

### Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932 TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the Speaker

MARK FORBES

Date: 6 19 06

Time: 3:00 pm.

Rec'd by:

28 06 0871

1 9 JUN 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. 251(EC), "AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION," which I signed into law on June 14, 2006, as **Public Law 28-125**.

Sinseru yan Magåhet,

FELIX P. CAMACHO

I Maga'låhen Guåhan Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo

Senator and Legislative Secretary

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

Rev'd bu:

Print Name & Initial

Time: 4.10 pm. Date: 6 22 06



## MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN

TWENTY-EIGHTH GUAM LEGISLATURE 155 Hessler Place, Hagåtña, Guam 96910

June 1, 2006

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

Dear Maga'lahi Camacho:

Transmitted herewith are Bill Nos. 209(EC), 244(EC) & 251(EC); and Substitute Bill Nos. 260(EC) & 289(LS) which were passed by I Mina'Bente Ocho Na Liheslaturan Guåhan on May 30, 2006.

Sincerely,

EDWARD J.B. CALVO

Senator and Secretary of the Legislature

Enclosures (5)

#### 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. 251 (EC), "AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION," was on the 30th day of May, 2006, duly and regularly passed.

Attested:	Mark Forbes Speaker
Edward J.B. Calvo Senator and Secretary of the Legislature	 e
This Act was received by I Maga'lahen Guåhan tl 2006, at 4:27 o'clock P.M.	anis 2 td day of Jure  Assistant Staff Officer
APPROVED:  FELIX P. CAMACHO  I Maga'lahen Guåhan	Maga'lahi's Office
Date:	

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

Bill No. 251 (EC)

As amended.

1

Introduced by:

J. M.S. Brown F. B. Aguon, Jr. J. T. Won Pat

Edward J.B. Calvo

B. J.F. Cruz Mike Cruz

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

J. A. Lujan

A. B. Palacios, Sr.

R. J. Respicio

Ray Tenorio

A. R. Unpingco

AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION.

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

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that three (3) engineers employed by the Guam Environmental Protection Agency (GEPA) are entitled to compensatory pay for supervisory work done between the years of 1997 and 2001. This compensation was reflected in the staffing patterns and budget requests for GEPA in the General Appropriations Act of 1998 and 1999 and the bi-annual General Appropriations for fiscal years 1998 and 1999 and was to be effective as of

October 1, 1997. To date, however, payment for the GEPA Water Programs 1

Division engineer supervisory positions has not been made. 2

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I Liheslatura further finds that, in 1998, BBMR declined to approve 3 personnel actions for the mark up of the engineer supervisor positions 4 because of anticipated shortfalls for Fiscal Year 1998 despite an assurance 5 from GEPA that it would receive federal funding from the U.S. 6 Environmental Protection Agency (U.S. EPA) to pay for the upgrade of the 7 engineer supervisor positions. In August 2005, U.S. EPA granted GEPA 8 authority to use federal grant funds to provide supplemental back pay to the 9 10 three (3) employees who performed supervisory duties for the four (4) years in question. I Liheslatura finds that these three (3) engineers are therefore 12 entitled to compensation to correct the disparity.

Section 2. Compensation for Supervisory Engineers. The GEPA Administrator shall coordinate with U.S. EPA Region IX to address and make payment of retroactive salary adjustments and payments totaling Sixty Thousand Seven Hundred Fifty Six Dollars (\$60,756.00) to the three (3) employees who held the positions of Engineer III, but were detailed as Engineer Supervisors for the GEPA Water Programs Division, from October 1, 1997 to September 30, 2001, for work done during that time period.







#### I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: <u>5 | 30 | 0</u>6

#### **VOTING SHEET**

Bill No. <u>25/(F</u> C) Resolution No.					
Question:					
<u>NAME</u>	YEAS	<u>NAYS</u>	NOT VOTING <u>/</u> ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					
BROWN, Joanne M.S.					
CALVO, Edward J.B.	V				
CRUZ, Benjamin J.F,	V				
CRUZ, Michael (Dr.)					
FORBES, Mark					
KASPERBAUER, Lawrence F.					
KLITZKIE, Robert	V				
LUJAN, Jesse A.	<u> </u>				
PALACIOS, Adolpho B.					
RESPICIO, Rory J.		_			
TENORIO, Ray	V				
UNPINGCO, Antonio R.	V				
WON PAT, Judith T.					
TOTAL	14	_0_	_0	0	0
CERTIFIED TRUE AND CORRECT:					
			*		

