



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

14 APR 2006

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT

Rcv'd by: N. Kole
Print Name & Initial

Time: 10:00 Date: 4-26-06

Dear Mr. Speaker:

Transmitted herewith is Bill No. 254(LS), "AN ACT TO AMEND 4 GCA § 4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 GCA § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 GCA § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 GCA, CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 GCA., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(c) TO 4 GCA, CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(d) TO 4 GCA, CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 GCA, CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006," which I signed into law on April 14, 2006, as **Public Law 28-112**.

Siaseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill
cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

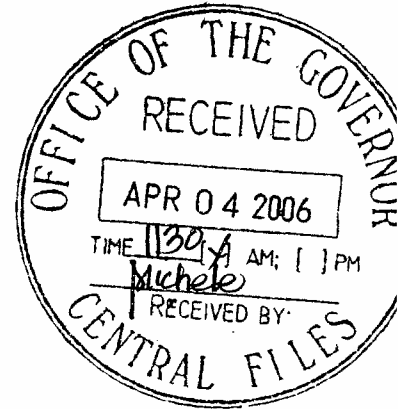
Office of the Speaker
MAG. FORBES

Date: 4/17/06
Time: 11:00
Rec'd by: [Signature]
Print Name: Ray B...
28-06-0786



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

March 31, 2006



The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 152(LS), 192(EC), 208(EC), 223(LS), 253(EC) & 255(LS); and Substitute Bill Nos. 234(LS) & 254(LS) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 22, 2006; Bill Nos. 219(EC), 245(EC) & 262(EC), and Substitute Bill Nos. 125(EC), 228(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 24, 2006; and Substitute Bill No. 243(LS) which was passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 30, 2006.

Sincerely,

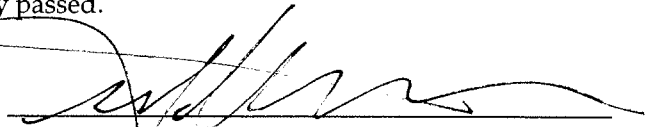
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)

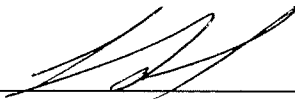
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

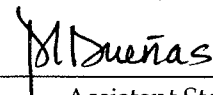
This is to certify that Substitute Bill No. 254 (LS), "AN ACT TO AMEND 4 GCA §4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 GCA §4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 GCA §4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 GCA, CHAPTER 6, §6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 GCA, CHAPTER 6, §6302 RELATIVE TO THE HAY STUDY; TO AMEND 4 GCA, CHAPTER 6, §6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF THE COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW §6303(c) TO 4 GCA, CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW §6303(d) TO 4 GCA, CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 GCA, CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006", was on the 22nd day of March, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 04 day of April, 2006, at 1130 o'clock A.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 14 APRIL 2006

Public Law No. 28-112

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session

Bill No. 254 (LS)

As substituted by the Committee on
Judiciary, Governmental
Operations & Reorganization
and amended on the Floor.

Introduced by:

R. Klitzkie
Mark Forbes
J. M.S. Brown
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
L. F. Kasperbauer
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO *AMEND* 4 GCA §4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO *AMEND* 4 GCA §4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO *AMEND* 4 GCA §4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO *AMEND* 4 GCA, CHAPTER 6, §6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO *AMEND* 4 GCA, CHAPTER 6, §6302 RELATIVE TO THE HAY STUDY; TO *AMEND* 4 GCA,

CHAPTER 6, §6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF THE COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO *ADD* A NEW §6303(c) TO 4 GCA, CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO *ADD* A NEW §6303(d) TO 4 GCA, CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO *ADD* A NEW §6303.1 TO 4 GCA, CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006.

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

2 **Section 1. Short Title.** This Act may be cited as the “Personnel
3 Management Modernization Act of 2006”.

4 **Section 2. Personnel Policy.** 4 GCA, Chapter 4, §4101(a) is hereby
5 *amended to read:*

6 **“§4101. Personnel Policy.**

7 (a) Employment in the service of the government of Guam shall be based
8 upon merit, and selection and promotion of employees shall be free of personal or
9 political consideration. No person shall be discriminated against in an application
10 for employment or promotion or dismissed from employment on account of race,
11 color, age, religion, sex, national origin or physical or mental impairment. All
12 personnel actions, including appointments, shall be based, insofar as practicable,
13 on competitive practical tests and evaluations. Continuity of employment shall be
14 dependent upon good behavior, satisfactory performance of work and availability
15 of funds.”

1 **Section 3. Duties of the Director of Administration. 4 GCA, Chapter**
2 **4, §4101.1 is hereby *amended* to read:**

3 **“§4101.1 Responsibilities of the Director of Administration**
4 **Regarding Personnel Policy of the Government.** The Director of
5 Administration shall perform the following functions:

6 (a) Maintain and from time to time modify a general personnel
7 policy for all government of Guam line agencies through the adoption of
8 rules and regulations pursuant to the Administrative Adjudication Law;

9 (b) Investigate conditions of government employment as he deems
10 necessary, and report his findings thereon to *I Maga'lahaen Guåhan* and *I*
11 *Lihselaturan Guåhan* annually;

12 (c) Administer the Equal Employment Opportunity Program for the
13 Executive Branch of the government of Guam;

14 (d) Maintain, post and keep current on the Department's website a
15 list of all classified and unclassified positions in the executive branch,
16 including autonomous agencies and public corporations, showing the job
17 description and pay range assigned to each position;

18 (e) Make an annual report on July 1 on the status of the unified pay
19 schedule required by §6302 of this Title to *I Maga'lahi* and the Speaker of *I*
20 *Lihselatura* and post the report on the Department's website;

21 (f) Establish and maintain, in coordination with the Attorney
22 General, a panel of hearing officers;

23 (g) Take cognizance of compliance with the provisions of 4 GCA
24 §4101;

25 (h) Coordinate the fielding of necessary computer software and the
26 training of personnel to allow the agencies, departments and public

1 corporations listed in § 4105(a) of this Title to assess and update the unified
2 pay schedule required by § 6302(a) of this Title;

3 (i) Delegate, at the Director's discretion, such authority under such
4 terms as are appropriate, to the agencies, departments and public
5 corporations listed in § 4105(a) of this Title to assess and update the unified
6 pay schedule required by § 6302(a) of this Title; and

7 (j) Establish and appoint members from among the human
8 relations professionals in the government of Guam to a Human Relations
9 Officer Coordinating Council to advise the Director concerning the
10 implementation and administration of the provisions of this Title.”

11 **Section 4. Department Rules. 4 GCA, Chapter 4, § 4105 is hereby**
12 ***amended to read:***

13 “§ 4105. **Departmental Rules.** (a) Rules subject to criteria established by
14 this Chapter governing the selection, promotion, performance, evaluation,
15 demotion, suspension and other disciplinary action of classified employees shall be
16 adopted by the Board of Directors of the Antonio B. Won Pat International Airport
17 Authority, Guam; the Board of Directors of the Guam Economic Development and
18 Commerce Authority; the Board of Directors of the Guam Housing Corporation;
19 the Board of Commissioners of the Guam Housing and Urban Renewal Authority;
20 the Guam Judicial Council; the Board of Directors of the Jose D. Leon Guerrero
21 Commercial Port; the Guam Education Policy Board; the Board of Regents of the
22 University of Guam; the Guam Community College Board of Trustees; the Board
23 of Trustees of the Guam Memorial Hospital Authority; the Board of Directors of
24 the Guam Visitors Bureau; and the Consolidated Commission on Utilities on
25 behalf of the Guam Waterworks Authority and the Guam Power Authority, with
26 respect to personnel matters within their respective Branches, agencies, public

1 corporations or departments, and by the Director of Administration as to all other
2 Executive Branch employment.

