

PORT AUTHORITY OF GUAM

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NEWS RELEASE

Board Addresses Illegal Retro Pay Raises of former General Manager

Piti, Guam, November 24, 2021: The Port Authority of Guam Board of Directors passed a resolution today directing General Manager Rory J. Respicio to take any and all administrative and/or criminal actions necessary regarding the illegal Retroactive Salary Adjustments of former General Manager Joanne Brown.

Earlier this year, General Manager Respicio requested that the Attorney General issue an opinion on the retroactive salary adjustments of former GM Joanne Brown based on the findings of a Performance Audit conducted by the Guam Office of Public Accountability. On November 9, 2021, the Port Authority of Guam received an Opinion Memorandum issued by the Office of the Attorney General. In their Opinion Memorandum to the PAG, the Attorney General's office enclosed their November 1, 2021 GHURA Opinion on illegal retroactive pay raises and directed PAG Legal Counsel to determine the validity and legality of the PAG Board of Directors' past actions with respect to former General Manager Joanne Brown's salary adjustments.

The Port determined that approximately eight (8) pay adjustments for former General Manager Joanne Brown contained illegal retroactive payments worth thousands of dollars, all in violation of Guam law.

"Based on the Staff Attorney's review, and with the guidance provided by the OPA and OAG, it is clear that salary adjustments for former PAG General Manager Joanne Brown were applied retroactively in violation of Title 4 GCA § 2103.14 (Retroactive Pay) and Title 4 GCA § 6218.1 (Prohibition on Retroactive Pay Raises), thus deemed illegal," Port General Manager Rory J. Respicio told the Board of Directors today.

According to Port Staff Attorney Christine K. Claveria's Legal Memorandum issued to Respicio on November 18, 2021, Guam law prohibits unclassified employees from receiving retroactive pay increases unless specifically authorized by statute. She said the law also states that any person who authorizes a pay raise which is retroactive in violation of the law shall be guilty of a misdemeanor.

"The law is clear: Guam law **prohibits retroactive pay** unless expressly authorized by statute," PAG Staff Attorney Christine K. Claveria's Legal Memorandum stated. "There is however, **no authority** for the PAG General Manager ("GM") nor the Deputy General Managers ("DGM") to receive retroactive pay increases."

The Board today voted in favor of Resolution No. 2021-34, "RELATIVE TO DIRECTING THE GENERAL MANAGER TO EXERCISE AUTHORITY TO TAKE ANY AND ALL ADMINISTRATIVE AND/OR CRIMINAL ACTIONS NECESSARY PURSUANT TO OAG OPINION DATED NOVEMBER 9, 2021 RE REQUEST FOR OPINION ON RETROACTIVE SALARY ADJUSTMENTS FOR FORMER MANAGEMENT AT THE PORT AUTHORITY OF GUAM." The Resolution further stated that "based on PAG in-house legal review, and with the guidance provided by both the OPA's Performance Audit and the OAG's Opinion Memorandum, it appears that salary adjustments for former PAG General Manager Joanne Brown were applied retroactively in violation of Title 4 GCA § 2103.14 (Retroactive Pay) and Title 4 GCA § 6218.1 (Prohibition on Retroactive Pay Raises). The PAG must confirm and calculate any and all retroactive payments resulting from any and all salary adjustments to the former PAG management from December 2012 through December 2018, and seek any and all administrative and/or criminal actions necessary pursuant to the OAG's Opinion Memorandum and Guam law."

According to Respicio, the agency has confirmed that the retroactive payments were received by former General Manager Joanne Brown.

ACCORDING TO PAG COUNSEL'S LEGAL REVIEW, FORMER GENERAL MANAGER JOANNE BROWN WAS PAID THE FOLLOWING RETROACTIVE SALARY ADJUSTMENTS IN VIOLATION OF GUAM LAW

Notification of Personnel Action Form	Effective Date	Authorized Date	Reason for Adjustment
NPA 106-13 dated April 23, 2013	December 10, 2012	April 15, 2013	Adjustment - Performance Evaluation (Apr. 15, 2013)
NPA 107-13 dated April 23, 2013	December 19, 2012	April 15, 2013	Adjustment - Performance Evaluation (Apr. 15, 2013)
NPA 05-14 dated October 11, 2013	June 19, 2013	October 11, 2013	Performance Evaluation (Sept. 25, 2013)
NPA 142-14 dated January 21, 2014	December 19, 2013	January 6, 2014	Performance Evaluation (Jan. 6, 2014)
NPA 89-15 dated May 13, 2015	December 19, 2014	May 7, 2015	Performance Evaluation (May 7, 2015)
NPA 57-16 dated February 4, 2016	December 19, 2015	January 29, 2016	Performance Evaluation (Jan. 29, 2016)
NPA 384-17 dated January 9, 2017	December 19, 2016	December 21, 2016	Performance Evaluation (Dec. 21, 2016)
NPA 160-18 SI dated February 6, 2018	December 19, 2017	February 27, 2018	Performance Evaluation (Feb. 27, 2018)