Clerk of the Legislature

\*3 Passes = No vote EA = Excused Absence



## Office of Vice-Speaker Joanne M. Salas Brown

#### MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN 28<sup>th</sup> GUAM LEGISLATURE

March 15, 2006

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guahan
28th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

#### **Dear Speaker Forbes:**

The Committee on Natural Resources, Utilities & Micronesian Affairs to which was referred Bill No. 251(EC) "AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION," has had the same under considered, and now wishes to report back the same with the recommendation TO DO PASS.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

7 To Do Pass	
0 Not To Pass	
0Report Out	
0 Abstain	
Inactive File	

The Committee votes are as follows:

A copy of the Committee report and other pertinent documents are attached for your immediate reference information. Should you have any questions, please do not hesitate to contact me at 472-3450/1.

Chairwoman

Committee on Natural Resource, Utilities, & Micronesian Affairs

(Attachments)



#### office of Vice-Speaker

#### Joanne M. Salas Brown

#### MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN 28<sup>th</sup> GUAM LEGISLATURE

March 15, 2006

#### Memorandum

To:

Committee Members

From:

Vice Speaker Joanne M.S. Brow

Chairwoman, Committee on Natural Resources, Utilities & Micronesian Affairs

Subject:

Bill No. 251(EC) AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE

WATER PROGRAMS DIVISION.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

This memorandum is accompanied by the following:

- 1. Committee Voting Sheet
- 2. Committee Report
- 3. Agenda
- 4. Bill No. 251 (EC)
- 5. Public Hearing Sign sign-in sheet
- 6. Notice of Public Hearing
- 7. Written Testimony

Please take the appropriate action on the attached voting sheet. Your kind attention and cooperation in this matter is greatly appreciated.

Should you have any questions on the report and the accompanying documents, please do not hesitate to contact me at 472-3450/1.



## MINA' BENTE OCHO NA LIHESLATURAN GUAHAN COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS VICE SPEAKER JOANNE M.S. BROWN, CHAIRWOMAN

## Bill No. 251(EC) AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION.

#### **VOTING SHEET**

		NOT TO	REPORT		INACTIVE		
MEMBERS	TO PAȘS	PASS	OUT	ABSTAIN		INITIALS	
Vice Speaker Joanne M. S. Brown, Chairwoman	V				6	m	
Speaker Mark Forbes, Ex-Officio Member	V					A	
Senator Michael Cruz, Vice Chairman							\ \
Senator Frank Aguon, Member	V					m)	3/4/02
Senator Edward J.B. Calvo, Member							
Senator Lawrence Kasperbauer, Member	X			_		Leg	6
Senator Lou Leon Guerrero, Member							,
Senator Jesse Lujan, Member	1/15/06				·	W	
Senator Rory Respicio, Member	\						
Senator Ray Tenorio, Member						*	
Senator Antonio Unpingco, Member	bff is	land				1	
Senator Judith Won Pat, Member	/					A	

#### I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN 28th GUAM LEGISLATURE

## COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

#### VICE SPEAKER JOANNE M.S. BROWN CHAIRWOMAN

#### COMMITTEE REPORT BILL NO. 251 (EC)

"AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION."

#### I. OVERVIEW

The Committee on Natural Resources, Utilities & Micronesian Affairs held a public hearing on Friday February 24, 2006 at 10:30 a.m. in the Public Hearing Room of the Guam Legislature in Hagåtña, Guam.

Committee Chairwoman, Vice Speaker Joanne M.S. Brown commenced hearing at 10:36 a.m with welcoming remarks.

#### **Senators Present:**

Vice Speaker Joanne M.S. Brown, Chairwoman Senator Robert Klitzkie Senator Adolpho B. Palacios

#### II. TESTIMONY

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

Alex Soto, acting Administrator, Guam Environmental Protection Agency (GEPA), provided oral testimony in favor of Bill No. 251 (EC) that the agency is fully supports the legislation and monetary compensation to the eligible personnel is long overdue. He added that the U.S. EPA has endorsed the back pay for engineers. He added that the employees deserve the compensation and thanked the chairwoman for sponsoring the legislation.