3 (b) Such rules shall, to the extent practicable, provide standard conditions
4 for entry into and the other matters concerning the government service. The
5 personnel rules adopted for the Guam Economic Development and Commerce
6 Authority, the Guam Housing Corporation, the Guam Housing and Urban Renewal
7 Authority, the University of Guam, the Guam Community College, the Antonio B.
8 Won Pat International Airport Authority, Guam, the Jose D. Leon Guerrero
9 Commercial Port, the Guam Public School System, the Guam Memorial Hospital
10 Authority, by the Department of Administration and by the Consolidated
11 Commission on Utilities shall require that all their classified employee appeals,
12 except academic personnel of the Guam Community College and the University of
13 Guam in conformance with Title 4 GCA § 4403(h), be heard by the Civil Service
14 Commission ('Commission').

15 (c) The personnel rules adopted for the Judicial Branch by the Judicial
16 Council shall require that the Council hear all classified employee appeals.
17 Personnel rules governing any other Executive Branch entities shall require that
18 their classified employee appeals be heard by the Commission. Rules concerning
19 the Executive Branch shall take effect upon their approval by the Director of
20 Administration, by Executive Order of *I Maga'lahaen Guåhan* and filing with the
21 Legislative Secretary. Rules concerning the Judicial Council shall take effect upon
22 adoption by the Judicial Council of Guam and filing with the Legislative Secretary.

23 (d) Such rules shall include the following provisions:

24 (1) that the minimum rate of each pay range shall be the normal rate
25 for initial employment in the positions and classes assigned thereto;
26 provided, however, that the directors or other department heads may, in
27 accordance with §6205 of this Title, authorize initial employment in a

1 position at a higher step in the position's pay range if such action is
2 warranted by recruitment difficulties or by the new employee's special or
3 unusual qualifications, including experience;

4 (2) that no spouse of any director, chief administrator or department
5 head within the government of Guam may be employed within the
6 department, agency or instrumentality so headed by such director, chief
7 administrator, department head or other officer;

8 (3) that overtime for those employees entitled hereto shall be
9 calculated at one and one-half (1 1/2) times their regular wage;

10 (4) that employees may work at outside employment not in conflict
11 with their government service, nor such as would bring the government of
12 Guam or its employees into disrepute, but that any employee may undertake
13 such employment only if such is not in conflict with that person's duly
14 scheduled hours and only with the consent of that person's department or
15 agency head, which consent may not be unreasonably withheld; and

16 (5) that no person shall be required to work overtime, unless the
17 employee has received certification by the Director that funds for overtime
18 pay as provided in Subsection (3), above, are available.

19 (e) Adoption of such rules is subject to the Administrative Adjudication
20 Law.”

21 **Section 5. Recruitment Above-Step. 4 GCA, Chapter 6, §6205 is**
22 **hereby amended to read:**

23 “§6205. Recruitment Above-Step. Step 1 of the Pay Grade
24 assigned to a classified position shall be the regular rate for initial
25 employment in any department or agency. The appointing authority, or the
26 head of an agency, department or public corporation listed in 4 GCA
27 §4105(a) may petition the Director of Administration, the Judicial Council

1 (as to Judicial Branch employment) or the agency, department or public
2 corporation's governing board or commission (as to an agency, department
3 or public corporation listed in 4 GCA §4105(a)) for recruitment at a higher
4 step not to exceed Step 10, because of documented recruitment difficulty or
5 exceptional qualifications. The petition shall be posted on the agency's
6 website for ten (10) days (Saturdays, Sundays and government of Guam
7 holidays excepted). This petition shall be made before an applicant is hired.
8 Every petition shall be scrutinized and amply justified before being
9 approved. The Director of Administration, the Judicial Council and the
10 governing board or commission (as to an agency, department or public
11 corporation listed in 4 GCA §4105(a)) may establish policies to administer
12 this section. Increment schedule consisting of Steps 11 through 20 shall not
13 be used for recruitment above step."

14 **Section 6. 4 GCA, Chapter 6, § 6302 is hereby *repealed and re-enacted***
15 **to read:**

16 **"§6302. Administration.**

17 (a) The Director of Administration shall adopt and apply the
18 currently used unified pay schedule based on the Hay methodology or any
19 other classification methods and salary administration to the extent he deems
20 appropriate. The unified pay schedule, either by the Hay Group or any other
21 experts in classification and pay, shall be administered by the Director of
22 Administration and by the Judicial Council for the Judicial Branch.

23 (b) The Director of Administration and the Judicial Council may
24 reassign pay grades as they deem necessary. Reassignment shall be based
25 upon the calculation of Hay points or points established by other experts and
26 shall be performed by technical staff trained in the classification and
27 compensation evaluation system for the sake of consistency and uniformity

1 of results. The technical staffs of the Human Resources Division in the
2 Executive Branch, and the Judiciary Human Resources Office, shall
3 coordinate their efforts in implementing the Hay methodology or any other
4 classification and pay system.

5 (c) The Director of Administration and the Judicial Council shall
6 establish appropriate policies and procedures for implementing the
7 provisions of this Article for their respective jurisdictions.”

8 **Section 7. 4 GCA, Chapter 6, §6303(a) is hereby *amended* to read:**

9 “§6303(a). **Creation of Positions in the Judiciary.** New positions
10 may be created by the Administrator of the Courts for the Judicial Branch,
11 when necessary for the efficient performance of the duties and functions of
12 the Judiciary. The Administrator of the Courts shall submit to the Judicial
13 Council the position descriptions for the positions within thirty (30) calendar
14 days after creation and post the position descriptions on the Judiciary
15 website. The positions shall be terminated unless approved by the Judicial
16 Council within ninety (90) days after submission. No newly created position
17 shall be filled in the absence of appropriations to pay the salary of the
18 proposed position.”

19 **Section 8. A new 4 GCA, Chapter 6, §6303(c) is hereby *added* to read:**

20 “§6303(c). (1) The petition of the head (Department Head) of a line
21 agency or department to create a position shall include:

22 (A) the justification for the new position;

23 (B) the essential details concerning the creation of the position;

24 (C) an analysis of the similarities and differences between the
25 position to be created and positions listed pursuant to 4 GCA
26 §4101.1(d);

27 (D) the position description;

1 (E) the proposed pay range and demonstration of compliance
2 with §6301 of this Title;

3 (F) a fiscal note as that term is described in 2 GCA §9101 *et*
4 *seq.*; and any other pertinent information.

5 (2) The Department Head and the Director of Administration shall
6 post the petition on their respective websites for ten (10) days (Saturdays,
7 Sundays and government of Guam holidays excepted). After the posting, the
8 Director of Administration shall forward the petition with his
9 recommendation to *I Maga'lahi* who, if he approves the same, shall so
10 indicate and file it for record with the Director of Administration and the
11 Legislative Secretary.

12 (3) No new position may be filled until after compliance with the
13 provisions of 4 GCA §6303.1 and this Section and thirty (30) days have
14 elapsed from the date of filing with the Legislative Secretary.”

15 **Section 9. Creation of Positions in Autonomous Agencies & Public**
16 **Corporations. A new 4 GCA, Chapter 6, §6303(d) is hereby *added* to read:**

17 **“§6303(d). Creation of Positions in the Autonomous Agencies and**
18 **Public Corporations.**

19 (1) The petition of the head of an agency, department or public
20 corporation listed in §4105(a) of this Title to create a position shall include:

21 (A) the justification for the new position;

22 (B) the essential details concerning the creation of the position;

23 (C) an analysis of the similarities and differences between the
24 position to be created and positions listed pursuant to 4 GCA
25 §4101.1(d);

26 (D) the position description;

1 (E) the proposed pay range and demonstration of compliance
2 with §6301 of this Title;

3 (F) a fiscal note as that term is described in 2 GCA §9101 *et*
4 *seq.*; and any other pertinent information.

