



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

14 APR 2006

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 255(LS), "AN ACT TO AUTHORIZE GUAM POWER AUTHORITY AND GUAM WATERWORKS AUTHORITY TO PROMULGATE PERSONNEL RULES AND REGULATIONS; AND TO PROVIDE LIMITED AUTHORITY TO ESTABLISH PAY SCALES FOR CERTIFIED, TECHNICAL AND PROFESSIONAL PERSONNEL," which I signed into law on April 14, 2006, as Public Law 28-113.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

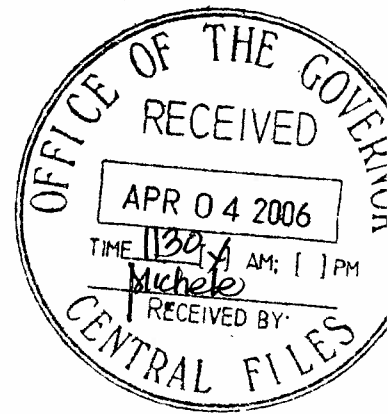
Form for Senator Edward J.B. Calvo, Secretary of the Legislature, Acknowledgement Receipt. Includes fields for Rcv'd by (Nikola), Print Name & Initial, Time (10:00), and Date (4-26-06).

Office of the Secretary
MAY 1 2006
Date: 4/17/06
Time: 11:00
Rec'd by: [Signature]
Print Name: Ed B/C
28-06-0787



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

March 31, 2006



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

Dear *Maga'lahi* Camacho:

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

Sincerely,

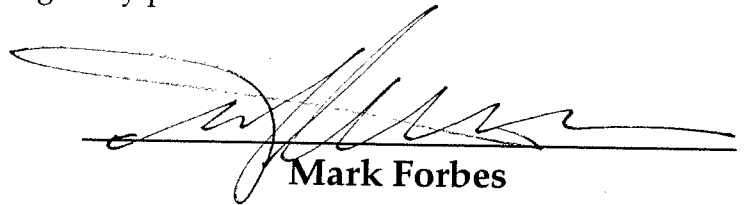
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)

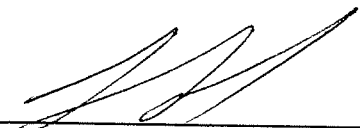
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

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


This is to certify that Bill No. 255 (LS), "AN ACT TO AUTHORIZE GUAM POWER AUTHORITY AND THE GUAM WATERWORKS AUTHORITY TO PROMULGATE PERSONNEL RULES AND REGULATIONS; AND TO PROVIDE LIMITED AUTHORITY TO ESTABLISH PAY SCALES FOR CERTIFIED, TECHNICAL AND PROFESSIONAL PERSONNEL" was on the 22nd day of March, 2006, duly and regularly passed.


Mark Forbes
Speaker


Attested:


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

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


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 14 April 2006

Public Law No. 28-113

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

Bill No. 255 (LS)

As amended by the Committee on Judiciary,
Governmental Operations & Reorganizations
and further amended on the Floor.

Introduced by:

J. M.S. Brown
F. B. Aguon, Jr.
Edward J.B. Calvo

B. J.F. Cruz
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO AUTHORIZE THE GUAM POWER AUTHORITY
AND THE GUAM WATERWORKS AUTHORITY TO
PROMULGATE PERSONNEL RULES AND REGULATIONS;
AND TO PROVIDE LIMITED AUTHORITY TO ESTABLISH
PAY SCALES FOR CERTIFIED, TECHNICAL AND
PROFESSIONAL PERSONNEL.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the Guam
3 Power Authority (GPA) and the Guam Waterworks Authority (GWA) have had
4 difficulty recruiting and retaining a sufficient number of technical and professional
5 employees. The ability to maintain trained and skilled employees is a significant

1 factor in the overall efficiency and effectiveness of the utilities' equipment and
2 facilities, decreasing operational costs, decreasing utility rates, and improving services
3 to rate payers. *I Liheslaturan Guåhan* finds that compensation is a significant
4 obstacle to recruitment and retention, and that skilled and professional workers are
5 generally compensated at salary levels that are non-competitive locally and in the U.S.
6 mainland.

7 **Section 2. GPA Authorized to Promulgate Personnel Rules and**
8 **Regulations and Establish Pay Scales.**

9 A new Subsection (13) is hereby *added* to Section 8104, Chapter 8, 12 GCA to
10 read:

11 “(13) Adopt rules and regulations governing selection, compensation,
12 promotion, performance evaluation, disciplinary action and other terms and
13 conditions of employment affecting *certified, technical and professional*
14 personnel, subject to the provisions of the Administrative Adjudication Act.
15 Such rules and regulations shall provide for the employment and retention of
16 persons on the basis of merit and shall include an orderly and systematic
17 method of recruitment and the establishment of a list of qualified applicants.
18 *Certified, technical and professional personnel* are defined as personnel
19 employed by GPA who are professional engineers, attorneys, and other
20 licensed professionals, or who are highly skilled employees with certificates
21 such as plant operators and other similar engineering and technical personnel,
22 including, but not limited to, those types of jobs listed in Attachment A.
23 Compensation for all other personnel shall remain consistent with
24 compensation plans and pay scales as determined by law.”

1 **Section 3. GWA Authorized to Promulgate Personnel Rules and**
2 **Regulations and Establish Pay Scales.**

3 A new Subsection (m) is hereby *added* to Section 14104, Chapter 14, 12 GCA
4 to read:

5 “(m) Adopt rules and regulations governing selection, compensation,
6 promotion, performance evaluation, disciplinary action and other terms and
7 conditions of employment affecting *certified, technical and professional*
8 personnel, subject to the provisions of the Administrative Adjudication Act.
9 Such rules and regulations shall provide for the employment and retention of
10 persons on the basis of merit, and shall include an orderly and systematic method
11 of recruitment and the establishment of a list of qualified applicants. *Certified,*
12 *technical and professional personnel* are defined as personnel employed by
13 GWA who are professional engineers, attorneys, and other licensed professionals,
14 or who are highly skilled employees with certificates such as plant operators and
15 other similar engineering and technical personnel, including, but not limited to,
16 those jobs listed in Attachment B. Compensation for all other personnel shall
17 remain consistent with compensation plans and pay scales as determined by law.”

18 **Section 4. Subparagraph (h) of Section 4403 of Article 4, Chapter 4 of**
19 **Title 4 of the Guam Code Annotated is hereby *amended* to read:**

20 “(h) the jurisdiction of the Commission shall not extend to academic
21 personnel of the Guam Community College, the University of Guam, all
22 personnel of the Guam Memorial Hospital Authority, and certified, technical
23 and professional personnel of the Guam Power Authority and the Guam
24 Waterworks Authority, except upon mutual consent by the governing board of
25 the respective institution or public corporation and the Commission, nor to any
26 position or person, appeal or proceeding of whatever kind or description if the

1 position is denominated ‘unclassified’ in this Title, except to the extent
2 explicitly permitted in this Section, nor shall such jurisdiction extend to the
3 determination of whether it is practicable to place a position in the classified
4 service.”

