


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

Bill No. 255 (LS)

Introduced by:

J.M.S. BROWN 

**AN ACT TO AUTHORIZE GUAM POWER AUTHORITY AND GUAM
WATERWORKS AUTHORITY TO PROMULGATE PERSONNEL
RULES AND REGULATIONS AND ESTABLISH PAY SCALES.
BE IT ENACTED BY THE PEOPLE OF GUAM:**

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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.

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

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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
22 Act. Such rules and regulations shall provide for the employment and retention of persons on the
23 basis of merit, and shall include an orderly and systematic method of recruitment and the

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.

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

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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:

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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.

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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:**

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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.”

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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.

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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').

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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.

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20 Such rules shall include the following provisions:

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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;

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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;

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

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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

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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.

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

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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)