5 (2) The petition shall be posted on the agency, department or public
6 corporation's website for ten (10) days (Saturdays, Sundays and government
7 of Guam holidays excepted). After the posting, the head shall forward the
8 petition, along with evidence of his compliance with 5 GCA §6303.1(a), to
9 the governing board or commission who, if they approve the same, shall
10 approve the petition by resolution and file the petition and resolution for
11 record with the Director of Administration and the Legislative Secretary.

12 (3) No new position may be filled until after compliance with the
13 provisions of this Section and thirty (30) days have elapsed from the date of
14 filing with the Legislative Secretary.”

15 **Section 10. Transparency and Disclosure. A new 4 GCA, Chapter 6,**
16 **§6303.1 is hereby *added* to read:**

17 **“6303.1 Transparency and Disclosure.**

18 (a) Prompt notice of the postings required by 4 GCA §§6205 and 6303
19 shall be provided to each newspaper of general circulation and broadcasting
20 station which airs a regular local news program within Guam.

21 (b) The petitions required by 4 GCA §§6205 and 6303 are public
22 documents for the purposes of 5 GCA, Ch.10, Art 1. (The Sunshine Law.)

23 (c) Any attempted creation of a position or above-step recruitment not
24 in compliance with the provisions of 4 GCA §§6205, 6303, and 6303.1(a) is
25 void.”



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

March 9, 2006

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Bill 254 (LS) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 254 (LS), AN ACT TO AMEND 4 G.C.A. § 4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6302 RELATIVE TO THE HAY STUDY; TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(c) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(d) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Transmitted herewith for your consideration and action is our committee report on the above subject matter. The Committee votes are as follows:

<u>5</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely,

A handwritten signature in black ink, appearing to be "Bob", written over the word "Sincerely,".

Bob

Senator Robert Klitzkie, Chairman

Committee on Judiciary, Governmental Operations & Reorganization



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

March 2, 2006

Committee on Judiciary, Governmental Operations,
& Reorganization
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 254 (LS)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **BILL 254 (LS), AN ACT TO AMEND 4 G.C.A. § 4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6302 RELATIVE TO THE HAY STUDY; TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(c) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(d) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Bob
Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations,
& Reorganization



**Committee on Judiciary, Governmental Operations,
and Reorganization**
I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 254 (LS)

Substitute by the Committee on Judiciary, Governmental Operations, & Reorganization

AN ACT TO AMEND 4 G.C.A. § 4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6302 RELATIVE TO THE HAY STUDY; TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(c) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(d) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006.

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member						
Senator Adolpho Palacios, Member		✓		3/3/06 		
Senator Larry Kasperbauer, Ph. D., Member		X				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member				✓		



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March 3, 2006

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Bill 254 (LS) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 254 (LS), AN ACT TO AMEND 4 G.C.A. § 4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6302 RELATIVE TO THE HAY STUDY; TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(c) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(d) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Transmitted herewith for your consideration and action is our committee report on the above subject matter.
The Committee votes are as follows:

<u>4</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>3</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely,

Bob

Senator Robert Klitzkie, Chairman

Committee on Judiciary, Governmental Operations & Reorganization

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session

Bill No.254 (LS)

Introduced by:

R. Klitzkie
L.F. Kaspar

AN ACT TO AMEND 4 G.C.A. § 4101 RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; AN ACT TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(b) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(C) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006.

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

2 **Section 1. Short Title.** This act may be cited as the Personnel Management
3 Modernization Act of 2006.

1 **Section 2. Personnel Policy. 4 G.C.A., Chapter 4, § 4101 is amended to read:**
2 **“§ 4101. Personnel Policy.**

3 (a) Employment in the service of the government of Guam shall be
4 based upon merit, and selection and promotion of employees shall be free of personal or
5 political consideration. No person shall be discriminated against in an application for
6 employment or promotion or dismissed from employment on account of race, color, age,
7 religion, sex, national origin or physical or mental impairment. All personnel actions,
8 including appointments and promotions, shall be based, insofar as practicable, on
9 competitive practical tests and evaluations. Continuity of employment shall be dependent
10 upon good behavior, satisfactory performance of work and availability of funds.”

11 **Section 3. Duties of the Director of Administration. 4 G.C.A., Chapter 4, §**
12 **4101.1 is amended to read:**

13 **“§ 4101.1 Responsibilities of the Director of Administration regarding**
14 **Personnel Policy of the Government.** The Director of Administration shall perform the
15 following functions:

16 (a) Maintain and from time to time modify a general personnel policy for all
17 government of Guam line agencies through the adoption of rules and regulations pursuant
18 to the Administrative Adjudication Law;

19 (b) Investigate conditions of government employment as he deems necessary,
20 and report his findings thereon to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*
21 annually;

22 (c) Administer the Equal Employment Opportunity Program for the Executive
23 Branch of the government of Guam.

24 (d) Maintain, post and keep current on the Department’s website a list of all
25 classified and unclassified positions in the executive branch, including autonomous
26 agencies and public corporations showing the job description and pay range assigned to
27 each position.

28 (e) Make an annual report on July 1 on the status of the unified pay schedule
29 required by §6302 of this title to the Governor and Speaker and post the report on the
30 department’s website.

1 (f) Establish and maintain, in coordination with the Attorney General, a panel
2 of hearing officers.

3 (g) Take cognizance of compliance with the provisions of §4101 of this title.”

4 **Section 4. Department Rules. 4 GCA § 4105 is amended:**

5 “**§ 4105. Departmental Rules.** Rules subject to criteria established by this
6 Chapter governing the selection, promotion, performance, evaluation, demotion,
7 suspension and other disciplinary action of classified employees shall be adopted by
8 the Board of Directors of the Antonio B. Won Pat Guam International Airport Authority;
9 the Board of Directors for the Guam Economic Development Authority, the Board of
10 Directors of the Guam Housing Corporation; the Board of Commissioners for the Guam
11 Housing and Urban Renewal Authority; ~~the Guam Judicial Council; the Board of~~
12 ~~Directors of the Guam Telephone Authority; the Board of Directors of the Port~~
13 ~~Authority of Guam; the Board of Directors of the Guam Power Authority; the Guam~~
14 Education Policy Board ~~the Board of Education~~; the Board of Regents of the University
15 of Guam; the Guam Community College Board of Trustees; the Board of Trustees of the
16 Guam Memorial Hospital Authority; the Board of Directors of the Guam Visitors Bureau;
17 ~~and by the Board of Directors of the Guam Waterworks Authority~~ the Consolidated
18 Commission on Utilities with respect to personnel matters within their respective
19 ~~Branches~~, agencies, public corporations or departments, and by the Director ~~of the~~
20 Department of Administration as to all other Executive Branch employment.”

21 **Section 5. Recruitment Above-step. 4 G.C.A., Chapter 6, § 6205 is hereby**
22 **amended to read:**

23 “**§ 6205. Recruitment Above-Step.** Step 1 of the Pay Grade assigned to a
24 classified position shall be the regular rate for initial employment in any department or
25 agency. The appointing authority, or the head of an agency, department or public
26 corporation listed in the first paragraph of 4 GCA §4105 may petition the Director of
27 Department of Administration, ~~or~~ the Judicial Council (as to Judicial Branch
28 employment) or the agency department or public corporation’s governing board or
29 commission (as to an agency, department or public corporation listed in the first
30 paragraph of 4 GCA §4105), for recruitment at a higher step not to exceed Step 10,
31 because of documented recruitment difficulty or exceptional qualifications. The petition

1 shall be posted on the agency's website for ten (10) days (Saturdays, Sundays and
2 government of Guam holidays excepted). This petition shall be made before an applicant
3 is hired. Every petition shall be scrutinized and amply justified before being approved.
4 The Department of Administration, the Judicial Council,~~and governing board or~~
5 commission (as to an agency, department or public corporation listed in the first
6 paragraph of 4 GCA §4105) may establish policies to administer this section. Increment
7 schedule consisting of Steps 11 through 20 shall not be used for recruitment above step.”

