



PETITION

The Guam Waterworks Authority (GWA) and the Guam Power Authority (GPA) hereby petitions the Consolidated Commission on Utilities (CCU) the following:

CREATION OF POSITION:

Legal Analyst

This petition complies with Public Law 34-131, §6303(e) and (2C) as added and 4 GCA, Chapter 6, §6303 (d) (added by Public Law 28-112) The petition is also required by 4 GCA, §6205 and §6303 as public documents for the purposes of 5 GCA, Chapter 10, Article 1 (Sunshine Law). In addition, Public Law 28-159 to add the position to the Certified, Technical, and Professional (CTP) List.

For more information, please visit the Guam Waterworks Authority website at <http://www.guamwaterworks.org/careers/petition> or Guam Power Authority website at <https://www.guampowerauthority.com/corporate/human-resources/petitions>

You may also contact GWA or GPA's Human Resources Office at 671-300-6073 or 648-3037.

MIGUEL C. BORDALLO, P.E.
GENERAL MANAGER
Guam Waterworks Authority

JOHN M. BENAVENTE, P.E.
GENERAL MANAGER
Guam Power Authority



STAFF REPORT
LEGAL ANALYST

I. REQUEST

The Guam Waterworks Authority (GWA) and the Guam Power Authority (GPA) collectively petition the Consolidated Commission on Utilities (CCU) to create the following position in the classified status following Public Law 28-112.

Legal Analyst

II. AUTHORITY

Public Law 28-159, Section 3(c) Amendment of Certified, Technical and Professional Positions. The following information is provided according to 4 GCA, §6303 (d) Creation of positions in the Autonomous Agencies and Public Corporations:

- (1) The petition of any agency, department, or public corporation listed in 4 GCA, §4105(d) of this Title to create a position shall include:

A. *The justification for the new position:*

The GWA and GPA do not have within their classification plan legal analyst position to provide combined legal research and administrative support to the respective legal counsels. This position is necessary for each utility to assist their legal counsels in preparing legal documents case and statutory research, and administrative support.

Similar offices or functions within the Government of Guam do not have a legal analyst position; however, the American Bar Association (ABA) and United States Department of Justice (the largest government law firm) similarly employ, paralegals, legal administrative specialists, and legal assistants. In reviewing these specific positions, it is clear that there is no way to create a singular job description for either paralegal, a legal administrative specialist, or a legal assistant. Specifically, and as to a paralegal, the ABA states that a paralegal is a qualified person who performs substantive legal work and research on behalf of a lawyer although administrative tasks are not ordinarily assigned to a paralegal. Similarly, but distinctively, the United States Department of Justice broadly defines its legal administrative specialists and legal assistants as staff who directly and independently support United States Attorneys by providing a wide variety of technical assistance services to include performing legal research. A misconception is that paralegals, legal administrative specialists, and/or legal assistants all do the same type of work. Correctly, the roles, responsibilities, and the areas of expertise of either a paralegal, a legal administrative specialist, and/or a legal assistant can vary greatly depending on the specific legal office and the attorney or attorneys these positions directly support.



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With this in mind, a legal analyst, as a hybrid of a paralegal, a legal administrative specialist, and a legal assistant can do many of foundational but substantive legal tasks necessary on behalf and under the supervision of each utility's legal counsel, including, but not limited to the following:

- Managing client OR division communication and keeping clients OR managers OR utility employees up to date on their specific issues OR any open and active cases.
- Reviewing and organizing client files and issues.
- Conducting legal and factual research.
- Reviewing specific rules of practice before specific courts and/or regulatory or oversight bodies; and
- Preparing and drafting certain legal documents.

Legal analysts gather and use information, such as reviewing court records, agency records, and empirical data to assess case merit to help their supervising attorneys properly counsel and guide decisions made by the client.

The legal analyst is also someone who is familiar with laws, rules of practice, and legal documents generally associated with attorneys practicing law on behalf of the utilities and the CCU. This would include such laws, rules, and documents of the Public Utilities Commission (PUC), the rules of practice for the local and federal courts of Guam and the Guam Civil Service Commission (CSC) for cases filed from time to time.