5 **Section 5. Department Rules. 4 GCA, Chapter 4, § 4105 is hereby**
6 ***amended to read:***

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

24 **(b)** Such rules shall, to the extent practicable, provide standard
25 conditions for entry into and the other matters concerning the government
26 service. The personnel rules adopted for the Guam Economic Development and

1 Commerce Authority, the Guam Housing Corporation, the Guam Housing and
2 Urban Renewal Authority, the University of Guam, the Guam Community
3 College, the Antonio B. Won Pat International Airport Authority, Guam, the
4 Jose D. Leon Guerrero Commercial Port, the Guam Public School System, the
5 Guam Memorial Hospital Authority, by the Director of Administration and by
6 the Consolidated Commission on Utilities shall require that all their classified
7 employee appeals, except academic personnel of the Guam Community College
8 and the University of Guam in conformance with Title 4 GCA § 4403(h), be
9 heard by the Civil Service Commission ('Commission').

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

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

20 (1) that the minimum rate of each pay range shall be the
21 normal rate for initial employment in the positions and classes assigned
22 thereto; provided, however, that the directors or other department heads
23 may, in accordance with §6205 of this Title, authorize initial employment
24 in a position at a higher step in the position's pay range if such action is
25 warranted by recruitment difficulties or by the new employee's special or
26 unusual qualifications, including experience;

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

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

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

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

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

19 **Section 6. Commission to Provide Study.** The Consolidated Commission on
20 Utilities shall file with *I Liheslaturan Guåhan* a copy of the Classification
21 Compensation and Benefits Study within ten (10) days after the study is completed.

22 **Section 7. Severability.** *If* any provision of this Act or its application to any
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall
24 *not* affect other provisions or applications of this Act which can be given effect
25 without the invalid provisions or applications, and to this end the provisions of this
26 Act are severable.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 3/22/06

VOTING SHEET

Bill No. 255 (HS)
 Resolution No. _____
 Question: _____

w/o engrossment

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Patricia Sanchez
 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Bob's Office

The Office of Senator Robert Klitzkie

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

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

February 3, 2006

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

RE: Bill 255 (LS) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **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**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

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

 4 TO PASS
 0 NOT TO PASS
 0 TO REPORT OUT ONLY
 0 ABSTAIN
 0 INACTIVE FILE

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

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

Sincerely,

Bob

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



Bob's Office

The Office of Senator Robert Klitzkie

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

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

February 3, 2006

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

RE: Voting Sheet for Bill 255 (LS)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **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**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Bob

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

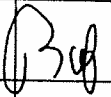





**Committee on Judiciary, Governmental Operations,
and Reorganization**

I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 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.

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

I MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON JUDICIARY, GOVERNMENTAL OPERATIONS,
& REORGANIZATION

SENATOR ROBERT KLITZKIE, CHAIRMAN

COMMITTEE REPORT
ON
BILL NO. 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. ”

GPA CRITICAL POSITION LISTING

Assistant Plant Superintendent
Assistant Power Systems Series
Communications/Electronics Technician (Technician I to leader)
Control Operator
Customer Service Electrician (Electrician I to Supervisor)
Electric Meter Reader (Reader I to Supervisor)
Electric Operations Trainee
Electric Power Systems (Dispatcher I to II)
Electric Relay Technician (I to Supervisor)
Electrician Troubleshooter
Engineering Technician (I to II)
Engineer (I to Supervisor)
Equipment Operator (I to Supervisor)
Heavy Equipment Mechanic (I to Supervisor)
High Voltage Cable Splicer/Electrician (I to Supervisor)
Line Electrician (I to Supervisor)
Machinist (I to Leader)
Meter Electrician (I to Supervisor)
Meter Relay Superintendent
Plant Electrician (I to Leader)
Plant Electrician/Instrument Maintenance Supervisor
Plant Instrument Technician (I to Leader)
Plant Maintenance Mechanic (I to Supervisor)
Plant Maintenance Welder (I to III)
Plant Operator (I to III)
Plant Operator/Maintenance Worker (I to II)
Plant Results Supervisor
Plant Shift Supervisor
Plant Superintendent
Plant Utility Worker
Plant Water Technician (I to Leader)
Substation Electrician (I to Supervisor)
Trouble Dispatcher (I to Leader)

ATTACHMENT B

**GUAM WATERWORKS AUTHORITY
CRITICAL POSITION LISTING**

GWA's Critical position listing, including hard to fill positions, technical-certified-skills are:

Direct-Responsible-Charge Operators/Supervisors:

- 1) **Pumping Station Supervisors & Water/Sewer Supervisors with a Water and Wastewater Distribution Level IV Certification.**
- 2) **Sewer Plant Supervisors with a Wastewater Treatment Level III or above and/or Wastewater Collection Level III or above Certification.**
- 3) **Water Plant Supervisors with a Water Treatment Level III or above Certification.**

Other Hard To Fill Positions:

- 1) **Biologist/Chemist III (or higher) for GWA's laboratory**
- 2) **Customer Services Manager and/or Utility Services Administrator**
- 3) **Chief Engineer (P.E. designation)**

I. OVERVIEW

The Committee on Judiciary, Governmental Operations & Reorganization held a public hearing at 9:00 a.m. Friday January 27, 2006 in the Public Hearing Room of *I Liheslaturan Guåhan*.

Committee Chairman, Senator Robert Klitzkie reconvened the hearing at 2:55 p.m.

Senators present at the public hearing were:

Senator Robert Klitzkie, Chairman

Vice Speaker Joanne M.S. Brown

Senator Lou A. Leon Guerrero

Senator Adolpho B. Palacios

Senator Judith T. Won Pat

II. TESTIMONY

The following is a summary of oral and written testimony provided during the hearing:

A unified testimony in favor of Bill No. 255 (LS) was presented by a panel of Consolidated Commission on Utilities (CCU), Guam Waterworks Authority (GWA) and Guam Power Authority (GPA) representatives.

Simon Sanchez, Chairman, Consolidated Commission on Utilities testified that the utility agencies face a serious manpower shortage and the current civil service process does not provide the utilities ability to obtain the skilled talent needed because of restrictions and the inability to offer competitive wages. He added that ratepayers will win if GWA and GPA are allowed to hire skilled, professional, technical and certified personnel because costs would be lowered, while services improved.

Problems the utilities face because of civil service restrictions include, retention and recruitment due to low pay and the inability to attract and retain personnel; inequities between job and pay (i.e. there are similar job functions performed, but different pay compensation, and some positions have changes in salary, while others remained at the same pay rate); and a lack of incentives for workers who perform.

Mr. Sanchez added that, at times, the Civil Service Commission (CSC) process has been difficult to work with and the utilities have to address hiring and

retention of needed employees because they are faced with an aging workforce, and more than 55 percent of employees are eligible to retire within 15 years.

Joaquin Flores, General Manager, Guam Power Authority, stated that data not only shows a shortage of staff, but trends indicate a decrease in attrition. GPA's needs are for 583 employees to provide adequate service to ratepayers. The power agency has not increased its number of employees, but they are faced with an aging workforce.

Mr. Flores stated that 208 employees have left the Guam Power Authority since 1999, and there are three main reasons for this, including pay; better work opportunity in the private sector, federal government or off-island; and while former employees cited personal reasons as their decision to resign, during exit interviews, it was disclosed that money was the determining factor. Mr. Flores stated, in the past five years, people have left island and GPA, and the utility is unable to recruit personnel fast enough to fill these positions, which breeds unsafe and dangerous working conditions.

Within the last three to five years, GPA lost graduate linemen apprentices and senior linemen to Anaheim Public Utilities, where they offer \$27.50 per hour versus GPA's \$9.60 per hour, and to the Department of Defense for higher pay. Other examples listed of personnel who submitted resignations, include three plant welders within as many years, and 12 engineers within four. Mr. Flores added that he personally trained the 12 engineers who resigned because they accepted higher paying jobs off island or with the Department of Defense.