8 **Section 6. Creation of Positions in the Judiciary. 4 G.C.A., Chapter 6,**
9 **§ 6303(a) is amended to read:**

10 “§ 6303(a). **Creation of positions in the Judiciary.** New positions may be
11 created by ~~I Magsalahen Guahan, the Administrator of the Courts or the Presiding Judge~~
12 ~~of the Superior Court of Guam~~ for the Judicial Branch, when necessary for the efficient
13 performance of the duties and functions of the ~~government~~ Judiciary. ~~I Magsalahen~~
14 ~~Guahan shall submit to the Civil Service Commission, and the Presiding Judge~~
15 Administrator of the Courts shall submit to the Judicial Council; the position descriptions
16 for the positions within thirty (30) calendar days after creation and post the position
17 descriptions on the judiciary website. The positions shall be terminated unless approved
18 by ~~the Commission or the Judicial Council, as the case may be,~~ within ninety (90) days
19 after submission. No newly created position shall be filled in the absence of
20 appropriations to pay the salary of the proposed position.”

21 **Section 7. Creation of Positions in Line Agencies. A new § 6303(b) is added**
22 **to Chapter 6, 4 G.C.A. to read:**

23 “§ 6303(b). **Creation of Positions in the Line Agencies.** (1) The petition of the
24 head (Department Head) of a line agency or department to create a position shall include:

- 25 A. the justification for the new position,
26 B. the essential details concerning the creation of the position,
27 C. an analysis of the similarities and differences between the position to be
28 created and positions listed pursuant to Title 4 G.C.A. § 4101.1(d),
29 D. the position description,
30 E. the proposed pay range and demonstration of compliance with §6301 of
31 this title,

1 F. a fiscal note as that term is described in 2 GCA § 9101 *et seq.*; and
2 any other pertinent information.

3 (2) The Department Head and the Director of Administration shall post the
4 petition on their respective websites for ten (10) days (Saturdays, Sundays and
5 government of Guam holidays excepted). After the posting, the Director of
6 Administration shall forward the petition with his recommendation to I Maga'lahi
7 Guahan who, if he approves the same, shall so indicate and file it for record with
8 the Director of Administration and the Legislative Secretary.

9 (3) No new position may be filled until after compliance with the
10 provisions of section 6303.1 of this code and this section and thirty (30) days have
11 elapsed from the date of filing with the Legislative Secretary.”

12 **Section 8. Creation of positions in the Autonomous Agencies & Public**
13 **Corporations. A new § 6303(c) is added to Chapter 6, Title 4 G.C.A. to read:**

14 **“§ 6303(c). Creation of Positions in the Autonomous Agencies and Public**
15 **Corporations .**

16 (1) The petition of the head of an agency, department or public corporation listed
17 in the first paragraph of 4 GCA §4105 to create a position shall include:

- 18 A. the justification for the new position,
- 19 B. the essential details concerning the creation of the position,
- 20 C. an analysis of the similarities and differences between the position to be
21 created and positions listed pursuant to Title 4 G.C.A. § 4101.1.(d),
- 22 D. the position description,
- 23 E. the proposed pay range and demonstration of compliance with §6301 of
24 this title,

25 F. a fiscal note as that term is described in 2 GCA § 9101 *et seq.*; and
26 any other pertinent information.

27 (2) The petition shall be posted on the agency, department or public corporation's
28 website for ten (10) days (Saturdays, Sundays and government of Guam holidays
29 excepted). After the posting, the head shall forward the petition to the governing board
30 or commission who, if they approve the same, shall approve the petition by resolution

1 and file the petition and resolution for record with the Director of Administration and the
2 Legislative Secretary.

3 (3)No new position may be filled until after compliance with the provision of this
4 section and thirty (30) days have elapsed from the date of filing with the Legislative
5 Secretary.”

6 **Section 9. Transparency and Disclosure. A new §6303.1 is added to Chapter**
7 **6, Title 4 G.C.A. to read:**

8 **“6303.1 Transparency and Disclosure.**

9 (a)Prompt notice of the postings required by §§6303 and 6305of this title shall be
10 provided to each newspaper of general circulation and broadcasting station which airs a
11 regular local news program within Guam.

12 (b) The petitions required by §§6303 and 6305 are public documents for the
13 purposes of 4GCA Ch.10 Art 1. (The Sunshine Law.)

14 (c) Any attempted creation of a position or above-step recruitment not in
15 compliance with the provisions of §§ 6303 and 6303.1(a) of this title is void *ab*
16 *initio.*”

FINDINGS & RECOMMENDATIONS

The committee finds that certain personnel functions currently managed by the Director of Administration would be best managed by the autonomous agencies under the supervision of the Director.

Practices have changed in the discipline of human resources management. Past methods of centralizing all human resource management functions in one central government operation is outdated. The federal government, years ago, divided its personnel management functions into several agencies and boards.

Bill 254, the Personnel Management Modernization Act of 2006, mandates openness and transparency in a personnel management system currently lacking such characteristics. This openness and transparency is necessary in the creation of new positions and for the approval of above-step recruitment.

The provision concerning above-step recruitment enhances the autonomous agencies ability to recruit qualified individuals for critical, difficult to recruit positions. The provision grants autonomous agencies the flexibility and responsiveness it needs to hire the best and the most qualified.

Concerning the creation of positions, Bill 254 grants the autonomous agencies more flexibility in creating the needed positions in order to achieve its mission to the people of Guam. Currently cumbersome regulations, rules, and red-tape have hindered many autonomous agencies' ability to create positions in the areas of information and computer technology. For example, the class standards of current classified positions do not take into account the consolidation in responsibilities that has resulted from fewer staff due to smaller budgets nor the changes in knowledge, skills and abilities that has resulted from the increase use and application of computer and digital technologies.

The Committee on Judiciary, Governmental Operations & Reorganization incorporated into its substitute bill amendments as recommended by the Director of Administration:

1.) New paragraphs (h) and (i) were added to 4GCA §4101.1 as amended by Section 3 of the bill:

- (h) Coordinate the fielding of necessary computer software and the training of personnel to allow the agencies, departments and public corporations listed in 4 G.C.A. § 4105(a) to assess and update the unified pay schedule required by § 6302(a) of this Title.
- (i) Delegate, at the Director's discretion, such authority under such terms as is appropriate to the agencies, departments and public corporations listed in 4 G.C.A. § 4105(a) to assess and update the unified pay schedule required by § 6302(a) of this Title.

2.) A new Section 6 was added to the bill as introduced to read:

**Section 6. Title 4 G.C.A., Chapter 6, § 6302 is repealed and re-enacted to read:
"§6302. Administration.**

(a) The Director of Administration shall adopt and apply the currently used unified pay schedule based on the Hay methodology or any other classification methods and salary administration to the extent manner he deems appropriate. The unified pay schedule, either by the Hay Group or any other experts in classification and pay, shall be administered by the Director of Administration, and by the Judicial Council for the Judicial Branch.

(b) The Director of Administration and the Judicial Council may reassign pay grades as they deem necessary. Reassignment shall be based upon the calculation of Hay points or points established by other experts and shall be performed by the technical staff trained in the classification and compensation evaluation system, for the sake of consistency and uniformity of results. The technical staffs of the Human Resources Division in the Executive Branch, and the Judicial Council's Human Resources Office, shall coordinate their efforts in implementing the Hay methodology or any other classification and pay system.