Narciso Custodio, former Chief Engineer, GEPA, provided oral and written testimony supporting the bill. He stated that in 1990, as GEPA Chief Engineer, he supported the GEPA petition to the Civil Service Commission (CSC) to reclassify the engineers of the GEPA Water Programs Division to address disparity of position reclassification within GEPA. And during the General Appropriations Act of 1998 & 1999, he again supported mark-up appropriations to compensate the engineers. He added that the pay is long overdue to the engineers, and the U.S. EPA has provided its stamp of approval to use federal grant funds for the promised pay compensation. He thanked the committee for the opportunity to testify and strongly urged senators to consider Bill No. 251 (EC) which would bring closure to this long-standing issue.

Christopher Lund, Chief Engineer, GEPA, provided oral testimony in favor of Bill No. 251(EC). He said he was the supervisor for those affected, specifically, Angel Marquez and Domingo Cabusao from 2000 to 2001, and was there to vouch for their performance at supervisory-levels in the Safe Drinking Water Program. He said in their work, they supervised five to eight staffers,

and in his absence, were detailed as acting Chief Engineers overseeing at least 15 people in this capacity.

Anthony Blaz, former Vice Speaker and Committee on Finance & Taxation chairman of I Mina' Bente Kuattro Na Liheslaturan Guahan, provided oral testimony in support of the legislation. He stated that during deliberations of the 1998 appropriations act the legislature provided the authority to pay supervisors in the GEPA Water Programs Division, but funding was marked down by the Bureau of Budget & Management Research (BBMR). He stated that he supports Mr. Marquez and Mr. Cabusao and they are doing right by the people of Guam. He thanked the sponsor and her co-sponsors for the introduction of Bill No. 232(EC).

Angel Marquez and Domingo Cabusao, GEPA Water Programs Division Engineers, prepared and provided joint written and oral testimony in support of Bill No. 251 (EC). Mr. Marquez testified that in 1990 GEPA submitted a reclassification request to CSC for the GEPA Water Programs Division engineers attempting to bring equity between those engineers and other positions which were granted reclassification by the CSC.

Mr. Cabusao stated that the 24<sup>th</sup> Guam Legislature, through the General Appropriations Act of 1998 & 1999, authorized and funded the mark up of the supervisory positions to be effective October 1, 1997. This was delayed, however, for four years, as BBMR officials were hesitant to approve personnel actions fearing anticipated shortfalls, despite assurances from GEPA that the local government would be compensated by U.S. EPA funding.

Additionally, in August 2005, the U.S. EPA approved the use of federal grant funds for the promised compensatory pay for the supervisor engineers, he stated. Mr. Cabusao concluded his testimony thanking the committee, on his and the two other engineers' behalf, and asked that lawmakers pass Bill No. 251(EC).

Cecilia Martinez Personnel Administrator, Department of Agriculture, provided written testimony in favor of Bill No. 251(EC), she wrote that a review was conducted and the conclusion was that three engineers who worked in the GEPA Water Programs Division are entitled to compensatory back pay while serving in a supervisory capacity.

III. Concerns/Questions from committee and individuals who presented testimony: Senator Klitzkie asked for an explanation with respect to testimony stating a disparity caused by CSC relative to positions within GEPA.

**Mr.** Custodio stated this occurred because CSC approved the reclassification of supervisory levels for other positions within the environmental protection agency, but failed to address the request for those in the Water Programs Division.

**Mr. Soto** further explained that CSC approved the reclassification of Environmental Health Specialists, but the Water Programs Division Engineer positions were not reclassified, yet personnel continued to perform supervisory positions without compensation.

**Sandra Paulino, Administrative Services Officer, GEPA** said they attempted to compensate the positions for the years of 1997 to 2001, but the requests were returned.

**Senator Klitzkie** asked if the reason GEPA did not compensate the supervisory engineers was because CSC did not reclassify the positions.

**Mr.** Custodio said reiterated that GEPA requested the reclassification, but no action was taken. Personnel actions were sent to BBMR, but nothing was done for four years, while the engineers continued to perform supervisory work sans compensation.

Senator Klitzkie, seeking further clarification, stated that regardless of what CSC did at the time, the three personnel were doing the work for supervisors, and inquired whether they were asking the U.S. EPA to recognize this and provide compensation.

**Chairwoman Brown** clarified that the U.S. EPA did recognize and the funding was always there. The problem was with local dilemma was with the local government.

Senator Klitzkie asked what needed to be done next.

Mr. Custodio said personnel action has to be approved. Ms. Paulino said personnel actions are being processed to compensate the engineers for the years they performed the supervisory-level work without compensation. She added that they recently received a determination from the Department of Administration that the three personnel were performing the work of supervisors, and back pay is justified.

