempt to negotiate a contract for the required services at a fair and reasonable price.” Id.
- K. Audio Record any and all verbal negotiations/discussions you have with any of the vendors! This is required by 5 GCA Section 5249(c) (“The record shall include: ... sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement”).

If after negotiations with the first choice, a fair and reasonable price cannot be agreed to, move on to the second most qualified Vendor, etc.---"negotiations will be terminated with such firm and negotiations begun with the next most qualified firm. The process shall continue until a contract can be negotiated at a fair and reasonable price to the territory.” Id. Create a Written Determination stating the reasons for any discontinued negotiations, signed by the DIRECTOR and put it in the Procurement Record.

- L. Award the procurement to the most qualified responsible Vendor with whom a reasonable price can be agreed for the Services. 2 GAR, Div. 4 § 3111(c). This means that you first have to determine that the Vendor is “responsible.” See 2 GAR, Div. 4 § 3116 (b)(4) (“Before awarding a contract, the Procurement Officer must be satisfied that the prospective contractor is responsible.”).
- M. Executive Director signs a Contract with the Vendor to finalize the small purchase of professional services. Put the Contract in the Procurement Record.

N. **Certify the Procurement Record.** This is required under 5 GCA § 5250. Certification of Record. The AG's Office can provide a sample Certification of Record Form. Place it on your agency/entity letterhead and replace all blanks and highlighted areas with the information that is specific to your procurement, and have it signed by the DIRECTOR.

Keep ALL invoices and e-mails and put them in the Procurement Record, both before and after the Director signs the Contract and your agency receives the professional services. Keep the Procurement Record Binder for 5 years. This is required by 5 GCA § 5249(b) ("a log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer which is in any way related to the procurement"); and 5 GCA § 5247.1 ("Retention of Electronic Mail Correspondences. All incoming and outgoing electronic mail (email) correspondences pertaining to matters related to the procurement of goods and services as governed by this Chapter shall be retained for a period of not less than five (5) years. Such electronic mail (email) correspondences may be used for evidentiary purposes in the appellate procedures contained in this Chapter.").

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PETTY CASH FUND PROCEDURES

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Chapter 2: PETTY CASH FUND PROCEDURES

2.1 General

In our pursuit of maintaining the highest ethical standards within the government of General

A petty cash fund is established to improve the efficiency of Guam Ethics Commission operations. These funds are available to purchase minor items when it would be otherwise impractical to purchase items through the usual purchasing methods. The maximum petty cash fund amount is \$500.00. The maximum requested amount is \$500.00

2.2 Policies

- A. A fund may be used for small repetitive or emergency purchases under \$500.00 as prescribed by a department and approved by the appropriate authority.
- B. The Procurement Officer will receive and review request for funds.
- C. The size of the fund should be the minimum practical to meet requirements and may not exceed the amount approved for the department.
- D. Small repeat purchases from petty cash should not be used to avoid purchasing procedures where volume and bidding might secure lower prices.
- E. A fund will be only used as outlined in this instruction. Petty Cash fund will not be used for payroll, to cash checks, make change, make cash advances (IOUs), etc. A fund which is unused or improperly used may be withdrawn.

2.3 Purchasing Procedures

1. The requestor completes the Petty Cash form (Use Form GETHC PCC-01) justifying the need for a petty cash. Procurement Officer approval is required.
Petty cash

ORIGINAL receipts must be submitted within 3 days of receiving approval. The correct change (if any) must be submitted with the original receipts. If items are not purchased within 3 days or by an approved date by the Procurement Officer, the petty cash fund must be returned to refund the petty cash box. Petty cash fund is replenished as soon as the fund balance reaches \$100.00.

2. Fund management - Responsibility for management and operation of the fund is delegated by the Director to the designated and approved Procurement Officer with overall accountability resting with the appropriate administrator. When funds transfer between Procurement Officer and cash requestor both parties must be present. Individual holding funds shall take accountability of the cash and present original receipts and change (if any) to Procurement Officer. Both Procurement Officer & cash requestor shall count funds together and acknowledge that funds match accountability (Use Form GETHC PCC-02). Should any discrepancy exist at time of transfer, Director must also sign acknowledging discrepancy.