(c) The Director of Administration and the Judicial Council shall establish appropriate policies and procedures for implementing the provisions of this Article for their respective jurisdictions.”

3.) Establishment of a Human Relations Officer Coordinating Council, to be comprised of human resource professional staff of the Executive Branch.

The committee finds the amendments proffered by the Director of Administration as a necessary measure toward providing uniformity in government operations, employee compensation, personnel policies and procedures.

The improved legislation encompasses the essential personnel practices needed to bring the government of Guam into modern human resource management. The change will be reflected in improved organizational performance and effective utilization of people in agencies and departments.

Accordingly, the Committee on Judiciary, Government Operations, & Reorganization, does hereby submit its findings and recommendation to *DO PASS Bill 254 (LS), AN ACT TO AMEND 4 G.C.A. § 4101(a) RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6302 RELATIVE TO THE HAY STUDY; TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(c) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(d) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY &*

**DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP
RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT
MODERNIZATION ACT OF 2006**, as substituted by the Committee on Judiciary,
Governmental Operations, and Reorganization.

Summary of testimony for Bill 254:

- **Lourdes Perez**, director of Administration, submitted written testimony in support of Bill 254. Perez stated that Bill 254 will bring the openness and transparency necessary for the government of Guam. Perez also provided the department's recommendation to establish a Human Relations Officer Coordinating council to avoid any perception of political interference. The Council will review above-step requests and creation of positions and will also participate in the update of the Unified Pay Schedule. This recommendation is suggested to replace the provision in Bill 254 that has governing boards and commissions review and approve petitions. The department believes the Council will allow for knowledgeable human resource individuals to make informed decisions on matters of above-step and creation of positions.

Additionally, Perez attached the recommendation of Mr. Eric Carroll of the USDA Graduate School to make "available an expert in the area of classification and compensation to assist CSC and DOA in resolving complaints by department heads in the difficulty in recruiting and retaining employees due to low salaries under the current Unified Pay Schedule."

Ms. Perez later submitted further written testimony as an addendum to the original testimony of DOA. The department restated its support for Bill 254 and opposition of Bills 203, 204, and 205 and recommended the following amendments to 254 "to provide uniformity in government operations, employee compensations, personnel policies and procedures in order to fairly administer the management of government employees to the extent possible:

- Add (h) and (i) to 4 G.C.A. §4101.1 as amended by Section 3 as it relates to providing software and training for the update of the unified pay schedule
- Change Section 6 of the bill to amend Section 6302 of 4 G.C.A., Chapter 6 as it relates to duties of the director of Administration

David M. O'Brien, vice president of Administration and Finance at the University of Guam, presented oral and written testimony in support of Bill 254 and in opposition of Bills 203, 204, & 205. O'Brien stated that the university has always been "committed to the merit system and protection of its employees," but feels that it has to evolve with the "changing needs of students, employees, and the community." He credited the first successful step towards this change as the transfer of personnel management functions from the Civil Service Commission to the Department of Administration in P.L 28-68. O'Brien stated that the University believes that Bill 254 takes the progress even further, specifically with regard to departmental rules, recruitment above-step, and creation of positions in the autonomous agencies and public corporations. He stated that the support of Bill 254 by the University highlights the evident lack of opposition to Bills 203, 204, & 205 to reverse the reform of the CSC done through P.L. 28-68.

Mary Young Okada, vice president for Financial Affairs at the Guam Community College, presented oral and written testimony in support of Bill 254. Ms. Okada outlined her positions with GCC and the Guam Public School System, most notable, her experience with "functions that strive to ensure the most efficient and effective performance to safeguard our most valuable resources." During her stint with GCC she has witnessed first-hand the high investments in personnel services. She highlighted that "the College has been successful in managing the Academic Personnel positions need to carry out our (GCC) mission." There have been updates

to job descriptions, professional certifications, and the creation of academic positions. The work has been dependent upon the approval of the Board of Trustees. As a comparison, Ms. Okada explained the difficulties GCC has had with areas that “fall under the jurisdiction of the Civil Service Commission.” She focused specifically on the area of technology as having its last update in 1980. As an advocate for changing the management of personnel function along with the shift in the needs of today’s human resource practices, she strongly support Bill 254.

H. delos Santos, president of the Guam Community College, provided oral and written testimony in support of Bill 254. Mr. delos Santos stated that the comprehensive review of the bill provides the college’s Board of Trustees the tools to adequately manage its personnel functions. Important issues of the university can be dealt with accordingly through Bill 254 by allowing above-step recruitment for difficult to fill positions, creation of new positions that address changes in vocational technical training and education, and the creations of personnel structures that are crafted to apply to all GCC employees. Mr. delos Santos stressed the importance of being able to provide the same level of BOT efficiency to its civil service personnel as it does to its academic personnel.

John E. Rider, Ed.D., vice president for Academic Affairs at the Guam Community College, submitted written testimony in support of Bill 254, which was read by Michelle Santos at the public hearing. Mr. Rider outlined the ability to further the college’s mission through Bill 254 by allowing for creation of positions and being able to standardize its personnel rules and regulations. He believes the bill will assist in meeting the rapid demands of technology that are evident in the industry today. He stated that “the college has long had autonomy in creating academic positions and has demonstrated its ability to manage academic personnel issues and all levels with integrity. Mr. Rider believe that Bill 254 will extend autonomy and pave allow for a more efficient management of personnel.

Joann Muna, administrator for the Human Resources Offices for the Guam Community College, provided oral and written testimony in support of Bill 254. Ms. Muna stated that Bill 254 will bring the personnel services of GCC under the practices of Human Resources Management, “a perspective that recognizes that human resources are important assets that must be managed strategically and proactively to improve organizational performance; development processes for the effective utilization of people in an organization.” She cited P.L. 23-26 as the first step in granting GCC authority over personnel functions of the academic administrators and faculty, which makes up 60% of GCC employees. Muna believes that moving the other 40% currently under the Civil Service Commission will help to align the GCC workforce for more efficient operations.

Adolf P. Sgambelluri, chairman of the Guam Community College Board of Trustees, presented oral and written testimony on behalf of the Board in support of Bill 254. Sgambelluri highlighted GCC’s success in handling personnel matters under many different challenges throughout its history. He stated that the community college welcomes the added responsibilities of Bill 254 and believes that the new law “will empower the Guam Community College to formulate appropriate departmental rules, to petitions for recruitment above-step, and to petition for new positions more efficiently and effectively than it could through past practices.”

Richard S. Colfax, Ph.D., GPHR, associate professor of Human Resources Management at the University of Guam, presented written testimony in support of Bills 254 and 255 and in opposition of Bills 203, 204, and 205. Mr. Colfax made reference to "The Human Resource Office (HRO) Effectiveness Study for the University of Guam," to highlight the recommendations relating to personnel matters. Response showed an overwhelming support for the removal of the "University of Guam from the purview of the Civil Service Commission" to allow for greater control of management staffing. Mr. Colfax believes that Bills 254 and 255 "will reduce the CSC influence in agencies and entities such as UOG and permit these agencies and entities to establish appropriate employment management practices."

Augusto Salas Delgado, acting chairman for the Board of Regents of the University of Guam, presented oral testimony in support of Bill 254. Mr. Delgado highlighted the success of Bill 254 in providing for a fully unified merit system that will protect all university employees. He believes the change in the personnel management will help with the development and improvement of employment policies and will lead to efficiency and responsiveness to university needs.

Sandy Yow, treasurer of the University of Guam Board of Regents, presented oral testimony in support of Bill 254. Ms. Yow stated that Bill 254 will bring success by placing all university personnel under the authority of the Board of Regent and allowing the flexibility needed for management to effectively carry out the mission of the university. Bill 254 is the direction necessary to further develop higher learning for the region.