Mr. Sanchez said GWA mirrors GPA's problems.

Elaine Cruz, Personnel Services Administrator, Guam Waterworks Authority, provided an example of obstacles GWA faced with the Civil Service Commission regarding recruitment. GWA tried to hire a Production & Treatment Manager and a Collection & Distribution Manager – proposed new positions needed to better operate GWA – and received the governor's approval. The Civil Service Commission denied the new positions, arguing that the current positions of "Wastewater System Manager" & "Water System Manager" were sufficient. GWA did not have the ability offer competitive salaries for the positions, she stated.

Mr. Sanchez added that under CCU's enabling act, the body has the ability to create positions, and faced with the CSC opposition, went around the process and created the Assistant General Manager positions to fill the need.

Ms. Cruz added that in 2001, GWA announced a chief engineer position, but failed to attract interested parties because of low pay. The position was re-announced in 2003, as mandated in a court Stipulated Order, through a Request for Proposal (RFP), and hired a private company, but CSC staff objected to the use of an RFP. Therefore, GWA turned to the US Environmental Protection Agency (USEPA) for assistance, and through help of the federal agency and US Public Health Service, was able to recruit an engineer and offer a salary comparable with the federal wage scale through a federal grant.

Mr. Sanchez expanded on dilemmas GWA faced with the CSC process. An example was specific to the recruitment of Direct Responsible Charges (DRC) to operate Guam's water and wastewater systems, required under the Stipulated Order and local and federal law. He stated there was a lack of local certified operators, pay was too low to attract new certified hires and the old job description, "Sewer Plant Operator" did not fit the requirements of a DRC, but the CSC argued it did. To get around this process, DRCs were recruited from off-island and hired in unclassified positions. Now, GWA faces a new dynamic of current government of Guam classified employees receiving certification, but unwilling to become DRCs and fall under unclassified status.

Julie Quinata, Personnel Services Administrator, Guam Power Authority, spoke to an inconsistent application of policies put forth by CSC. Ms. Quinata said she was told by the CSC to create new policies, but this was restricted to GPA and not required of other government of Guam agencies, or vice versa. She stated that recruitment problems included trying to obtain an engineering intern, which was approved by the governor, but denied by CSC staff who opined that the position was unnecessary, and recommended that GPA recruit via limited term appointments, contrary to local law. Ms. Quinata added that GPA tried to hire an Engineer II/Above-Step Recruitment, but was denied because CSC deemed that posting the job opening on a website, inadequate public announcement. She stated furthermore the CSC staff's unwillingness to forward the position request to the CSC Commissioners for review.

Mr. Sanchez stated that the utilities serve the same customers, but one utility is allowed by the CSC to hire to fill a need, while the other is denied the same position. For example, GPA hired a Utility Services Administrator for \$40,000 per year, and GWA requested the same position for its operations, but was denied by CSC staff. He reiterated that the CSC has provided roadblocks to GPA and GWA in creating new positions and hiring qualified, skilled, trained and certified personnel to fit the changing needs of the times. He further stated that

some CSC decisions try to dictate to the utilities how to operate, but they do not have an understanding of utility operations, and CSC staff has denied the utilities opportunities to present a case before the CSC commissioners.

Mr. Sanchez said Bill No. 255 (LS) will allow the utilities to make pay adjustments to resolve retention, recruitment and incentive issues, and pay scale adjustments have been made since 1991. GPA and GWA are not labor-intensive operations having a combined total labor cost of 13 percent of total costs, Sanchez said. Any pay changes will not increase rates because skilled talent will lower rates through better service and cost savings, and the utilities are currently conducting a wage study at their own cost to update pay scales, he said.

Mr. Sanchez concluded by stating the proposed legislation will allow the utilities to establish the appropriate job requirements and efficiently meet changing needs. This, however, will be limited to certified, technical and professional positions, he said.

David Craddick, General Manager, Guam Waterworks Authority, provided written testimony in support of Bill No. 255 (LS). Mr. Craddick wrote that GWA receives its policy direction from an elected board, and passing this legislation will put accountability and responsibility directly on the CCU.

III. Concerns/Questions from committee and individuals who presented testimony:

Senator L. Leon Guerrero said she understands the intent for the proposed legislation; to allow the CCU additional authority to hire skilled, certified, technical, professional personnel, but her concern was whether these employees would be afforded the same protection as government of Guam classified employees.

Mr. Sanchez affirmed this, stating the legislation is focused on job creation and pay compensation.

Vice Speaker J. Brown, author of Bill No. 255 (LS) & chairwoman of the legislative utilities committee, stated that the presence of three of the four CCU Commissioners; Chairman Sanchez, Commissioner Gloria Nelson and Commissioner Benigno Palomo, and the panel's presentation is indicative of the bill's importance. She said the utilities are reaching a critical point where human resources are being depleted, and the CSC structure is becoming dysfunctional.

Vice Speaker Brown noted that GWA and GPA use only a small percentage of their budget – approximately 24 and 14 per cent, respectively – on personnel. She said that before her term as legislative utilities oversight chairwoman is over, she would like to ensure that the utilities are given the tools necessary to ensure that their ability to obtain needed resources to run viably and efficiently to meet the community's growing demands.

Senator J. Won Pat sought clarification to Mr. Sanchez's comment that there would be no additional utility rate increases if they are given authorization to hire personnel.

Mr. Sanchez responded that skilled people will improve the system and the threat of losing them will make costs increase. He said the island has seen the effects of bad management resulting in increased costs. He said he would like to keep local skilled talent on Guam, which would result in lower costs.

Senator L. Leon Guerrero, then asked how soon we would see a rollback in power rates.

Mr. Sanchez said this would occur as soon as fuel prices go down, and reiterated that GPA and GWA are not labor-intensive operations.

Mr. Flores stated that 74 line journeymen have been recruited for GPA, but if the government of Guam does not compensate them, the island will lose these skills. He said if the government desire's to hire reliable people to run the utilities efficiently, then, they must hire trained skilled professionals and have them stay on Guam.

The hearing concluded at 3:38 p.m.

III. FINDINGS AND RECOMMENDATION:

The Committee on Judiciary, Governmental Operations & Reorganization to which Bill No. 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," was referred does hereby submit its findings to *I Mina Bente Ocho Na Liheslaturan Guahan* with the recommendation **TO DO**

PASS as amended by the Committee on Judiciary, Governmental Operations & Reorganization.

2nd
3-22-06

3rd
3/22/06

3

6
3/22/06
w/o engrossment

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

Bill No. 255(LS)

As amended by the Committee on Judiciary,
Governmental Operations & Reorganizations

Introduced by:

J.M.S. BROWN

**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.**

space

BE IT ENACTED BY THE PEOPLE OF GUAM:

1
2
3 **Section 1. Legislative Findings.** I Liheslaturan Guåhan finds that the Guam Power
4 Authority and the Guam Waterworks Authority have had difficulty recruiting and
5 retaining a sufficient number of technical and professional employees. The ability to
6 maintain trained and skilled employees is a significant factor in the overall efficiency and
7 effectiveness of the utility's equipment and facilities, in decreasing operational costs,
8 decreasing utility rates, and improving services to rate payers. I Liheslaturan Guåhan finds
9 that compensation is a significant obstacle to recruitment and retention, and that skilled
10 and professional workers are generally compensated at salary levels that are non-
11 competitive locally and in the U.S. Mainland, which has resulted in the loss of many skilled
12 and professional GPA and GWA workers.

