



SENATOR DENNIS G. RODRIGUEZ, JR.

JUN 16 2016

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'Trentai Tres Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Rory J. Respicio

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 184-33 (COR), as Introduced

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Committee Report on Bill 184-33 (COR) - An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA);** Sponsored by Senator Dennis G. Rodriguez, Jr. and referred to the Committee on Health, Economic Development, Homeland Security and Senior Citizens. Bill No. 184-33(COR), as introduced, was publicly heard on April 27, 2016.

Committee votes are as follows:

- 3 TO PASS
- ___ NOT TO PASS
- ___ ABSTAIN
- 5 TO REPORT OUT ONLY
- ___ TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

2016 JUN 16 PM 5:24



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT ON

BILL NO. 184-33 (COR) As Introduced

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA)



SENATOR DENNIS G. RODRIGUEZ, JR.

April 28, 2016

MEMORANDUM

To: ALL MEMBERS
Committee on Health, Economic Development, Homeland Security and Senior Citizens

From: Senator Dennis G. Rodriguez, Jr. *DR*
Committee Chairperson

Subject: Committee Report on Bill No. 184-33 (COR), as Introduced

Transmitted herewith, for your consideration, is the **Committee Report on Bill 184-33 (COR) - An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA); Sponsored by Senator Dennis G. Rodriguez, Jr.** This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 184-33 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 184-33 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)
- Additional Digest, Sign-in Sheet, Additional Testimonies and Supporting Documents from Informational Hearing for Bill 184-33 (COR) held on April 18, 2016

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Attachments



**SENATOR DENNIS G. RODRIGUEZ, JR.
COMMITTEE VOTING SHEET**

Bill 184-33 (COR) - An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA); Sponsored by Senator Dennis G. Rodriguez, Jr.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 6/6/14				
V. ANTHONY ADA Vice Chairman					✓	
BENJAMIN J.F. CRUZ					✓	
RORY J. RESPICIO		6-16-16 rw				
TINA ROSE MUNA BARNES						
THOMAS C. ADA					✓	
FRANK B. AGUON, Jr. 6/8/14					✓	
NERISSA B. UNDERWOOD					✓	
FRANK F. BLAS, Jr.						
THOMAS A. MORRISON		✓				
BRANT T. MCCREADIE						



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 184-33 (COR)

- I. **OVERVIEW:** The Committee on Health, Economic Development, Homeland Security and Senior Citizens conducted a Public Hearing on April 27, 2016. The hearing convened at 5:30pm in *I Liheslatura*'s Public Hearing Room. Among the items on the agenda was the consideration of **Bill 184-33 (COR) - An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA); Sponsored by Senator Dennis G. Rodriguez, Jr.**

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on April 20, 2016 (5-day notice), and again on April 25, 2016 (48-hour notice)

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Rory J. Respicio	Member

II. SUMMARY OF TESTIMONY & DISCUSSION.

Senator Dennis G. Rodriguez, Jr.: Hafa Adai, the Committee on Health, Economic Development, Homeland Security and Senior Citizens now convenes this Public Hearing. Public Hearing notices were provided to the media. First Notice on Monday, April 20, 2016. Second Notice on April 25, 2016. For the record, today is Wednesday, April 27, 2016 and the time now is 5:35pm.

The committee will hear and accept testimonies, both oral and written on Bill No. 184-33 (COR)

(Bill No. 184-33 (COR); Title Read). I'd like to recognize my colleague, Chairman of Committee on Rules, Senator Rory J. Respicio. Thank you very much Senator for being here. I also want to thank all of you again for being here. As you know Committee held and Informational Hearing on April 18, 2016 on Bill No. 184-33 (COR) and I want you to know and the Public to know all the testimonies that were provided at that hearing will be appended to this Bill and this Committee Report when we do report it out. So all your testimonies both oral and written that were provided are intact and will be part of this record. I know we have the Administrator of the Division of Environmental Health here and so if you want to add to any of your comments from the previous



SENATOR DENNIS G. RODRIGUEZ, JR.

hearing, we'll make sure that we include that. So again, Bill 184 is moving forward an existing mandate. In 2010, I believe it was Public Law 30-138, the Legislature moved to modernize and revitalize the certain positions at the Environmental Health and so there was a lot of obstacles in getting that forward but this Bill here takes it to the finish line and ensures that it's fully implemented a law that was passed previously and so we have that. We'll go ahead and recognize you Tom if you have any additional testimonies.