Harold Allen, president of the University of Guam, presented oral testimony in support of Bill 254. Mr. Allen stated his commitment to a merit-based employment system. In his employment history, he has never worked for a university where policy authority of the institutions employment practices was placed outside of the university. His experience with UOG has proved difficult at times when he has had to make selective decisions with limited resources. Through these challenges, the university has been successful at achieving change and reorganization at many levels to push for a first-class university. Greater autonomy is necessary to continue with this trend, but Allen believes the Civil Service Commission does not recognize this important matter. He feels the CSC needs to adapt to the changing management practices and that Bill 254 will help do this. Bill 254 will assist in advancing the mission of university in towards implementing effective and efficient practices. The university must remain competitive and must recognize and reward employees based upon performance and accomplishment. Bill 254 will do this.

Helen Whippy, senior vice president of Academic and Student affairs, WASC Accreditation liaison officer, articulation officer, chief academic officer, and the chief student affairs officer, presented written testimony in support of Bill 254. She spoke specifically on the academic area of the university. Whippy explained the university's goal to adequately achieve its strategic plan and believes the Bill 254 will help do this. She explained experiences with the Civil Service Commission when it has been difficult to deal with critical personnel management issues. Whippy believes Bill 254 is good in that it allows the CSC to continue their role in adjudication while also affording the university the authority to manage their own personnel -- a necessity in keeping up with the challenges of higher education.

Jess Torres, executive manager of the Guam International Airport Authority, presented written and oral testimony in support of Bill 254 and as the official position of the airport authority. The airport authority stated that Bill 254 takes the government away from the “old way” by providing for the creation of new positions, which will address the inefficiencies in the current personnel system. The airport authority also suggested the following amendments:

- to make Sections 6102 and 6103 of Title 5 consistent with the new 6303(c) in Bill 254
- to make Section 1107(a) and 1108(a) of Title 12 consistent with the policy set forth in Bill 254 and with the current law as set out in Section 6301 of Title 4.

The airport authority especially believes that Bill 254 will help to address the difficulty in recruiting a Comptroller at a competitive salary.

Joseph Mesa, general manager of the Port Authority of Guam, submitted written testimony in support of Bill 254. Mr. Mesa recommended an amendment to Section 4 of the bill to correct an oversight. The line removing various agencies from the sections includes the Board of Directors of the Port Authority of Guam. Therefore, he recommends removing “the line reflecting the Port and changing the name to the Port’s official name – the Board of Directors of the Jose D. Leon Guerrero Commercial Port.”

Joe T. San Agustin, chairman of the Board of Trustees for the Government of Guam Retirement Fund, submitted written testimony on Bill 254. Mr. San Agustin recommended amendments to the bill to include the Board of Trustees of the GGRF, specifically to Section 4 (page 3, line 18) and by adding a new Section 10 to 12 G.C.A., Division 1, Chapter 15. He stated the suggested amendments “would allow the Board of Trustees with its fiduciary obligations to operate and manage the Fund for the benefits of its members and survivors.” Bill 254 and the suggested amendments would give the Board the “autonomous authority to manage and operate the Fund in the most efficient manner.”

Fred Nishihara, legal counsel for the Guam Public School System, presented oral testimony in support of Bill 254. Mr. Nishihara outlined the shortcomings in the school system and the need for recruitment of qualified individuals. He supported his thoughts by explaining several instances when working with the Civil Service Commission caused obstacle with personnel matters. Mr. Nishihara believes the CSC has failed with the government of Guam compensation issues and has left the government with an old and antiquated policy system. He said the legislature has become the body by which agencies have had to turn to for executing the tasks that are the responsibility of the CSC.

H believes Bill 254 empowers agencies by letting them determine critical positions and other matter relating to personnel. He supports CSC as a strong judicial body for the protection of employees, but believes Bill 254 is necessary to remove mandates that could make the CSC appear bias.

Francis C. Camacho, data processing systems administrator for the Guam Community College, submitted written testimony in support of Bill 254. Mr. Camacho defined the “challenges facing the Guam Community College in the area of Management Information Systems as mostly relating to the lack of personnel required to efficiently and effectively maintain an internet presence and in integrating and implementing complex systems.” He blamed this insufficiency

on the outdated position descriptions under the Civil Service Commission. Mr. Camacho stated the difficulties in complying with mandates focused on information technology and the continuing problem in recruiting qualified technical specialist due to unattractive pay scales. He outlined the history of employment in the MIS department and the lengthy paper process that has repeatedly been required by the CSC. To keep up with the changing technological environment, Mr. Camacho encouraged the legislature to pass Bill 254.

Katrina Celes Pieper, associate superintendent of the Division of Special Education for the Guam Public School System, presented oral and written testimony in support of Bill 254 and in opposition of Bills 203, 204, & 205. Pieper reported that GPSS currently stands as out of compliance in the area of personnel according to the U.S. Department of Education's Special Education Annual Performance Report. Pieper urged the committee to keep personnel functions with the Department of Administration. She stated that even after continuous efforts to actively recruit staff and to provide the Civil Service Commission with necessary information, the Division of Special Education is still unable to meet federal mandates. Pieper also commented that "if you decide to return the government's personnel functions to the Civil Service Commission, you will have jeopardized millions of dollars of funding and will have left disabled children without their needed services."

Vincent T. Leon Guerrero, a retiree of the Guam Public School System, presented oral and written testimony in support of Bill 254. Leon Guerrero retired in 2005 as the associate superintended of special education at GPSS. He believes Bill 254 will provide better opportunities and improved outcome for the GPSS, particularly the special education division. Leon Guerrero highlights the impact Bill 254 will have in the Guam Education Policy Board (GEPB) by providing authority "to adopt rules governing the selection, promotion, performance, evaluation, demotions, suspension, and other disciplinary actions of classified employees." He also mentions the improvement of above-step recruitment processes and the creation of positions. Leon Guerrero defines provisions of Bill 254 as "common sense."

Mike Soliday, teacher and former coordinator for the deaf and hard of hearing program, submitted written testimony in support of Bill 254. Mr. Soliday explained his difficulties with recruitment issues under the Civil Service Commission. He stated that in his six-year working relations with the CSC he has had only one successful experience. He listed the insufficiencies of personnel and services in the deaf and hard of hearing programs and the need to remedy the situation immediately. Mr. Soliday believes that Bill 254 is necessary proposition as it give the Department of Administration and the Guam Public School System the authority to create the positions that will help these educational services for Guam students.

Mike Carey, a resident of Mangilao, submitted written testimony in support of Bill 254. Carey described the current personnel functions under the Civil Service Commission as the "knothole through which most Government of Guam personnel decisions must pass." He believes Bill 254 will remove the "knothole" that hinders the government's ability to run efficiently.

Rueben D. Olivás, a government of Guam employee with the Guam Fire Department, submitted written testimony in support of Bill 254. Olivás believes Bill 254 brings about the personnel

management change needed to effectively run our government by “breaking down the responsibilities and workload to the agency level.”

Ronald Fejarang, former Civil Service Commission employee, submitted written testimony in opposition of Bill 254. He stated his belief that Bill 254, along with Bill 255, will result in the erosion and destruction of the unified and uniformed pay scale for the government of Guam. He believes that if the bills are passed, “the government of Guam can look forward to same classes of positions earning different salaries, depending at which agency they are employed with.”

Johnny Rivera, chairman of the Guam Education Policy Board, presented oral testimony in support of Bill 254. He noted that his testimony was his own did not reflect the position of the Board.

Cathy Cardenas, compliance officer of the Division of Special Education in the Guam Public School System, presented oral testimony in support of Bill 254. Ms. Cardenas outlined many instances where personnel shortages have hindered special education services and also the recruitment of qualified teachers from off-island. She believes Bill 254 will help remedy the current problems.