Given the work required of the utilities and the information above, the creation of the Legal Analyst position is well suited for the needs of the legal divisions of GWA and GPA as the analyst provides a wide range of legal services necessary to address specific issues raised within each organization, their executive management teams, and the elected CCU. These services include, but are not limited to the following:

- a) Counseling and guidance to GWA's and GPA's several divisions on applicable laws, rules, and regulations.
- b) Representation before government entities to include the Guam Legislature, the PUC, and the local CSC for employee personnel matters.
- c) Contract reviews and procurement guidance.
- d) Compliance and regulatory guidance for all divisions
- e) Civil representation OR defense before the US District Court for Guam, the Superior Court of Guam, and the federal EEOC Commission.



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B. The essential details concerning the creation of the position.

Refer to the classification review in Section III below.

C. An analysis of similarities and differences between the position to be created and positions listed pursuant to 4 GCA, §4101.1(d).

Within the government of Guam's classification plan currently exist the following legal positions: Legal Clerk I, Legal Clerk II, Legal Secretary I, Legal Secretary II, Legal Secretary III, Paralegal I, and Paralegal II positions are currently being utilized by the Public Defender Service Corporation and the Office of the Attorney General of Guam. However, all the above-mentioned classification specifications have not been updated in over twenty (20) years. By creating the Legal Analyst position specifically for GWA and GPA, the minimum qualification and illustrative examples of the position would provide greater flexibility to accomplish the overall goals and key performance indicators for the legal section for both utilities.

D. The position description: See attached.

E. The proposed pay ranges and demonstration of compliance with 4 GCA, §6301 of this Title: GWA's and GPA's compensation plan as authorized by Public Law 28-159 and approved by the CCU in October 2007. The proposed compensation is in accordance with the Strategic Pay Plan Methodology.

F. A fiscal note as the term as described in 2 GCA, §9101 et seq., and any other pertinent information.

(2) The petition shall be posted on the agency, department, or public corporation's website for ten (10) days (Saturdays, Sundays, and government of Guam holidays excepted). After the posting, the head shall forward the petition along with evidence of his compliance with 4 GCA, Chapter 6, §6303.1(a), to the governing board or commission who, if they approve the same shall approve the petition by resolution and file the petition and resolution for records with the Director of Administration and the Legislative Secretary.

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

III. METHODOLOGY

Information was gathered from various public utilities associated with the American Public Power Association (APPA), the American Waterworks Association (AWWA), and other utilities with comparable positions within the United States. The information collected was used to analyze and develop the proposed job standards as they apply to the work performed for the Commission, and for GWA and GPA Executive Management. The staff collaboratively reviewed



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the duties associated with the proposed creations as indicated in the position descriptions. In evaluating these positions, the Strategic Pay Job Evaluation Methodology was utilized to determine the job evaluation points based on a total of twelve (12) measurement factors: Education, Experience, Complexity, Scope of Work, Problem Solving, Freedom to Act/Supervision Received, Work Environment, Physical Demands, Impact of Discretionary Decisions, Human Relations Skills/Contact, Authority Exercised, and Supervisor/Managerial Responsibility.

Based on the compensation consulting firm of Alan Searle & Associates market research and on both GPA's and GWA's compensation models per respective industry, implementation ranges resulted as follows:

25 th Market Percentile (2022 Market Data – 5 Sub-Steps) - GWA											
Benchmark Position	Structural Adjustment- MIN						Structural Adjustment- MIN				
	JE Points	Base Salary	Hourly	Grade	Step	Sub-Step	Base Salary	Hourly	Grade	Step	Sub-Step
Legal Analyst	701	\$61,152.25	\$29.00	J	2	C	\$63,635.27	\$31.00	J	3	C

30 th Market Percentile (2022 Market Data – 5 Sub-Steps) - GPA											
Benchmark Position	Structural Adjustment- MIN						Structural Adjustment- MIN				
	JE Points	Base Salary	Hourly	Grade	Step	Sub-Step	Base Salary	Hourly	Grade	Step	Sub-Step
Legal Analyst	629	\$62,199.57	\$29.90	J	02	B	\$64,725.12	\$31.12	J	03	B

IV. RECOMMENDATION

1. To approve the creation of the Legal Analyst and to update the position to the Certified, Technical, and Professional (CTP) list of positions.