13

① page #'s

1 **Section 2. GPA authorized to Promulgate Personnel Rules and Regulations and**
2 **Establish Pay Scales.**

3
4 ~~[Notwithstanding the provisions of Chapters 4 and 6 of Title 4 of the Guam Code~~
5 ~~Annotated,]~~ a new Subsection (13) is hereby *added* to Section 8104, Chapter 8, 12 GCA to
6 read:

7
8 “(13) Adopt rules and regulations governing selection, compensation, promotion,
9 performance evaluation, disciplinary action and other terms and conditions of employment
10 affecting *certified, technical and professional* personnel, subject to the provisions of the
11 Administrative Adjudication Act. Such rules and regulations shall provide for the
12 employment and retention of persons on the basis of merit, and shall include an orderly
13 and systematic method of recruitment and the establishment of a list of qualified applicants
14 for employment purposes, for *certified, technical and professional personnel*. *Certified, technical*
15 *and Professional personnel* are defined as personnel employed by GPA who are professional
16 engineers, attorneys, and other licensed professionals, or who are highly skilled employees
17 with certificates as plant operators and other similar engineering and technical personnel,
18 including but not limited to those types of jobs listed in attachment A.” Compensation for
19 all other personnel shall remain consistent with compensation plans and pay scales as
20 determined by law.

21
22 **Section 3. GWA authorized to Promulgate Personnel Rules and Regulations and**
23 **Establish Pay Scales.**

24
25 ~~[Notwithstanding the provisions of Chapters 4 and 6 of 4 GCA,]~~ a new Subsection (m) is
26 hereby *added* to Section 14104, Chapter 14, 12 GCA to read:

Passed FA No. 1
Date: 3/22 Time: 10:55A

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 233

AR4
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2 lines 4+5 Delete "Notwithstanding....."
annotated"

(Below only for Clerk of Legislature's use and processing))

Date 3/22 2006

Floor Amendment No. 1 of a total of changes on above Bill.

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed:
Amendment Withdrawn:

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

 Ass't. Amend. Clerk
 Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 255

AR Unzueta
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Line 25 of Page 2 delete "notwithstandi...
GCA

(Below only for Clerk of Legislature's use and processing)

Date 3/22, 2006

Floor Amendment No. 4 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

1
2 “(m) Adopt rules and regulations governing selection, compensation, promotion,
3 performance evaluation, disciplinary action and other terms and conditions of employment
4 affecting *certified, technical and professional* personnel, subject to the provisions of the
5 Administrative Adjudication Act. Such rules and regulations shall provide for the
6 employment and retention of persons on the basis of merit, and shall include an orderly
7 and systematic method of recruitment and the establishment of a list of qualified applicants
8 for employment purposes, for *certified, technical and professional personnel*. *Certified, technical*
9 *and Professional personnel* are defined as personnel employed by GWA who are professional
10 engineers, attorneys, and other licensed professionals, or who are highly skilled employees
11 with certificates as plant operators and other similar engineering and technical personnel,
12 including but not limited to those jobs listed in attachment B.” Compensation for all other
13 personnel shall remain consistent with compensation plans and pay scales as determined
14 by law. Compensation for all other personnel shall remain consistent with compensation
15 plans and pay scales as determined by law.

16
17 **Section 4. Subparagraph (h) of Section 4403 of Article 4, Chapter 4 of Title 4 of the**
18 **Guam Code Annotated is hereby *repealed and reenacted* to read as follows:**
19

20 “(h) the jurisdiction of the Commission shall not extend to academic personnel of the
21 Guam Community College, University of Guam, all personnel of the Guam Memorial
22 Hospital, and certified, technical and professional personnel of the Guam Power Authority
23 and Guam Waterworks Authority, except upon mutual consent by the governing board of
24 the respective institution or public corporation and the Commission, nor to any position or
25 person, appeal of proceeding of whatever kind or description if the position is
26 denominated ‘unclassified’ in this Title, except to the extent explicitly permitted in this

1 Section, nor shall such jurisdiction extend to the determination of whether it is practicable
2 to place a position in the classified service.”

3
4 **Section 5. Section 4105 of Article 4, Chapter 4 of Title 4 of Guam Code**
5 **Annotated is hereby amended to read as follows.**

6
7 **“§ 4105. Departmental Rules.**

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

23
24 Such rules shall, to the extent practicable, provide standard conditions for entry into and
25 the other matters concerning the government service. The personnel rules adopted for the
26 Guam Economic Development & Commerce Authority, the Guam Housing Corporation,

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 255

R. Klitzkie

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

REPLACE SECTION 5 WITH THE FOLLOWING:

Section 5. Department Rules. 4 GCA, Chapter 4, § 4105 is amended to read:

“§ 4105. **Departmental Rules.** (a) 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 on behalf of the Guam Waterworks Authority and the Guam Power Authority 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.”

(b) Such rules shall, to the extent practicable, provide standard conditions for entry into and the other matters concerning the government service. The personnel rules adopted for the Guam Economic Development Authority, the Guam Housing Corporation, the Guam Housing and Urban Renewal Authority, the University of Guam, the Guam Community College, the Antonio B. Won Pat Guam International Airport Authority, the Guam Telephone Authority, the Port Authority of Guam, the Guam Public School System, the Guam Memorial Hospital Authority, the Director of ~~the Department of~~ Administration and by the Consolidated Commission on Utilities ~~Guam Waterworks Authority~~ shall require that all their classified employee appeals, except academic personnel of the Guam Community College and the University of Guam in conformance with Title 4 GCA § 4403(h), be heard by the Civil Service Commission ('Commission').

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

(d) Such rules shall include the following provisions:

Passed FA No. _____

Date: _____ Time: _____

(a) (1) that the minimum rate of each pay range shall be the normal rate for initial employment in the positions and classes assigned thereto; provided, however, that the directors or other department heads may, ~~with the approval of the Director of Administration~~ in accordance with §6205 of this title, authorize initial employment in a position at a higher step in the position's pay range if such action is warranted by recruitment difficulties or by the new employee's special or unusual qualifications, including experience;

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

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

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

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

(e) Adoptions of such rules are subject to the Administrative Adjudication Law.

(Below only for Clerk of Legislature's use and processing))

Date 3/22/06

Floor Amendment No. 3 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

1 the Guam Housing and Urban Renewal Authority, the University of Guam, the Guam
2 Community College, the Antonio B. Won Pat Guam International Airport Authority, ~~the~~
3 ~~Guam Telephone Authority~~, the Port Authority of Guam, the Guam Public School System,
4 the Guam Memorial Hospital Authority, the Consolidated Commission on Utilities on
5 behalf of the Guam Power Authority and Guam Waterworks Authority and by the Director
6 of the Department of Administration shall require that all their classified employee
7 appeals, except academic personnel of the Guam Community College and the University of
8 Guam in conformance with 4 G.C.A. § 4403(h), be heard by the Civil Service Commission
9 ('Commission').

10
11 The personnel rules adopted for the Judiciary Branch by the Judicial Council shall require
12 that the Council hear all classified employee appeals. Personnel rules governing any other
13 Executive Branch entities, unless otherwise excluded by law, shall require that their
14 classified employee appeals be heard by the Commission. Rules concerning the Executive
15 Branch shall take effect upon their approval by the Commission, by Executive Order of *I*
16 *Maga'lahaen Guahan* and filing with the Legislative Secretary. Rules concerning the Judicial
17 Council shall take effect upon adoption by the Judicial Council of Guam and filing with the
18 Legislative Secretary. Rules concerning the Guam Waterworks Authority and the Guam
19 Power Authority shall take effect upon adoption by the Consolidated Commission on
20 Utilities.

