



Executive Summary
Government of Guam
Compliance with Standard Operating Procedures as Mandated by Public Law 34-05
OPA Report No. 21-08, December 2021

Our review of compliance with the Government of Guam’s (GovGuam) Standard Operating Procedures (SOPs) found that 97% of agencies complied with Public Law (P.L.) 34-05 (hereinafter referred to as “SOP mandate”), which requires an agency document its SOPs for operational functions and performing routine activities, and post said SOPs on its designated website for public view. Specifically, we found:

- 72 agencies documented and posted at least one of its SOPs on its designated website for public view; and
- Two agencies, namely the Department of CHamoru Affairs (DCA) and Guam Recovery Office (GRO), did not document or post its SOPs on its designated website.

Additionally, we found the SOP mandate lacks clarity regarding (1) the types of GovGuam entities that must comply, and (2) the acceptable form of document to be considered as an SOP. Furthermore, the SOP mandate does not address penalties for non-compliance.

Public Law 34-05

P.L. 34-05, codified in Title 1, Chapter 19 §1923 of the Guam Code Annotated (GCA), requires the Office of Public Accountability (OPA) to review each GovGuam agency’s SOPs for adequacy, effectiveness, and efficiency as part of each agency’s audit scope. Although OPA has not conducted a previous audit specifically on GovGuam agencies’ compliance with the SOP mandate, approximately 50 previously issued OPA audit reports have made recommendations for various agencies to adopt and/or modify its policies and procedures.

SOPs are defined in P.L. 34-05 as written formal instructions intended to document operational functions and how to perform routine activities. These SOPs were required to include how the agency performs certain actions necessary in carrying out government policies within the agency’s scope of jurisdiction, and specific actions authorized in the agency’s enabling act. SOPs are required to be posted on each agency’s website for public view. All departments and agencies of the Executive Branch, inclusive of all autonomous agencies, the Guam Legislature, and the Judiciary of Guam are mandated to maintain an updated website or homepage openly accessible to the general public pursuant to P.L. 28-57.

Compliant Agencies

Of the 74 agencies, 72 (or 97%) were in compliance by documenting and posting its SOPs on its designated website for public view. We noted that 56 agencies made its SOPs easily accessible on its website by creating a dedicated SOP webpage; 43 agencies have a comprehensive list of SOPs available which a citizen can use to learn about the agency’s operations; and 36 agencies observed best practices by reviewing at least one of its SOPs within the last year, with 17 agencies having issued at least one SOP relative to addressing the Coronavirus (COVID-19) pandemic’s impact on agency operations.

Non-Compliant Agencies

Of the 74 agencies, DCA and GRO did not document or post its SOPs on its designated website for public view. In response to our office, each agency is currently developing its SOPs.

Limitations of P.L. 34-05

The SOP mandate uses the term “agency” for the purposes of compliance with SOP reporting requirements; however, the term “agency” creates a lack of clarity for entities that do not specifically identify as a GovGuam agency. This includes entities such as public corporations, boards and commissions, the Judiciary of Guam, the Mayors’ Council of Guam, and the Guam Legislature.

Additionally, because the law does not illustrate the types of documents to be considered as an SOP, we found varying types of documents posted on agency websites.

The SOP mandate does not address any penalties for noncompliance with the SOP reporting requirements. The law allows for agencies to omit SOPs that contain sensitive information from its website, but it is unclear if agencies are not posting all of its SOPs online for this reason. Furthermore, public testimony on Bill 14-34 (COR) was provided with the suggestion to include mechanisms such as a system of fines to enforce compliance.

Conclusion

Overall, a majority of GovGuam agencies complied with the SOP mandate by documenting and posting its SOPs on its designated website for public view. Organizations, whether large or small, can benefit from having SOPs. Some of the benefits of SOPs include compliance to best practices; maintaining consistency; assisting in training and onboarding, and securing organizational knowledge. Organizations that do not have SOPs in place become reliant on key individuals who possess institutional knowledge. The absence of these individuals can halt operations if this knowledge is not documented. Since SOPs can be used to facilitate cross-training, departments within an organization that do not have SOPs can become divided through a lack of understanding of the functions of other departments.



Benjamin J.F. Cruz
Public Auditor