

**Declaration Under Penalty of Perjury of Audreya Punzalan**

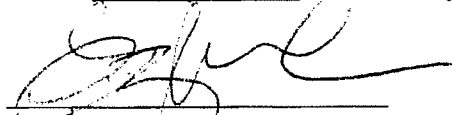
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on January 20, 2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on January 25, 2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on January 19, 2006 & January 25, 2006.
- 7.) I e-mailed notice to Speaker Forbes on January 19, 2006 & January 25, 2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature ([www.guamlegislature.com](http://www.guamlegislature.com)), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on January 19, 2006 & January 25, 2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). All bounce back emails were dealt with accordingly.
- 9.) I caused notice on [www.bobsoffice.org](http://www.bobsoffice.org), website for the Committee on Judiciary, Governmental Operations, and Reorganization, on January 11, 2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

**Declaration Under Penalty of Perjury**

**6 GCA Section 306**

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on February 2, 2006 on Guam by

  
\_\_\_\_\_  
Audreya "Audi" Punzalan

**APPENDIX A: NOTICE OF PUBLIC HEARING**



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

**NOTICE OF PUBLIC HEARING**

**A public hearing will be held on Friday, January 27, 2006 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:**

**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](http://www.bobsoffice.org/judiciary)

\*Written testimony can be submitted via e-mail to [judiciary@bobsoffice.org](mailto: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](mailto:judiciary@bobsoffice.org).

**APPENDIX B: MEDIA E-MAIL LISTING**

<p align="center"><b>Notice to all media : Outlet Managers, Publishers, Producers</b></p>	<p align="center"><b>Notice to all media : News Directors, Editors, Reporters</b></p>
<p><b><u>PRINT</u></b>  <b>Marianas Variety</b> – Amier Younis, Ops Mgr, amier@mvguam.com  <b>Directions</b> – Jerry Roberts, Publisher, jroberts@directionsguam.com  <b>Guam Business</b> – Steve Nygard, Publisher, snygard@glimpses.guam.net  <b>Pacific Daily News</b> – Government Meetings Section life@guampdn.com  <b>Marianas Business Journal</b> – Steve Nygard, Publisher, snygard@glimpses.guam.net  <b>Guahan Magazine</b> – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com  <b>Mabuhay News</b> – Ritchie Lim, Publisher, paciwire@ite.net  <b>Mariana’s Variety</b> – Ad Section , ads@mvguam.com</p> <p><b><u>TV</u></b>  <b>KUAM Ch. 8</b> – generalmanager@KUAM.com  <b>KUAM Ch. 11</b> – generalmanager@KUAM.com  <b>ABC 14</b> – David Larson, Gen Mgr, david@go14.tv  <b>KGTF</b> – kgtf12@ite.net</p> <p><b><u>RADIO</u></b>  <b>K57</b> – Ray Gibson, General Mgr, rgibson@k57.com  <b>Power98</b> – Roque Aguon, General Mgr, raguon@power98.com  <b>105 Rock</b> – Albert Juan, General Mgr, ajuan@105therock.com  <b>I-94 FM</b> – Fredalynn Mortera Hecita, fredalynn@kuam.com  <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com  <b>K-StereO</b> – Ed Poppe, General Mgr, ksto@ite.net  <b>KISH (102.9 FM)</b> – Ed Poppe, General Mgr, ksto@ite.net  <b>Hit Radio 100</b> – Vince Limuaco, Sales Mgr., marketing@hitradio100.com  <b>KPRG (89.3 FM)</b> – General Manager, kprg@guam.net  <b>Harvest Family Radio</b> – khmg@harvestministries.net  <b>KTKB</b> – ktkb@ktkb.com  <b>KOLG 90.0 FM</b> – Contact, chuck@kolg.org  <b>KTWG 800 AM</b> – Ops Mgr , Kleilani63@hotmail.com</p>	<p><b><u>PRINT</u></b>  <b>Pacific Daily News</b> –Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com  <b>Marianas Variety</b> – Mar-Vic Cagurangan, marvic@mvguam.com  <b>Directions</b> – Gennette Quan, Editor, editor@directionsguam.com  <b>Guam Business</b> – Maureen Maratita, Editor, mmaratita@glimpses.guam.net  <b>Marianas Business Journal</b> – Maureen Maratita, Editor, mmaratita@glimpses.guam.net  <b>Guahan Magazine</b> – Jayne Flores, Editor, jayne@guahanmagazine.com  <b>Mabuhay News</b> – Ritchie Lim, Editor mabuhaynews@yahoo.com  <b>Mariana’s Variety</b> – Ad Section, ads@mvguam.com</p> <p><b><u>TV</u></b>  <b>KUAM Ch.8</b> – Sabrina Matanane, News Dir, Sabrina@KUAM.com  <b>KUAM Ch. 11</b> – Sabrina Matanane, News Dir, Sabrina@KUAM.com  <b>ABC 14 News</b> – John Anderson, News Director, jontalk@k57.com</p> <p><b><u>RADIO</u></b>  <b>I-94 FM</b> – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com  <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com  <b>K57, Power98, 105 Rock</b> – Patty Arroyo, News Director, parroyo@k57.com  <b>K-StereO</b> – Jean Hudson, News Director, kstonews@ite.net  <b>KISH (102.9 FM)</b> – Jean Hudson, News Director, kstonews@ite.net</p>

**APPENDIX C: COMMITTEE MEMBER E-MAILS**

Senator Robert Klitzkie, Chairman  
 Speaker Mark Forbes, Ex-Officio  
 Senator Jesse A. Lujan, Member  
 Senator Larry Kasperbauer, Ph.D., Member  
 Senator Ray Tenorio, Member  
 Senator Benjamin J.F. Cruz, Member  
 Senator Adolpho B. Palacios, Sr., Member

[bob@bobsoffice.org](mailto:bob@bobsoffice.org)  
[speakerforbes@yahoo.com](mailto:speakerforbes@yahoo.com)  
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[patrickcepeda@hotmail.com](mailto:patrickcepeda@hotmail.com)



# BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

FELIX PEREZ CAMACHO  
GOVERNOR

KALEO SCOTT MOYLAN  
LIEUTENANT GOVERNOR

CARLOS P. BORDALLO  
DIRECTOR

JOSE S. CALVO  
DEPUTY DIRECTOR

JAN 31 2006

The Bureau requests that Bill No(s). 254 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 254 (LS) is 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. The aforementioned legislation is administrative in nature and entails no fiscal impact.

Carlos P. Bordallo  
Director, BBMR

*Jan 1/25/06*



Felix P. Camacho  
Governor  
Kaleo S. Moylan  
Lieutenant Governor

DEPARTMENT OF ADMINISTRATION  
(DIPATTAMENTON ATMENESTRASION)  
DIRECTOR'S OFFICE  
(Uffisinan Direktot)  
Post Office Box 884 \* Hagatna, Guam 96932  
TEL: (671) 475-1101/1250 \* FAX: (671) 477-6788



Lourdes M. Perez  
Director  
Joseph C. Manibusan  
Deputy Director

JAN 27 2006

HRD No. 06-0323

Senator Robert Klitzkie  
Committee on Judiciary, Governmental  
Operations and Reorganization  
28<sup>th</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Dear Senator Klitzkie:

Buenas yan Hafa Adai! Thank you for the opportunity to comment on Bills 203, 204, 205 and 254, all concerning the Civil Service Commission (CSC) reform. While Bills 203, 204 and 205 are all similar in their goals to conduct a public hearing on the recently passed law which transferred the non-adjudicatory functions of the CSC to the Department of Administration (DOA), and to the extent of repealing the provisions of Public Law 28-68, this office does not agree to the repeal of those provisions. With regard to conducting public hearings, there has been past transfer of functions from DOA to the Department of Public Works, involving nine DOA Housing classified employees, which did not have a public hearing. Additionally, the Guam Mass Transit Authority (GMTA) employees were transferred to DOA without the benefit of a public hearing.

Bill 204 (EC) stated the transfer of the non-adjudicatory functions of CSC to DOA creates a fragmented review system and diminishes classified employees' protection, by placing the functions of auditing pay equity, creating positions, determining qualifications, applicant ratings and testing, detailing of employees and reviewing said actions for compliance to law in the hands of a single government agency. All of the above functions have been and are currently still being performed by the Human Resources staff of the DOA. CSC's single role in the above functions is to review the work of DOA and approve or disapprove the action. Additionally, CSC is also a single government agency, whose Executive Director and Board members are appointed by the Governor. If the fear of losing the merit system is the intent of Bill 204, the Department of Administration' Personnel Rules and Regulations have been developed by DOA staff and received the blessing of CSC to implement. This role of CSC to constantly serve as a security guard for the compliance to laws, rules and regulations by the departments and agencies, has grown to create a hindrance to the efficient operation of government operations. As has been identified in some public hearings for the creation of positions, above-step hiring and other necessary personnel actions, requested by department heads, the CSC has taken its time in allowing those officials to meet their mission requirements.

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As an example of some of the concerns of department heads, with regard to some of CSC's authority over agencies, the following is provided. A recent audit was conducted by a CSC junior analyst, who determined that the department does not need all the Management Analysts the department had recently hired, based on the merit system. The positions were announced, applicants were evaluated by DOA for qualifications, and were interviewed for selection. There were approximately five employees who competed and were legitimately selected. The analyst determined that the employees were not performing management analyst work and therefore ordered the personnel actions null and void, and required the employees to pay back the government for the salaries they received from the date of promotion. It was the department head's decision that the positions were needed and that those hired were performing management analysis work. It is beyond comprehension how an outsider should make the determination of what are needed for the operations of a department. The merit system was in place throughout the process, the CSC did not refute that, however, it was CSC's judgment that the department does not need the type of position.

Another provision in Bill 204 stated that the lack of independent review of hiring and employment complaints creates conflicts of interest and potential reversion to abusive or politically motivated employment practices within the Executive Branch. All those concerned about the lack of independent review in the hiring and employment complaints must understand that there are management tools in place to address those concerns. The CSC will continue to address employees' grievances and appeals. Every opportunity is provided to listen to employees' dissatisfaction, whether it be hiring, promotion, discipline, or any other employment matter, by department heads, human resource staff and the CSC. There is no reason to think that employees and applicants for employment will be denied the opportunity to bring their concerns to appropriate management officials.

Lastly, it appears that Bill 204 has made CSC synonymous with the merit system, and completely ignored the fact that the merit system does not happen at the end of a personnel action or any management decision. The merit system begins at the start of an action, which is in classifying a position to ensure that no artificial barriers are imposed to discriminate against persons with disabilities, in the recruitment process, during the interview of applicants and the final selection. The merit system also starts when management is preparing for a disciplinary action either for poor performance or conduct. Every decision made by management has to have the element of the merit system. So, as you can see, the merit system is in no way at jeopardy because of the transfer of non-adjudicatory functions from CSC to DOA.

It is the absolute power and authority granted to CSC by the past Legislatures and Administrations that have created the situation that are now aggressively objected by some department heads. The null and void authority gave CSC final say of their decision, with little to no other avenue for management to defend its decisions. There has got to be a balance of power by which the employees and management are put in a win-win situation.

