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

January 16, 2009

INTER-OFFICE MEMORANDUM

TO: All Division Heads

FROM: General Manager

SUBJECT: Policy Memorandum No. 02-91; Subject: Guidance on Investigation of Accidents/Damages to Cargo Handling Equipment and Other Port Properties

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Attached is the revised Policy Memorandum No. 02-91, Subject: Guidance on Investigation of Accidents/Damages to Cargo Handling Equipment and Other Port Properties for your guidance and compliance.

The revised policy reflects the timelines on the:

1. reporting of the incident to management;
2. review and submission of recommendations from the Accident Review Board and Disciplinary Action Review Board to management; and
3. clearly defines the responsibilities of the affected division head, Port Police, Occuaptional Health& Safety and Human Resources divisions.

It is requested that the attached policy be disseminated and acknowledged by employees under your supervision and posted on all official bulletin boards.

Should you have any questions, please feel free to contact this office.

GLENN A. LEON GUERRERO

Attachment

Cc: Policy Memorandum File – original

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FELIX P. CAMACHO
Governor of Guam

MICHAEL W. CRUZ
Lieutenant Governor

POLICY MEMORANDUM NO. 02-91

To: Port Employees	Subject: Guidance on Investigation of Accidents/Damages to Cargo Handling Equipment and Other Port Property
Effective Date: September 26, 1991	Revision Date(s) (1) February 25, 1999 (2) January 20, 2009
Approved by: GLENN A. LEON GUERRERO, General Manager	

I. PURPOSE: The purpose of this policy is to ensure that:

A. investigation of all damages to cargo handling equipment and other Port property are conducted in a timely manner;

B. expenses incurred as a result of these damages are recorded and if applicable properly billed; and

C. disciplinary action be taken, if necessary.

II. DISCUSSION: Our primary mission is to load and unload cargoes from vessels. To accomplish this, the Port has numerous cargo handling equipment valued over $8,000,000. Our employees operate this equipment. Safety is considered paramount on the job. Sometimes employees fail to adhere to proper safety practices and damages to these equipment occur. When this happens, the equipment must be repaired, a loss of operational time occurs and if negligence can be found, appropriate disciplinary action taken in accordance with the Port's Personnel Rules and Regulations. In other instances, non-Port employees cause damages to our equipment and/or property. If the investigation shows that said individual are at fault, the appropriate law enforcement and billing measures are taken.

III. PROCEDURES AND RESPONSIBILITIES:

A. Port Police Chief: It shall be the responsibility of the Port Police Chief to ensure that the Port Police personnel complete the necessary accident investigative report forms as contained in the Port Police Standard Operating Procedures.

B. Safety Administrator: It shall be the responsibility of the Safety Administrator to ensure that the Safety Inspectors complete their report on the potential cause(s) of the incident and recommendation(s) to prevent recurrence, as well as, conduct the necessary inspections as required.

C. Division Head: Upon immediate notification of the incident, it shall be the responsibility of the accused employee's division head to:

1. interview the employee and obtain a statement from him in which he denies, admits or explains the alleged improper action.
2. review the employee's past performance record; and
3. recommend appropriate administrative action to be taken.

The recommendation on the appropriate administrative action shall be submitted to the General Manager via the division head's respective manager no later than five (5) working days of the incident. A copy of the recommendation shall be transmitted to the Personnel Services Administrator.

D. Personnel Services Administrator: It shall be the responsibility of the Personnel Services Administrator to ensure that:

1. the Port's Drug Free Workplace Operating Procedures are complied with for employees involved in accidents.
2. the division heads comply with the timelines regarding disciplinary action; and
3. convene the Disciplinary Review Board, if necessary.

E. Distribution of Port Police/Safety Reports:

1. The reports shall be distributed to the following divisions:

   a. Claims Officer – the report is to be filed with the Port's insurance company;
   b. employee's division head and manager; and
   c. Personnel Services Administrator

F. Equipment Maintenance Superintendent: The Equipment Maintenance Superintendent shall provide a cost estimate of the damages to the Port Police Chief for the Accident Review Board's review no later than two (2) working days after the incident occurred.

G. Accident Review Board: The Accident Review Board shall consist of the Port Police Chief, accused employee's division head, Operations Manager, Transportation Superintendent, Safety Administrator, Claims Officer, Personnel Services Administrator, Maintenance Manager and Equipment Maintenance Superintendent or their designees in their absences. The Port Police Chief will chair the Accident Review Board.

The Board shall convene no later than three (3) working days after the incident occurred to review the reports and interview those personnel involved, if necessary. Based on the review conducted, the Board shall submit their findings and recommendations to the General Manager within five (5) working days from the first meeting date.

Should the recommendations indicate that the employee or third party was found to be at fault, and the General Manager approves of such recommendations, copies of the report shall be transmitted to:

1. Financial Affairs Controller: It shall be the responsibility of the Financial Affairs Controller to bill for damages incurred to the third party to be at fault.

2. Personnel Services Administrator: It shall be the responsibility of the Personnel Services Administrator to prepare the necessary correspondence to the employee advising him of the recommendations and the Port's decision to proceed with payroll deduction for such damages for the General Manager's signature. A copy of the correspondence shall be provided to the Financial Affairs Controller authorizing him to begin withholding the amount assessed from the employee's salary.

3. Claims Officer: It shall be the responsibility of the Claims Officer to transmit a copy of the report to the Port's insurance company.

H. Appeal by Employee: If the employee wishes to contest his liability, he may do so by requesting a hearing before the General Manager and be allowed to submit any written evidence to set forth reason as to why such restitution should not be made.

I. Disciplinary Review Board:

1. Upon receipt of the reports and recommendations of the division head, the Disciplinary Review Board shall convene no later than five (5) working days.

2. Because of the 60 days timeframe posed in Title 4 of the Guam Code Annotated for adverse actions against employees, it is cognizant on the Disciplinary Review Board that review be made in a timely fashion.

3. Composition of the Board is the accused employee's division head and manager, Safety Administrator and Port Police Chief. The Personnel Services Administrator shall chair the Disciplinary Review Board.

4. Based on their review, the Board shall submit their findings and recommendations to the General Manager within five (5) working days from the first meeting date.

5. If disciplinary action is to be taken against the employee, it must be done within sixty (60) days of the date of the incident occurred.

6. If the sixty (60) days lapsed, there shall be no action taken against the employee. If this occurs, the Disciplinary Action Board must provide reasons to the General Manager as to why disciplinary action was not taken in a timely manner.

IV. ACKNOWLEDGEMENT AND POSTING OF SUCH POLICY: It shall be the responsibility of each division head to ensure that employees under their supervision is provided a copy of this policy and posted on all official bulletin boards within their division.