21
22 Such rules shall include the following provisions:

23
24 (a) that the minimum rate of each pay range shall be the normal rate for initial employment
25 in the positions and classes assigned thereto; provided, however, that the directors or other
26 department heads may, with the approval of the Director of Administration, authorize

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

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

8
9 (c) that overtime for those employees entitled hereto shall be calculated at one and one-half
10 (1/2) times their regular wage;

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

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

21
22 Adoptions of such rules are subject to the Administrative Adjudication Law.”

23
24 **Section 6. Severability.** *If any provisions of this Act or its application to any*
25 *person or circumstance is found to be invalid or contrary to law, such invalidity shall not*

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 235

RK

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Attach listing on GPA & GWA Critical Review

(Below only for Clerk of Legislature's use and processing))

Date 3/22, 2006

Floor Amendment No. 2 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]

Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 255

J. Brown

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

- To add a new Section 6 and to renumber Section 6 as Section 7 with Section 6 to read:
Section Six. Commission to provide Study. The Consolidated Commission on Utilities shall file with I Liheslaturan Guåhan a copy of the Classification Compensation and Benefits Study within ten (10) days after the study is completed.

(Below only for Clerk of Legislature's use and processing)

Date 3/22

Floor Amendment No. 5 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

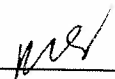
Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur *(initial)*



Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk
____ Engrossment Staff

- 1 affect other provisions or applications of this Act which can be given effect without the
- 2 invalid provisions or applications, and to this end the provisions of this Act are severable.

~~just~~
RK-FA2
Add testing 9-12

just
FAS
R,
New Section

GPA CRITICAL POSITION LISTING

Assistant Plant Superintendent
Assistant Power Systems Series
Communications/Electronics Technician (Technician I to leader)
Control Operator
Customer Service Electrician (Electrician I to Supervisor)
Electric Meter Reader (Reader I to Supervisor)
Electric Operations Trainee
Electric Power Systems (Dispatcher I to II)
Electric Relay Technician (I to Supervisor)
Electrician Troubleshooter
Engineering Technician (I to II)
Engineer (I to Supervisor)
Equipment Operator (I to Supervisor)
Heavy Equipment Mechanic (I to Supervisor)
High Voltage Cable Splicer/Electrician (I to Supervisor)
Line Electrician (I to Supervisor)
Machinist (I to Leader)
Meter Electrician (I to Supervisor)
Meter Relay Superintendent
Plant Electrician (I to Leader)
Plant Electrician/Instrument Maintenance Supervisor
Plant Instrument Technician (I to Leader)
Plant Maintenance Mechanic (I to Supervisor)
Plant Maintenance Welder (I to III)
Plant Operator (I to III)
Plant Operator/Maintenance Worker (I to II)
Plant Results Supervisor
Plant Shift Supervisor
Plant Superintendent
Plant Utility Worker
Plant Water Technician (I to Leader)
Substation Electrician (I to Supervisor)
Trouble Dispatcher (I to Leader)

AL A

**GUAM WATERWORKS AUTHORITY
CRITICAL POSITION LISTING**

GWA's Critical position listing, including hard to fill positions, technical-certified-skills are:

Direct-Responsible-Charge Operators/Supervisors:

- 1) Pumping Station Supervisors & Water/Sewer Supervisors with a Water and Wastewater Distribution Level IV Certification.**
- 2) Sewer Plant Supervisors with a Wastewater Treatment Level III or above and/or Wastewater Collection Level III or above Certification.**
- 3) Water Plant Supervisors with a Water Treatment Level III or above Certification.**

Other Hard To Fill Positions:

- 1) Biologist/Chemist III (or higher) for GWA's laboratory**
- 2) Customer Services Manager and/or Utility Services Administrator**
- 3) Chief Engineer (P.E. designation)**

LB

I MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON JUDICIARY, GOVERNMENTAL OPERATIONS,
& REORGANIZATION

SENATOR ROBERT KLITZKIE, CHAIRMAN

COMMITTEE REPORT
ON
BILL NO. 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. ”

I. OVERVIEW

The Committee on Judiciary, Governmental Operations & Reorganization held a public hearing at 9:00 a.m. Friday January 27, 2006 in the Public Hearing Room of *I Liheslaturan Guåhan*.

Committee Chairman, Senator Robert Klitzkie reconvened the hearing at 2:55 p.m.

Senators present at the public hearing were:

Senator Robert Klitzkie, Chairman

Vice Speaker Joanne M.S. Brown

Senator Lou A. Leon Guerrero

Senator Adolpho B. Palacios

Senator Judith T. Won Pat

II. TESTIMONY

The following is a summary of oral and written testimony provided during the hearing:

A unified testimony in favor of Bill No. 255 (LS) was presented by a panel of Consolidated Commission on Utilities (CCU), Guam Waterworks Authority (GWA) and Guam Power Authority (GPA) representatives.

Simon Sanchez, Chairman, Consolidated Commission on Utilities testified that the utility agencies face a serious manpower shortage and the current civil service process does not provide the utilities ability to obtain the skilled talent needed because of restrictions and the inability to offer competitive wages. He added that ratepayers will win if GWA and GPA are allowed to hire skilled, professional, technical and certified personnel because costs would be lowered, while services improved.

Problems the utilities face because of civil service restrictions include, retention and recruitment due to low pay and the inability to attract and retain personnel; inequities between job and pay (i.e. there are similar job functions performed, but different pay compensation, and some positions have changes in salary, while others remained at the same pay rate); and a lack of incentives for workers who perform.

Mr. Sanchez added that, at times, the Civil Service Commission (CSC) process has been difficult to work with and the utilities have to address hiring and

retention of needed employees because they are faced with an aging workforce, and more than 55 percent of employees are eligible to retire within 15 years.

Joaquin Flores, General Manager, Guam Power Authority, stated that data not only shows a shortage of staff, but trends indicate a decrease in attrition. GPA's needs are for 583 employees to provide adequate service to ratepayers. The power agency has not increased its number of employees, but they are faced with an aging workforce.

Mr. Flores stated that 208 employees have left the Guam Power Authority since 1999, and there are three main reasons for this, including pay; better work opportunity in the private sector, federal government or off-island; and while former employees cited personal reasons as their decision to resign, during exit interviews, it was disclosed that money was the determining factor. Mr. Flores stated, in the past five years, people have left island and GPA, and the utility is unable to recruit personnel fast enough to fill these positions, which breeds unsafe and dangerous working conditions.

Within the last three to five years, GPA lost graduate linemen apprentices and senior linemen to Anaheim Public Utilities, where they offer \$27.50 per hour versus GPA's \$9.60 per hour, and to the Department of Defense for higher pay. Other examples listed of personnel who submitted resignations, include three plant welders within as many years, and 12 engineers within four. Mr. Flores added that he personally trained the 12 engineers who resigned because they accepted higher paying jobs off island or with the Department of Defense.

Mr. Sanchez said GWA mirrors GPA's problems.

Elaine Cruz, Personnel Services Administrator, Guam Waterworks Authority, provided an example of obstacles GWA faced with the Civil Service Commission regarding recruitment. GWA tried to hire a Production & Treatment Manager and a Collection & Distribution Manager – proposed new positions needed to better operate GWA – and received the governor's approval. The Civil Service Commission denied the new positions, arguing that the current positions of "Wastewater System Manager" & "Water System Manager" were sufficient. GWA did not have the ability offer competitive salaries for the positions, she stated.