With regard to Bill 254, this office strongly supports the openness and transparency proposed by this bill. It is also our desire to have the Department of Administration continue to be the authority in the creation of new positions and for the approval of above-step requests. However, in order to avoid any perception of political interference and lack of public participation in such

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actions, we recommend that the Department of Administration establish a Human Relations Officer Coordinating Council, to be comprised of human resource professional staff of the Executive Branch. This will include participation by HR's from all autonomous departments and agencies to review requests for above-step and creation of positions. This Council will also assist in the assessment and update of the Unified Pay Schedule based on Hay methodology or other experts in position classification and salary administration. This suggestion will ensure the consistency and uniformity of policies and procedures within the entire Executive Branch. The HR Council is to replace Bill 254's provision to have governing boards and commissions review and approve petitions for such actions. The Council will review all petitions for classification and compensation and submit its recommendation to the Director of DOA for final approval. Bill 254's proposal to have members of these boards and commissions have the final approval, is not recommended based on the presumption that those members may not have the required knowledge in human resource matters to make those informed decisions, as opposed to those hired and/or trained to perform such tasks. By establishing/creating such a Council will diminish the concerns of the now defunct duties and responsibilities of the CSC regarding actions taken without compliance with established personnel laws and rules.

The Bill's proposal to post petitions for above-step and creation of positions on the website is a step toward modernization of personnel actions. This action will encourage the Human Relations Officer Coordinating Council to act with diligence, integrity, consistency and conformance with established personnel laws, rules and regulations in their recommendation to the Director of Administration for above-step or the creation of new positions.

Finally, the USDA Graduate School has made available an expert in the area of classification and compensation to assist the CSC and DOA in resolving complaints by department heads in the difficulty in recruiting and retaining employees due to the low salaries under the current Unified Pay Schedule. The attached recommendation of Mr. Eric Carroll is forwarded for your information and use. It is understood that Mr. Carroll met with the Director of the CSC, the Chairman of CSC Board and other officials of CSC to explain his findings and recommendation, and generally to obtain their concurrence. However, the CSC made no recommendation to accept or reject the USDA study.

Si Yu'os Ma'ase for allowing us to comment on the above bills. If you have any questions regarding the above comments, please contact this office at 475-1101.

Sincerely,

LOURDES M. PEREZ, Director  
Department of Administration

Attachment

## Executive Summary

The Pacific Island Training Initiative (PITI) conducted an assessment of the Human Resource (HR) Division, Department Of Administration, to help staff prepare for resuming a legally mandated job classification review of all government positions. The purpose was to evaluate current staffing levels, capabilities and workloads in the HR branches and to determine **possible business process alternatives** to improve and streamline operations.

One major complaint often heard is that the Government Of Guam (GOG) agencies **can't get the right person for the right job in a timely fashion**. Much of this issue depends on job classification and compensation.

### Classification

For GOG the legally mandated review of all government jobs, it turns out, is the one key personnel activity that is also most open for the greatest streamlining. Job classification determines the proper grade for a position and the resulting pay level for the incumbent. Classification ensures equal pay for work of equal value.

Within GOG such reviews are normally done in the HR Division. However, results are further reviewed by the Civil Service Commission (CSC). Such reviews also involve two different approaches, that is, the use of classification **standards** from the previous system (pre-1991) and a manual application of the more recently adopted Hay System job evaluation **factors**. Thus 2 systems exist for 1 task.

**The standards themselves are significantly out of date due to the rapid change in the nature of a number of different occupations within the last ten years.** Updating standards can be a very costly and labor intensive enterprise. The current moratorium on classification reviews has also kept the issue of updating these standards buried for the time being. GOG currently uses approximately 550 classification standards.

**The Hay Job Evaluation System, on the other hand, is definitely a streamlined and easy system to apply and update in comparison to the effort needed to apply and maintain a Classification Standards based system.** At this point in time it is unknown why GOG is using two systems other than the comfort level of doing classifications well.

During the assessment process it further came to light that the CSC has possession of and uses a Computer Aided Job Evaluation (CAJE) process for its Hay evaluation - an automated versus a manual application. CAJE involves use of a 21 question questionnaire (HayXpert) where responses can be fed into software that quickly determines the proper classification (grade) level. **This automation represents the best practice for an efficient job evaluation (classification) system.** Once a staff person understands the Hay factor application and has some proficiency in its application, a manual application of the Hay factors is no longer necessary for routine classification reviews.



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**Human Resource Assessment  
Department of Administration**

**Government of Guam**

**January 24 – February 1, 2005**

## Overview

Under the auspices of the Pacific Island Training Initiative, USDA Graduate School, Eric Carroll conducted an assessment of the Human Resource (HR) Division, Department of Administration, Government of Guam (GOG) to help staff prepare for resuming a legally mandated job classification review of all government positions.

The purpose of the assessment was to evaluate current staffing levels, capabilities and workloads in the HR branches and to determine **possible business process alternatives** that would improve and streamline operations. This effort also fulfilled the first steps of Goal #5 within the 2005 Financial Management Improvement Plan (FMIP).

One major complaint often heard is that GOG agencies **can't get the right person for the right job in a timely fashion**. Much of this issue depends on job classification and the resulting compensation level.

Other current activities covered by Goal #5 are as follows:

- recruitment processes
- timely drug testing
- handling temporary promotions and details
- processing promised compensation actions
- enhanced and priority placements due to privatizing and outsourcing
- possible reorganization of government functions leading to a shifting of staff and job duties.

The last activity, the shifting of job duties, is in fact already happening even without a reorganization of functions. The workload of reviewing jobs impacted by shifting duties actually began in 1999 with vacancies occurring as a result of the voluntary separation program. This workload was further complicated by the moratorium on job classification reviews that began in 2001. As jobs became vacant, they were not filled while the duties remained and were shifted to the rest of staff.

This shifting of duties has continued more recently but for a different reason. Over the last two years due to the deployment of staff to active military duty, GOG has been experiencing a further shift of job duties which has impacted on the workload of the HR Division. Approximately 10% of all vacancies are due to deployment.

Deployment impacts the number of temporary promotions and details and the resulting processing of promised compensation actions. Leave sharing and benefit plan changes are other areas of increased activity related to the deployment. Privatizing has further added to the workload with enhanced and priority placement programs going into effect.

Shifting job duties and the resultant workloads will continue in the near future

- as those deployed return to their jobs,
- as the moratorium is lifted,

- as any reorganization is scoped out, and
- as the Fair Labor Standards Act is changed in its determination of who is an exempt or nonexempt employee.

In essence, much personnel activity and processing has continued in spite of the general moratorium on reviewing job classifications.

Some of the other issues addressed as part of this assessment are as follows:

- sufficient staff for normal operations
- training to maintain professional proficiencies
- adequate software support for efficient operations
- linkage between various HR systems including job descriptions, their evaluation (classification), recruitment, and performance appraisal.

The assessment included a review of a previous HR workload analysis and interviews with all seven branch supervisors within the HR Division along with interviews of other key management officials including the Civil Service Commission staff and the Chairman of their Board, the new Speaker in the Legislature and the Governor. Additionally, a couple independent agencies were interviewed for their input as users of the same human resource system of job classification and compensation.

### **Possible Business Process Alternatives**

The **alternatives** resulting from the assessment are listed below along with a suggested **action plan** for considering them in formulating the initiative to resume normal operations. A more detailed discussion of efforts, findings and assessments that are the basis for these alternatives follows.

#### **Alternatives**

1. Wider use of the Hay questionnaire and its attendant software for processing computer aided job evaluation (CAJE) by the Classification Branch and other independent government corporations as the sole basis for conducting the legally mandated classification reviews of all jobs every year. Detailed reviews of discovered anomalies can be spread over 5 years depending on the number found. This may entail a cost for further licensing the Hay software.
2. Certification of resulting classification and internal (to the job) Hay factor consistency to be done solely by HR staff for the individual job classifications in line and autonomous government agencies. The same approach should apply to the HR offices inside independent government corporations.
3. Certification of intra- and inter-agency classification consistency by the Civil Service Commission using only the Hay system. A separate classification panel or board can be established for the same purpose within independent government corporations.
4. Discontinue efforts for development, updating and use of classification standards as these standards are duplicative of the objective for the Hay application.

5. Discontinue manual use of the Hay factors except for detailed analysis of job classifications and review of anomalies.
6. Simplify the Position Description (PD) in a way that links a streamlined list of key grade controlling duties with the resulting Hay evaluation factor descriptions and the Minimum Qualification Requirements/Knowledge, Skills and Abilities (MQRs/KSAs) (possibly pulled out of the existing standards documents).
7. Train first line supervisors in all agencies and independent government corporations on how to write a streamlined PD once the format is chosen.
8. The resulting streamlined PDs to be used as the starting point for review of any classification appeals resulting from application of CAJE.
9. Obtain additional Hay training and updates for staff in the Civil Service Commission, in the HR Division and in independent government corporations. Possibly add one additional classification staff specialist depending on the workload generated by the first government-wide application of the computer aided job evaluation review.
10. Expand the MQR/KSA development and review within the Testing Branch.
11. To reduce pressure for upgrading to achieve higher pay for hard to fill positions and better labor market alignment of pay with the classification system, gradually move the Unified Pay Scale toward Compensation Comparability with the market by eliminating:
  - a. Use of step 1 as the in-hire rate for levels A through G
  - b. Use of steps 1 & 2, then 3, then 4 as the in-hire rate for levels H through K
  - c. Use of steps 1 through 4, then 5, then 6, and on up to step 9 as the in-hire rate for levels L and up.
12. Possibly formalize the benchmarking of hard to fill positions at the individual agency or government corporation level both for the list of key duties and for the approximate pay level, that is, the going rate in the outside market inclusive of the multinational and global markets, where applicable.
13. Explore greater flexibility in the use of above in-hire step appointments for hard to fill positions with possible time limits for their use. This will require an assessment of the number of current incumbents in affected positions and the need to adjust their pay as well.
14. Consider a permanent Board or group of individuals to draw from for hearings on grievances, appeals and adverse actions. (Need to clarify current organizational responsibilities in order to pursue this issue in detail.)
15. Streamline current HR efforts inside two HR Branches as follows:
  - a. Move Recruitment from a DOS based software for evaluating and drawing up the lists of eligible candidates over to a Windows based platform.
  - b. Move the medical and life insurance premium payments for the Defined Contribution retirement system employees from a manual staff operation over to an automated payroll function.
16. Update the current recruitment tests but only for those positions where the number of applicants for any announcement is excessive, that is, somewhere between 30 and 100+ applicants as a way to efficiently screen them.

17. Increase the professional level of expertise in the HR Division by
  - a. support of key staff membership in the Society for Human Resource Management (SHRM) where cost is minimal,
  - b. participation in monthly SHRM meetings with Human Resource and Benefits experts,
  - c. having one or more key HR staff obtain certification as a Senior Professional Human Resource Manager. In addition, provide the same level of support for at least one staff member in the Benefits Branch becoming certified in an equivalent benefits oriented professional organization, such as WorldatWork. These courses tend to be a high cost item but one spread over time.
18. Analyze the work flow and multiple steps involved in effecting various types of personnel actions with the goal of streamlining this process.
19. Use streamlined PD's as basis for recruitment and possibly as basis for performance evaluations.
20. Centralize all the basic human resource functions, except PD writing and performance appraisal, in the HR Division for all line and autonomous agencies. Independent government corporations should consider centralizing where greater efficiencies can be achieved. One possible area could be a personnel data base.

### **Action Plan and Priority**

The **first step** for GOG should be establishment of a **Human Resource Roundtable**

1. to review the above alternatives,
2. to obtain additional input from all the system users,
3. to raise other issues and roadblocks to sound Human Resource management within GOG,
4. to address the interrelationship between DOA, CSC and GOG's HR managers, and
5. to formulate a final prioritized Human Resource action plan for GOG.