Mr. Soto also noted that U.S. EPA Region IX sent a letter in August 2005 to GEPA acting Administrator Randel Sablan granting GEPA authority to use federal grant funds to provide supplemental back pay to the three employees who performed supervisory duties for the four years in question.

**Senator Palacios** said that it is clear that the three individuals are entitled to the pay differential and he thanked the U.S. EPA for approving the use of federal funds to compensate them. He added that he supports the measure and is pleased that the U.S. EPA plans to reimburse the local government.

Chairwoman Brown summarized the Department of Administration's testimony in support of the compensatory pay, and said Senator Klitzkie's concerns brings to light the local government; Department of Administration and BBMR's, inability to address this matter in a timely fashion, and one of the engineers has since retired. She added that appreciated Senator Blaz's presence and testimony. She said she does not doubt that her colleagues will support this measure.

#### III. CONCLUSION:

Vice Speaker Brown said the Committee on Natural Resources, Utilities and Micronesian Affairs will accept testimony 10 working days from the day of the public hearing, and may be submitted to her office via hand-delivery, mail or facsimile or electronically mailed to jmbrown@eccomm.com,.

The hearing was adjourned at 11:07 a.m.

#### V. FINDINGS AND RECOMMENDATION:

The Committee on Natural Resources, Utilities & Micronesian Affairs to which was referred Bill No. 251(EC) "AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION," does hereby submit its findings to *I Mina Bente Ocho Na Liheslaturan Guahan* **TO DO PASS.** 

#### I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

## COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

#### VICE SPEAKER JOANNE M.S. BROWN CHAIRWOMAN

Public Hearing Friday, February 24, 2006 10:30 a.m., Public Hearing Room 155 Hesler Street, Hagåtña

#### **AGENDA**

- I. Commencement of Hearing
- II. Public Hearing

Bill No. 251 (EC) "AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION."

- III. Public Comments
- IV. Adjournment

3/19/66 5/19/MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN 2006 (SECOND) Regular Session

Epon

Bill No. 251 (EC)

Introduced by:

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J. M.S. Brown F. B. Aguon, J. J. T. Won Pat Edward J.B. Calvo

AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION.

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

2 Section 1. Legislative Findings and Intent. I Liheslatura finds 3 that three engineers employed by the Guam Environmental Protection 4 Agency are entitled to compensatory pay for supervisory work done between 5 the years of 1997 and 2001. This was reflected in the staffing patterns and 6 budget requests for GEPA in the General Appropriations Act of 1998 and 7 1999, a bi-annual General Appropriations for fiscal years 1998 and 1999, 8 and was to be effective as of October 1, 1997. To date, however, payment 9 for the GEPA Water Programs Division engineer supervisory positions has 10 not been made. 11

I Liheslatura further finds that, in 1998, BBMR declined to approve personnel actions for the mark up of the engineer supervisor positions because of anticipated shortfalls for Fiscal Year 1998 despite GEPA's assurance that it would receive federal funding from the US Environmental

- 1 Protection Agency (US EPA) to pay for the upgrade of the engineer
- 2 supervisor positions. In August 2005, US EPA granted GEP \ authority to
- 3 use federal grant funds to provide supplemental back pay to the three
- 4 employees who performed supervisory duties for the four years in question.
- 5 I Liheslatura finds that these three engineers are therefore entitled to
- 6 compensation to correct the disparity.
- 7 Section 2. Compensation for Supervisory Engineers.
- The GEPA Administrator is hereby authorized to coordinate with US
- 9 EPA Region IX to address payment of retroactive salary adjustments and
- 10 payments totaling sixty thousand seven hundred fifty six dollars
- 11 (\$60,756.00) to the three employees who held the positions of Engineer III,
- 12 but were detailed as Engineer Supervisors for the GEPA Witter Programs
- 13 Division from October 1, 1997 to September 30, 2001, for work done during
- 14 that time period.

#### I Mina Bente Ocho Na Liheslaturan Guahan

#### · COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

#### Friday, February 24, 2006 Legislative Public Hearing Room

#### **PUBLIC HEARING**

• Bill No. 251 (EC) AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION.