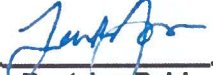

05 July 2024

Zina Pangelinan-Charfauros,
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for 

Beatrice P. Limtiaco
GPA Assistant General Manager,



Miguel C. Bordallo, P.E.,
GWA General Manager



John M. Benavente, P.E.
GPA General Manager

LEGAL ANALYST (PROPOSED)

NATURE OF WORK IN THE CLASS:

Under the general direction and supervision of the Guam Power Authority (GPA) or the Guam Waterworks Authority (GWA) staff attorney, employees in this class perform a variety of specialized legal assignments and conduct legal research; analyze legislation, regulations, procedural court orders, and non-complex court and administrative decisions; prepare legal documents and forms for administrative and court proceedings; prepares reports; reviews and assist with the preparation of templated agreements and contracts; and assists with the preparation of administrative rules, regulations, and resolutions; and, coordinated assigned activities.

ILLUSTRATIVE EXAMPLES OF WORK: (This list is of examples only and does not indicate all job-related duties required of this position.)

Conduct legal research and summarize results; assist in case preparation, pretrial and trial preparation, both in and outside the courtroom and/or for any administrative or regulatory proceeding to include Civil Service Commission (CSC) Status Calls/Hearings, Consolidated Commission on Utilities, and Public Utilities Commission regular meetings and hearing.

Monitors, tracks, and updates the status of attorneys' cases and prepares related status reports and summaries;

Identifies and resolves scheduling conflicts for case matters, witnesses, clients, and attorneys;

Identifies, compiles, and selects documents and exhibits for discovery and trial;

Applies knowledge of various court rules related to legal practice subject matter and court filing procedures;

Calculates and calendars critical and other dates and advises attorney of specific time requirements, deadlines, and court schedules;

Schedules and coordinates pre-hearing conferences or depositions; summarizes deposition content;

Communicates with the courts, clients, and witnesses regarding noted motions and confirms scheduling;

Prepares, proofreads, serves, and files notices of appearance, answers, motions, notices of hearings, initial or final orders, appellate briefs, accompanying correspondence, and other related case and court documents or pleadings in compliance with court rules;

Checks legal citations and references for correct format;

LEGAL ANALYST (PROPOSED)

Performs legal research to gather and analyze information relevant to litigation regarding specific topics, statutes, case law, court rules, and legislative history;

Prepares exhibits and courtroom aids, incorporating current technology;

Drafts interrogatories, requests for documents and responses to same;

Prepares and finalizes discovery, both propounded and responsive;

Review discovery requests provided by the opposing party and identify necessary information needed to obtain appropriate records;

Composes, organizes, and enters discovery information into legal databases; summarizes depositions and other discovery materials;

Retrieves case records, statements, or exhibits as required from databases;

Provides assistance to attorneys during trial and/or Civil Service Commission (CSC) hearings or other similar administrative or regulatory hearings;

Assembles attorney instructions, organizes hearing and trial notebooks, and maintains case files;

Performs other work as required.

KNOWLEDGE, ABILITIES, AND SKILLS

Knowledge of legal procedures and terminology

Knowledge of principles of legal research and legal writing

Knowledge of legal processes and court judicial systems

Knowledge of principles of ethics and confidentiality rules related to legal practice

Knowledge of judicial and quasi-judicial procedures and the rules of evidence

Ability to supervise and train legal clerks or legal secretaries on investigative techniques and processes

Ability to perform legal research in accordance with preliminary instructions as to methods or approach, source material available, and policy and precedent of the office

Ability to summarize facts and evidence and prepare legal instruments

Ability to communicate clearly and logically in oral and written form

LEGAL ANALYST (PROPOSED)

Ability to utilize technology in research and writing assignments

Ability to create spreadsheets to capture and analyze data

Ability to maintain effective working relationships with persons contacted in the course of work

MINIMUM EXPERIENCE AND TRAINING

- A. Certificate of completion of a paralegal program approved by the American Bar Association; **or**
- B. Graduation from a recognized college or university with a Bachelor's in Legal Studies, Criminal Justice, or related field, and two (2) years of law-related experience; **or**
- C. Graduation from a recognized college or unit with an Associate's Degree in Paralegal, Legal Studies, Criminal Justice, or related field and three (3) years of legal experience; **or**
- D. Any equivalent combination of experience and training which provides the minimum knowledge, abilities, and skills.

LICENSE OR CERTIFICATES

A valid Guam driver's license may be required at the time of appointment.

ESTABLISHED: JULY 2024

FLSA STATUS: EXEMPT

JOSEPH T. DUENAS, Chairman
Consolidated Commission on Utilities