The Human Resource Roundtable should be tasked to start as early in April 2005 as possible and to produce the prioritized action plan by the end of May 2005.

Composition of the Roundtable group should draw from the cadre of HR managers

- within the HR Division and the Civil Service Commission,
- within line and autonomous agencies and
- within independent government corporations.

A suggested action plan and level of priority is listed below for each of the above alternatives. These alternatives are meant as a start. The input from the user agencies and corporations can definitely enhance and add to this list and possibly change the focus of where the priorities should be placed.

The alternatives below relate directly, number for number, to those listed above.

<b>Business Process Alternative</b>	<b>Priority</b>	<b>Time Frame for Action</b>
1. Wider use of CAJE	Top - due to efficiencies of automation	Obtain licensing and Hay training immediately, require completed questionnaires in 2 months, start review of anomalies by third month
2. Decentralize classification to HR staff	Top - to reduce duplication of management functions	Immediate preparation of questionnaires
3. Develop CSC interagency reviews	Top - to facilitate system monitoring	Immediate development of the review process
4. Discontinue use of classification standards	Top - to reduce duplication and avoid costly updates	Immediate cessation
5. Discontinue routine manual Hay evaluation	Intermediate - due to the training value at present	Within 6 months
6. Simplify the PD	Low - due to long term value of streamlining and the developmental effort	Within 6 months and after a work group deliberation of best format
7. Train first line supervisors re new PD	Low - to decentralize some of the classification function	Within 1 year and after simplified PD is available
8. Use new PD as basis for any classification appeals	Low - due to long term system need	Within 1 year and after simplified PD is available
9. Obtain Hay training and 1 new classifier	Top - in the interest of jump starting classification review	Within 3 months to start review of anomalies and interagency consistency
10. Expand MQR/KSA development	Low - due to its role as part of simplifying the PD	Within 6 months after the PD work group deliberation
11. Adjust in-hire rate on the Unified Pay Scale	Top - to demonstrate interest in making GOG an employer of choice	Immediate move to at least step 2 to start gradual transition for all grades
12. Benchmarking hard to fill positions	Intermediate - to determine specific areas where relief needed for in-hire rates	Within 6 months after canvassing each agency for areas of concern
13. Expand flexibility in using higher in-hire rates	Intermediate - as parallel effort on benchmarking	Immediate policy/regulation review/change
14. Review grievance procedure and organizational location	Low - due to development effort needed	Within 1 year to handle any appeals
15. Streamline current HR efforts - recruitment posting, benefits processing	Top - due to efficiencies of automation	Immediate resourcing of software development and implementation

16. Update but limit testing	Low - for test updating Top - for limiting	Immediate review of where limits may apply. Within 1 year to obtain any update
17. Increase HR professionalism	Top - due to immediate availability of resources on Guam	Immediate outreach and membership needed to begin the process
18. Streamline personnel action process	Intermediate - due to developmental effort	Within 6 months work group to start review
19. Link streamlined PD's to recruitment and performance appraisal process	Low - due to developmental effort needed and dependence on PD work	Within 1 year and after streamlined PD is available
20. Centralize HR functions	Intermediate - due to dependence on strengthening HR staff's classification/pay, recruitment and benefit efforts	Within 6 months begin documentation of existing duplications

### Findings

Much of the information obtained and used as the basis for the above business process alternatives came from the interviews with key HR staff supervisors and members of the Civil Service Commission. In addition, the information contained in the workload analysis of the HR Division that was conducted in 2002 provided a handy starting point in assessing available resources and current functions being performed by this Division.

While the initial conclusions of the workload analysis pointed to possible overstaffing of the HR Division relative to the workload demand, the analysis was done at a time when a moratorium on classification reviews and personnel actions existed and prior to increase in actions needed to handle the Iraq deployments. A closer review of the section by section staffing in the 2002 workload report shows that out of 7 sections:

- a. 3 sections were adequately staffed
- b. 1 section was significantly understaffed
- c. 1 section was slightly overstaffed
- d. 2 sections were somewhat overstaffed.

However, for at least one of the overstaffed sections, half the work functions were not taken into account and the most important function was one of the missing functions. A major function was also missed in the one understaffed section. These missing functions appear due to a misunderstanding of what function to measure or of what is measurable.

Once all the functions are taken into account, it appears the overall conclusion should be that the HR Division was adequately staffed for a moratorium but possibly not for

resumption of normal operations. The details can be examined more closely in the charts below.

**This conclusion does not necessarily lead to the follow-on conclusion that HR staffing needs to increase with resumption of normal operation.** Rather an alternative conclusion could be that the work processes may have some room for **streamlining** which would provide the basis for more efficient use of staff than is currently done. Once streamlining is accomplished, then the staffing issue could be revisited.

The focus of this assessment is on these work processes and looking for possible areas/functions that may be open to streamlining. The previous workload analysis did note that 4 sections needed greater efficiency even though properly staffed or understaffed at that point in time. This current assessment served to identify some aspects of the workloads in these sections that can be streamlined for greater efficiency.

It should be noted in this assessment that the overall proficiency of the HR Division staff was found to be quite high but in danger of losing their professional edge if not updated through regular training and exposure to developments in their occupational field, particularly in terms of automation and benefits management.

There is the additional danger during an extensive period of a moratorium in light of this staffing issue in that professional staffs are extremely prone to **micro-managing** and going beyond basic procedural requirements as a way to justify continued employment and to fill out the work day by exercising their skills. The same danger applies not only to the HR Division staff but also to the CSC staff where much of the oversight review work is done.

#### HR Division Workload Analysis

HR Division Sections	Staffing 2002	Evaluation 2002	Staffing 2005	Comments 2005
Classification	4	Properly staffed Needs efficiency	3	Missing Promised Pay Actions workload, Hidden turnover of key staff, Needs Automation
Recruitment	6	Slightly overstaffed Needs efficiency	3	Still using DOS based programs to post list of eligible candidates



Testing	2	Properly staffed Needs efficiency	2	Need to update tests but limit job types needing testing
Employee Management Relations	4	Properly staffed (insufficient detail)	4	Drug testing delays beyond Section control, Hearing Boards hard to form up
Benefits	3	Overstaffed	4	Missing Benefits Contracting Process, Manual Processing, and Ad Hoc RFPs
Training	5	Overstaffed	2	Good staff ratio re current 2005 demand
Records Payroll	5	Understaffed Needs efficiency	4	Missing time spent on generating Reports

#### Further Comments

1. In the above staffing numbers there was no distinction between specialists, qualified specialists and support staff. This difference can have a dramatic effect on the productivity and possibly the liabilities of a section. For example, the loss of Hay trained classifiers and their replacement with untrained staff seriously handicaps this section for efficient operation or adoption of automation techniques.

Likewise in Benefits the existing specialists are very highly experienced but lack full training and certification as benefits specialists. This lack can have serious consequences in a rapidly changing, high cost function and can lead to serious delays in awarding yearly benefit contracts or to cost growth that is out of control. Some contractual backup currently exists which reduces the liabilities in this area but resources appear stretched thin.

Even in the Payroll function, there is only one specialist with no backup nor any checks and balances on this one individual's authority to enter changes into and in the system. GOG benefits from a dedicated and conscientious employee in this position but should not be taking this contribution for granted. Both the employee and the system need better protection with some sort of checks and balances and backup.

If anything, a further **Risk Management Assessment** should be conducted on the **payroll system** and possibly on **benefits management**, which are not under the purview of this HR assessment.

2. The use of DOS based programs for recruitment and manual processing of medical and life insurance premium payments are glaring software deficiencies that can be easily corrected with immediate software development.
3. Some of the delays in drug testing appeared due to the Medical Review Officer being off island which added up to 2 weeks to a normal 3 to 5 day turnaround time for processing the tests. In addition, delays in Bureau timely funding of the tests can further delay the test being done. Details on the number of tests being delayed and the length of the delay were not available to make this assessment more precise.
4. It appears the number of staff have been appropriately reduced in both the Recruitment and the Training sections where the demand has in fact decreased over the last several years.
5. Of the 4 areas needing greater efficiency, the above comments and business process alternatives have noted the areas where efficiency can be explored for Classification, for Recruitment and for Testing but not for Records/Payroll section.

In this latter case, while the 2002 workload analysis indicated greater efficiency was needed for Records/Payroll, it also noted this section was understaffed. However, this analysis also missed a major function of Reports Generation.

In addition, the whole personnel action approval process needs examination since many of the offices that clear on a variety of personnel actions before they can be implemented are outside of this section and the HR Division itself. There may be some unnecessary layering or reviews that can be eliminated once this whole process is documented.

Thus identification of possible personnel action efficiencies will need further examination before clear cut efficiencies can be identified. This approval process also has a major impact on the handling of temporary promotions and details as well as the processing of promised compensation actions.

## **Major Assessment Areas**

### **Position Classification**

For GOG the legally mandated review of all government jobs, it turns out, is the one key personnel activity that is also most open for the greatest streamlining. Job classification determines the proper grade for a position and the resulting pay level for the incumbent. Classification ensures equal pay for work of equal value.

Within GOG such reviews are normally done in the HR Division. However, results are further reviewed by the Civil Service Commission (CSC). Such reviews also involve two different approaches, that is, the use of classification **standards** from the previous

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system (pre-1991) and a manual application the Hay job evaluation **factors**. Thus 2 systems exist for 1 task.

**The standards themselves are significantly out of date due to the rapid change in the nature of a number of different occupations within the last ten years.** Updating standards can be a very costly labor intensive enterprise. The current moratorium on classification reviews has kept the issue of updating these standards buried for the time being. GOG currently uses 550 classification standards.

**The Hay Job Evaluation System, on the other hand, is definitely a streamlined and easy system to apply and update in comparison to the effort needed to apply and maintain a Classification Standards based system.** At this point in time it is unknown why GPG is using two systems other than the comfort level of doing classifications well.

The only areas that may need to be addressed in use of the Hay system is the definition of the Knowledge Skills and Abilities (KSAs) and the Minimum Qualification Requirements (MQRs) needed for the job. These aspects are critical in conducting recruitment and candidate screening. These aspects are currently captured in the classification standards and are in need of updating.

To a great extent, these aspects can be built into a streamlined PD right in the description of the applicable Hay factor levels themselves that apply to a particular position, particularly the Know How and Problem Solving factors. There is no need for a separate section in the PD for KSAs and MQRs.

During the interview process it further came to light that the CSC has possession of and uses a Computer Aided Job Evaluation (CAJE) process for the Hay evaluation - an automated versus manual application. CAJE involves use of a 21 question questionnaire (HayXpert) where responses can be fed into software that quickly determines the proper classification (grade) level. **This automation represents the best practice for an efficient job evaluation (classification) system.**

Once a staff person understands the Hay factor application and has some proficiency in its application, a manual application of the Hay factors is no longer necessary for routine classification reviews. Currently staff can review approximately 150 to 190 job classifications required for a variety of personnel actions per year using the manual approach and existing staff resources. Obviously this is not sufficient to review all jobs every 5 years as mandated. Using the questionnaire and CAJE software, on the other hand, would allow the same staff to machine responses for 4000 positions almost instantly and possibly even 17,000 positions.

Thus GOG has multiple duplicative labor intensive procedures for what should be a straightforward classification review, that is,

- use of classification standards and use of Hay job evaluation factors
- manual use of Hay factors and an automated computer application
- review done by both HR Division and by the CSC.