3. Authorization for purchase - approval for purchase is secured from the custodian before making the purchase using fund money. Prior approval is necessary to insure that:
 - a. There is a valid business purpose for the purchase.
 - b. The proposed purchase can properly be made from petty cash.
 - c. The department authorized the purchase.
 - d. The purchaser understands the procedures for purchase and requirements for receipts.
4. Making purchases - Upon approval by the custodian for specific purchase and the amount to be spent, the individual will:
5. Secure 3 quotes from vendors, the lowest quote will be awarded
6. Fill Form GETHC-PCC-01 to request for Petty Cash
7. Make the authorized purchase.
8. Secure a receipt or itemized ticket signed and mark "Paid" by the vendor.
9. Return receipt to Procurement Officer.

Note: Purchases made to Military Base stores are not permitted.

2.4 Replenishing the Cash Fund Procedures

When cash on hand in the fund reaches a level where replenishment is required, a Petty Cash Replenishment Report is required to be submitted to the Department of Administration. The custodian needs to:

1. Count remaining cash and verify that the total cash plus the total receipts equals the total authorized fund (Use Cash Count Form - GETHC PCC-02);
2. Document any shortage with an appropriate explanation entered, and the form (GETHC PCC-02) signed by the custodian.
3. Reconcile funds by using DOA's Petty Cash Forms (see below). A copy of receipts and 3 quotes (telephonic or email) must be attached to the forms.
 - a. DOA Form ACC-PCC001 - Petty Cash Replenishment Report Without Divisions
 - b. FORM ACC-PCB001 – Cash Count Report
 - c. Form ACC-PCA001 – Petty Cash Voucher

2.5 Safeguarding the Petty Cash fund

All cash and sales slips, receipts, or other applicable documents of the fund should be logged in the Cash Receipts and Cash Payments Journal, it must also be secured and safeguarded in a metal lock box and placed in a locked desk, locked cabinet, or locked safe.

2.6 Audit

The Executive Director will periodically (announced or unannounced) make an audit of the fund. The custodian is to ensure that the fund is always balanced and available for audit.

Discrepancies in petty cash fund and non-compliance with procedures found by the Executive Director may result in personal reimbursement of the fund by the petty cash custodian and possible disciplinary action.

Forms

Form GETHC PCC-01 – Request for Petty Cash

Form GETHC PCC-02 – Cash Count Form

DOA Form ACC-PCC001 - Petty Cash Replenishment Report Without Divisions

FORM ACC-PCB001 – Cash Count Report

Form ACC-PCA001 – Petty Cash Voucher

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RECEIVING REPORTS

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CHAPTER 3: RECEIVING REPORT STANDARD OPERATING PROCEDURE

Policy

Receiving reports are an essential component of the payment process. They serve as documentation that goods or services have been received by the Guam Ethics Commission and are therefore eligible for payment. These reports also help prevent fraud and ensure accountability in the use of public funds.

Receiving Report Procedures

1. Request or retrieve invoice from vendors onset of each month.
2. Review invoices for accurate information. Check for: amount of invoice, purchase order number, and month.
3. Generate Receiving Report Form. Fill out necessary information:
 - a. Date Submitted
 - b. Purchase Order Number
 - c. Vendor's information
 - d. Invoice Number
 - e. Description of rendered service, quantity, and subtotal.
4. Sign Receiving Report Form and Attach the vendor's invoice and the Commission's Purchase Order.
5. Adjust the FY23 Requisition/Purchase Order Master Log according to invoice subtotal. Input amount expended for the invoice.
6. Review and approve by the Purchasing Staff.
7. Transmit Receiving Report electronically to Department of Administration to DOA.invoice@doa.guam.gov.

Government of Guam Fiscal Year 2025 Budget Digest

[BBMR BD-1]

Function:
Department:
Program:

AS400 Account Code	Appropriation Classification	GENERAL FUND			SPECIAL FUND 1/			FEDERAL MATCH			GRAND TOTAL (ALL FUNDS)		
		FY 2023 Expenditures & Encumbrances	FY 2024 Authorized Level	FY 2025 Governor's Request	FY 2023 Expenditures & Encumbrances	FY 2024 Authorized Level	FY 2025 Governor's Request	FY 2023 Expenditures & Encumbrances	FY 2024 Authorized Level	FY 2025 Governor's Request	FY 2023 Expenditures & Encumbrances (A + D + G)	FY 2024 Authorized Level (B + E + H)	FY 2025 Governor's Request (C + F + I)
	PERSONNEL SERVICES												
111	Regular Salaries/Increments/Special Pay:	183,628	254,669	251,377	0	0	0	0	0	0	183,628	254,669	251,377
112	Overtime:	0	0	0	0	0	0	0	0	0	0	0	0
113	Benefits:	67,671	98,538	113,726	0	0	0	0	0	0	67,671	98,538	113,726
	TOTAL PERSONNEL SERVICES	251,299	353,207	365,103	0	0	0	0	0	0	251,299	353,207	365,103
	OPERATIONS												
220	TRAVEL- Off-Island/Local Mileage Reimburs:	7,626	12,750	12,750	0	0	0	0	0	0	7,626	12,750	12,750
230	CONTRACTUAL SERVICES:	9,765	43,024	73,024	0	0	0	0	0	0	9,765	43,024	73,024
233	OFFICE SPACE RENTAL:	65,993	65,993	65,993	0	0	0	0	0	0	65,993	65,993	65,993
240	SUPPLIES & MATERIALS:	86	16,500	1,500	0	0	0	0	0	0	86	16,500	1,500
250	EQUIPMENT:	0	0	0	0	0	0	0	0	0	0	0	0
270	WORKERS COMPENSATION:	0	0	0	0	0	0	0	0	0	0	0	0
271	DRUG TESTING:	0	80	0	0	0	0	0	0	0	0	80	0
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0	0	0	0	0	0	0
290	MISCELLANEOUS:	18,446	35,400	34,584	0	0	0	0	0	0	18,446	35,400	34,584
	TOTAL OPERATIONS	\$101,915	\$173,747	\$187,851	\$0	\$0	\$0	\$0	\$0	\$0	\$101,915	\$173,747	\$187,851
	UTILITIES												
361	Power:	0	0	0	0	0	0	0	0	0	0	0	0
362	Water/ Sewer:	0	0	0	0	0	0	0	0	0	0	0	0
363	Telephone/ Toll:	0	4,116	4,116	0	0	0	0	0	0	0	4,116	4,116
	TOTAL UTILITIES	0	4,116	4,116	0	0	0	0	0	0	0	4,116	4,116
450	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	TOTAL APPROPRIATIONS	\$353,215	\$531,070	\$557,070	\$0	\$0	\$0	\$0	\$0	\$0	\$353,215	\$531,070	\$557,070
	1/ Specify Fund Source(s)												
	FULL TIME EQUIVALENCIES (FTEs)												
	UNCLASSIFIED:	1	1	1	0	0	0	0	0	0	1	1	1
	CLASSIFIED:	3	3	3	0	0	0	0	0	0	3	3	3
	TOTAL FTEs	4.00	4.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	4.00	4.00

**Guam Ethics Commission
Executive Director Evaluation Form**

Name: Jesse John Quenga	Position / Title: Executive Director
Reviewer: _____, Commissioner	Date of Review:

EVALUATION RATINGS:

1. Does Not Meet 2. Needs Improvement 3. Meets Expectations 4. Above Expectations
5. Exceptional

PERFORMANCE RATING	DEFINITION
Exceptional:	Performance is extraordinary and consistently displays exceptional accomplishments. Results reflected substantially exceed normal position expectations and requirements.
Above Expectations:	Performance is more than satisfactory. Results achieved frequently exceeds basic position requirements and expectations
Meets Expectations:	Performance results are satisfactory. Consistently meets normal position requirements and occasionally exceeds the requirements of the position.
Needs Improvement:	Occasionally meets some of the position requirements, but improvement is needed in one or more phases of the position. Results are less than what is normally expected in meeting minimum position requirements.
Does Not Meet	Performance does not meet expectations or standards. Performance deficiencies indicate cause for critical concern and consideration of an improvement plan be prepared and implemented accordingly.

Document the Executive Director’s position evaluation and select a rating of 1-5 factors listed above.

Discuss any other factors that relate to the Executive Director’s position evaluation, such as significant accomplishments, critical incidents, or necessary improvements, etc.

GUAM ETHICS COMMISSION Executive Director Evaluation Form

Section I. Status of Achievements

List the key goals and the extent to which each has been achieved.

