

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 99(EC)

Introduced by:

Mark Forbes 

AN ACT TO REPEAL AND RE-ENACT SECTION 2.
TITLE 12, CHAPTER 14, SECTION 14109.5 OF THE
GUAM CODE ANNOTADED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the United States Government, the Government of Guam and GWA
4 entered into a Stipulated Order for Preliminary Relief, dated June 5, 2003, to
5 address the GWA'S lack of compliance with Federal Law relative to providing
6 safe clean water to the People of Guam. *I Liheslaturan Guåhan* finds that the
7 Guam Waterworks Authority has had great difficulty recruiting the personnel
8 required to provide for Certified Direct Responsible Charge Operators and
9 other positions as required under the Stipulated Order. More specifically,
10 there has been an insufficient number of local and off-island applicants
11 needed to fill the number of required positions. It has been determined that in
12 order to attract the skill levels required, competitive wages will need to be
13 offered. These positions are critical to ensure that Guam Waterworks
14 Authority is able to provided clean safe drinking water to the People of Guam

15 **Section 2.** Title 12, Chapter 14, Section 14109.5 of the Guam Code
16 Annotated is added is hereby repealed and re-enacted to read as follows:

1
2 **“§ 14109.5. Employees.**

3 Notwithstanding any other provision of law the following provisions
4 apply with respect to employees employed on behalf of the Guam
5 Waterworks Authority:

- 6 (a) The General Manager on behalf the Authority is authorized to hire
7 in unclassified positions all persons enumerated in the United
8 States District Court of Guam Stipulated Order entered into on
9 June 5, 2003, between the United States and the Government of
10 Guam and the Guam Waterworks Authority. The General
11 Manager, with the approval of the Consolidated Commission on
12 Utilities, is authorized to pay competitive salaries and benefits, as
13 are necessary to make said appointments and may contract with
14 any individual if a contract is necessary to secure the appointment
15 for a period not to exceed three years. The benefits specified in this
16 subsection include any and all Government of Guam benefits
17 offered to other Guam Waterworks Employees. For the purpose of
18 this subsection only, the Civil Service Commission and Civil
19 Service Rules are suspended.
- 20 (b) This provision shall not disturb the power and authority of the
21 Consolidated Commission on Utilities from hiring any person on
22 an unclassified basis any position specified in Chapter 8 and 14 of
23 Title 12 of the Guam Code Annotated on terms and conditions set
24 by the Consolidated Commission on Utilities.
- 25 (c) Any Direct Responsible Charge Operator hired under this
26 subsection shall be entitled to operated on Guam on behalf of the
27 Guam Waterworks Authority for a period not to exceed one year
28 without meeting the Guam Environmental Protection Agency
29 Certification requirements as long as the United States
30 Environmental Agency accepts or recognizes their current
31 certification that serves as the basis for their employment with
32 Guam Waterworks Authority.

- 1 (d) Any employe^{*}es of the Guam Waterworks Authority who is
2 certified to serve as a Direct Responsible Charge Operator may be
3 employed on the same terms and conditions (aside from any
4 moving expenses) as any other unclassified or contractual Direct
5 Responsible Charge Operator hired under subsection (a).
- 6 (e) Notwithstanding subsection (a) above, all other employees of the
7 Authority shall be eligible for all insurance, retirement, workmen's
8 compensation and other benefits as extended to the employees of
9 the Government of Guam, and shall be employees of the
10 Government of Guam for the purpose of the application of all civil
11 service laws and personnel rules and regulations that apply to the
12 Government of Guam employees, inclusive of all scales, tables and
13 schedules for compensation.