A streamlined approach to the same process would mean the **HR Division alone using the CAJE software for normal reviews to fulfill the legal mandate for line and possibly, autonomous agencies. Independent government corporations will need to adopt the same approach.** In-depth manual reviews would be done for anomalies and areas of disagreement. Existing staff of 3 fully trained staff can possibly do 200 to 300 of these in depth reviews (about 5% of the total of line agencies) every year. More staff may be needed if more in-depth reviews are needed, especially for 17,000 jobs.

The CSC resources could in turn be better directed to consistency reviews between and among the various agencies and their job families (clerical, technical, administrative and professional jobs) and possibly hearing classification appeals where there are disagreements between agencies and the HR Division on specific classifications.

**In point of fact, the Commission itself holds the key to this streamlining effort since the Commission controls the above personnel policies and procedures. If the Commission does not participate in consideration of alternative streamlined approaches and begin implementation of the most effective ones, then GOG will experience business as usual or, worse, a slowdown in personnel processing as job change activity increases with reorganization.**

The classification reviews could be further streamlined if the current position description (PD) format were itself streamlined, that is, one that shows key (3 to 5) grade controlling job responsibilities (in lieu of a laundry list of all duties and responsibilities) and the Hay factor evaluations all on two pages (in lieu of the current 13 page pink document). This would involve a more long term labor intensive effort to formalize the streamlined PD format but one that should not interfere with decentralizing and routine use of CAJE by the HR Division.

To provide some incentives for employees and their first line supervisors to fill out a streamlined PD, the CSC could require use of the new PD as the basis or starting point for any classification appeals that may follow from the CAJE and in-depth applications. Likewise the CSC could require the HR Division to use the new PD format for all future recruitment efforts.

For the long term, GOG would have to ensure training on PD writing for all first line supervisors. Once trained, GOG could then require all PD's be rewritten in the new format as the basis for some future annual review of all job classifications.

## Compensation

While the Unified Pay Scale (UPS) was not listed as a subject for this assessment, it is in point of fact one of the major pressure points behind the need for job reclassifications. It has not been adjusted since 1991 while the labor market has moved forward with higher levels of compensation for certain occupations.

By internal policy GOG has rigidly adhered to use of step 1 as the in-hire rate for new hires and has thus artificially kept salaries low in spite of the market pressures. One way to get around this pressure has been for agencies to seek to reclassify jobs to a higher grade level or to separate out certain job types for higher pay on a separate pay scale. This pressure has already begun to have an impact on GOG operations and could lead, in time, to a fracturing of the UPS and loss of sound management practices.

At the same time, many agencies of GOG have been having an increasingly difficult time finding and hiring higher qualified staff due to

- out of date job standards,
- out of date classifications and
- below market pay rates that are not sufficiently adequate to even attract good candidates.

The levels of frustration have been growing.

To assess the UPS and any change needed in the pay rates or structure itself, Mr. Carroll obtained the July 2004 salary rates as measured by Andrus Associates, Inc. and compared these rates with those on the UPS. Fortunately, the HR Division participated in this survey and had on hand a copy of the results.

Initial comparisons indicated that lower grade levels were slightly behind the going rates in the market while upper levels were significantly trailing behind the market. The details are in the following chart.

The median rate found in the private sector is compared to the closest step on the current UPS for a number of benchmark jobs. The matching of the GOG jobs to those surveyed by Andrus were not examined in detail and accepted at face value. The median rate tends to be the more conservative than use of the mean or average rate, although this was found not to be true for some of the benchmark jobs in the Andrus survey.

In addition, several jobs have a ? beside their grade indicating the match of duties and responsibilities or the general job alignment warrants closer examination.

<u>Job Title</u>	<u>GOG Grade</u>	<u>Median Rate</u>	<u>Closest Step</u>
1. Custodian	C	\$ 7.87	2
2. General Maintenance	D?	\$11.23	11
3. Cashier	D	\$ 6.00	-1

4. Receptionist	E	\$ 8.76	2/3
5. Clerk Typist	E	\$10.81	7
6. Security Guard	F	\$ 8.62	1
7. Human Resource Clerk	G	\$11.01	5
8. Accounting Clerk I	G?	\$ 9.56	2
9. Security Manager	G?	\$19.97	20+
10. Purchasing Agent	H	\$16.87	5
11. Heavy Equipment Operator	I	\$13.00	5
12. Accounting Clerk II	I	\$12.16	4
13. Payroll Clerk	J?	\$12.92	4
14. Accounting Clerk III	J	\$14.89	7
15. Human Resource Assistant	K	\$16.00	7
16. Auditor	L	\$17.07	7
17. Financial Analyst	L	\$18.91	10
18. Project Manager	L	\$28.83	20+
19. Training Representative	L	\$18.92	10
20. Systems Analyst	M	\$20.40	10
21. Civil Engineer	M	\$20.16	9
22. Public Relations Manager	M	\$23.12	13
23. Accounting Manager	O	\$24.04	10

Fortunately the GOG had added 10 more steps to the pay range for each grade in 1991 as a way to handle saving pay for down grades upon application of the new Hay job evaluation system. Unfortunately these steps were not available for use as in-hire rates.

**As a result, GOG has a bifurcated pay application**

- with downgraded employees receiving pay in steps 11 through 20 that is more likely to be market oriented and
- with properly graded employees and new hires being paid below market rates at steps 1 through 10.

To immediately move to market based compensation rates would be cost prohibitive for GOG due to the immediate funding impact at a time when funds are scarce. However, market based compensation rates are already available in the sense that the upper step rates are close to going rates in the current labor market.

It is more a question of how to gradually transition to use of these rates in a manner that has a moderate budget impact. One approach would be

- use of gradually higher step rates as the in-hire rate for new hires and
- movement of existing employees in the lower by-passed step rates to these higher steps.

Movement of existing employees to higher step rates is the locus of the greatest budget impact and the issue needing the greatest attention in determining how fast to move the in-hire rate higher up in the range of steps. One approach is outlined as one of the business process alternatives (#11). Other scenarios are possible. GOG is in the best position to determine which transition scenario best fits the existing budget.

Once the target step rate is achieved for all grade levels, then consideration can be given to realigning and streamlining the regular UPS structure itself.

**NOTE:**

**The additional pay structures, such as the HT, IT, LT, MT, and RT grade levels, the other than 2080 hour rates and any separate pay structures, should not be subject to the same gradual transition to higher step rates. Their construction differs from the regular salary rates and this construction was done at least partially in response to the need for higher in-hire rates. Adjusting these rates and structures should be the subject of a separate assessment.**

As a final note, several of the HR Division staff may need some training on how to use salary surveys, such as the one conducted by Andrus Associates, Inc., so they can continue to do an analysis similar to the one done for this assessment. Using in-house resources for such a task is preferable to contracting with an outside vendor to provide compensation comparability analysis and recommendations.

The Salary survey data itself can and should still be obtained from a source outside of GOG in order to avoid conflict of interest, that is, the surveyors benefiting from the results of the survey which would be the case if GOG conducted its own salary survey.

To ensure the quality of the salary survey itself, the GOG may, from time to time, have to audit the quality of the survey in the areas of job matches and companies surveyed. Otherwise, the analysis of the survey data can be easily done and done in the interest of the GOG by using trained in-house staff.

**Conclusion**

A majority of the proposed business process alternatives pertain to:

- the job classification system,
- the process for its application and
- the need for a streamlined position description that ultimately documents the basis for the job evaluation itself.

The next most populous number of alternatives refer to the Unified Pay Scale itself at least for the regular 2080 hour employees.

The remaining alternatives address various other activities within the HR Division, such as,

- the need for strengthening the professional quality of the HR staff, and finally
- possible linkages between several of the HR processes, that is, between the PD, the minimum qualifications used for recruitment, and performance appraisals.

The alternatives involve some moderate organizational changes in responsibilities but does not require any major reorganization of the HR functions. Any reorganization of these functions should consider keeping the expertise that has been achieved to date intact, albeit possibly in a more centralized customer service oriented General Administrative Office.

**A reorganization by itself will not effect a streamlining of the HR business processes. The processes themselves must be streamlined to achieve efficiency with current staffing.**

Any reduced staffing may see a loss of hard to replace highly experienced HR staff. In essence, GOG already has the staff expertise to effect the needed changes.

During the course of this assessment it became obvious that assessments of other administrative governmental functions, such as, procurement, contracts, maintenance, and property management could generate parallel business process alternatives that would streamline existing operations and enable the GOG to efficiently utilize its scarce resources. If anything, in-house work groups comprised of users and managers in each of these areas would provide the fertile ground for generating ideas, concepts and proposals for consideration prior to any reorganization.

END





Felix P. Camacho  
Governor  
Kaleo S. Moylan  
Lieutenant Governor

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HRD No.06-0337

FEB 03 2006

Senator Robert Klitzkie  
Committee on Judiciary, Governmental  
Operations and Reorganization  
28<sup>th</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Dear Senator:

Buenas! This is to submit an addendum to clarify my written testimony with regard to Bills 203, 204, 205 and 254.

The Department of Administration restates our position to fully support the intent of Bill 254 and completely reject the provisions of Bills 203, 204, and 205. However, the following recommendations are submitted to amend Bill 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. The following changes are recommended:

1. Add (h) and (l) 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 the first of 4 GCA §4105 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 the first paragraph of 4 GCA §4105 to assess and update the unified pay schedule required by §6302(a) of this title.
2. Change **Section 6** of the bill to read as follows:

**Section 6. Administration. 4 G.C.A., Chapter 6 §6302 is repealed and reenacted to read:**

"§6302. Administration.

(a) The Director of the Department 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 and manner it deems appropriate. The unified pay schedule, either by the Hay Group or any other experts in classification and pay, shall be

SENATOR ROBERT KLITZKIE  
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PAGE TWO

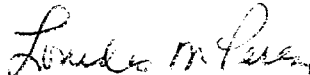
administered by the Director of Administration, and by the Judicial Council for the Judicial Branch.

(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 the Hay points or points established by other experts performed by the technical staff trained in the classification and compensation evaluation system. The Director of Administration and the Judicial Council are strongly encouraged to work closely in the administration of the Hay System or other classification and pay system, for the sake of consistency and uniformity of results. The technical staffs of the Human Resources Divisions 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 under this Article for their respective jurisdictions."

Si Yu'os Ma'ase for the opportunity to comment on this important issue. You may call me at 475-1101 or the Human Resources Division at 475-1288.

Sincerely,

  
LOURDES M. PEREZ, Director  
Director, Department of Administration



UNIVERSITY OF GUAM  
UNIBETSEDÁT GUAHAN

Administration and Finance  
*Office of the Vice President*

January 27, 2006

Honorable Senator Robert Klitzkie  
Chairman, Committee on Judiciary, Governmental Operations and Reorganization  
28<sup>th</sup> Guam Legislature  
155 Hessler St.  
Hagåtña, Guam 96910

**Re: Bills No. 203, 204, 205 and 254**

Buenas, Mr. Chair, Mr. Vice-Chair and Senators:

My name is David O'Brien and I am Vice President for Administration and Finance at the University of Guam. The University is a U.S. land-grant institution with the three-part mission of Inina, Diskubre, Setbisio – To Enlighten, To Discover, and To Serve. Since its inception in the 1950s, the University has become the premier institution of higher education in the Western Pacific, continuously accredited by the Western Association of Schools and Colleges Senior Commission (WASC). We thank our dedicated employees, our students, and most of all, the people of Guam for their support and contributions to the success of the University.