Marybeth Torres, speech pathologist and certified teacher for the Guam Public School System, presented oral testimony in support of Bill 254. Ms. Torres told the committee of the nationwide shortage of speech pathologist, which has made it even more difficult to recruit with the unattractive compensation plans offered by GPSS. Bill 254 will help equip the school system with much needed personnel.

Kimberly Berssiman, personnel services administrator for the Guam Housing and Urban Renewal Authority, presented testimony on behalf of the agency, the executive director, and board of commissioners in support of Bill 254. GHURA believes Bill 254 has the potential to provide significant improvements for the agency in terms of personnel management. As a 100% federally funded agency, GHURA faces stringent requirements, including personnel matters, and therefore needs policy that will help to meet these requirements. Bill 254 provides this. GHURA’s recommendation is to insert language that states that the rules concerning autonomous agencies take effect upon adoption of by the respective boards, promulgated by executive order of *I Maga’ Lahen Guahan*, and filed with the legislative secretary.

Mr. Luis Baza, chairperson of the Civil Service Commission, presented written testimony on Bill 254 on behalf of the Commission. His concerns were as follows:

- Mr. Baza questioned the provision dealing with the Department of Administration needing to maintain, in coordination with the Attorney General’s Office, a panel of hearing officers. He stated that there is no need for hearing officers for personnel decisions unless the law is changed to require it.
- Section 2 provides that autonomous agencies and departments will no longer have to have their rules subject to DOA review. He believes that this conflicts with the Organic Act and “gives agencies no criteria to follow and employees at these departments will no longer have merit system protection that is given to other Government of Guam employees.”

- Mr. Baza believes there is no need for Section 5 because the director can provide above-step authorization on a case-by-case basis.
- Mr. Baza explains Sections 6 thru 8 as allowing “the Judiciary, line agencies, and the autonomous and public corporations to create new jobs by posting such created positions on the web. These sections allow these agencies and departments to determine a classification related matter without proper consistent standards and control.”

Mr. Baza concluded by stating that this is a pre-Hay period bill that will create disparate treatment for government employees. The Commission is opposed to Bill 254.

Eloy Hara, retired executive director of the Civil Service Commission, provided oral & written testimony in opposition of Bill 254. He believes that if passed Bill 254 will be inorganic. He cited §1422, which states that the Legislature shall establish a Merit System. He explained the history of the creation of the CSC under PL-8 and believes the Legislature does not have the authority to split the functions of the Merit System. While the he believes that functions should not be split, he finds it acceptable to the Merit System under DOA or DOE, GCC, UOG or GPA. He also believes that in order to do this you must first dissolve the CSC under PL-8.

Rene Ranola, physical therapist for the Guam Public School System, provided oral testimony in support of Bill 254. Being able to witness first-hand the insufficiencies that result with personnel under the current law, Ranola believes that Bill 254 is necessary to equip the school system with needed physical therapists.

Tom Mendiola presented personal testimony in partial support of Bill 254. He believes Bill 254 is good because it is the agencies and departments that know best about their positions and hiring practices for those positions. On the other hand, he is concerned about there being adequate funding to cover proposed salaries, especially those of newly recruited salaries.



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

MINUTES

[Prepared by: Audrey Punzalan *02/2/2006]

Date: February 2, 2006

Location: Guam Legislature – Public Hearing Room
155 Hesler Street Hagatna, Guam

Called to order by Senator Robert Klitzkie, chairman, at 9:00am

Senators present:

Senator Robert Klitzkie, Chairman
Senator Adolpho Palacios, Member
Senator Larry Kasperbauer, Member
Senator Ray Tenorio, Member
Senator B.J. Cruz
Senator Lou Leon Guerrero
Senator Joanne Brown

Public hearing agenda: Bill 203 (EC); Bill 204 (EC); Bill 205 (EC); Bill 254 (LS); Bill 255 (LS). *Individuals present at the public hearing provided testimony on multiple bills; therefore, the bills were heard simultaneously.

- 1. Luis Reyes**, personnel services division administrator for the Guam Public School System, presented testimony in opposition of *Bills 203, 204, and 205* at 9:01am.
- 2. Vernon Perez**, executive director of the Civil Service Commission, presented testimony in support of *Bills 203, 204, and 205* at 9:59am.
- 3. Fred Nishihara**, legal counsel for the Guam Public School System, presented testimony in opposition of *Bills 203, 204, and 205*, and in support of *Bill 254* at 10:39am.
- 4. Juan Calvo** of the Civil Service Commission presented testimony in opposition of *Bills 203, 204, & 205* at 10:48am.
- 5. Luis Baza**, chairman of the Civil Service Commission, presented written and oral testimony on behalf of the board in support of *Bills 204 & 205* at 11:17am.
- 6. Johnny Rivera**, chairman of the Guam Education Policy Board, presented oral testimony in favor of *Bill 254*. Rivera noted that his testimony was his own and did not reflect the position of the Board at 11:26am.

7. **Matt Rector**, president of the Guam Federation of Teachers, presented oral testimony in support of *Bills 203, 204, & 205* at 11:29am.
8. **Katrina Celes Pieper**, associate superintendent of the Guam Public School System, presented oral and written testimony in opposition of *Bills 203, 204, and 205* and in favor of *Bill 254* at 11:34am.
9. **Vince Leon Guerrero**, retired Government of Guam employees & former associate superintendent of special education, presented written and oral testimony in support of *Bill 254* at 11:39am.
10. **Marie Virata Halloran** presented oral and written testimony in opposition of *Bills 203, 204, and 205* at 11: 56am.
11. **Ken Chargualaf**, associate superintendent for secondary education of the Guam Public School System presented oral written testimony on *Bills 203 & 204* at 1:26pm.
12. **Lourdes San Nicolas**, principal of Simon Sanchez High School presented oral testimony in opposition of *Bills 203 & 204* at 1:40pm.
13. **Arlene Unpingco**, principal of C.L. Taitano Elementary School, provided oral and written testimony on *Bills 203 & 204* at 1:45pm.
14. **Simon Sanchez**, chairman of the Commission on Consolidated Utilities, presented testimony in support of *Bill 255* at 1:52pm. Sanchez noted that he would present with Kin Flores, Julie Quinata, Elaine Cruz & Sam Taylor. While the testimony was specific to *Bill 255*, Sanchez stated that the issues also have relevance to *Bills 203, 204 & 254*.
15. **Adolf Sgambelluri**, chairman of the board at the Guam Community College, presented oral and written testimony in support of *Bill 254* and in opposition of *Bills 203, 204, & 205*. Dr. H. delos Santos, Joann Muna, personnel services administrator, Mary Young Okada, vice-president of Financial Affairs, & Dr. Michelle Santos, Dean of School of Technology and Student Services, accompanied Sgambelluri to present testimony at 2:34pm.
16. **Augusto Salas Delgado**, acting chairman for the Board of Regents of the University, presented testimony in support of *Bill 254* and in opposition of *Bills 203, 204, & 205* at 2:56pm.
17. **Sandy Yow**, treasurer for the University of Guam Board of Regents, presented written testimony in support of *Bill 254* and in opposition of *Bills 203, 204 & 205* at 2:58pm.
18. **Harold Allen**, president of the University of Guam, presented testimony in favor of *Bill 254* and in opposition of *Bills 203, 204, and 205* at 2:59pm.
19. **David O'Brien**, vice-president of Administration & Finance at the University of Guam presented testimony in favor of *Bill 254* and in opposition of *Bills 203, 204, and 205* at 3:05pm.

