

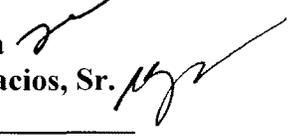
I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 SEP 22 PM 3:48
JMM

Bill No. 464-30 (cor)

Introduced by:

T.C. Ada
A.B. Palacios, Sr.



AN ACT TO AMEND § 6205.2 of ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO RECRUIT AND COMPENSATE ABOVE STEP 10 PROFESSIONAL PERSONNEL FOR THE POSITION OF CHIEF ENGINEER

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** In the past, it has been recognized by *I*
3 *Liheslaturan Guåhan* that certain critical positions in the government of Guam regularly
4 lack a pool of qualified applicants.

5 In accordance with the merit system, and pursuant to Public Law 30-55:17(m), the
6 Department of Public Works is authorized to recruit professional engineers to fill
7 vacancies in the Department for the position of Chief Engineer. Despite this
8 authorization, however, the Department of Public Works has found it difficult to attract
9 qualified professional engineers. This recruitment difficulty threatens the Department's
10 ability to construct, improve, and maintain Guam's highways, roads, and public facilities.

11 As such, *I Liheslaturan Guåhan*, in order to attract qualified and experienced
12 candidates, finds it necessary to allow the Department of Public Works to recruit and
13 compensate a Chief Engineer above the level of Step 10.

1 **Section 2.** § 6205.2 of Chapter 6, Title 4, of Guam Code Annotated is hereby
2 *amended* to add a *new* subsection (d) as follows:

3 **§ 6205.2. No Recruitment or Compensation above Step 10.**

4 (a) No agency, department, autonomous agency, public
5 corporation, or other instrumentality of the government of Guam shall
6 authorize compensation above Step 10 for the initial appointment, hiring
7 or recruitment of an employee. This Section shall not apply to the Office
8 of *I Maga'lahaen Guåhan*, Office of *I Segundo Na Maga'lahaen Guåhan*,
9 Guam State Clearinghouse, *I Liheslaturan Guåhan*, to any agency whose
10 governing board has exclusive authority over compensation, or to any
11 positions specifically exempted by law.

12 (b) Notwithstanding any other provision of law, the Director of
13 Administration shall adjust to Step 10 the compensation of an unclassified
14 employee who was hired above Step 10 before enactment hereof effective
15 the date of this enactment. Failure to comply with this Section shall result
16 in the deappropriation of the total amount of compensation paid in
17 violation hereof from the budget of the non-compliant agency.

18 (c) An employee hired by the Office of the Public Auditor
19 prior to October 2007 shall not be personally liable for repayment of any
20 salary received in good faith prior to December 2008.

21 (d) The Department of Public Works (DPW) is authorized to
22 recruit and compensate above Step 10 professional engineers in the
23 unclassified or classified service to fill the vacant positions of Chief

1 Engineer for DPW's Capital Improvement Projects Division and Chief
2 Engineer for DPW's Highway Division. In addition to meeting the
3 qualifications and requirements for the positions as established by the
4 Department of Administration, candidates shall be registered as a
5 professional civil engineer in Guam or shall become registered in Guam
6 within two (2) years after beginning employment. Additionally, when
7 hiring above step per this subsection, the candidate for Chief Engineer of
8 DPW's Highway Division shall have a minimum of thirteen (13) years of
9 relevant highway engineering experience, and the candidate for the Chief
10 Engineer of the DPW's Capital Improvement Projects Division shall have
11 a minimum of thirteen (13) years of relevant general engineering
12 experience.

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