GOALS	STATUS
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<p>Become a recognized member of the Council on Governmental Ethics Law (COGEL), a prestigious professional organization dedicated to promoting ethics in government agencies and related fields.</p>	<p>The Guam Ethics Commission became an official member of the Council on Governmental Ethics Law (COGEL). Since then, our Commission staff has actively participated in numerous seminars and trainings covering a wide range of topics, including investigative best practices, training and outreach, and freedom of information roundtables.</p> <p>Notably, the Guam Ethics Commission made a significant contribution to the 2023 Ethics Bluebook publication, which was unveiled at the esteemed 45th annual conference. This marks the first time that the Guam Ethics Commission has been featured in this prestigious resource dedicated to ethics in governmental entities.</p>
<p>Ensure that the Commission has sufficient and appropriate resources to carry out hearings pertaining to potential breaches of the standard of conduct outlined in 4 GCA Chapter 15.</p>	<p>The Commission successfully secured a 50% increase in local appropriation from the general fund. This includes an additional appropriation from the Guam Legislature in the amount of \$126,000 from audited fiscal year 2022 surplus funds to support the Commission's operations. This authorization effectively addresses any unmet needs resulting from the lack of general appropriation funding.</p>
<p>Create a comprehensive procedure for the Commission to receive and resolve complaints filed against public officials, in strict accordance with the guidelines outlined in 4 GCA Ch. 15.</p>	<p>The Guam Ethics Commission has received a total of 27 new complaints. Currently, 10 cases are still under consideration, while the remaining 17 have already been addressed. Out of these, six (6) cases have been referred to the Office of the Attorney General for criminal investigation.</p> <p>In addition to the complaints, the Commission has also received three (3) requests for advisory opinions. Two opinions have already been issued, and the final opinion is scheduled to be addressed during the Commission's year-end meeting.</p>
<p>Provide for professional development activities for Commission Staff</p>	<p>It was reported in the Commission's September meeting that the Executive Director and two Ethics Investigators are pursuing the 'Leadership Professional in Ethics Compliance' a professional designation for ethics professionals which covers areas of compliance and promotes best practices in ethics investigations. This designation is offered by the Ethics Compliance Institute (ECI). ECI is a membership association and research institution that empowers organizations to build and sustain the programs that are proven to increase integrity in organizations.</p>
<p>Fill remaining vacant seat on the Commission.</p>	<p>A candidate was identified after expressing interest in the vacant position. Their name and curriculum vitae were provided to the Governor's office for their consideration of appointment. The review is complete, and the team is now working with the candidate to prepare their application</p>

	<p>packet for submission. The appointment is anticipated to coincide with the beginning of the term of office which is May 2024.</p> <p>Further, to plan for other member vacancies that may occur in the future, an additional three candidates have expressed interest in serving on the Commission. These individuals will be the first names added to a roster of potential nominees who could be considered for any future vacancy caused by expiration of current commissioner service due to term limits or any other reason.</p>
<p>Conduct Ethics in Government Program workshops for all government of Guam employees and ensure every government entity's compliance with the Ethics Training Compliance Report provided in 4 GCA Chapter 15.</p>	<p>Conducted a total of eighteen (18) live workshops training a total of 2,744 employees in the government of Guam. By hosting a fewer number of workshops while increasing the participant capacity we were successful in significantly reducing the overhead costs for conducting these workshops.</p> <p>Overall, this a 10% increase in officials trained compared with the previous year, and a substantial increase with the number of employees having completed their training through the online e-learning portal. Despite the disruption to operations caused by Typhoon Mawar, this accomplishment demonstrates that the Commission was able to exceed last year's baseline. In addition to the standard workshop, the staff hosted specialized trainings for boards and commission members conducted by the Executive Director. The workshops were well received, and plans are in place to continue conducting these types of workshops in the next calendar year. The Commission remains well positioned to meet the statutory deadline for having all employees trained by 2024.</p> <p>Lastly, for the third year in a row the Commission is reporting 100% compliance with the Ethics Training Compliance Report due from every government entity to the Commission. Reports were shared with the Office of the Governor as well as the Guam Legislature and have been uploaded to the Commission's website for download.</p>
<p>Perform a position study to determine what the workforce capacity necessary for the Commission to fulfill the mandates of 4 GCA Ch. 15.</p>	<p>Following the Commission's approval, the Ethics Investigation and Compliance Officer position series was included in the government's classified service. A search was opened and concluded in April 2023. A total of 10 applications were received with five (5) qualifying for an interview. Two applicants were offered the role of Ethics Investigation and Compliance Officer II, both who</p>

	accepted. The positions were also fully funded in the Commission's FY 2024 budget.
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Section II. Performance Measures