20. Helen Whippy, senior vice-president of Academic & Student Affairs, WASC Accreditation liaison officer, articulation officer, chief academic officer, & the chief student affairs, presented testimony in favor of *Bill 254* and in opposition of *Bills 203, 204, and 205* at 3:15pm

21. Eloy Hara, retired executive director of the Civil Service Commission, was initially in support of *Bills 203, 204 & 205* and in opposition of *Bill 254*. He informed the committee that his position had changed after hearing previous testimony. He stated in his testimony at 3:21pm that he supports *Bill 254* and supports *Bills 203, 204, & 205* to a certain degree.

23. Rene Ranola, physical therapist for the Guam Public School System, presented testimony in favor of *Bill 254* and in opposition of *Bills 203, 204, and 205* at 3:34pm

24. Cathy Cardenas, compliance officer of the Division of Special Education in the Guam Public School System, presented testimony in support of *Bill 254* at 3:47pm.

25. Begonia Flores, principal of George Washington High School, presented oral testimony in opposition of *Bills 203, 204, & 205* at 3:52pm.

26. Ulric Mark, an employee of the Guam Public School System for 18 years, presented testimony in opposition of *Bills 203, 204, & 205* at 3:58pm.

27. Jess Torres of the Guam International Airport testified in support of *Bill 254* at 4:03pm.

28. Tony Aguon, former employee of the Civil Service Commission & currently working for the Department of Administration, testified in support of *Bills 203, 204, 205* and in opposition of *Bills 254 & 255* at 4:15pm.

29. Marybeth Torres, speech pathologist & certified teacher for the Guam Public School System, testified in support of *Bill 254* and in opposition of *Bills 203, 204, & 205* at 4:35pm.

30. Kimberly Berssiman, personnel services administrator for the Guam Housing & Urban Renewal Authority, presented testimony on behalf of the agency, the executive director, and board of commissioners in support of *Bill 254* and in opposition of *Bills 203, 204, & 205* at 4:41pm.

31. Tom Mendiola presented personal testimony in opposition of *Bills 203, 204, 205* and partial support for *Bill 254* at 4:48pm.

*** Questions and comments were presented to the panel throughout the public hearing by Senator Klitzkie, Senator Kasperbauer, Senator Palacios, & Senator Leon Guerrero.**

*** Bill 203 adjourned to hearing on Thursday, February 9, 2006.**

Adjourned by Senator Klitzkie, chairman, at 5:46pm.



I Mina' Bente Ocho Na Liheslaturan Guahan
**Committee on Judiciary, Governmental Operations,
& Reorganization**

AGENDA
Friday, January 27, 2006

9:00am

Bill 203 (EC) AN ACT TO RESTORE THE AUTHORIZED POWERS AND PERSONNEL OF THE CIVIL SERVICE COMMISSION, BY REPEALING CERTAIN PROVISIONS OF THE GENERAL APPROPRIATIONS ACT OF FISCAL YEAR 2006

Bill 204 (EC) AN ACT TO RESTORE AUTHORITY TO THE CIVIL SERVICE COMMISSION AS IT EXISTED PRIOR TO THE ENACTMENT OF PUBLIC LAW 28-68, BY REPEALING SECTIONS 31-48 OF CHAPTER IV OF P.L. 28-68 AND REENACTING 4 GCA 4403,1114, 4101, 4102, 4105,4108, 4109.3, 4114, 4117, 4408, AND 5 GCA 20108 AND 36105.

Bill 205 (EC) AN ACT TO AMEND SECTION 47, CHAPTER IV, PUBLIC LAW 28-68, RELATIVE TO CHANGING THE EFFECTIVE DATE TO JUNE 30, 2006.

Bill 254 (LS) AN ACT TO AMEND 4 G.C.A. § 4101 RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; AN ACT TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(b) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(c) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006.

Bill 255 (LS) AN ACT TO AUTHORIZE GUAM POWER AUTHORITY AND GUAM WATERWORKS AUTHORITY TO PROMULGATE PERSONNEL RULES AND REGULATIONS AND PROVIDE LIMITED AUTHORITY ESTABLISH PAY SCALES FOR CERTIFIED, TECHNICAL AND PROFESSIONAL PERSONNEL.

For more information, please visit www.bobsoffice.org/judiciary.

*Written testimony can be submitted via e-mail to judiciary@bobsoffice.org.

For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan

155 Hesler Place Hagatna, Guam 96910

Bill 254 (LS) AN ACT TO AMEND 4 G.C.A. § 4101 RELATIVE TO THE PROMOTION OF GOVERNMENT EMPLOYEES BASED UPON MERIT; TO AMEND 4 G.C.A. § 4101.1 RELATIVE TO DELINEATING THE PERSONNEL MANAGEMENT RESPONSIBILITIES OF THE DIRECTOR OF ADMINISTRATION; TO AMEND 4 G.C.A. § 4105 RELATIVE TO THE RULES ENABLING AUTHORITY OF DEPARTMENTS, AGENCIES, AND PUBLIC CORPORATIONS; TO AMEND 4 G.C.A., CHAPTER 6, § 6205 RELATIVE TO RECRUITMENT ABOVE-STEP BY BOARDS AND COMMISSIONS; AN ACT TO AMEND 4 G.C.A., CHAPTER 6, § 6303(a) RELATIVE TO ALLOWING THE ADMINISTRATOR OF COURTS TO CREATE NEW POSITIONS IN THE JUDICIARY; TO ADD A NEW § 6303(b) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING DEPARTMENT HEADS TO CREATE NEW POSITIONS IN LINE AGENCIES; TO ADD A NEW § 6303(C) TO 4 G.C.A., CHAPTER 6 RELATIVE TO AUTHORIZING AUTONOMOUS AGENCY AND PUBLIC CORPORATION HEADS TO CREATE NEW POSITIONS IN AUTONOMOUS AGENCIES & PUBLIC CORPORATIONS; TO ADD A NEW §6303.1 TO 4 G.C.A., CHAPTER 6 RELATIVE TO PROVIDING FOR TRANSPARENCY & DISCLOSURE IN THE CREATION OF NEW POSITIONS AND ABOVE-STEP RECRUITMENT; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006.

	Name	Agency or Organization	Address	E-mail Address	Phone No.	Testimony		In Favor	Not In Favor
						Oral	Written		
1	Marybeth Torres	GPSS				✓		✓	
2	Rene R. Ranola	GPSS		ranola@teleguam.net				✓	
3	Cathy Cardenas	GPSS		ccardenas@doe.edu.gu				✓	
4	AUGUSTO DELGADO <small>D. O'Brien 57-1110 H. Allen H. Wilson</small>	UOG						✓	
5	Fred Nishihira	GPSS				✓		✓	
6	Katrina Pieper	"				✓		✓	
7	Mike Soliday	GPSS		outsidebuffmike@gmail.com		✓	✓	✓	
8	<small>D. O'Brien H. Allen</small>					✓	✓	✓	
9	JOSE TECHAIRA	CSC				✓			—
10	Acid F. Sumbilla	GCY				✓		✓	



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan
 155 Hesler Place Hagatna, Guam 96910

Bill No. 254

	Name	Agency or Organization	Address	E-mail Address	Phone No.	Testimony		In Favor	Not In Favor
						Oral	Written		
1	Juan Rieder	bcc		jrider@guam.net	735-5528	✓	✓	✓	
2	Low S.N.							✓	
3	Luis Ruge	SESS				✓		✓	
4	cen/mal/mra					✓			
5	Jess Tobias	GIAT		jeat@guam.net		✓		✓	
6	Luis Ruge	SESS					✓		
7	Daniel Nido	GIAT					✓	✓	
8	Benny Pineda	GIAT		benny@guam.net	475-1378		✓	✓	
9	Dr. H. Carlos Santos	SESS				✓	✓	✓	
10	Tomas Nido	SESS				✓	✓		