(Recognized Mr. Tom Nadeau, DPHSS).

Mr. Tom Nadeau: First of all thank you Senator Rodriguez, Chairman and also Senator Respicio.

(Read Written Testimony).

Senator Dennis G. Rodriguez, Jr.: Thank you very much Tom for that testimony and before I get into some questions I have again I want to thank you and your staff for their hard work and dedication. We know the struggles that you've faced over the years and this initiative which started in 2010 really is a path towards professionalizing and modernizing these positions. Even though I wasn't here at that time, it's something that I support. I believe the expanded duties and responsibilities that this place is upon the positions and these types of incentives need to be in place. So I support it and that's why we're moving it forward. In terms now the funding source, even in the first law in 2010, the Environmental Health fund was identified as a source of funding to be able to fund this program.

Mr. Tom Nadeau: That's correct Senator.

Senator Dennis G. Rodriguez, Jr.: And so that is still the funding that we are looking at now and I know that there was concerns raised that there was no money to do this. You provided some testimony during the last hearing from your knowledge and based on the AS400 account, at least from March of this year that there is sufficient funding to be able to carry this forward. But if you could give the committee what it's going to take for those who have already obtained these certifications when the law was first passed in 2010. What impact will that have?

Mr. Tom Nadeau: Yes, thank you Senator. First for clarification, the figure that I have provided during the April 18th hearing was actually specific to the DPHSS, Sanitary Inspection Revolving fund which is our second special funds of the Division, the other is for the Environmental Health fund that you did mention. As to your question, if we were to implement the incentive pay right now at this moment, there would be two (2) employees that will be affected and the difference in terms of the funding will be additional forty-five-thousand dollars (\$45,000) for three (3) employees. Now, if this was to be applied for everyone, everyone meaning, all Environmental Health Officers full time employees excluding the vacant funded position. The additional cost will be one-hundred-twenty-nine thousand dollars (\$129,000) a year at least for this fiscal year. If we were to implement it across the board for all the Environmental Health Officers assuming they qualify and get all the five (5)

Chairman, Committee on Health, Economic Development, Homeland Security & Senior Citizens

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SENATOR DENNIS G. RODRIGUEZ, JR.

certifications, including the vacant funded positions. That will equate to one-hundred-fifty thousand dollars (\$150,000) a year. As I stated, we have a small division so the financial impact, those significant for us, it's not into the hundreds of thousands at most one-hundred-fifty thousand dollars (\$150,000) at least for this fiscal year. If we were to apply it now at this very moment it will be forty-five thousand dollars (\$45,000) in additional cost.

Senator Dennis G. Rodriguez, Jr.: And the funding source that we've identified here is generated from a source of funding that clearly the law authorizes to be used to hire personnel for operations of the division which is also including this incentive pay program.

Mr. Tom Nadeau: Correct for the Environmental Health fund that is available to the Division of Environmental Health for operations. As for DPHSS Sanitary Inspection Revolving Fund, I know there is a language for the employees are now the resources. As I mentioned I am not a lawyer, so I'm not going to try and interpret what it means but I believe it's applicable to this as well.

Senator Dennis G. Rodriguez, Jr.: Okay, great thank you very much.

Mr. Tom Nadeau: Thank you.

Senator Dennis G. Rodriguez, Jr.: (Recognized Chairman on the Committee on Rules, Senator Rory J. Respicio.)

Senator Rory J. Respicio: Thank you Mr. Chair. Tom, welcome back.

Mr. Tom Nadeau: Glad to be back.