#### SIGN IN SHEET

Name	Representing	Contact number
ALEX SOTO	CEPA	475-1650
Nanois C. Cartadio	Retired Chief Francis Coppe	637-7248
CHROTHER A LINE	Retired Chief Tryme, GEFA. WATER TOWNSIA	475-1621
ANCER MARRUES	r · · · · · · · · · · · · · · · · · · ·	475-1638
Donungo Cabusas	GERA, WATER DIVISION	475-1635
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round and/or experience in restaurar

performance upon completion of training.

communication skills gement preferred

iate with degree from accredited institution em-solving capabilities

cossess valid health credentials

se, attention Personnel Management, at bwaypacific.com or drop off sealed submit resumes via email to oway office located at

mpses of Guam Personnel

ng, Guam 96913 Century Plaza

uments must be received by 5:00PM iry 3, 2006. EQUAL OPPORTUNITY EMPLOYER

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MINA' BENTE OCHO NA LIHESLATURAN GUĂHAN COMMILTEE ON NATURAL RESOURCES, Utilities & Micronesian Affairs

Vice Speaker Joanne M.S. Brown

The Committee on Natural Resources, Utilities & Micronesian Affairs will hold a public hearing on Thursday, January 26, 2006, 9:00 a.m., in the Legislative Building's Public Hearing Room in Hagatina, on the following:

Mr. John Jocson to serve as a member of the Guam Environmental Protection Agency Board of Directors.

Bill no. 232 (EC) - An Act To Repeal And Reenact Article 5 Of Chapter 2 Of Division 2 Of Title 10, Guam Code Annotated Relative To Amending The Recycling Revolving Fund And Recycling Fees.

Individuals requiring special accomodations should contast Carl 1. Quinata, A.D.A. Coardinator at 472-3450. INID FOR INTH COVERNMENT FUNDS

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**HOCKEY** 

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IN THE SUPERIOR COURT OF GUAM

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INVITATION TO BID

UNIVERSITY OF GUAIN Administration and Finance UNIBETSEDAT - GUAINA Commission Programme (1971)

**UOG BID No. P15-06** 

The University of Guam is soliciting scaled bids for:

Furnitures, Fixtures and Equipments for the Josus S. & Eugenin

#### **GUAM LAND USE COMMISSION**



LE Coverno

cle Department of Land Management P.O. Box 2950, Hagetna, Guam 96932 Teh: 478-LAND: Fex: 477-8883 Jeseph M. Berje Fracultys Secretary



PUBLIC HEARING NOTICE

January 31, 2006 Date: 6:00 p.m., Tuesday Time: Place:

Dededo Senior Citizen Center

Fori

WMJ, Inc., Mike Wu, Zone Variance on a proposed stand-alone bell tower monument, on Lots 10067-1-R2, 10067-1-1, 10068-R1 and P15.33-1-3, Dededo. Funding Source provided by the Applicant.

MINA' BENTE OCHO NA LIHESLATURAN GUAHAN Committee on Natural Resources,

Utilities & Micronesian Affairs

Vice Speaker Joanne M.S. Brown Chairwoman

The Committee on Natural Resources, Utilities & Micronesian Affairs will hold a public hearing on Thursday, January 26, 2006, 9:00 a.m., in the Legislative Building's Public Hearing Room in Hagatna, on the following:

Confirmation: Mr. John Jocson to serve as a member of the Guam Environmental Protection Agency Board

Bill no. 232 (EC) - An Act To Repeal And Reenact Article 5 Of Chapter 2 Of Division 2 Of Title 10, Guam Code Annotated Relative To Amending The Recycling Revolving Fund And Recycling Fees.

Individuals requiring special accommodations should contact Carl I. Quinata, A.D.A. Coordinator at 472-3450. PAID FOR WITH GOVERNMENT FUNDS

#### ACTUARIAL ASSISTANT I

This full-time position learns health insurance concepts and actuarial techniques to measure and manage risks through reading, training sessions and work assignments. Duties include compiling and documenting data for use in designing health insurance plans, determining premiums, monitoring the profitability of the plan and claims development.

A person qualifying will have met the following requirements:

in actuarial science, Bachelors degree mathematics, statistics, economics or related field

## Free PDN with purchase of these island flavored Dennys specials





File (Preamble). An Act To Authorize The Guam Environmental Protection Agency To Pay Overdue Compensation To Eligible Supervisory Engineers in The Water Programs Division.

