

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 497 -31 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT RELATIVE TO MANDATING THE
TIMELY ESTABLISHMENT OF THE
ENVIRONMENTAL HEALTH OFFICER
POSITION SERIES OF THE DIVISION OF
ENVIRONMENTAL HEALTH, DEPARTMENT OF
PUBLIC HEALTH & SOCIAL SERVICES, AS
PROVIDED PURSUANT TO P.L. 30-138,
ENACTED ON MAY 17, 2010, BY AMENDING
§6233 OF ARTICLE 2, CHAPTER 6, TITLE 4,
GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Intent.** Public Law 30-138, also known as *the*
3 *Environmental Public Health Modernization and Revitalization Act of 2010*, was
4 enacted on May 17, 2010 with the anticipation that the law would be implemented
5 by December 2010 to improve the operation of the Division of Environmental
6 Health of the Department of Public Health and Social Services so to better protect
7 the public's health from environmental hazards through the creation of a new
8 position series with increase qualification standards and the application of
9 competitive salary to promote the recruitment and retention of employees in these
10 positions. Because *I Liheslaturan Guåhan* has yet to receive the proposal for the
11 creation of new Environmental Public Health Officer positions, which was due
12 September 2010, *I Liheslaturan Guåhan* has found it necessary to amend P.L. 30-
13 138 to help expedite the process, and also address the key concerns expressed by
14 the Department of Administration and the Department of Public Health about the
15 law, such as the need to further clarify and expand the qualification standards of

1 the new positions, reclassification of existing personnel, and the appropriate
2 compensation for the new positions.

3 **Section 2.** Section 6233 of Article 2, Chapter 6 of Title 4 Guam Code
4 Annotated is hereby *amended* to read as follows:

5 “§6233. [Untitled] **Establishment of the Environmental Public Health**
6 **Officer series.**

7 The Director of Administration in ~~consultation~~ collaboration with the
8 Department of Public Health and Social Services *shall* establish a new series of
9 positions, called Environmental Public Health Officers, within the Division of
10 Environmental Health to replace the Division’s Environmental Health Specialist,
11 Engineer, and Public Health Inspector positions.

12 The new specifications *shall* be based on the following criteria and then
13 implemented as stated:

14 (a) The nature of work; summary statement of examples of duties
15 performed; a statement of minimum qualifications; and the minimum
16 knowledge, abilities, and skills needed to perform the work of the
17 Environmental Public Health Officer positions, which *shall* be the various
18 combination of the class specifications of Public Health Inspectors,
19 Environmental Health Specialists, and Engineers that are specific to the
20 mission and mandates of the Division of Environmental Health of the
21 Department of Public Health and Social Services;

22 (b) Hierarchical position levels of the Environmental Public Health
23 Officer series shall begin with the Environmental Public Health Officer I,
24 followed by Environmental Public Health Officer II, Environmental Public
25 Health Officer III, Environmental Public Health Officer Supervisor,

1 Environmental Public Health Officer Administrator, and concluding with the
2 Chief Environmental Public Health Officer;

3 (c) The minimum education requirements of all positions within the
4 Environmental Public Health Officer ~~II and above~~ series shall be of the
5 following three standards: (1) a bachelor's degree in any field of study from
6 any accredited college or university; (2) a college algebra course or higher
7 level math; and (3) thirty (30) semester or forty five (45) quarter hours in
8 basic sciences; a bachelor's degree in any field of study from any accredited
9 college or university; a college algebra course or higher level math; and
10 basic science courses of thirty semester or forty-five quarter hours;

11 (d) The Director of Administration, ~~in collaboration with the Department~~
12 ~~of Public Health and Social Services,~~ shall reclassify existing Environmental
13 Health Specialists, Engineers and Public Inspectors of the Division of
14 Environmental Health in the Environmental Public Health Officer series in
15 the following manner: I positions;

16 (1) Environmental Health Specialist I and all Public Health
17 Inspectors shall be reclassified as an Environmental Public
18 Health Officer I;

19 (2) Environmental Health Specialist II and Engineer I shall be
20 reclassified as an Environmental Public Health Officer II;

21 (3) Environmental Health Specialist III shall be reclassified as an
22 Environmental Public Health Officer III;

23 (4) Environmental Health Specialist Supervisor shall be reclassified
24 as an Environmental Public Health Administrator; and

25 (5) Environmental Health Specialist Administrator shall be
26 reclassified as a Chief Environmental Public Health Officer;

27 (e) Existing Division of Environmental Health employee reclassified
28 pursuant to §6233(d) shall possess the minimum education standards of

1 §6233(c) except the basic science course requirements may be substituted
2 for a minimum of ten semester or fifteen quarter hours; however, the full
3 education qualification requirements of §6233(c) shall be met to qualify for
4 any other future position within the Environmental Public Health Officer
5 series;

6 (f) Existing Division of Environmental Health employee who do not
7 possess the minimum education standards of §6233(c) or the substitute
8 standards of §6233(e) shall remain in his/her current position until such time
9 the Department of Public Health and Social Services and the Department of
10 Administration completes an evaluation of the employee in determining
11 whether he/she possesses the capabilities to perform the duties and
12 responsibilities of an Environmental Public Health Officer, and

13 (1) If such employee is deemed capable, employee shall be
14 reclassified into the new position that best reflect his abilities, but
15 shall be required to meet the full minimum education
16 qualification standards of §6233(c) for any other future position
17 within the Environmental Public Health Officer series; and

18 (2) If an employee is deemed unable to perform the duties and
19 capabilities of an Environmental Public Health Officer, he/she
20 shall be transferred to another position in the Government of
21 Guam in accordance to established laws and rules and
22 regulations;

23 (e)(g) The Chief Environmental Public Health Officer of the
24 Environmental Health Public Health Officer series must possess a master's
25 degree in the field of environmental health, environmental science,
26 environmental engineering, biology, chemistry, public health, physical
27 science, or natural sciences; and

1 (h) A pay structure consistent with the U.S. National Averages or a
2 government-wide pay plan, whichever is higher, shall be implemented for
3 the new position series to provide competitive salaries and compensation to
4 the employees, which shall be evaluated, and updated as necessary, no less
5 than every three years, and shall include an incentive pay of no less than
6 15% of the base salary for employees possessing current and valid
7 credential as a Registered Environmental Health Specialist or its equivalent
8 with the National Environmental Health Association, or its successor, to
9 encourage their continuing education and professional certification.”

10 **Section 3. Utilization of the Environmental Health Fund and the**
11 **DPHSS Sanitary Inspection Revolving Fund.** The appropriated funds from the
12 Environmental Health Fund and the DPHSS Sanitary Inspection Revolving Fund
13 to the Division of Environmental Health may be utilized for the implementation of
14 this law and any other operational needs of the division.

15 **Section 4. Timely Implementation.** The Department of Administration
16 shall fully implement the provisions of this act within 45 days of its enactment, and
17 failure to do so shall authorize the Department of Public Health and Social
18 Services to implement the provisions of this act where possible, as amended, and
19 shall seek necessary retroactive actions from the Department of Administration,
20 including, but not limited to, compensation and personnel action.

21 **Section 5. Effective Date.** This Act shall take effect immediately upon
22 enactment.

23 **Section 6. Severability.** If any provision of this Act or its application to
24 any person or circumstance is held invalid, the invalidity does not affect other
25 provisions or applications of this Act, which can be given effect without the invalid
26 provision or application, and to this end the provisions of this Act are severable.