Senator Rory J. Respicio: I wanted to make sure that I came to this Public Hearing to continue to assist Chairman Rodriguez in everything that he wants to do with his oversight responsibilities but particularly generate some clarification that when you were here for the Informational Hearing, the Chairman was criticized that, that hearing was illegal and the staffer of another Senator took a Legal Memorandum that the Legislative Counsel presented to that office and so when we had the Committee on Rules meeting shortly thereafter after I did the re-referral because the Informational Hearing was very helpful for me to understand that because this Bill would not have any funding from the General Fund that the funding will come from the Environmental Health Fund, that's something Chairman Rodriguez still maintains and should have jurisdiction over this issue because of his oversight of Public Health. Originally, this Bill was referred to another Committee because it stems from incentive pay and compensation packages and so another committee has jurisdiction over that matter. So since this Bill wasn't moving in that committee we can also look to other committees in the Legislature to have similar jurisdictions and so that's what I did as Chairman on Rules and thankfully when we had the rules meeting my decision to re-refer this Bill to Chairman Rodriguez was ratified but also at that hearing I asked Senator Tony V. Ada if we can get some clarification from the Legislative Counsel if in fact she put anything in writing relative to that Informational



SENATOR DENNIS G. RODRIGUEZ, JR.

Hearing and whether that hearing was an illegal hearing and Legal Counsel said that she never said that and she was given the opportunity to read her memorandum into the record and nowhere in that letter did it state the hearing that Senator Rodriguez wanted to have was an illegal hearing. So Mr. Chairman I just wanted to clarify. Unfortunately, someone says something and that's exactly what the media picks up and what we're dealing with is individuals who don't really care to be responsible about the information that they're bringing out and with this particular issue and on social media there's been a lot of misinformation with respect to what this Bill actually does, there's been some statements made on social media that this fund should be used in purchasing equipment for the Environmental Health Division, Employees with the Department of Public Health and Social Services and so those kinds of things that we're dealing with is perception over reality 9 out of 10 times but I'm here tonight to say no matter what the perception is or the spin being done by some individuals relative to this issue, you have a Chairman that's going to steer the course and I'm going to stay the course with him and that this Public Hearing is a result of a re-referral that was made and so certainly there might not be time in this session because we're getting ready to vote now but I'm sure that the Chairman will put the Committee Report together and we can lobby the other Senators to get this on the agenda. So I like what you said what you clarified that this is not a salary increase and that this is something that existed since 2010 and we have yet to implement it. Thank you Mr. Chairman.

Mr. Tom Nadeau: Thank you Senator Respicio. Senator, if I may add one (1) more thing as I quickly scanned through Bill 184. I know it does identify the funding source as I recall is the Environmental Health Fund but also includes the Sanitary Inspection Revolving Fund which we're grateful for and because there is a significant chunk of money in the Sanitary Inspection Revolving Fund so that is also another source of funding to make this happen. I'm confident that the Environmental Health Fund alone is sufficient, however, like I said at this moment it's only forty-five thousand dollars (\$45,000) that we see of additional cost to implement but that's based on current and that there may be additional further down the month of this fiscal year. I'll be grateful if that language is kept to include the Environmental Health Fund and the Sanitary Inspection Revolving Fund and possibly look at the language for the Sanitary Inspection Revolving Fund to ensure that it surely can be applied for intended so that way it won't be questioned by any other party. I'd be grateful for that. Thank you Senator.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Tom for that clarification and I also want to thank our Committee on Rules Chairman for really facilitating this process forward because we need to address it here because I spoke to some of you after the Informational Hearing and you guys were worried. Even members of the media were worried if they can replay the hearing that occurred and so you've heard that you guys were fine, you came here, we're your representative here at the Legislature and so you have every right to provide those input and testimony during that hearing. So it wasn't a waste of your time, I want to make sure that and that it's part of the record and that we will move this forward.



SENATOR DENNIS G. RODRIGUEZ, JR.

Mr. Tom Nadeau: Thank you Senator.

Senator Dennis G. Rodriguez, Jr.: So if there's no other questions or anything else anyone wants to add because you've already added on the first hearing then we'll call this hearing. A Legal Public Hearing for Bill 184 and the time now is 5:52pm and we're adjourned. Thank you very much.

Adjourned at 5:52pm

Fiscal Note: Waiver requested, dated September 25, 2015 (attached).

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health, Economic Development, Homeland Security and Senior Citizens, hereby reports out **Bill No. 184-33 (COR)**, with the recommendation to TO REPORT OUT ONLY.

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 184-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO ADD NEW §§ (i), (j) AND (k) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA).

