

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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Introduced by:

T. C. Ada
A. B. Palacios, Sr.
R. J. Respicio
T. R. Muña Barnes
F. F. Blas, Jr.
T. Taitague

AN ACT TO INCLUDE THE "POSITION CLASSIFICATION, COMPENSATION & BENEFITS STUDY" IN THE PERSONNEL RULES AND REGULATIONS FOR MARITIME-RELATED POSITIONS UNIQUE TO PORT OPERATIONS AND CERTIFIED, TECHNICAL AND PROFESSIONAL EMPLOYEES AND TO REPEAL AND REENACT §10111.3(e), CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED RELATIVE TO INCLUDING APPENDICES A (LISTING OF MARITIME POSITIONS UNIQUE TO PORT OPERATIONS AND CERTIFIED AND TECHNICAL POSITIONS), B (PAY SCHEDULE), AND C (POSITION CLASSIFICATION, COMPENSATION & BENEFITS STUDY: STAGE 1, STAGE 2, STAGE 3, REPORT TO BOARD AND FINAL COMPENSATION AND BENEFITS RESULT).

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that, pursuant to Public Law 30-43, the General Manager of the Jose D. Leon
4 Guerrero Commercial Port (the General Manager) was mandated to identify and
5 list by title the position description and starting pay grade of all positions affected

1 by the Personnel Rules and Regulations for Maritime-Related Position Unique to
2 Port Operations and Certified, Technical and Professional Positions (Personnel
3 Rules and Regulations) no later than sixty (60) days after adoption of said Rules.
4 P.L. 30-43 stipulates that such information shall be posted on the Port Authority of
5 Guam website for review and comment on the identified positions and to provide
6 the opportunity for appeals to the General Manager by the affected employees,
7 submitted to the Board for approval, and transmitted to the Legislature upon
8 approval by the Board of Director of the Port.

9 *I Liheslaturan Guåhan* finds that the General Manager has complied with
10 the requirements of P.L. 30-43 by completing, within the stipulated 60-day
11 timeframe, a thorough compilation of the employee position descriptions and
12 proposed pay grades. In addition to the compilation of employee descriptions and
13 pay grades, the Port submitted on August 28, 2009, as part of the Rules and
14 Regulations, a Pay Schedule and Position Classification, Compensation, and
15 Benefits Study. These additional documents, submitted as appendices to the Rules
16 and Regulations, are titled: Appendix A *Listing of Maritime Positions Unique to*
17 *Port Operations and Certified, Technical and Professional Positions*; Appendix B
18 *Pay Schedule*; and Appendix C *Position Classification, Compensation & Benefits*
19 *Study* (Stage 1 –*Job Evaluation*, Stage 2 – *Compensation Structuring*, Stage 3 –
20 *Implementation*, Report to Board – *Performance Management*, and Final
21 *Compensation & Benefits Report*). The Port Board of Directors addressed these
22 additional documents during a regularly scheduled board meeting on August 27,
23 2009.

24 *I Liheslaturan Guåhan* further finds that adoption of the Position List, Pay
25 Schedule, and Position Classification, Compensation and Benefits Study is integral
26 to the cohesive implementation of the Personnel Rules and Regulations, and as
27 such, hereby moves to adopt said documents into law.

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Section 2. §10111.3(e), Chapter 10 of Title 12, Guam Code Annotated is hereby *repealed* and *reenacted* to read:

“(e) Adoption of the Personnel Rules and Regulations for Jose D. Leon Guerrero Commercial Port.

(1) The Personnel Rules and Regulations for Maritime-Related Positions Unique to Port Operations and Certified, Technical and Professional Employees for Jose D. Leon Guerrero Commercial Port (hereafter referred to as the “Personnel Rules and Regulations”) as passed by *I Mina’Trenta Na Liheslaturan Guåhan* and *I Maga’lahen Guåhan* on July 2, 2009 into P.L. 30-43, includes: Appendices A *Listing of Maritime Positions Unique to Port Operations and Certified, Technical and Professional Positions*; B *Pay Schedule*; and C *Position Classification, Compensation & Benefits Study* (Stage 1 – *Job Evaluation*, Stage 2 – *Compensation Structuring*, Stage 3 – *Implementation*, Report to Board – *Performance Management*, and Final Compensation & Benefits Report), as such documents were received on August 28, 2009 by the Legislative Secretary. The Personnel Rules and Regulations *shall* apply to all classified positions within the Jose D. Leon Guerrero Commercial Port.

The Position Classification, Compensation & Benefits Study (Appendix C) (hereafter referred to as the “Compensation and Classification Plan”) *shall* apply to all positions, classified and unclassified, within the Jose D. Leon Guerrero Commercial Port, inclusive of the positions for Port Police Officers, notwithstanding the Department of Administration’s current study for Law Enforcements and Public Safety positions.

1 (2) The implementation of the new Pay Grade Schedule, as
2 recommended by the Compensation and Classification Plan, shall not take
3 effect until the Board of Directors of the Port has approved a financial plan
4 to fund the proposed Compensation and Classification Plan.

5 (3) At any time after the initial list of proposed titles,
6 position description, and recommended pay grade as indicated in the
7 Compensation and Classification Plan has been implemented by the Port, the
8 General Manager may petition the Board of Directors to amend the title,
9 position description, or recommended pay grade of any classified or
10 unclassified position within the Port. Any proposed amendment shall not
11 deviate from the pay grade schedule included in the Compensation and
12 Classification Plan or from the evaluation process described in the Port
13 Personnel Rules and Regulations.

14 (4) The General Manager shall post the petition on the
15 Port's website for ten (10) days (Saturday, Sunday and government of Guam
16 holiday excepted) before it may be considered by the Board. The Board
17 may approve a petition to amend a position title, description, or pay grade
18 during a regularly scheduled meeting, and upon approval by the Board, the
19 General Manager may implement the approved position.

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21 **Section 3.** Notwithstanding any other provisions of law, rule, regulation,
22 *or* Executive Order, the Personnel Rules and Regulations for Maritime-Related
23 Positions Unique to Port Operations and Certified, Technical and Professional
24 Employees including Appendices A-C, as submitted by the Port Authority of
25 Guam to the Legislative Secretary on August 28, 2009 are hereby approved by *I*
26 *Mina 'Trenta Na Liheslaturan Guåhan* and are hereby adopted as Chapter 8 of Title
27 10 of the Guam Administrative Rules and Regulations.

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2 **Section 4. Severability.** *If* any provision of this law or its application to
3 any person or circumstance is found to be invalid or contrary to law, such
4 invalidity shall *not* affect other provisions or applications of this law which can be
5 given effect without the invalid provisions or applications, and to this end the
6 provisions of this law are severable.