We are here today in support of Bill 254 and in opposition to Bills 203, 204 and 205, because we believe that the University and its systems must evolve to meet the changing needs of our students, employees and community.

We believe it important to state, at the start of this testimony, that the University is and always has been committed to the merit system and the protection of its employees. However, within that merit system, the University needs a personnel management system that preserves the protections of our classified employees and treats them with respect, provides an effective and efficient response to changing needs, and strengthens the academic freedom and autonomy provided under the University's Charter, as found in GCA Title 17.

Public Law 28-68 was a first step in that direction. The law transferred the personnel management functions of the Civil Service Commission (CSC) to the Department of Administration (DOA), where they can be done in conjunction with the functions already performed by DOA's Human Resources Division. The law also retained an independent Civil Service Commission, but refocused it on the adjudication and

appeals functions that are so important to a merit system. In doing so, the law both improved the efficiency of the government's personnel management system and removed the conflicts inherent in CSC's adjudicating the same processes and decisions it had previously administered. In the short time since the implementation of PL28-68, the University has seen improvements in the timely responsiveness to our human resource issues and the effective handling of employee concerns.

The University believes that Bill 254 furthers the progress and reforms initiated under Public Law 28-68. The provisions of the bill advance the University's mission by providing added flexibility, responsiveness and autonomy in managing our classified personnel. In particular, three provisions of the bill enable the University to better achieve its mission, while allowing for the fair and equitable administration of University personnel matters.

1. **Section 4. Departmental Rules.** This section amends the law to give the University's Board of Regents the authority to establish rules governing the selection, promotion, performance, evaluation, demotion, suspension and other disciplinary action of University classified employees. Since its inception, the Board has demonstrated the ability to manage the personnel functions for academic employees. While the Board has always had the authority to establish rules and regulations, this provision enables the Board to establish rules for its classified employees in a more timely, responsive and autonomous manner. Also, since each governmental entity differs in its mission and functions, this provision further allows the Board to establish processes that will be fair, efficient and responsive within the University environment to the benefit of its employees and to the effective operation of the University.
2. **Section 5. Recruitment Above-Step.** This section authorizes the Board of Regents to petition the Director of Administration for above Step1 recruitment, but not to exceed Step 10, because of documented recruitment difficulty or exceptional qualifications, subject to the required justification, posting and approval by the Director of Administration. This provision enhances the University's ability to recruit qualified individuals for critical, difficult-to-recruit positions. The current law requiring the University to seek outside authorization has resulted in significant delay and the loss of highly qualified applicants due to the lack of responsiveness and inflexibility in the process. This provision gives the University the flexibility and responsiveness it needs to hire the best and most qualified.
3. **Section 8. Creation of positions in the Autonomous Agencies and Public Corporations.** This section authorizes the Board of Regents to petition the Director of Administration for the creation of new University classified positions upon the required justification, posting and approval by the Board of Regents, and subsequent filing with the Director of Administration and Legislative Secretary. For the past several years the University has debated with the CSC the creation of several needed positions within the University, none of which have materialized to the detriment of the University. Examples of these include positions in the areas of information and computer technology as well as academic and infrastructure support. In addition, 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 increased use and application of computer and digital technologies. As above, this provision provides the University with the flexibility and responsiveness needed to move the University forward in meeting the demands of student learning and a changing higher education environment.

Simply put, these provisions give the University additional flexibility and responsiveness in meeting our needs and achieving our mission. For these reasons, we support Bill 254.

By the same token, the University's support of Bill 254 means that we do not support Bills 203, 204 and 205. Each of these bills turns back the clock on CSC reform and would impede any progress made under PL28-68. The University believes that Bills 203, 204 and 205 would bring back a personnel management system for classified employees that was ineffective, inefficient and unresponsive. On the other hand, PL28-68 and Bill 254 offer a system that is responsive to both University and employee needs, preserves the merit system, and protects employee rights by keeping adjudicatory processes with the CSC, an independent entity which serves as the final review of adverse personnel actions and grievances for classified employees.

The University thanks the Mina'bente Ocho Na Liheslaturan Guahan for allowing us the opportunity to voice our support of Bill 254 and opposition to Bills 203, 204 and 205. Bill 254 will facilitate moving the University in a forward and positive direction to fulfill its mission in a changing higher education climate. The University in no small measure believes that these are positive directions for changing times.

Thank you for your time.

Regards,  
For the University of Guam

David M. O'Brien  
Vice President

cc: Board of Regents, President

Honorable Senator Robert Klitzkie  
Chairman, Committee on Judiciary, Governmental Operations and  
Reorganization  
28<sup>th</sup> Guam Legislature  
155 Hessler St.  
Hagatna, Guam 96910

Senators,

I would like to thank you for the opportunity to come before you today to present my support for Bill #254. I am Mary Young Okada, Vice President for Financial Affairs for the Guam Community College. I have served the community as an employee of the Government of Guam for over ten years, in the area of education. I have held several positions at the Guam Community College and as the past Controller for the Guam Public School System. In my current capacity, I oversee the Human Resource, Procurement, Business, Budget and Financial Aid Offices, responsible for ensuring the management of the human and financial resources for the community college. These are the functions that strive to ensure the most efficient and effective performance to safeguard our most valuable resources. As a supporter of Bill 254, I feel that this will help us continue to achieve that goal.

Over the past several decades, the area of human resource management has changed substantially. These changes are a result of the indicators that the role of this department assumes. Included in these changes is the identification of work processes to maximize the effectiveness of human resources services for any organization. This encompasses the need for a long-term workforce identifying the priorities and goals of our organization. More recently, the human resource department has become more involved in the operational and strategic management for our institution. This style of management focuses many efforts in hiring the best workforce possible to provide the services that our organization requires. In order to continue this, we need to provide them with the tools necessary to plan, implement, and distribute the functions and responsibilities commensurate with an individual's knowledge, skills, and abilities.

Currently, our Fiscal Year 2006 budget reflects 75% for personnel services. We continue to make this significant investment, year after year. This means that we must ensure that our employees are placed and classified in the most appropriate classification. Additionally, in order for them to meet our high standards of quality, efficiency, and effectiveness, their job descriptions must reflect the current needs

Over many years, the College has been successful in managing the Academic Personnel positions needed to carry out our mission. In 2002, the college updated all the job descriptions and professional certifications for Faculty. Later

this year, Faculty job descriptions will once again, be updated. In 2004, the college updated Faculty Performance Evaluations. Additionally, in the course of the last five years (2000-present), the college only created three (3) new academic positions. These were done with the approval of our Board of Trustees.

In comparison, however, the college has not been as successful in the areas that fall under the jurisdiction of the Civil Service Commission. The most notable of these, lie in the areas of Technology. These positions have not been updated since 1980, despite the rapidly changing needs of our society and the desire to have a more educated workforce.

Thank you, once again, for this opportunity to voice my support for Bill 254.

Mary Young Okada

Senator Robert Klitzkie  
Chairperson  
Committee on Judiciary, Governmental Operations  
& Reorganization  
155 Hesler Place  
Hagatña, Guam 96913

Hafa A dai Senator Klitzkie and members of the Committee on Judiciary, Governmental Operations & Reorganization:

On behalf of the Guam Community College, I thank the committee for the opportunity to provide our testimony in support of Bill 254 (LS) in its entirety. Based on our comprehensive review of this bill, we believe that the Guam Community College's Board of Trustees must be given the power to recruit above-step for positions that are difficult to fill; create new positions that are responsive to the dynamic changes in vocational technical training and education; as well as create personnel rules and regulations that are uniformed for all GCC employees. Based on our current personnel structure, we have 60% of our employees who fall under the BOT Academic Personnel Rules & Regulations while the remaining 40% fall under the classified Civil Service Personnel Rules & Regulations. As a result of this schism, we find that our employees who fall within our academic positions are afforded efficient and effective processes relative to review, compensation, grievances and adverse action procedures at the College. Unlike our civil service personnel, we are not able to provide the same level of BOT efficiency and effectiveness when it comes to dealing with personnel issues for employees who fall into this category. Consequently, this dual structure at GCC provides inequity and disparity for our civil service employees. The disparity between the two groups creates discord in our organization and we would like to provide a sense of oneness in dealing with all of our employees at GCC.

While employee protection and their ability to fully exercise the grievance and adverse action process is at utmost importance to GCC, we want to ensure that all our employees are treated equally. We would like that GCC's Board of Trustees is able to provide the same protection and review process that is provided to our academic employees. It is also important to note that academic employees who want their cases to be reviewed through the Civil Service Commission, are



**Testimony on Bill 254**

**Page 2 of 2**

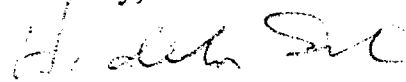
provided with this opportunity through 4 GCA (h), with mutual consent by GCC's BOT and Civil Service Commission. With this mechanism in place, our academic employees have been satisfied with the process we utilize at the College. We believe that by having our civil service employees under this same system will provide greater equality and fairness for all employees at GCC.

In addition to the Grievance and Adverse Action Appeals process, GCC would like to be given greater flexibility relative to above step recruitment for civil service employees. What we are experiencing at the College is that the current classification standards used by the commission is out-dated and does not reflect the changes in the job market today. What we find is that the technical and technological advances across the industries is not properly reflected in CSC's current pay structure. Consequently, you will find that keypunch operators are still listed in the books while there is no position for a webmaster or designer; a position that has become essential to almost all government agencies across the board.

With GCC at the forefront of technology, we need the flexibility to recruit employees who are experts in their fields. Our students need to be educated and trained by the best-of-the-best, and the current process we have for recruitment of civil service personnel does not provide us with the flexibility to be competitive with other organizations or businesses seeking to employ the same experts. CSC reform and the passage of Bill 254 will provide us with some relief to fill critical positions we have at the College.

In closing, we recognize that the legislature has always been supportive of GCC's efforts to grow beyond its successes. We thank you for your continued support and hope that we are able to work together to help provide legislative reform for the benefit of our most valued resources – that being the employees of Guam Community College.

Sincerely,



H. delos Santos, Ed.D.

c: Senators, 28<sup>th</sup> Guam Legislature



**GUAM COMMUNITY COLLEGE**

*Kulehon Kumunidat Guåhan*

Accredited by the  
Western Association of  
Schools and Colleges

January 25, 2006

Senator Robert Klitzkie  
28<sup>th</sup> Guam Legislature  
197 Hernan Cortes Ave. Suite A-1  
Hagatna, GU 96910

Subject: Testimony – Bill 254 (LS)

Dear Senator Klitzkie:

This testimony is in SUPPORT of 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.

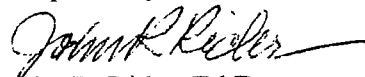
I am in support of Bill 254(LS) as written. This bill will allow Guam Community College to better meet its mission. It will allow the College the flexibility to create needed position descriptions to respond to

changing technology, and will allow the creation of student part-time position descriptions. Being able to create position descriptions quickly, as the need arises will assist the College in meeting the industry-driven needs of the community in an environment that is constantly being influenced by rapidly changing technology.

This bill will also allow the College to standardize its personnel rules and regulations. This will simplify the assessment and evaluation of personnel, which is an integral part of properly assessing and evaluating programs and outcomes.