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	ra! Fund (GF) appro	·				\$30,000
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TY AND Adopted Paragraph						
FY 2006 Adopted Revenues				\$435,092,898	\$0	\$435,092,89
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Bureau of Budget and Management Research Fiscal Note Comments to Bill 251 (EC) February 23, 2006

The intent of the bill is to ensure compensatory pay for supervisory work performed by three (3) Guam Environmental Protection Agency (GEPA) engineers. As such, the bill proposes to correct the disparity by authorizing GEPA in coordination with US EPA Region IX for the use of federal funds to address payments of retroactive salary adjustments totaling \$60,756 to the three (3) Engineer IIIs who were detailed to Engineer Supervisors under the Water Programs Division from October 1, 1997 to September 30, 2001.

The bill proposes no fiscal impact to our local funds. However, it should be noted that the Bureau continues to support federal grant requirements where 100% federal funds are being impacted without approval through legislation. In this case, in August 2005, GEPA was granted by federal authorities to use 100% federal funds under the US EPA FY04-08 Consolidated Environmental Grant Program to payout the detailed compensation due to the three GEPA employees. Presently, the Bureau and GEPA are working together to resolve this matter of detail compensation for the three engineers through the GG1 personnel action process.



Felix P. Camacho

Governor Kaleo S. Moylan

Lieutenant Governor

#### GOVERNMENT OF GUAM (GUBETNAMENTON GUÂHAN)

#### DEPARTMENT OF ADMINISTRATION (DIPATTAMENTON ATMENESTRASION)

#### **HUMAN RESOURCES DIVISION**

(Dibision Inadilanto Yan Guinaha Para Taotao) Post Office Box 884 \* Hagåtña, Guam 96932 TEL: (671) 475-1120/1265 \* FAX: (671) 477-7100

Lourdes M. Perez

Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

FEB 2 3 2006

HRD NO.: 06-0377

Office of Vice-Speaker
Joanne M.S. Brown
28<sup>TH</sup> Guam Legislature
Chairwoman, Committee on Natural Resources, Utilities & Micronesian Affairs
155 Hesler Street
Hagatna, Guam 96910

RE: Bill No. 251(EC) Public Hearing

#### Dear Vice-Speaker Brown:

Buenas yan Håfa Adai! This is in reference to your memorandum dated 15 February 2006 regarding the above referenced Bill No.251 (EC), "AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION."

Our office had conducted the study and review of all supporting documents, which justified the compensation claim for the (3) Engineer Supervisors for the Water Programs Division.

Therefore, we are in favor of the above referenced bill as supported by our findings that compensation should be afforded to these incumbents.

Should you have any questions, please call our Classification and Pay Branch at 475-1201/1265 or 1123. Dångkolo na Agradesimiento!

Cecilin Drustines CECILIA G. MARTINEZ

24 FEB 2006

Vice Speaker Joanne M.S. Brown
Chairwoman, Committee on Natural Resources, Utilities &
Micronesian Affairs
28<sup>th</sup> Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

RE:

Public Hearing on Bill No. 251 (EC) AN ACT TO AUTHORIZE THE GUAM EPA TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION

Dear Vice Speaker Brown:

We appear before the Committee on Natural Resources, Utilities and Micronesian Affairs in support of Bill 251 (EC) which would authorize the Guam Environmental Protection Agency to pay compensatory back pay to eligible supervisory engineers in the Water Programs Division and to bring into closure the long awaited compensation due to the engineer supervisors.

In 1990, Guam EPA has submitted a reclassification request to the Civil Service Commission for the engineers in the Water Programs Division, to remedy and address the disparity of positions within Guam EPA created by the action of the Civil Service Commission for the other positions but no action has been taken by the commission for the engineer supervisory positions.

During the deliberation and public hearing of the General Appropriation Act of 1998 & 1999, the 24<sup>th</sup> Guam Legislature has given the funding and the authorization for the mark up of the supervisory engineer positions in the Water Programs Division and was to be effective October 1, 1997.

The implementation has been delayed for four (4) years due to BBMR apprehension to approve the personnel actions because of the anticipated shortfalls for FY 1998 budget despite assurance from Guam EPA that it would receive funding from U.S EPA. In August 11, 2005, the U.S. EPA approved the use of federal grant funds for the promised compensatory pay for the supervisor engineers.

Thank you for this opportunity to testify and we hope and pray that the members of the Committee on Natural Resources, Utilities and Micronesian Affairs considered Bill 251 and be passed by the 28<sup>th</sup> Guam Legislature.