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Leadership							
1.1 The Executive Director has shown a clear vision in correctly anticipating opportunities and priorities affecting the commission's operations.							
1.2 The Executive Director has clearly translated his/her vision and strategy into feasible operational plans to achieve success for the commission.							
1.3 The Executive Director has accurately communicated his/her concept, vision and mission, strategies, goals, and directions for the organization to stakeholders.							
1.4 The Executive Director has motivated and encouraged high employee morale and loyalty to the GETHC, and facilitated team-building and cohesiveness among the GETHC employees.							
1.5 The Executive Director has performed as a role model for the GETHC, maintained a working style that is open to constructive suggestions, and exercised effective leadership for the GETHC.							
1.6 The Executive Director has been an initiator, setting high working standards and pursuing goals with a high level of personal drive and energy.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Strategy formulation							
2.1 The Executive Director has developed clear mission statements, policies and strategic plans that harmoniously balance the needs of the employees, and other stakeholders.							
2.2 The Executive Director has accurately identified and analyzed problems and issues confronting the commission.							
2.3 The Executive Director has accurately determined and assessed key success factors for the GETHC.							
2.4 The Executive Director has ensured that commission members, and employees had participated in the formulation of strategic plans so that they have ownership of the plans.							
2.5 The Executive Director has assured that GETHC resources and budgets are aligned to the implementation of the Commission.							
2.6 The Executive Director has established processes that monitor and control, thus ensuring that the effectiveness of the GETHC, including risk management, is achieved.							
Strategy execution							
3.1 The Executive Director has established an effective organization, ensuring that there is management focus on key functions necessary for the GETHC to align with its mission.							
3.2 The Executive Director organized and delegated work accurately and refers functions to others in a professional manner.							
3.3 The Executive Director makes sound decisions and timely adjustments when conditions demanded such changes.							
3.4 The Executive Director has timely and effectively executed priorities set by the Commissioners.							
3.5 The Executive Director has accurately supervised performance monitoring and control to ensure accountability at all levels of the organization.							
3.6 The Executive Director has ensured that the GETHC complies with requirements from all pertinent laws and regulations.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Financial planning/performance							
4.1 The Executive Director possesses a good understanding of the GEthC’s financials.							
4.2 The Executive Director has exercised good judgment in managing the financial affairs and budget of the GEthC.							
4.3 The Executive Director has established sound practices and procedures for up-to-date accurate accounting and financial planning.							
4.4 The Executive Director has effectively monitored and evaluated financial planning, budget and administrative operations, and reports the results to the GEthC.							
4.5 The Executive Director has achieved the GEthC’s budgetary goals .							
Relationship with the Commissioners							
5.1 The Executive Director has built strong working relationships with the Commission members and helped strengthen the board, and thus has worked closely and cooperatively with the board in developing the mission and short, medium, and long-term strategic plans.							
5.2 The Executive Director has demonstrated a sound knowledge of board governance procedures and has consistently followed them.							
5.3 The Executive Director has prepared the Commission by developing sufficient and appropriate agendas with adequate discussion time and providing accompanying information with all relevant aspects and conditions well in advance of the meeting.							
5.4 The Executive Director has presented information to the Commission on items requiring Commission opinions and decisions in a professional manner, with recommendations based on thorough study and sound principles.							
5.5 The Executive Director has been readily available to individual Commission members whenever necessary, as well as supported the board in its governance duties by providing necessary resources and other facilities.							
5.6 The Executive Director has encouraged board training and development.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
External Relations							
6.1 The Executive Director has served as an effective GETHC representative in communicating with stakeholders, including community groups and organizations.							
6.2 The Executive Director has effectively communicated the GETHC's financial performance to the Legislature.							
6.3 The Executive Director has professionally handled public relations issues in a manner that builds good will for the GETHC and lessens concerns from the general public.							
6.4 The Executive Director has encouraged a positive image of the GETHC, as well as creating awareness of available services to the general public.							
6.5 The Executive Director has assured that the GETHC maintains positive relationships in the community and cultivates good working relationships with community groups and organizations.							
Human Resources Management/Relations							
7.1 The Executive Director has created and maintained an organizational culture and climate which attracts, keeps and motivates staff to carry out the GETHC mission, direction, and goals.							
7.2 The Executive Director has empowered staff members appropriate levels of freedom and authority, as well as effectively solicited and fostered support for initiative and creativity within the GETHC.							
7.3 The Executive Director has developed and executed sound personnel procedures and practices, including appraisal process and rewarding systems for employees, resulting in working towards the same goals.							
7.4 The Executive Director has supported personnel development and education, encouraged appropriate personnel to participate in planning and decision-making and provided opportunities to employees to work in professional fields which they are good at for the benefit of the GETHC.							