The College has long had autonomy in creating academic positions, and has demonstrated its ability to manage academic personnel issues at all levels with integrity. This bill will extend that autonomy to classified positions, allowing more efficient management of College personnel.

Respectfully submitted,



John R. Rider, Ed.D.  
Vice President for  
Academic Affairs



**GUAM COMMUNITY COLLEGE**

*Kulehon Kumuniddát Guáhan*

January 27, 2006

**Senator Robert Klitzkie  
Chairperson  
Committee on Judiciary, Governmental Operations  
& Reorganization  
155 Healer Place  
Hagatna, Guam 96913**

Hafa Adai Senator Klitzkie and members of this Committee,

I am Joann Muna, the Administrator for the Human Resources Office for the Guam Community College. I am a proud public servant with 16 years of experience in the government of Guam. I dedicated my first five years of public service with the Department of Labor (a line agency), my second five years with the Guam Power Authority (autonomous agency - public corporation) and my last six years has been with the Guam Community College (semi-autonomous agency - academic institution). My work experiences in these three government of Guam entities educated me first hand on the differences that each agency must operate under (i.e. local and federal mandates, bonding issues and accreditation requirements). Each is uniquely different and thus have different classifications as government organizations; a line agency, an autonomous agency and a semi-autonomous agency. Bill 254 recognizes that there are differences in the varies agencies.

The one thing that all agencies have in common is that fact that the bulk of our operating cost is in personnel. Our people, our most valuable resources, our most expensive resources must be recruited and developed in a manner that will ensure the effective and efficient use of their talent to accomplish each of our unique organizational goals. Our employees are the most valuable resources in each of our organization and must be treated as such. To ensure this, we all have grievance and adverse action appeal processes in place. Employee protection under the merit system and appeal process will and should continue to be paramount part of public service. Bill 254 will allow the line agencies, autonomous agencies and semi-autonomous agencies the avenue to utilize their personnel in the most efficient and effective means possible and still allow for employee protection under their grievance and adverse action appeal process.

I am here today in support of Bill 254. This bill will certainly take personnel services in the government of Guam a step closer to what is called Human Resources Management. Human Resources Management is defined as a perspective that recognizes that human resources are important assets that must be managed strategically and proactively to improve organizational performance; development of processes for the effective utilization of people in an organization (ref: *Human Resources Management in the Public Sector*, E. Berman, J. Bowman, J. West, M. Van Wart. 2001).

In 1995, Public Law 23-26 gave the Guam Community College autonomy with its personnel rules & regulations for academic personnel. Academic personnel include different levels of administrators and faculty. Academic personnel fall under the jurisdiction of the GCC Board of Trustees. The creation of academic positions, updating academic job descriptions, academic performance evaluations and above-step recruitment all fall under the direct purview of the GCC Board of Trustees. Academic employees may appeal grievance and adverse actions with the GCC Board of Trustees or with mutual consent with the Civil Service Commission. 60% of the GCC employees are classified academic personnel.

The remaining 40% of GCC employees hold a classified position under the purview of the Civil Service Commission (CSC). The GCC Board of Trustees do not have jurisdiction over these positions. This is a problem because most of the CSC job descriptions are 15 to 20+ years old. A prime example of the classified civil service positions that needs to be updated regularly are in the area of computers and technology. The last time CSC updated the series of computer job descriptions were in 1980s.

Passage of Bill 254 will make it practical for GCC to implement one set of personnel rules and regulations that will work for all their employees under one body, the GCC Board of Trustees; as oppose to our current system of two personnel rules and regulations (one for academic employees and one for classified civil service employees).

The passage of Bill 254, will allow GCC to update its job descriptions for classified civil service positions as the need arises to coincide with the actual work the employee is performing. It will allow GCC to develop student positions and temporary positions to coincide with current and future federal grants and federal programs. It will allow GCC to hire above-step in difficult to recruit positions in the area of technology and other fast growing professions. In order for the College to grow and meet the demands of industry, we need to move positions, creation positions and even delete positions if needed in a timely fashion. The College already has this ability with the academic personnel; we need to do the same for the classified civil service positions.

The passage of Bill 254 will allow GCC the ability to truly work towards workforce planning. GCC will be able to develop and manage a workforce that will align with its strategic plan for all classification of College employees; and not just the academic personnel.

Senators, we need a good system to succeed. Bill 254 provides the avenue for us to succeed. Thank you for your continual support on the road to improving government operations.

  
**Joann Waki Muna**

January 27, 2006

Senator Robert Klitzkie  
Chairperson  
Committee on Judiciary, Governmental Operations and Reorganization  
155 Hesler Place  
Hagatna, Guam 96910

**Re: Testimony in Support of Bill 254**

*Hafa Adai* Senator Klitzkie:

Thank you for the opportunity to provide this written testimony on behalf of the Guam Community College Board of Trustees in support of Bill 254. As the Chairman of the GCC Board of Trustees, I will address the manner in which Bill 254 meets the needs of and is applicable to the Guam Community College, its faculty and staff, as well as the students and community that it serves.

Through their long-standing application of the Rules and Regulations for GCC's academic personnel, the GCC Human Resources Office and the GCC Board of Trustees have clearly demonstrated their abilities to successfully manage personnel issues. The Board of Trustees fully realizes that the GCC has survived through many challenges, including funding shortages, because of the hard work and dedication of its employees. Through the collective efforts of its Board of Trustees, management, faculty, and staff, the passage of Bill 254 will permit the Guam Community College to continue to provide high quality services consistent with the needs of the students and community that it serves.

The GCC Board of Trustees welcomes the added responsibilities regarding personnel matters that will result from the passage of Bill 254. The provisions of Bill 254 will empower the Guam Community College to formulate appropriate departmental rules, to petition for recruitment above-step, and to petition for new positions more efficiently and more effectively than it could through past practices.

On behalf of the GCC Board of Trustees, I very respectfully request that the 28<sup>th</sup> Guam Legislature pass Bill 254. Passing Bill 254 into law will allow the GCC to recruit and to manage the human resource needs of the best-of-the-best, to continue to demonstrate appropriate autonomy, and to maintain its well-deserved accreditation through the Western Association of Schools and Colleges.

Sincerely,

Original Signed by Adolf P. Sgambelluri

ADOLF P. SGAMBELLURI  
Chairman

cc. Committee on Judiciary, Governmental Operations, & Reorganization  
Senators, 28<sup>th</sup> Guam Legislature

Date: January 22, 2006  
To: Committee on Judiciary, Governmental Operations and Reorganization  
From: Richard S. Colfax, Ph.D., GPHR  
Associate Professor of Human Resource Management  
(573) 201-1952 rscolfax@yahoo.com

RE: CSC Reform: Bills 203-205 & Bills 254-255

Dear Committee on Judiciary, Governmental Operations and Reorganization

I would like to respectfully submit the following in support of the need for CSC Reform as recommended in Bills 254-255 with regard to authorizing agencies and entities to adopt, independent of the Civil Service Commission (CSC) or the Department of Administration (DOA) control, personnel rules & regulations, promotion, hiring above step, new position creation, and related recommendations

As a certified human resource management professional (global professional in human resources: GPHR) and the University of Guam (UOG)'s human resource management (HRM) professor, it is my opinion that there are numerous autonomous and semi-autonomous agencies and entities that would benefit greatly from ability to practice and adopt employment rules and regulations without the restrictions or oversight of the CSC or DOA. The HR professionals in these agencies and entities have the qualifications, experience and expertise to be able to carry out these activities.

In support of this, I refer to the "The Human Resource Office (HRO) Effectiveness Study for the University of Guam *Unibetsedât GUAHAN*" was completed and submitted to the Vice President of Administration and Business on March 11, 2005. The study was conducted and compiled by myself with assistance from Dr. Karri Perez, Ph.D., SPHR. The study included a sampling of the UOG community, including staff, faculty, administrators and community stakeholders. Further, in-depth surveys and interviews of HRO staff and administrators were conducted. Comparative information from reasonably comparable higher education institutions, especially those who have been under a civil service commission form of control, was gathered through interviews, public information sources and direct communication. Specific details should be available

Based on the study, four (4) recommendations based on analyses of HRO based on the Scope of Work requested in the study were made. The second recommendation (p. 19) is pertinent to this document and is restated below:

2. Remove the University of Guam from the purview of the Civil Service Commission
  - a. CSC is a system designed to keep employment levels maximized.
  - b. CSC system is not geared to academic institutional needs
  - c. CSC system is not responsive to efficient use of human capital or resources

- d. Getting out of the CSC system is possible
  - i. See University System of Georgia's BCAT Project
- e. If not possible, then a revision and revamping of the CSC system is needed to:
  - i. Enable academic institutions (like UOG) to manage staffing on their own
  - ii. Enable efficient staff management
    - 1. assignment
    - 2. promotion
    - 3. discipline
  - iii. Encourage and support efficient staffing of the University
  - iv. Minimize and limit the length of time involved with CSC policy applications and reviews

It is my opinion as a human resource management (HRM) professional and academic that the existing Civil Service Commission (CSC) system is not adequately meeting the needs of the UOG community in a timely manner. This is due to the very nature of the CSC itself. The procedures and rules of the CSC are excessively cumbersome and costly many different ways. The time necessary for the CSC procedures to be completed is excessive to good management of resources. The requirements for paperwork and signatures continue to delay and obstruct employment and management decision-making actions. As a result, excellent potential employees are frustrated, turn elsewhere and are lost. On the other hand, poor performance and complacency seem to be supported or condoned as normal management procedures such as discipline and promotion are stalemated by CSC procedures and timeline requirements.

It is my observation and opinion that UOG is not the only agency or entity that struggles with these issues. In particular, as the Guam economy continues to make progress toward recovery, timely decision-making and self-directed management is needed by agencies and entities that must finance themselves fully or in part. As noted, the CSC system does not specifically lend itself to efficient, self-supporting and responsive employee management practices.

In addition, a transfer to DOA of these or any related employment or promotional control for these agencies or entities would only further exacerbate the existing issues and conditions. The goal of reform should be to improve conditions and reduce delays, confusion and meaningless procedures. The proposed transfer of CSC authority and processes to DOA only adds layers to the existing issues and does nothing to alleviate or simplify matters.

Therefore, I respectfully ask the Committee on Judiciary, Governmental Operations and Reorganization as well as all our Legislators to:

- 1) support Bills 254 and 255 which will reduce of CSC influence in agencies and entities such as UOG and permit these agencies and entities to establish appropriate employment management practices.
- 2) At the same time, please do not support Bill 203 and Bill 204 which will add to the existing burdens and restriction by transferring CSC control and authority to DOA.



The people of Guam, our businesses and the community at large will be better served by a more agency-centered and controlled employee management system.

Thank you for the opportunity to share these thoughts and ideas with you as you consider these important measures in front of you.

Respectfully submitted,



Richard S. Colfax, Ph.D., GPHR  
Associate Professor of Human Resource Management  
School of Business and Public Administration



A. B. WON PAT

ATURIDAD PUEYTON BATKON AIREN GUAHAN ENTENASIONAT  
GUAM INTERNATIONAL AIRPORT AUTHORITY

January 7, 2006

Honorable Robert Klitzkie  
Senator and Chairman  
Committee on Judiciary, Government Operations  
and Reorganization and Committee on Calendar  
27th Guam Legislature  
155 Hessler Place  
Hagatna, Guam 96910

Re: Testimony on Proposed Bill No. 254

Dear Senator Klitzkie:

Please accept this letter as our official testimony on Bill 254, cited as the "Personnel Management Modernization Act of 2006". We have analyzed its contents and are hereby providing our comments for your committee's perusal in its deliberation of this matter. In summary, GAA supports the passage of this bill with suggested amendments as highlighted in the attached.