DOMINGO S. CABUSAO

ANGEL B. MARQUEZ



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 9

75 Hawthome Street (CED-6) San Francisco, CA 94105

11 August 2005

Randel Sablan, Acting Administrator Guam EPA P.O. Box 22439 GMF Barrigada, GU 96921

Dear Randel,

With this letter I am confirming that EPA supports your intention to provide supplemental back pay to the supervisory engineers in the Water Division. As I understand the issue, the three program directors did not receive the full pay due them for a four year period. Given that the supervisory engineers were working on grant eligible activities during this time period, you may use federal grant funds in support of the supplemental pay. Please call me at (415) 972-3770 if you have any questions.

Sincerely,

Ben Machol

Guam Program Manager

Vice Speaker Joanne M.S. Brown
Chairwoman, Committee on Natural Resources, Utilities &
Micronesian Affairs
28<sup>th</sup> Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

RE: Public Hearing on Bill No. 251 (EC) AN ACT TO AUTHORIZE THE GUAM EPA TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION

#### Dear Vice Speaker Brown:

I appear before the Committee on Natural Resources, Utilities and Micronesian Affairs in support of Bill 251 (EC) which would authorize the Guam Environmental Protection Agency to pay compensatory back pay to eligible supervisory engineers in the Water Programs Division of Guam EPA.

As former Guam EPA Chief Engineer, in 1990, I supported Guam EPA request to the Civil Service Commission for the reclassification of engineers in the Water Programs Division, to remedy and address the disparity of positions within Guam EPA created by the action of the Civil Service Commission for the other positions within Guam EPA.

During the public hearing of the General Appropriation Act of 1998 & 1999 by the 24<sup>th</sup> Guam Legislature I strongly supported the funding and the authorization request given for the mark up of the supervisory engineer positions in the Water Programs Division.

The compensatory pay is long overdue and the approval given by the U.S. EPA for the use of federal grant funds for the promised compensatory pay for the supervisor engineers will bring into closure the long awaited compensation pay.

Thank you for giving me the opportunity to testify and strongly recommend that Bill 251 be considered by the members of the Committee on Natural Resources, Utilities and Micronesian Affairs and passed by the 28<sup>th</sup> Guam Legislature.

NARCISO G. CUSTODIO, P.E.

Former GEPA Chief Engineer

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

Bill No. <u>251</u> (EC)

Introduced by:

13

14

J. M.S. Brow

F. B. Aguon,

J. T. Won Pat

Edward J.B. Calvα

AN ACT TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO PAY OVERDUE COMPENSATION TO ELIGIBLE SUPERVISORY ENGINEERS IN THE WATER PROGRAMS DIVISION.

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

2 Section 1. Legislative Findings and Intent. I Liheslatura finds that three engineers employed by the Guam Environmental Protection 3 Agency are entitled to compensatory pay for supervisory work done between 4 the years of 1997 and 2001. This was reflected in the staffing patterns and 5 budget requests for GEPA in the General Appropriations Act of 1998 and 6 7 1999, a bi-annual General Appropriations for fiscal years 1998 and 1999, and was to be effective as of October 1, 1997. To date, however, payment 8 for the GEPA Water Programs Division engineer supervisory positions has 9 10 not been made. 11 I Liheslatura further finds that, in 1998, BBMR declined to approve 12

I Liheslatura further finds that, in 1998, BBMR declined to approve personnel actions for the mark up of the engineer supervisor positions because of anticipated shortfalls for Fiscal Year 1998 despite GEPA's assurance that it would receive federal funding from the US Environmental

- 1 Protection Agency (US EPA) to pay for the upgrade of the engineer
- 2 supervisor positions. In August 2005, US EPA granted GEP authority to
- 3 use federal grant funds to provide supplemental back pay to the three
- 4 employees who performed supervisory duties for the four years in question.
- 5 I Liheslatura finds that these three engineers are therefore entitled to
- 6 compensation to correct the disparity.
- 7 Section 2. Compensation for Supervisory Engineers.
- The GEPA Administrator is hereby authorized to coordinate with US
- 9 EPA Region IX to address payment of retroactive salary address and
- 10 payments totaling sixty thousand seven hundred fifty six dollars
- 11 (\$60,756.00) to the three employees who held the positions of Engineer III,
- 12 but were detailed as Engineer Supervisors for the GEPA Willier Programs
- 13 Division from October 1, 1997 to September 30, 2001, for well done during
- 14 that time period.