Mr. Sanchez added that under CCU's enabling act, the body has the ability to create positions, and faced with the CSC opposition, went around the process and created the Assistant General Manager positions to fill the need.

Ms. Cruz added that in 2001, GWA announced a chief engineer position, but failed to attract interested parties because of low pay. The position was re-announced in 2003, as mandated in a court Stipulated Order, through a Request for Proposal (RFP), and hired a private company, but CSC staff objected to the use of an RFP. Therefore, GWA turned to the US Environmental Protection Agency (USEPA) for assistance, and through help of the federal agency and US Public Health Service, was able to recruit an engineer and offer a salary comparable with the federal wage scale through a federal grant.

Mr. Sanchez expanded on dilemmas GWA faced with the CSC process. An example was specific to the recruitment of Direct Responsible Charges (DRC) to operate Guam's water and wastewater systems, required under the Stipulated Order and local and federal law. He stated there was a lack of local certified operators, pay was too low to attract new certified hires and the old job description, "Sewer Plant Operator" did not fit the requirements of a DRC, but the CSC argued it did. To get around this process, DRCs were recruited from off-island and hired in unclassified positions. Now, GWA faces a new dynamic of current government of Guam classified employees receiving certification, but unwilling to become DRCs and fall under unclassified status.

Julie Quinata, Personnel Services Administrator, Guam Power Authority, spoke to an inconsistent application of policies put forth by CSC. Ms. Quinata said she was told by the CSC to create new policies, but this was restricted to GPA and not required of other government of Guam agencies, or vice versa. She stated that recruitment problems included trying to obtain an engineering intern, which was approved by the governor, but denied by CSC staff who opined that the position was unnecessary, and recommended that GPA recruit via limited term appointments, contrary to local law. Ms. Quinata added that GPA tried to hire an Engineer II/Above-Step Recruitment, but was denied because CSC deemed that posting the job opening on a website, inadequate public announcement. She stated furthermore the CSC staff's unwillingness to forward the position request to the CSC Commissioners for review.

Mr. Sanchez stated that the utilities serve the same customers, but one utility is allowed by the CSC to hire to fill a need, while the other is denied the same position. For example, GPA hired a Utility Services Administrator for \$40,000 per year, and GWA requested the same position for its operations, but was denied by CSC staff. He reiterated that the CSC has provided roadblocks to GPA and GWA in creating new positions and hiring qualified, skilled, trained and certified personnel to fit the changing needs of the times. He further stated that

some CSC decisions try to dictate to the utilities how to operate, but they do not have an understanding of utility operations, and CSC staff has denied the utilities opportunities to present a case before the CSC commissioners.

Mr. Sanchez said Bill No. 255 (LS) will allow the utilities to make pay adjustments to resolve retention, recruitment and incentive issues, and pay scale adjustments have been made since 1991. GPA and GWA are not labor-intensive operations having a combined total labor cost of 13 percent of total costs, Sanchez said. Any pay changes will not increase rates because skilled talent will lower rates through better service and cost savings, and the utilities are currently conducting a wage study at their own cost to update pay scales, he said.

Mr. Sanchez concluded by stating the proposed legislation will allow the utilities to establish the appropriate job requirements and efficiently meet changing needs. This, however, will be limited to certified, technical and professional positions, he said.

David Craddick, General Manager, Guam Waterworks Authority, provided written testimony in support of Bill No. 255 (LS). Mr. Craddick wrote that GWA receives its policy direction from an elected board, and passing this legislation will put accountability and responsibility directly on the CCU.

III. Concerns/Questions from committee and individuals who presented testimony:

Senator L. Leon Guerrero said she understands the intent for the proposed legislation; to allow the CCU additional authority to hire skilled, certified, technical, professional personnel, but her concern was whether these employees would be afforded the same protection as government of Guam classified employees.

Mr. Sanchez affirmed this, stating the legislation is focused on job creation and pay compensation.

Vice Speaker J. Brown, author of Bill No. 255 (LS) & chairwoman of the legislative utilities committee, stated that the presence of three of the four CCU Commissioners; Chairman Sanchez, Commissioner Gloria Nelson and Commissioner Benigno Palomo, and the panel's presentation is indicative of the bill's importance. She said the utilities are reaching a critical point where human resources are being depleted, and the CSC structure is becoming dysfunctional.

Vice Speaker Brown noted that GWA and GPA use only a small percentage of their budget – approximately 24 and 14 per cent, respectively – on personnel. She said that before her term as legislative utilities oversight chairwoman is over, she would like to ensure that the utilities are given the tools necessary to ensure that their ability to obtain needed resources to run viably and efficiently to meet the community's growing demands.

Senator J. Won Pat sought clarification to Mr. Sanchez's comment that there would be no additional utility rate increases if they are given authorization to hire personnel.

Mr. Sanchez responded that skilled people will improve the system and the threat of losing them will make costs increase. He said the island has seen the effects of bad management resulting in increased costs. He said he would like to keep local skilled talent on Guam, which would result in lower costs.

Senator L. Leon Guerrero, then asked how soon we would see a rollback in power rates.

Mr. Sanchez said this would occur as soon as fuel prices go down, and reiterated that GPA and GWA are not labor-intensive operations.

Mr. Flores stated that 74 line journeymen have been recruited for GPA, but if the government of Guam does not compensate them, the island will lose these skills. He said if the government desire's to hire reliable people to run the utilities efficiently, then, they must hire trained skilled professionals and have them stay on Guam.

The hearing concluded at 3:38 p.m.

III. FINDINGS AND RECOMMENDATION:

The Committee on Judiciary, Governmental Operations & Reorganization to which Bill No. 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," was referred does hereby submit its findings to *I Mina Bente Ocho Na Liheslaturan Guahan* with the recommendation **TO DO**

PASS as amended by the Committee on Judiciary, Governmental Operations & Reorganization.



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

AGENDA
Friday, January 27, 2006

9:00am

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

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

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

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

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

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

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

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



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

MINUTES

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

Date: February 2, 2006

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

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

Senators present:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Declaration Under Penalty of Perjury of Audreya Punzalan

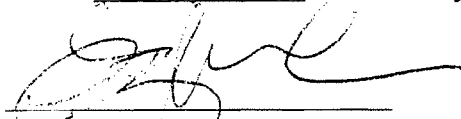
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) 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), 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, 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



GOVERNMENT OF GUAM

**CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT**

2nd Floor Hakubotan Bldg.
E.T. Calvo Way, Tamuning 96913
P.O. Box 3156 Hagatna, Guam 96932
Tel: 647-1855*57 Fax: 647-1867



CSC NO. 06-075

January 26, 2006

**Honorable Robert Klitzkie
Senator, 28th Guam Legislature
Chairperson, Committee on Judiciary,
Governmental Operations and Reorganization**

Re: Bills 254 and 255

Dear Senator Klitzkie:

My name is Luis R. Baza and I am the Chairperson of the Civil Service Commission. The Civil Service Commission at its meetings of January 24 and 26, discussed these bills and its impact. I would like to thank the Committee for allowing me to speak on behalf of all of the Civil Service Commissioners on bills 254 and 255.

After reviewing bill 254, the Civil Service Commission has the following comments:

1. Why must the Department of Administration maintain, in coordination with the Attorney General's Office, a panel of hearing officers?