If you have any questions, I'll be happy to answer them.

Sincerely,

JESS Q. TORRES  
Executive Manager

Enclosures

Street Add.: 355 Chalan Pasaheru, Tamuning GU 96911 Mailing Add.: P.O. Box 8770, Tamuning Guam 96931 Tel.:(671) 646-0300 Fax:(671) 646-8823 www.airport.guam.net



**TESTIMONY ON PROPOSED BILL NO. 254 (LS)**

**RE: PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006**

The Antonio B. Won Pat International Airport Authority, Guam supports the principles behind the Personnel Management Modernization Act and believes that it recognizes the inefficiency of the "old way" of addressing personnel needs. The Authority also appreciates the recognition given to its governing board, which under this new law, would be charged with approving the Executive Manager's requests to create new positions at the Airport. Consistent with this stated policy, the Airport respectfully requests the following modifications to the proposed legislation:

1. We request an amendment to the existing Sections 6102 and 6103 of Title 5 to acknowledge that the Board of Directors of the Airport, as well as other boards and commissions similarly situated, have the authority to classify new employment positions and set their salaries, which is the effect of the new Section 6303(c). Section 6303(c) allows the Board of Directors of the Airport, for example, to approve the petition of the Executive Manager and allow the classification and compensation as may be requested in the petition to create the position. This amendment to Sections 6102 and 6103 recognize the new Section 6303(c) and makes the statutes internally consistent.

2. We also request amendments to Section 1107(a) and 1108(a) of Title 12, Guam Code Annotated, to allow the Board of Directors of the Airport to set the salaries of its Executive Manager, Comptroller, Treasurer and other officers. This amendment to the Airport's enabling act is consistent with the policy set forth in this Personnel Management Modernization Act. It is also consistent with the current law, Title 4, Section 6301 ("Compensation Policy"), which states, in part, as follows:

**§ 6301. Compensation Policy.**

(1) Employee compensation shall be based on internal equity and external competitiveness.

(2) To the extent practical, compensation will be targeted at the U.S. National Average levels compared to the appropriate labor markets and account taken of the relevant economic factors.

(3) Internal equity should be reviewed annually and external competitiveness at least every three (3) years.

(4) Compensation structures and administrative policies should also recognize and reward individual employees commensurate with performance.

As the Legislature may know, the Airport has been searching for a new Comptroller since July 11, 2005. One of the requirements of this Comptroller is that he or she be a Certified Public Accountant. We have searched for such a replacement, but have been told that the Airport's compensation is not commensurate with the income being earned by CPAs on island. We believe that these changes to Sections 1107(a) and 1108(b) would allow the Board to "modernize" the compensation so that the Airport can be competitive with the private sector in hiring not simply qualified, but quality, personnel to continue the successful management of Guam's only Airport.

Thank you for your consideration of this request.

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

**Bill No.254 (LS)**

Introduced by:

R. Klitzkie

**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; TO AMEND SECTIONS 6102 AND 6103 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO EXCLUDING EMPLOYEES APPOINTED BY BOARDS AND COMMISSIONS FROM THIS CHAPTER; TO AMEND SECTIONS 1107(A) AND 1108(A) OF TITLE 12 G.C.A. TO PERMIT THE BOARD OF DIRECTORS OF THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM TO SET COMPENSATION OF CERTAIN APPOINTEES; AND TO ENACT THE PERSONNEL MANAGEMENT MODERNIZATION ACT OF 2006.**

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

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

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

**“§ 4101. Personnel Policy.**

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

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

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

- (a) Maintain and from time to time modify a general personnel policy for all government of Guam line agencies through the adoption of rules and regulations pursuant to the Administrative Adjudication Law;
- (b) Investigate conditions of government employment as he deems necessary, and report his findings thereon to I Maga'láhen Guáhan and I Liheslaturan Guáhan annually;
- (c) Administer the Equal Employment Opportunity Program for the Executive Branch of the government of Guam.
- (d) Maintain, post and keep current on the Department's website a list of all classified and unclassified positions in the executive branch, including autonomous agencies and public corporations showing the job description and pay range assigned to each position.
- (e) Make an annual report on July 1 on the status of the unified pay schedule required by §6302 of this title to the Governor and Speaker and post the report on the department's website. <sup>60</sup>
- (f) Establish and maintain, in coordination with the Attorney General, a panel of hearing officers.

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

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

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

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

**"§ 6205. Recruitment Above-Step.** Step 1 of the Pay Grade assigned to a classified position shall be the regular rate for initial employment in any department or agency. The appointing authority, or the head of an agency, department or public corporation listed in the first paragraph of 4 GCA §4105 may petition the Director of Department of Administration, or the Judicial Council (as to Judicial Branch employment) or the agency department or public corporation's governing board or commission (as to an agency, department or public corporation listed in the first paragraph of 4 GCA §4105), for recruitment at a higher step not to exceed Step 10, because of documented recruitment difficulty or exceptional qualifications. The petition shall be posted on the agency's website for ten (10) days (Saturdays, Sundays and government of Guam holidays excepted). This petition shall be made before an applicant is hired. Every petition shall be scrutinized and amply justified before being approved. The Department of Administration, the Judicial Council, ~~and governing board or commission (as to an agency, department or public corporation listed in the first paragraph of 4 GCA §4105)~~

may establish policies to administer this section. Increment schedule consisting of Steps 11 through 20 shall not be used for recruitment above step.”

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

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

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

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

- A. the justification for the new position,
- B. the essential details concerning the creation of the position,
- C. an analysis of the similarities and differences between the position to be created and positions listed pursuant to Title 4 G.C.A. § 4101.1(d),
- D. the position description,
- E. the proposed pay range and demonstration of compliance with §6301 of this title,
- F. F. a fiscal note as that term is described in 2 GCA § 9101 et seq.; and any other pertinent information.

(2) The Department Head and the Director of Administration shall post the petition on their respective websites for ten (10) days (Saturdays, Sundays and government of Guam holidays excepted). After the posting, the Director of Administration shall forward the petition with his recommendation to I Maga'lahañ





**PORT AUTHORITY OF GUAM**

**ATURIDAT I PUETTON GUAHAN**

Jose D. Leon Guerrero Commercial Port

GOVERNMENT OF GUAM

1026 Cabras Highway, Suite 201

Piti, Guam 96915



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**FELIX P. CAMACHO**

Governor of Guam

**KALEO S. MOYLAN**

Lieutenant Governor

8 February 2006

**HAND DELIVERED**

The Honorable Robert Klitzkie  
Chairman  
Committee on Judiciary, Governmental  
Operations & Reorganization  
Mina'Bente Ocho Na Liheslaturan Guahan  
107 Hernan Cortes Avenue, Suite A-1  
Hagatna, Guam 96910

Dear Mr. Chairman:

The following represents the Jose D. Leon Guerrero Commercial Port's position on:

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.

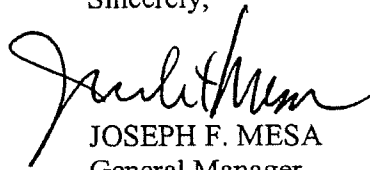
We support the propose legislation, however, as we discussed, Section 4 of Bill 254 contains an oversight, wherein, the line removing various agencies from this section includes the Board of Directors of the Port Authority of Guam. Therefore, we recommend two amendments to the legislation: remove the 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".

The Honorable Robert Klitzkie  
Chairman  
Page Two

In closing, due to an oversight on my part, my regrets for not submitting our position in a more timely manner. I trust that the public hearing record will include our submission.

As always, please feel free to call me directly at 477-5931, extension 302 or 303 if I can be of assistance.

Sincerely,



Handwritten signature of Joseph F. MESA in cursive script.

JOSEPH F. MESA  
General Manager

Copy: The Honorable Antonio R. Unpingco

-----Original Message-----

**From:** Joe T. San Agustin [mailto:jtsa@guam.net]

**Sent:** Friday, February 03, 2006 10:17 PM

**To:** Bob Klitzkie

**Cc:** Mark Forbes; Judith WonPat; Antonio Unpingco; Benjamin J.F. Cruz; Frank Aguon

**Subject:** Amendments to Bill 254 (LS) to include GGRF

Senator Robert "Bob" Klitzkie

Chairman, Committee on Judiciary, Government Operations & Reorganization  
28<sup>th</sup> Guam Legislature

3 Feb. 2006

Dear Senator:

As the main author of Bill 254 (LS), the Retirement Board of Trustees would like to be included in said Bill.

1. Section 4 of the Bill, page 3, line 18, after the "Commission on Utilities"... please add "Board of Trustees, Government of Guam Retirement Fund"
2. Add a new section 10, to include "Government of Guam Retirement Fund" in 12 GCA, Division 1, and Chapter 15.

Based on legislations enacted by the 27<sup>th</sup> and 28<sup>th</sup>, the composition of the Board of Trustees includes four elected by the members of the Fund, and three appointed with the advice and consent of the Guam Legislature for a term of five years each. Furthermore, the 28<sup>th</sup>, enacted legislation provides for the appointment of the Executive Director and the Deputy Director – by the Board of Trustees. Previously, the Executive Director are nominated by the Board and appointed by the Governor with the advice and consent of the Guam Legislature.

Despite these two basic governance changes in the management and operations of the Fund, the personnel department rules and regulations are the purview of the Department of Administration.

The above suggested amendments to Bill 254 would allow the Board of Trustees with its fiduciary obligations to operate and managed the Fund for the benefits of its members and survivors. Furthermore, the complexity and the sheer size of the Fund's Assets and Liabilities would warrant that the Board of Trustees be given the autonomous authority to manage and operate the Fund in the most efficient manner, without having to be bound by another government instrumentalities having "veto" power without the "sharing of the fiduciary liabilities" of their actions.

Senator, we would appreciate your consideration and approval on the above suggested amendments to Bill 254.

Members of the Board and Management of the Fund would like the opportunity to meet with you and other members of the Guam Legislature to discuss further and perhaps in more detail the suggested amendments at your convenience.

Best Regards,

Joe T. San Agustin, Chairman, Board of Trustees, GGRF

Guam Community College  
Management Information Systems - Written Testimony on Bill #254

The challenges facing the Guam Community College in the area of Management Information Systems (MIS) are mostly related to the lack of personnel required to efficiently and effectively maintain our Internet presence and in integrating and implementing complex systems.

More and more, government agencies are relying on the Internet to conduct business transactions and provide public information to the people, yet existing position descriptions under the Civil Service Commission's classified listing make no or very little mention of the tremendous expertise required.

Public Law 28-57 requires "each government department or agency to post and maintain an Internet homepage or website", but the Government of Guam still does not have a Webmaster or Web Developer position as part of the Civil Service Commission's list of titles. This makes it very difficult to hire someone for the specific duties and responsibilities of establishing and maintaining a website. Our government is also lacking other related positions such as Internet specialists, Database Administrators, Web Site Designers, Information Security Specialists, etc.


Another overall challenge is with the government pay scale of existing technical positions in the computer field worsened by the lack of expertise on island. Unfortunately, we seem to be constantly trying to fill vacated positions in the area of MIS because technical personnel are leaving for higher paying jobs in the private and federal employment sector. Many others leave the island for better opportunities, citing pay as a heavy factor in their decisions to quit and relocate.

