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April 4, 2017

DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR NO. 2017-017

To: All Line Department and Agency Heads  
All Autonomous Agencies

From: Director, Department of Administration

Subject: Wireless Communication Restrictions

*Bueñas yan Háfa Adai!*

A recent audit report issued by the Independent Audit Firm, Deloitte & Touche LLP, dated March 31, 2017, prompted the issuance of this circular to ensure immediate corrective action is taken for an audit finding relative to wireless communication restrictions.

The Auditor's Comment, reads in part - "*Public Law 32-068, Chapter XII, stipulates restrictions on the use of GovGuam Funds for the purchase of wireless services. Based on scrutiny of expenditures incurred, we noted cellular phone charges totaling \$23,073.*"

This circular is issued as notice to all Government of Guam Departments and Agencies of the strict adherence of the wireless communication restrictions under Public Law 32-068, Chapter XII, Section 14 (a copy is attached for immediate reference). This section also explicitly lists the exemptions to this restriction as well as a provision imposing a fine for violation of this mandate.

Your immediate attention and compliance with this mandate is required.

*Si Yu'os Ma'ase.*

CHRISTINE W. BALETO

Attachments

cc: Chief Procurement Officer  
Guam Public Auditor  
Attorney General of Guam  
Deloitte & Touche LLP

1 Guam. No such independent contractor hired pursuant to this Section may receive  
2 from the government of Guam any remuneration in any form other than in payment  
3 for the position into which such person is hired. The Office of the Attorney  
4 General and the Executive Director of the Public Defender Service Corporation  
5 shall file a copy of every such contract with the Chief Procurement Officer and the  
6 Director of Administration together with a written certification stating why it is  
7 impracticable to handle the matter within the office as otherwise constituted.

8 (d) This Section shall not apply to the Guam Department of Education;  
9 the University of Guam; the Guam Community College; the Unified Judiciary  
10 when filling positions of justices and judges pro tem, law clerks, and legal interns;  
11 the Department of Revenue and Taxation when filling the position of legal  
12 counsel; *I Liheslaturan Guåhan*; the Guam Memorial Hospital Authority; and the  
13 Department of Public Health and Social Services and the Guam Behavioral Health  
14 and Wellness Center when filling positions of licensed health professionals.

15 (e) Any instrumentality of the government of Guam that fills any  
16 classified or unclassified positions by contractual arrangement in accordance with  
17 this Section shall file a copy of every such contract with the Chief Procurement  
18 Officer together with a written certification stating why it is impracticable to  
19 handle the matter within the instrumentality as otherwise constituted.

20 **Section 14. Wireless Communications Restrictions.**

21 (a) No government of Guam funds, regardless of source and including funds  
22 expended by autonomous agencies, shall be expended for the use of cellular  
23 telephones, cellular telephone services and other wireless telephone services,  
24 unless the government of Guam will be reimbursed from federal funds or other  
25 grants. This Section shall not apply to *I Maga'låhen Guåhan*; *I Segundu Na*  
26 *Maga'låhen Guåhan*; the Speaker of *I Liheslaturan Guåhan*; the Chief Justice of  
27 the Supreme Court of Guam; the Presiding Judge of the Superior Court of Guam;

1 official use of the Crisis Hotline Program of the Guam Behavioral Health and  
2 Wellness Center; law enforcement officials; on-call attorneys of the Office of the  
3 Attorney General and the Office of the Public Defender Service Corporation; on-  
4 call health professionals at the Guam Memorial Hospital Authority, the Guam  
5 Behavioral Health and Wellness Center, and the Department of Public Health and  
6 Social Services; Village Mayors and Vice Mayors; Guam Fire Department and  
7 EMS officials; on-call emergency management personnel; the Chief Medical  
8 Examiner; the Guam Visitors Bureau; and the Guam Election Commission. The  
9 restrictions of this Section *shall not* apply to wireless internet services, stationary  
10 (non-mobile) wireless telephone services, and wireless voice over internet protocol  
11 (VOiP) services.

12 (b) No appointing authority, manager, supervisor or public officer in any  
13 branch of the government of Guam shall require or exert undue influence on any  
14 classified or unclassified employee of any branch of the government of Guam to  
15 maintain or utilize for employment-related duties, at such employee's personal  
16 expense, any form of wireless and/or internet communications, phone, tablet or  
17 desktop or laptop computer. Nothing herein, however, shall be construed to  
18 prevent an employer from calling an employee at a wireless phone/radio if the  
19 employee designates such wireless phone/radio as a personal contact number.

20 Nothing herein shall be construed as to prevent an employee, voluntarily and  
21 on his own accord, from using personal funds or resources for wireless telephone  
22 services.

23 A violation of this Subsection (b) is subject to a fine *not to exceed* Fifty  
24 Dollars (\$50.00) for the first violation, and One Hundred Dollars (\$100.00) for  
25 subsequent violations.

26 **Section 15. Program Reporting Requirements for Employment,**  
27 **Employment Placement, and Job Training Programs at the Guam**