This section is placed in the personnel policy of the government of Guam (4 GCA Section 4101.1). Currently, there is no need for a listing of hearing officers for personnel decisions. Unless the law is changed to require the use of hearing officers for personnel decisions, we are unaware of why this particular provision is included here.

2. Section 2 amends 4 GCA Section 4105 by providing that several autonomous agencies and departments will no longer have to have their rules be subject to the Department of Administration's review.

We believe that by having several different agencies and departments develop their own personnel rules and regulations without the same criteria that is established for the other agencies and departments within the government of Guam goes against a merit system that is required to be established by the Organic Act of Guam. This provision gives these agencies no criteria for these agencies to follow and as such,

employees at these departments will no longer have merit system protection that is given to other government of Guam employees..

3. Section 5 who authorize recruitment above-step for autonomous agencies, departments and public corporations in addition to the Director of the Department of Administration. Currently, the Director of the Department of Administration has the authority to grant such above step needs if requested. We believe that there should be consistency throughout the government of Guam in personnel matters and since the Director can provide such above-step authorization on a case-by-case basis, there is no need for this section.
4. Sections 6-8 attempts to allow the Judiciary, line agencies and the autonomous and public corporations to create new jobs by posting such created positions on the web. These sections allow these agencies and departments to determine a classification related matter without proper consistent standards and control. A good example will be that the same position will be paid at a different rates due to the agencies and departments not following the current Hay methodology for a proper pay range for a position.

This proposed bill brings up back to the pre-Hay period of 1990 wherein every agency and department paid the different rates for the same position. The adoption by the Guam Legislature of the 4 GCA Section 6201 was intended to ensure uniformity of action for the same positions within the government of Guam.

We oppose this bill as it will once again create disparate treatment for the government employees.

As to bill 255, the legislative findings states "the I Liheslaturan Guahan finds that compensation is a significant obstacle to recruitment and retention...".

The Hay methodology is a mechanism to properly slot individuals into the appropriate pay range and scale based upon the point total given for a particular job. Since there is not a problem with the classification of these individuals, the only issue is of pay. We therefore, would recommend that you allow the Director of the Department of Administration to determine the appropriate increase of pay rather than allowing agencies to disturb the merit system of the government of Guam by changing the classification of employees without proper justification. The lack of pay affects all of the employees within the government of Guam, not just those working at these positions.

4 GCA Section 6102 has not been repealed. It states in part:

4 GCA Section 6102: The purpose of this Chapter is to provide a uniform and unified system of position classification and compensation for the Executive and Judicial Branches of the Government of Guam.

The purpose of passing this legislation was to ensure fairness and equality for government positions no matter what agency that the employee worked for. Unless you are saying the those employees at the Guam Waterworks Authority or the Guam Power Authority are no longer government of Guam classified employees, we believe that this bill should not pass.

We are also concerned about the piecemeal legislation that is occurring regarding the merit system. Public Law 28-68 was recently passed and the transfer of our former functions went into effect on January 1, 2006. You have not given the Director of the Department of Administration the opportunity to handle these issues.

We recommend that these bills not be passed.

Thank you again for allowing me to comment on these bills.



LUIS R. BAZA

Chairperson

Civil Service Commission



GUAM WATERWORKS AUTHORITY

"Good Water Always"

Post Office Box 3010, Hagatna, Guam 96932

Phone: (671) 647-2603 Fax: (671) 646-2335

January 27, 2006

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN (28th Guam Legislature)

TESTIMONY on Bill 255

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

Good Morning Madam Chair and Committee Members, thank you for allowing GWA this opportunity to express our thoughts on this important matter. GWA management is in full support of this legislation.

GWA whether under a court order or not gets its policy direction from an elected Board.

This level of accountability although not completely unprecedented, due to the DOE puts a great burden on members of our community that have been voted into office that do not have full responsibility given with the accountability. Passage of this legislation would put accountability and responsibility at the door of the elected CCU.

There will then be no stories or fines from organizations outside of Guam saying we are not doing our job.

Thank you for your concern and assistance in moving this very important legislation along.

Senseremente,

DAVID R. CRADDICK
General Manager

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 *Unibetsedåt 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.

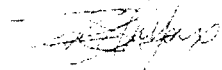
Therefore, I respectfully ask the Committee on Judiciary, Governmental Operations and Reorganization as well as all our Legislators to:

- 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



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

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

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

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



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

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

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

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

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

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

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.

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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.

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APPENDIX B: MEDIA E-MAIL LISTING

<p align="center">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p align="center">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@guam.net Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News –Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com ABC 14 News – John Anderson, News Director, jontalk@k57.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstonews@ite.net KISH (102.9 FM) – 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
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jal@netpci.net
lk4kids@ite.net
ray@raytenorio.com
cjbjcruz@ite.net
patrickcepeda@hotmail.com

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

Bill No. 255 (S)

Introduced by:

J.M.S. BROWN 

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

1
2
3 **Section 1. Legislative Findings.** I Liheslaturan Guåhan finds that the Guam Power
4 Authority and the Guam Waterworks Authority have had difficulty recruiting and retaining a
5 sufficient number of technical and professional employees. The ability to maintain trained and
6 skilled employees is a significant factor in the overall efficiency and effectiveness of the utility's
7 equipment and facilities, in decreasing operational costs, decreasing utility rates, and improving
8 services to rate payers. I Liheslaturan Guåhan finds that compensation is a significant obstacle to
9 recruitment and retention, and that skilled and professional workers are generally compensated at
10 salary levels that are non-competitive locally and in the U.S. Mainland, which has resulted in the
11 loss of many skilled and professional GPA and GWA workers.

12
13 **Section 2. GPA authorized to Promulgate Personnel Rules and Regulations and**
14 **Establish Pay Scales.**

15
16 Notwithstanding the provisions of Chapters 4 and 6 of Title 4 of the Guam Code Annotated,
17 a new Subsection (13) is hereby *added* to Section 8104, Chapter 8, 12 GCA to read:

18
19 “(13) Adopt rules and regulations governing selection, compensation, promotion, performance
20 evaluation, disciplinary action and other terms and conditions of employment affecting *certified,*
21 *technical and professional* personnel, subject to the provisions of the Administrative Adjudication

1 establishment of a list of qualified applicants for employment purposes, for *certified, technical and*
2 *professional personnel*. *Certified, technical and Professional personnel* are defined as personnel
3 employed by GPA who are professional engineers, attorneys, and other licensed professionals, or
4 who are highly skilled employees with certificates as plant operators and other similar engineering
5 and technical personnel, including but not limited to those types of jobs listed in attachment A.”
6 Compensation for all other personnel shall remain consistent with compensation plans and pay
7 scales as determined by law.

8
9 **Section 3. GWA authorized to Promulgate Personnel Rules and Regulations and**
10 **Establish Pay Scales.**

11
12 Notwithstanding the provisions of Chapters 4 and 6 of 4 GCA, a new Subsection (m) is hereby
13 *added* to Section 14104, Chapter 14, 12 GCA to read:

14
15 “(m) Adopt rules and regulations governing selection, compensation, promotion, performance
16 evaluation, disciplinary action and other terms and conditions of employment affecting *certified,*
17 *technical and professional personnel*, subject to the provisions of the Administrative Adjudication
18 Act. Such rules and regulations shall provide for the employment and retention of persons on the
19 basis of merit, and shall include an orderly and systematic method of recruitment and the
20 establishment of a list of qualified applicants for employment purposes, for *certified, technical and*
21 *professional personnel*. *Certified, technical and Professional personnel* are defined as personnel
22 employed by GWA who are professional engineers, attorneys, and other licensed professionals, or
23 who are highly skilled employees with certificates as plant operators and other similar engineering
24 and technical personnel, including but not limited to those jobs listed in attachment B.”
25 Compensation for all other personnel shall remain consistent with compensation plans and pay
26 scales as determined by law. Compensation for all other personnel shall remain consistent with
27 compensation plans and pay scales as determined by law.