2015 SEP 23 09:43:31



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. Public Law 30-138, also known as “the Environmental Public Health Modernization and Revitalization Act of 2010,” was enacted on May 17, 2010, and subsequently amended by P.L. 31-233 to help expedite its implementation. The enactment of this law created the new Environmental Public Health Officer (EPHO) position series within the Division of Environmental Health of the Department of Public Health and Social Services. This new position series, which increased the qualification standards of its personnel and expanded their duties and responsibilities, paved the way to improve the division’s existing operations while preparing to meet the demands of the future.

1 In the legislative intent of the law, *I Mina'Trentai Unu Na Liheslaturan*
2 *Guåhan* additionally desired for the establishment of an incentive pay program to
3 encourage the recruitment and retention of these personnel and to promote their
4 continuing education by way of professional certification. As a result, the
5 Department of Public Health and Social Services recommended, and the
6 Department of Administration approved, the inclusion of a provision in the Job
7 Specifications of these newly created positions that authorized DPHSS to require,
8 if it so desired, the employee to secure any one or more of the five listed
9 certifications. Subsequently, DPHSS ordered all Environmental Public Health
10 Officers of the division to obtain and maintain one or more of these professional
11 certifications for the purpose of ensuring that its employees possessed the capacity
12 to better perform their environmental health duties. For implementing such
13 professional certification requisites and satisfying the expectation expressed in P.L.
14 30-138, an incentive pay program for the Environmental Public Health Officer is
15 hereby created pursuant to this Act.

16 Current job specifications for the EPHO position series require a Bachelor's
17 degree and 30 semester credits of basic sciences. Because "basic sciences" is not
18 defined in P.L. 30-138, the college courses that fall within this category is open to
19 interpretation by DPHSS, Department of Administration, and applicants of the
20 EPHO position. To clarify what college courses qualify as a basic science, the
21 recommended standard established by the National Environmental Health
22 Association (NEHA) *shall* be adopted.

23 **Section 2.** New Subsections (i), (j) and (k) are hereby added to § 6233
24 [Establishment of the Environmental Public Health Officer Series] of Article 2,
25 Chapter 6 of Title 4, Guam Code Annotated, to read:

1 “(i) An incentive pay shall be provided to employees holding the
2 Environmental Public Health Officer positions who obtain and maintain
3 professional certification based on the following:

4 (1) The professional certification that allows the employee to
5 receive the incentive pay shall be the Registered Environmental Health
6 Specialist (REHS), the Registered Sanitarian (RS), or its equivalent issued
7 by the National Environmental Health Association, or its succeeding
8 association;

9 (2) Provided it is reasonable, justified, and relevant to their duties
10 and responsibilities, the Department of Public Health and Social Services
11 may at its discretion include one or more other certifications, in addition to
12 the REHS, RS, or its equivalent, for the Environmental Public Health
13 Officer to receive the incentive pay;

14 (3) The incentive pay amount for Environmental Public Health
15 Officers shall be 15% of the employee’s base salary;

16 (4) The employee must possess a valid and current required
17 certification(s) to receive the incentive pay, and any lapse in time that the
18 certification(s) is not current or valid shall prohibit the employee from
19 receiving the incentive pay for that period; however, upon re-obtaining a
20 valid and current certifications(s), the incentive pay shall be instituted again
21 for the employee but not for any period while the employee did not possess a
22 valid and current certification(s); and

23 (5) The incentive pay shall be retroactive to the time the
24 Environmental Public Health Officer positions were established, provided
25 the employee had held such title while employed in the Division of

1 Environmental Health of DPHSS and obtained and possessed the required
2 certification(s) as established pursuant to the criteria in this subsection.

3 (j) Basic sciences referred in §6233(c) of this article shall mean any of
4 the courses in Biological Science, Natural Science, Physical Science, and Health
5 Science as established by the National Environmental Health Association, or its
6 successor.

7 (k) The incentive pay for Environmental Health Officers within the
8 Division of Environmental Health, Department of Public Health and Social
9 Services, shall be funded from the Environmental Health Fund, and the DPHSS
10 Sanitary Inspection Revolving Fund.”

11 **Section 3. Severability.** If any provision of this Act or its application to
12 any person or circumstance is found to be invalid or contrary to law, such
13 invalidity shall not affect other provisions or applications of this Act which can be
14 given effect without the invalid provisions or application, and to this end the
15 provisions of this Act are severable.