In just the past five years we have lost and replaced different positions involving 6 Computer Technicians, 2 Teleprocessing Coordinators, and 5 Computer Systems Analysts. At one time the MIS section had over 6 vacancies. Recruitment is very difficult with an unattractive pay rate and jobs that are increasingly becoming more technical and specialized, because they no longer match with their original and antiquated position descriptions. Also, we feel lucky when we get at least 1 out of 3 applicants qualifying for the job. The last announcement for the Computer Systems Analyst II only garnered one qualified applicant. In the past, we had two qualified applicants for the analyst positions, but unfortunately, both turned down the job offers because the pay was too low in comparison to their existing jobs. A re-announcement of the position only resulted in a transfer from another agency that didn't even last a week. In the last MIS hiring, we spent over 5 months conducting four different groups of interviews in our attempts to just fill Computer Technician II positions. Lastly, and as added evidence in our difficulty of attracting applicants, our last announcement for the Systems Programmer position, government-wide, only resulted in one being interviewed and hired for the position.

In the past 5 years, we've gone through three exercises in the process of filling out Civil Service Commission Position Description Questionnaire forms, although no results have yet resulted, but the duties and responsibilities in various computer-related jobs continue to become more technical and demanding more up-to-date skills and abilities.

I encourage to pass Bill #254. This will assist the Guam Community in upgrading and maintaining a leadership in an ever changing technological environment.

Thank you.

 1/27/2006  
Francisco C. Camacho  
Data Processing Systems Administrator  
Management Information Systems  
Guam Community College



**Juan P. Flores**  
*Superintendent of Education*

**GUAM PUBLIC SCHOOL SYSTEM**  
*Division of Special Education*

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**Katrina Celes Pieper**  
*Associate Superintendent*

**Judith Quenga**  
*Assistant Superintendent*

Sen. Robert Klitzkie  
28<sup>th</sup> Guam Legislature  
Chairman, Committee on Judiciary,  
Governmental Operations and Re-Organization

I am testifying today in favor of Bill 254 and in opposition of Bills 203,204, and 205. My testimony will show that if you decide to return the government's personnel functions to the Civil Service Commission, you will have jeopardized millions of dollars in federal funding and will have left disabled children without their needed services.

As the Associate Superintendent for Special Education with the Guam Public School System (GPSS), I am federally mandated through the Individuals with Disabilities Education Act of 2004 to provide students receiving special education services a free and appropriate public education.

In response to our February 2005 GPSS – Special Education Annual Performance Report, Acting Director Troy Justesen, of the United States Department of Education Office of Special Education Programs, cited GPSS as out of compliance in the area of personnel.

In that Nov. 4, 2005 letter, Justesen noted that the Guam special education division was unable to demonstrate that there was a sufficient supply of qualified personnel to meet the needs of Guam's children with disabilities. GPSS was given until Nov. 4, 2006 to show that GPSS' revised personnel plan will meet the needs of 100% of the island's eligible children with disabilities. The plan must show that the division is able to deliver all of the special education and related services required by these children's Individualized Education Programs.

In our current situation, it will be almost impossible to be in compliance. The division of special education continues to actively recruit for the qualified personnel we need to provide our children federally mandated services, but due to the meager salaries we offer, we are unable to hire to meet the federal mandates.

We have followed government policies and procedures by working with the Civil Service Commission to both increase the pay of our professional service staff, and therefore be competitive in the job market, or to create new positions that are needed to provide these required services.

Last year employees within the division were twice asked to complete packets provided by the Civil Service Commission. Civil Service Director Vernon Perez relayed to the division that a response would be completed in an expeditious manner. The division's employees took the time to complete the lengthy packets — twice. For most of our staff, it isn't necessarily about the pay, but about telling the parents of these children with disabilities that their children will finally have the services they need. Yet here we are — a year later — and 357 children with disabilities continue to go without services because nothing was ever completed by the Civil Service Commission.


While national standards and methods in service delivery continue to evolve to better meet the needs of children with disabilities, GPSS continues to struggle to meet those minimum standards due to the limitations on our ability to create new positions to provide services. The Civil Service Commission requires agencies to go through a lengthy and protracted process to determine whether a position is justified. The agency sits on our request asking for more justification. We forward research and data provided by resource centers funded by the federal Office of Special Education Programs. How much more justification is required?

While the Civil Service Commission treated our requests as another file in their stacks of requests, real children with special needs — across all age groups — were left and to this day, continue to be left without services. This is not theoretical. This is real. And this is a crisis.

Within the Division of Special Education, funding is not a problem. We have the federal funds to pay competitive salaries and support new positions. There has not been a problem, nor is there a problem with funding or effort on our part, the problem is the bureaucracy that has existed within the Civil Service Commission. The CSC has proven that it is unable to work in an expeditious manner, and that it acts in absolute disregard to the realities that our division, and the children we serve, face.

In closing, we had hoped that with the transfer of personnel duties to the Department of Administration, our problems would finally be over. But with these new bills that look to return those functions to the Civil Service Commission, all you are doing is insuring that children with disabilities continue to go without services and that our division will fall even further into non-compliance with federal mandates, risking our ability to receive millions of dollars in federal funding for special education services.

Thank you.

  
Katrina Celes Pieper  
Associate Superintendent, Division of Special Education  
Guam Public School System  
671-475-0555

*Vincent T. Leon Guerrero*

**P.O. Box 3818**

**Hagatña, GU 96932**

[lefamilia7@gmail.com](mailto:lefamilia7@gmail.com)

January 27, 2006

Robert Klitzkie, Chairman  
Committee on Judiciary, Governmental Operations, & Reorganization  
I Mina' Bente Ocho Na Liheslaturan Guahan  
197 Hernan Cortes Avenue, Suite A-1  
Hagatña, GU 96910

Dear Senator Klitzkie:

Hafa Adai Senator and committee members. My name is Vince Leon Guerrero. I retired from the Guam Public School System (GPSS) on September 2005 as the Associate Superintendent, Special Education. I am a proud graduate of the public schools on Guam and two of my children have successfully completed 13 years of public education. My youngest is a Sophomore at GWHS and last night I provided written input into the development of GW's FY 2007 budget. I come from a family of public school educators and our family discussions inevitably turn into discussions about education. So even though I have retired from GPSS, I remain committed to improving public education, including education for students with disabilities. I have no other interest in testifying today, other than to support efforts that will result in an improved public education system. So please listen to my input in this context.

I am here to testify in support of Bill 254 because I believe it will provide the greatest opportunity for improved outcomes for all public school students, but more importantly, it will definitely provide greater opportunities for improved outcomes for students with disabilities. Bill 254 provides authority to the Guam Education Policy Board (GEPB) to adopt rules governing the selection, promotion, performance, evaluation, demotion, suspension and other disciplinary action of classified employees. Bill 254 also provides for the GEPB to hear petitions from the Superintendent of Education for above Step 1 recruitment (not to exceed Step 10) because of recruitment difficulty or exceptional qualifications. Finally, Bill 254 authorizes GPSS to create positions with sufficient controls and provides safeguards by imposing transparency and disclosure requirements on GPSS as they invoke these new authorities.

This makes a whole lot of common sense. Who is better suited to understand the urgency and importance of addressing the recruitment and retention of GPSS employees who are employed or needed for employment in order to serve public school students, especially students with disabilities on Guam-the Civil Service Commission (CSC) or the Guam Education Policy Board? Who has the educational needs of public school students in mind when a petition to create



positions is before them-CSC or GEPB? Who is likely to act in a more expedient and judicious manner relative to the authorities contained in Bill 254-CSC or GEPB?

Of course the simple answer is the Guam Education Policy Board. How do we know this? From real-life examples.

GPSS has struggled to provide appropriate services to children with disabilities. Nation-wide, there is a shortage of Speech and Language Pathologists, Audiologists, Physical Therapists and Occupational Therapists. Competition for recruitment of such professionals is steep and allied health professionals are able to be selective in reviewing job offers.

GPSS has tried many different approaches over the years to address the recruitment and retention difficulties. We have attended recruitment fairs that are specific to these professions. We have advertised in the professional journals that these professionals subscribed to. We have conducted internet-based recruitment that selectively targets the professional markets that members of these professions are attracted to. We have contracted with national recruitment firms. We have only been able to recruit a small number of professionals due to one major difficulty: low salaries and concomitant low benefits.

A number of years ago, CSC responded favorably to a request by the Guam Memorial Hospital to undertake a pay study of allied health professionals, due to their recruitment and retention difficulties. Within a relatively short period of time, CSC authorized allied health positions (only at that agency) a 25% pay differential. GPSS decided to approach them for the same assistance. We assumed that since they had already done the hard work of determining what the average pay was across the nation and what other factors adversely impacted recruitment and retention, that our request could be handled expeditiously.

GPSS submitted such a request to the CSC in 2002. After two years of no action, media pressure brought renewed interest by CSC to promise to address this matter. In 2004, I participated with the Chairman of this Committee in a roundtable forum sponsored by the Pacific Daily News. At that forum, the CSC was roundly criticized for failing to act on GPSS's two-year old request. After that forum, a renewed commitment was provided by CSC to work with GPSS Personnel and management to complete the review of pay for allied health positions in GPSS.

Let's focus on results. By the time I retired in 2005, CSC had still not acted on this request. Instead, they met with GPSS and informed us that our request was rendered moot because of subsequent laws that were passed (in 2004) that provided greater authority to GPSS to recruit above step and to provide for Bonuses, Rewards and Incentives that would essentially achieve the same outcomes as our request to review and revise the pay of allied health positions in GPSS. These laws were only passed by the Guam Legislature because of the widely reported failure of CSC to respond to GPSS's request.


On the other hand, when the Guam Legislature provided the GEPB the authority to develop a Bonus, Rewards and Incentives Program (BRIP), the Guam Education Policy Board entertained, in an expeditious fashion, the request from the management of GPSS and passed Board Policy to

authorize the implementation of this critically needed tool for recruitment and retention of critically needed positions in GPSS. I can tell you that as a result of the BRIP, we have been able to keep a large number of our critically needed allied health professionals and we have been able to stay in discussions longer with off-island recruits because our salary offer was closer to what the national averages were and our recruitment discussions became one that focused on our methods of service delivery, professional development opportunities, etc. In other words, we didn't lose them immediately due to low salaries. In fact, we were able to "stay in the game" long enough to successfully recruit a number of allied health professionals. Without the BRIP, we could not "stay in the game" long enough to sell and market job opportunities on Guam. Thus, when we were unsuccessful in off-island recruitment, it was due to other reasons, not because our salary offer was ridiculously low.

Had CSC acted expeditiously on our request in 2002, we could have been more successful over the three-year period of no action by CSC. I don't believe that they did not act on our request because they don't like public school students or because they don't care about our mission. They have many competing duties and responsibilities before them and they have to decide what is priority and important to address. The GEPB has only one customer in mind-the public school students. So please give them the tools to address the needs of the public school students, especially the needs of students with disabilities.

While there are many other dimensions relative to the merits of Bills 254, 203, 204, 205 and 255, I want to focus your thoughts on the outcomes, not the rhetoric. We have been able to retain a large number of allied health professionals due to the authority granted to GEPB. We have been unsuccessful in getting CSC to respond in a timely manner to our previous requests. The results from a process that focuses on who decides and when to act, speaks loudly. On behalf of the public school students, and especially students with disabilities, please pass Bill 254.

Si Yu'os Ma'ase'.



Vince Leon Guerrero