28
29 **Section 4. Subparagraph (h) of Section 4403 of Article 4, Chapter 4 of Title 4 of the**
30 **Guam Code Annotated is hereby *repealed and reenacted* to read as follows:**

1
2 “(h) the jurisdiction of the Commission shall not extend to academic personnel of the Guam
3 Community College, University of Guam, all personnel of the Guam Memorial Hospital, and
4 certified, technical and professional personnel of the Guam Power Authority and Guam Waterworks
5 Authority, except upon mutual consent by the governing board of the respective institution or public
6 corporation and the Commission, nor to any position or person, appeal of proceeding of whatever
7 kind or description if the position is denominated ‘unclassified’ in this Title, except to the extent
8 explicitly permitted in this Section, nor shall such jurisdiction extend to the determination of whether
9 it is practicable to place a position in the classified service.”

10
11 **Section 5. Section 4105 of Article 4, Chapter 4 of Title 4 of Guam Code Annotated**
12 **is hereby *repealed and reenacted* to read as follows.**

13
14 “§ 4105. **Departmental Rules.**

15 Rules subject to criteria established by this Chapter governing the selection, promotion,
16 performance, evaluation, demotion, suspension and other disciplinary action of classified employees
17 shall be adopted by the Board of Directors of the Antonio B. Won Pat Guam International Airport
18 Authority; the Board of Directors for the Guam Economic Development Authority, the Board of
19 Directors of the Guam Housing Corporation; the Board of Commissioners for the Guam Housing
20 and Urban Renewal Authority; the Guam Judicial Council; the Board of Directors of the Guam
21 Telephone Authority; the Board of Directors of the Port Authority of Guam; the Board of Directors
22 of the Guam Power Authority; the Board of Education; the Board of Regents of the University of
23 Guam; the Guam Community College Board of Trustees; the Board of Trustees of the Guam
24 Memorial Hospital Authority; the Board of Directors of the Guam Visitors Bureau; and the
25 Consolidated Commission on Utilities on behalf of the Guam Power Authority and Guam
26 Waterworks Authority; with respect to personnel matters within their respective Branches, agencies
27 or departments, and by the Director of the Department of Administration as to all other Executive
28 Branch employment.

29
30 Such rules shall, to the extent practicable, provide standard conditions for entry into and the other

1 matters concerning the government service. The personnel rules adopted for the Guam Economic
2 Development Authority, the Guam Housing Corporation, the Guam Housing and Urban Renewal
3 Authority, the University of Guam, the Guam Community College, the Antonio B. Won Pat Guam
4 International Airport Authority, the Guam Telephone Authority, the Port Authority of Guam, the
5 Guam Public School System, the Guam Memorial Hospital Authority and by the Director of the
6 Department of Administration shall require that all their classified employee appeals, except
7 academic personnel of the Guam Community College and the University of Guam in conformance
8 with 4 G.C.A. § 4403(h), be heard by the Civil Service Commission ('Commission').
9

10 The personnel rules adopted for the Judiciary Branch by the Judicial Council shall require that the
11 Council hear all classified employee appeals. Personnel rules governing any other Executive Branch
12 entities, unless otherwise excluded by law, shall require that their classified employee appeals be
13 heard by the Commission. Rules concerning the Executive Branch shall take effect upon their
14 approval by the Commission, by Executive Order of *I Maga'lahaen Guahan* and filing with the
15 Legislative Secretary. Rules concerning the Judicial Council shall take effect upon adoption by the
16 Judicial Council of Guam and filing with the Legislative Secretary. Rules concerning the Guam
17 Waterworks Authority and the Guam Power Authority shall take effect upon adoption by the
18 Consolidated Commission on Utilities.
19

20 Such rules shall include the following provisions:
21

22 (a) that the minimum rate of each pay range shall be the normal rate for initial employment in the
23 positions and classes assigned thereto; provided, however, that the directors or other department
24 heads may, with the approval of the Director of Administration, authorize initial employment in a
25 position at a higher step in the position's pay range if such action is warranted by recruitment
26 difficulties or by the new employee's special or unusual qualifications, including experience;
27

28 (b) that no spouse of any director, chief administrator or department head within the government of
29 Guam may be employed within the department, agency or instrumentality so headed by such
30 director, chief administrator, department head or other officer;

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

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

10
11 (e) that no person shall be required to work overtime, unless the employee has received certification
12 by the Director that funds for overtime pay as provided in Subsection (c), above, are available.

13
14 Adoptions of such rules are subject to the Administrative Adjudication Law.”

15
16 **Section 6. Severability.** *If any provisions of this Act or its application to any person or*
17 *circumstance is found to be invalid or contrary to law, such invalidity shall not affect other*
18 *provisions or applications of this Act which can be given effect without the invalid provisions or*
19 *applications, and to this end the provisions of this Act are severable.*

**GUAM WATERWORKS AUTHORITY
CRITICAL POSITION LISTING**

GWA's Critical position listing, including hard to fill positions, technical-certified-skills are:

Direct-Responsible-Charge Operators/Supervisors:

- 1) Pumping Station Supervisors & Water/Sewer Supervisors with a Water and Wastewater Distribution Level IV Certification.**
- 2) Sewer Plant Supervisors with a Wastewater Treatment Level III or above and/or Wastewater Collection Level III or above Certification.**
- 3) Water Plant Supervisors with a Water Treatment Level III or above Certification.**

Other Hard To Fill Positions:

- 1) Biologist/Chemist III (or higher) for GWA's laboratory**
- 2) Customer Services Manager and/or Utility Services Administrator**
- 3) Chief Engineer (P.E. designation)**


GPA CRITICAL POSITION LISTING

Assistant Plant Superintendent
Assistant Power Systems Series
Communications/Electronics Technician (Technician I to leader)
Control Operator
Customer Service Electrician (Electrician I to Supervisor)
Electric Meter Reader (Reader I to Supervisor)
Electric Operations Trainee
Electric Power Systems (Dispatcher I to II)
Electric Relay Technician (I to Supervisor)
Electrician Troubleshooter
Engineering Technician (I to II)
Engineer (I to Supervisor)
Equipment Operator (I to Supervisor)
Heavy Equipment Mechanic (I to Supervisor)
High Voltage Cable Splicer/Electrician (I to Supervisor)
Line Electrician (I to Supervisor)
Machinist (I to Leader)
Meter Electrician (I to Supervisor)
Meter Relay Superintendent
Plant Electrician (I to Leader)
Plant Electrician/Instrument Maintenance Supervisor
Plant Instrument Technician (I to Leader)
Plant Maintenance Mechanic (I to Supervisor)
Plant Maintenance Welder (I to III)
Plant Operator (I to III)
Plant Operator/Maintenance Worker (I to II)
Plant Results Supervisor
Plant Shift Supervisor
Plant Superintendent
Plant Utility Worker
Plant Water Technician (I to Leader)
Substation Electrician (I to Supervisor)
Trouble Dispatcher (I to Leader)

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

Bill No. _____ ()

Introduced by:

J.M.S. BROWN 

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