Evaluation Criterion	Scores						Comments/Suggestions
	1	2	3	4	5	N/A	
Human Resources Management/Relations							
7.5 The Executive Director has built a highly competent team with the skills, energy and passion to turn the GETHC's mission and vision into a reality.							
7.6 The Executive Director has ensured that the GETHC has good internal communication and treated all personnel fairly, without favoritism or discrimination.							
Service Knowledge							
8.1 The Executive Director has demonstrated a thorough knowledge and understanding about key aspects of the GETHC.							
8.2 The Executive Director has a good understanding of the GETHC's allocation of its resources.							
Personal Qualities							
9.1 The Executive Director has attained an image that reflects positively on the GETHC, as well as demonstrated a personality, outlook and attitude that wins trust and support from all stakeholders.							
9.2 The Executive Director has shown sensitivity to and respect for others and exhibits concern for subordinates as individuals.							
9.3 The Executive Director has exercised good judgment in dealing with sensitive issues between people and between groups.							
9.4 The Executive Director has shown skills at analyzing and addressing problems, challenges and conflicts, and has been comfortable with ambiguity and complexity.							
9.5 The Executive Director has maintained a high standard of ethics and integrity, as well as a healthy balance of time management and priorities in both work-related and personal matters.							
9.6 The Executive Director has consistently sharpened his/her skills in the areas required for development of his or her potential.							

Section III. Development Needs

What are the Executive Director's major strengths that should be maintained?

1.
2.
3.

What should be the areas for the Executive Director's personal development for the coming year?

1.
2.
3.


Education Program

December 29, 2023



Agenda

- I. Procurement Law – Updates*
- II. Strategic Planning Discussion
- III. Five Steps to Being a Better Board Member
- IV. Parliamentary Procedure
- V. Good & Bad Characteristics
- VI. Working with the Governor & Building Partnerships with Legislature
- VII. Self-Evaluation

The image shows the exterior of the Guam Congress Building. The building is a modern, single-story structure with a white facade and a flat roof. On the right side of the building, there is a large sign that reads "GUAM CONGRESS BUILDING" in bold, black, serif capital letters. Below this, in a smaller font, it says "I Liheslaturan Guåhan" and "The Guam Legislature". The building has a series of windows on the left side, some with decorative grilles. In the center, there are three sets of double doors. A set of concrete steps with metal railings leads up to the entrance. The sky is blue with scattered white clouds. There are some green plants in the foreground on the right side.

**GUAM
CONGRESS
BUILDING**

I Liheslaturan Guåhan
The Guam Legislature

PROCUREMENT LAW

**UPDATES IN THE 37TH
GUAM LEGISLATURE**

NEW PROCUREMENT LAW

- P.L. 37-12: An Act to Add a New §5221, §5222, §5223, § 5224, and § 5225 to Subarticle b of Article 3, Chapter 5, Title 5, Guam Code Annotated, Ensuring the Online Accessibility and Timely Posting of Any and All Government of Guam Invitations for Bids (IFBs) and Requests for Proposals (RFPs) on a dedicated Government website.

Strategic Plan Activity:

- To foster a meaningful conversation regarding the Commission's Strategic Goals, you will be provided with five (5) questions centered around the three statutory directives of the Commission.

Question 1

- How can we enhance the efficiency and transparency of the investigative process for allegations of ethical misconduct within the Guam Ethics Commission?

Question 2

- In what ways can we optimize and improve the current mandatory ethics training to ensure it effectively educates individuals on ethical standards and practices?