16 **Section 4. Effective Date.** This Act shall become immediately effective
17 upon enactment.



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
 Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Wednesday, April 27, 2016

5:30pm

•Bill 184-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certification in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
Tom NADEAU		DPHSS	✓	✓	✓		735-7221	
Michelle Lastinger		DPHSS	✓	✓	✓		735-7221	michelle.lastinger@dphss.guam.gov
KATHERINE DELMONTE		DPHSS	✓	✓	✓		735-7522	
CLAIRE M. BARADI		EPHA / DPHSS	✓	✓	✓		735-7522	claire.baradi@dphss.guam.gov
KATHERINE DUENAS		DPHSS	✓	✓	✓		735-7221	
Rosanna Rabago	man for RYR	DPHSS		✓	✓		735-7221	



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
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PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
JEROME GARCIA		DPHSS - DEH			✓		929-7122	rome0721@yahoo.com
Duane Dominguez		DPHSS - DEH		✓	✓		727-5837	duane.dominguez23@gmail.com
MARILOU SCROOGS		DPHSS - DEH			✓		797-6258	marilou.scroogs@gmail.com

TESTIMONY IN SUPPORT OF BILL 184-33

Hafa Adai and good evening, Mr. Chairman and Members of the Committee on Health, Economic Development, Homeland Security, and Senior Citizens. Thank you for allowing me the opportunity to present testimony on Bill 184 – An act to provide incentive pay for environmental public health officers within the Division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

My name is Marilou Scroggs. I am here today to provide testimony on behalf of my colleague, Rosanna Rabago, an Environmental Public Health Officer Administrator with the Division of Environmental Health of the Department of Public Health and Social Services. Unfortunately, she is unable to be here today and asked that her voice be heard. Like Rosanna, I would like to state that we both are in full support of the passage of Bill 184.

For almost a decade, the Division of Environmental Health has worked towards modernizing and revitalizing our environmental health workforce. Public Law 30-138 enacted on May 17, 2010 was the start of the Division's journey towards establishing a new position series – the Environmental Public Health Officers (EPHOs). For many of us our journey is not complete. The full intent of Public Law 30-138 has not been realized, that being the incentive pay provision. It is encouraging to know that 13 senators of the 30th Guam Legislature voted in support of the Bill 272-30 which included an incentive pay provision. Only two senators were unable to be included in this count because they were absent at the time of voting. Of the 13 senators, eight are in the 33rd Guam Legislature. We are hoping that these same senators champion our cause and continue to advocate for the passage of Bill 184-33 to honor the original intent of the Guam Legislature.

The job specifications of the EPHOs required a bachelor's degree in any field of study, 30 semester or 45 quarter hours in basic science, and a college algebra course of higher level math. Such changes have been very positive as seen in our newly recruited EPHOs. It is refreshing that these staff possess the background and foundation of the basic sciences and are able to readily apply it in their assigned program areas. Almost a third of the EPHOs have around 5-10 years left to retirement. We are hoping that these new staff take the helm of environmental health as our future leaders.

How can DEH retain these staff and recruit for more environmental health professionals? Why would anyone want to join our ranks? We are not the most popular with our stakeholders due to the nature of our regulatory work of sanitation inspections, investigations, and surveillance. We do not have the luxury of focusing on a single program area unlike our sister agencies, nor can we compete with private sector companies who can offer their staff training and experience in a single program area with almost double the current salary of an EPHO at DEH. The Department's requirement for up to five certifications (i.e., REHS/RS, HHS, CP-FS, CPO, Certified Pesticide Applicator CAT7a) for EPHOs which need to be attained within one year of hire is no easy feat to accomplish.

These certifications have raised the level of professionalism, competence, skill, and knowledge of our staff. There is a rain of confidence in our workforce that is hard to beat. Granted, not all EPHOs can qualify for all the certifications upon hire. Each certification has its respective

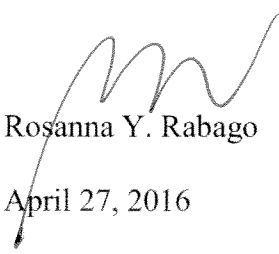
minimum qualification requirements. Some require college degrees combined with years of experience. Some certifications require retesting for renewals, while others require continuing education. Environmental health is a diverse field that is science-based, dynamic and ever-changing. This requires a workforce that is compelled to keep up with the latest information, technology, and research. Just this month alone, me and my staff participated in three webinars in the early hours of 1 am and 4 am to learn more about the Zika virus and its national and international threat. This is a testament to the dedication of our environmental health team to stay abreast of current research and news within our field.

