

**MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
2007 (FIRST) Regular Session**

**BILL NO. 179 (Ec)
INTRODUCED BY:**

A. B. PALACIOS, SR. 

**AN ACT RELATIVE TO CLARIFYING THE RESTRICTIONS
ESTABLISHED ON THE RECRUITMENT OR
COMPENSATION OF GOVERNMENT OF GUAM
PERSONNEL ABOVE STEP 10 OF THE COMPENSATION
SCHEDULE; THROUGH AMENDING SECTION §6205.2 OF
CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that in the recent adoption of the fiscal year 2008 budget, a provision was incorporated to address restriction requirements that would apply to government of Guam recruitment and compensation of personnel who are hired. The provision provides for restrictions upon most government entities in recruiting or compensating any individual above the level of Step 10 within the government of Guam pay structure.

I Liheslaturan Guahan finds that the Office of the Public Auditor, as an elected entity which hires professional accountants and other critical personnel in the proper administration of the office's mandates, should be provided necessary flexibility in the recruitment and retention of their professional and technical personnel. *I Liheslaturan Guahan* further finds that due to the nature of the responsibilities of the Office of the Public Auditor in

1 providing periodic financial assessments and accountability in the application
2 and use of public funds, the Office must recruit and retain professional and
3 technical expertise necessary to provide the people of Guam with proper and
4 effective accountability of all government and public funds. The recruitment
5 and hiring of these financial professionals, accountants and other experts can
6 be financially challenging because of the competitive compensation packages
7 offered in other employment areas, specifically the business and private
8 sectors of the community.

9 Therefore, it is the intent of I Liheslaturan Guahan to amend the existing
10 mandate on the recruitment and retention of personnel above the Step 10
11 compensation level and include the Office of the Public Auditor as one of the
12 few government entities that should be exempted from the restriction on
13 hiring or retaining personnel above Step 10, thus enabling the Public Auditor
14 to more effectively administer the activities of the elected office and to be
15 more accountable to the island community that it serves.

16 **Section 2. Restriction on Recruitment or Compensation Above Step 10**
17 **of the Government of Guam's Compensation Structure.**

18 Section §6205.2 of Chapter 6, Title 4, Guam Code Annotated is hereby
19 amended to read as follows:

20 **"§6205.2. No Recruitment or Compensation Above Step 10.**

21 (a) No agency, department, autonomous agency, public corporation, or
22 other instrumentality of the government of Guam shall authorize
23 compensation above Step 10 for the initial appointment, hiring or recruitment

1 of an employee. This Section *shall* not apply to the Office of 1 *Maga'lahen*
2 *Guahan*, Office of 1 *Segundo Na Maga'lahen Guahan*, Guam State Clearinghouse,
3 *I Liheslaturan Guahan*, the Office of the Public Auditor, to any agency whose
4 governing board has exclusive authority over compensation, *or* to any
5 positions specifically exempted by law.

6 (b) Notwithstanding any other provision of law, the Director of
7 Administration *shall* adjust the compensation of an unclassified employee who
8 was hired above Step 10 before enactment hereof effective the date of this
9 enactment. Failure to comply with this Section *shall* result in the de-
10 appropriation of the total amount of compensation paid in violation hereof
11 from the budget of the non-compliant agency."

12 **Section 3. Effective Date.**

13 The provision contained herein shall be effective as of the date upon
14 which the original provision through the passage of the fiscal year 2008
15 budget took effect.

16 **Section 4. Severability.**

17 If any provision of this Law or its application to any person or
18 circumstance is found to be invalid or contrary to law, such invalidity shall
19 not affect other provisions or applications of this Law which can be given
20 effect without the invalid provisions or application, and to this end the
21 provisions of this Law are severable.