

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 184-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO ADD NEW §§ (i), (j) AND (k) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA).

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent.

Public Law 30-138, also known as “the Environmental Public Health Modernization and Revitalization Act of 2010,” was enacted on May 17, 2010, and subsequently amended by P.L. 31-233 to help expedite its implementation. The enactment of this law created the new Environmental Public Health Officer (EPHO) position series within the Division of Environmental Health of the Department of Public Health and Social Services. This new position series, which increased the qualification standards of its personnel and expanded their duties and responsibilities, paved the way to improve the division’s existing operations while preparing to meet the demands of the future.

1 In the legislative intent of the law, *I Mina'Trentai Unu Na Liheslaturan*
2 *Guåhan* additionally desired for the establishment of an incentive pay program to
3 encourage the recruitment and retention of these personnel and to promote their
4 continuing education by way of professional certification. As a result, the
5 Department of Public Health and Social Services recommended, and the
6 Department of Administration approved, the inclusion of a provision in the Job
7 Specifications of these newly created positions that authorized DPHSS to require,
8 if it so desired, the employee to secure any one or more of the five listed
9 certifications. Subsequently, DPHSS ordered all Environmental Public Health
10 Officers of the division to obtain and maintain one or more of these professional
11 certifications for the purpose of ensuring that its employees possessed the capacity
12 to better perform their environmental health duties. For implementing such
13 professional certification requisites and satisfying the expectation expressed in P.L.
14 30-138, an incentive pay program for the Environmental Public Health Officer is
15 hereby created pursuant to this Act.

16 Current job specifications for the EPHO position series require a Bachelor's
17 degree and 30 semester credits of basic sciences. Because "basic sciences" is not
18 defined in P.L. 30-138, the college courses that fall within this category is open to
19 interpretation by DPHSS, Department of Administration, and applicants of the
20 EPHO position. To clarify what college courses qualify as a basic science, the
21 recommended standard established by the National Environmental Health
22 Association (NEHA) *shall* be adopted.

23 **Section 2.** New Subsections (i), (j) and (k) are hereby added to § 6233
24 [Establishment of the Environmental Public Health Officer Series] of Article 2,
25 Chapter 6 of Title 4, Guam Code Annotated, to read:

1 “(i) An incentive pay shall be provided to employees holding the
2 Environmental Public Health Officer positions who obtain and maintain
3 professional certification based on the following:

4 (1) The professional certification that allows the employee to
5 receive the incentive pay shall be the Registered Environmental Health
6 Specialist (REHS), the Registered Sanitarian (RS), or its equivalent issued
7 by the National Environmental Health Association, or its succeeding
8 association;

9 (2) Provided it is reasonable, justified, and relevant to their duties
10 and responsibilities, the Department of Public Health and Social Services
11 may at its discretion include one or more other certifications, in addition to
12 the REHS, RS, or its equivalent, for the Environmental Public Health
13 Officer to receive the incentive pay;

14 (3) The incentive pay amount for Environmental Public Health
15 Officers shall be 15% of the employee’s base salary;

16 (4) The employee must possess a valid and current required
17 certification(s) to receive the incentive pay, and any lapse in time that the
18 certification(s) is not current or valid shall prohibit the employee from
19 receiving the incentive pay for that period; however, upon re-obtaining a
20 valid and current certifications(s), the incentive pay shall be instituted again
21 for the employee but not for any period while the employee did not possess a
22 valid and current certification(s); and

23 (5) The incentive pay shall be retroactive to the time the
24 Environmental Public Health Officer positions were established, provided
25 the employee had held such title while employed in the Division of

1 Environmental Health of DPHSS and obtained and possessed the required
2 certification(s) as established pursuant to the criteria in this subsection.

3 (j) Basic sciences referred in §6233(c) of this article shall mean any of
4 the courses in Biological Science, Natural Science, Physical Science, and Health
5 Science as established by the National Environmental Health Association, or its
6 successor.

7 (k) The incentive pay for Environmental Health Officers within the
8 Division of Environmental Health, Department of Public Health and Social
9 Services, shall be funded from the Environmental Health Fund, and the DPHSS
10 Sanitary Inspection Revolving Fund.”

11 **Section 3. Severability.** If any provision of this Act or its application to
12 any person or circumstance is found to be invalid or contrary to law, such
13 invalidity shall not affect other provisions or applications of this Act which can be
14 given effect without the invalid provisions or application, and to this end the
15 provisions of this Act are severable.

16 **Section 4. Effective Date.** This Act shall become immediately effective
17 upon enactment.