Question 3

- What strategies can be implemented to increase public awareness and engagement with the Guam Ethics Commission's annual summary of opinions, promoting a culture of transparency and accountability?

Question 4

- How can we leverage technology to streamline and modernize the Ethics Commission's processes, such as case management for investigations and delivery of ethics training?

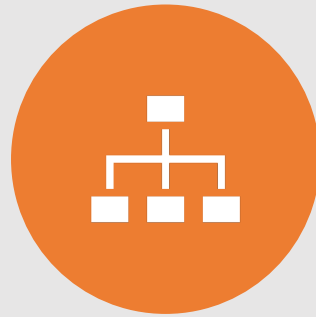
Question 5

- What measures can be taken to strengthen collaboration with other relevant entities, both within and outside the government, to ensure a comprehensive and cohesive approach to addressing ethical concerns within the government of Guam?



Five Steps to Being a Better Commissioner

1. Focus on organizational achievement



BOARD SERVICE MAKES A DIFFERENCE:



POINTS TO BE DISCUSSED CORRELATE TO IMPROVED ORGANIZATIONAL ACHIEVEMENT

2. Devote the Time

How do you perceive the time commitment is for a member of the Commission?

- Commission Meetings
- Board Policy Review / Development
- Ethics Investigations & Hearings?

No one board member is an expert in all topics

- Divide the workload by assigning topics to committees

3. Do Your Homework



Are you prepared for board meetings?

Are you familiar with an agenda item, issue, history, and possible solutions.



Are the staff prepared for board meetings?

Do you receive the materials in a timely manner.

Does the staff understand what is expected from them to prepare for a meeting?



Chair's responsibility to address

4. Question

- Does the Commission have a strategic plan or board policy to address the issue?
- How can the Commission measure the implementation or effectiveness of their policy?
- What are the ground rules for determining what is Commission work and what are staff responsibilities?
- What can I do to foster a positive working relationship among all members?



5. Make Decisions



Effective Commission Members Make Decisions.



Don't be tempted to set aside controversial topics.



A member's responsibility does not end after a vote, a member must work with colleagues to ensure the adopted policy is carried out effectively.



Robert's Rules of Order

Majority Right to Decide =
Minorities Right to be
Heard



Parliamentary
Procedure

Overview

- Parliamentary procedure regulates how the board conducts its business during official meetings
- Most boards operate utilizing Robert's Rules of Order (Guam Legislature uses Mason's Rule of Order)
- A basic understanding of parliamentary procedure ensures:
 - Rights of all participants are protected
 - Debate is balanced
 - Business of the board is done in a fair and orderly manner

Robert's Rules of Order

- Important points to know when participating in board/commission meetings:
 - The Agenda
 - The Chairperson
 - Making a motion
 - Making Amendments
 - Making Special Amendments

Robert's Rules of Order

Key terms:

- -Point of Privilege
- -Parliamentary Inquiry
- -Point of Information
- -Orders of the Day
- -Point of Order
- -Main Motion
- -Divide the Question
- -Consider by Paragraph
- -Amend
- -Withdraw/Modify Motion
- --Extend Debate
- Commit/Refer/Recommit to Committee
- -Limit Debate
- -Postpone to a Certain Time
- - Object to Consideration
- -Lay on the Table
- -Take from the Table
- -Reconsider
- -Postpone Indefinitely
- -Previous Question
- -Informal Consideration
- -Appeal Decision of the Chair
- -Suspend the Rules

Robert's Rules of Order

5 biggest mistakes made using Robert's Rules of Order

- 1) Using Robert's Rules of Order as a weapon
- 2) Not teaching members the basics
- 3) Relying on just institutional knowledge
- 4) Not restating the motion, both chair and members
- 5) Going too fast through meetings (slow down, so you can speed up)

Robert's Rules of Order

Tip Sheet

- **Types of Motions**
- **Main Motion:**
 - Introduces items to the membership for their consideration.
 - Cannot be made when any other motion is on the floor.
- **Subsidiary Motion:**
 - Change or affect how a main motion is handled, and is voted on before a main motion.
- **Privileged Motion**
 - Bring up items that are urgent about special or important matters unrelated to pending business.
- **Incidental Motion:**
 - Provide a means of questioning procedure concerning other motions and must be considered before the other motion

Robert's Rules of Order

Tip Sheet

Types of Motions Continued...

- **Motion to Table:**
 - Used in the attempt to “kill” a motion.
- **Motion to Postpone:**
 - This is often used as a means of parliamentary strategy and allows opponents of a motion to test their strength without an actual vote being taken.
 - Also, debate is once again open on the main motion.
 - Kills the question/resolution for this session - exception: the motion to reconsider can be made this session.

The background consists of a dense arrangement of overlapping, light brown sticky notes. Each sticky note features a simple, hand-drawn smiley face with two small dots for eyes and a curved line for a mouth. The entire scene is set against a dark brown, textured background.

Good & Bad Characteristics

BAD Characteristics of a Board Member

Uncooperative/Interruptive

Not Prepared

Non-participatory (absent)

Micromanager

Disruptive

Controlling/Imposing

Conforming/Group think

Lacks Integrity

Non Communicative

Sinister

Narcissistic/Hubris/Arrogance

GOOD Characteristics of a Board Member

Team player/Brings people together

Active listener

Supportive of department

Cordial

Fair

Accessible/Transparent

Representative of Shareholders

Adherent and knowledgeable of rules and governing laws

Role Model for each other and community

Forward thinking

Politically skilled

Prepared for meetings/Roles

Problem Solver

Passionate

Working with the
Governor &
Building
Partnerships with
Legislature



Stephen Parker's : 4 G's for a Good Relationship



Governance

Understand the Structure



Goals

Common Cause = Greater support to achieving goals



Glory

Compile your work and accomplishments so that all elected officials and the public understand what you have done and why



Gotcha

Do not do this! Surprising elected officials will never advance Commission policies.

The Commission & The Guam Legislature



Build Relationships



Learn the Fundamentals of the Legislative Process



Consider Creating a Legislative Committee



Involve Organizational Stakeholders in Developing
Legislative Priorities



Communicate Clearly and Concisely



Avoid Burning Bridges

Legislative Do's and Don'ts

DO

- Communicate regularly. Don't wait for the legislators to contact the Commission. Promote transparency and openness
- Avoid Misunderstanding. Clearly communicate "Why" those policies and "how" legislators can help
- Using your priorities, communicate clearly how the Commission hopes to accomplish these priorities
- Avoid partisan politics.


DON'T

- Rely solely on the Commission staff. The board chair or all members should be familiar with legislators.
- Depend on the relationship of certain board members with specific Senators. This will pull the Commission back if either a Commissioner or a Senator leaves their position
- Promote an individual position not aligned with goals established by the Commission.

Self-Evaluation

Preface

The Commission must govern and discipline itself in a way that ensures a steadfast commitment to its mission and goals

An illustration on a teal background shows a person with black hair climbing a red ladder. The person is reaching for a yellow star. To the right, a row of five stars is shown: the first is yellow, the second is blue, and the last three are yellow. There are several white clouds scattered around. The text is overlaid on a light blue circular area.

How do we measure effectiveness in leadership?

Take time to reflect on the Commission's actions over a specified period.

- Evaluate the Commission on:
 - Roles and responsibilities of Commissioners
 - Commission operations
 - Progress toward achieving board goals

Roles and Responsibilities of Commissioners Revisited

01

Delineate their roles and responsibilities as Commissioners

02

Identify and assess individual and Commission activities addressed within that role

03

Measure effectiveness and appropriateness of Commission activities in advancing and achieving its goals

04

Identify voids in island leadership that are areas into which the Commission can move



"NEXT ITEM - CARRYING OUT OUR OBJECTIVE SELF-ASSESSMENT"

Think about
it...

Evaluating the Commission's operating procedures motivates the board to critically examine its structure and proceedings and to decide if they are moving the board toward its desired outcomes

Consider these evaluation topics:



Agenda development and administration



Policymaking procedures



Alignment of the Commission's operations with its strategic plan, mission and goals



Opportunities for Commissioner development

Progress Toward Achieving Commission Goals



Use Data

Use data to drive both long- and short-term goals



Approve Goals

Approve three to five annual short-term goals that are subsets of their long-term objectives.



Measure Satisfaction

Measure Commission satisfaction with the achievement of the goals as well as appropriateness of the goals with respect to the Commission's mission