Working in DEH is not easy. Staff that has come from private sector to DEH have often remarked how wrong they were to think that their government of Guam job would be any less stressful and demanding than their previous job. I know of one staff who even took a \$20K pay cut. It is not uncommon for staff to work 40+ hours per week. Almost any given day of the week, the last staff to leave our department in Mangilao is DEH. This is true! Why do we stay? We don't get overtime since we are exempt employees. I don't even know why I stay back at times when I sacrifice my own personal time and that of my family. I must say it's because I am a dedicated public servant who just loves working in the field of environmental health. Providing incentive pay will help to ensure our EPHOs continue to strive for excellence in their field and, more importantly, pave the way for a recruitment and retention strategy for EPHOs.

I fear that our young, new EPHO recruits may think twice about wanting to stay as an environmental health practitioner at DEH. Doubling of their salary or assignment of a single program area are great enticements for anyone to seriously consider as opposed to the long hours, multiple program assignments, and certification requirements imposed by DEH. I believe an incentive pay would allay that fear from becoming a reality.

On another note, I am in support of Bill 184's intent to clarify that basic sciences mean "any of the courses in Biological Science, Natural Science, Physical Science, and Health Science as established by the National Environmental Health Association, or its successor." Previously, applicants for the Environmental Public Health Officer positions would qualify through a social science degree. While I agree that social science degrees are important for our society, I do not believe that it is appropriate for the EPHO job specifications educational requirement for obvious reasons. Environmental health relies on basic sciences, such as biology (food safety, pathogens, mosquito and other arbovirus surveillance and control) as opposed to social sciences (i.e., psychology or social work). Your support in this section of the bill is equally important and vital to our operations.

In closing, thank you for allowing me the opportunity to voice my support for Bill 184-33. Un dangko'lo na si Yu'os Ma'ase.



Rosanna Y. Rabago

April 27, 2016

TESTIMONY IN SUPPORT OF Bill No. 184-33 (COR), AN ACT TO ADD NEW §§ (I), (J) AND (K) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA) before the Committee on Health, Economic Development, Homeland Security, and Senior Citizens, April 27, 2016:

According to the Centers for Disease Control and Prevention (CDC) each year, 1 of 6 Americans get sick from a food-related illness (which is roughly 48 million people a year), about 128,000 are hospitalized, and about 3,000 die of foodborne diseases. Foodborne illness is a common, costly – yet preventable – public health problem. The U.S. Department of Agriculture (USDA) estimates that foodborne illnesses costs about \$15.6 billion each year. Guam has experienced its fair share of foodborne outbreaks. In the past five years, there were about five reported outbreaks; one of them being the big Southern school outbreak that occurred a few years ago. These are just those that were reported; what about those that have not been reported?

What makes this common and costly illness preventable? That is due largely in part by the work and efforts of the Division of Environmental Health (DEH), Department of Public Health and Social Services. When addressing a foodborne outbreak, there are three main focus areas that are important: epidemiology, environmental health, and laboratory. Each focus areas are led by a group of specialized and trained professionals, specific to those fields. In DEH, however, we've become all three. In previous outbreaks, we've handled and conducted the epidemiological work, done the inspection and investigation of the outbreak, and collected samples that are needed for testing. Basically, we've become professionals of all three focus areas, which even surprises are federal counterparts.

Food safety, among other programs, is one of the active programs of DEH. Aside from issuing permits and health certificates for all food establishments and their employees on island, DEH is also responsible for the sanitation inspection, outbreak response, and numerous outreach activities to the industry and the community. As it stands, we currently have over 2,000 food establishments alone. This does not include other establishments, such as schools, childcare centers, beauty and barber shops, swimming pools, hotels and motels, and public private premise complaints, that DEH is responsible for.

Currently, we only have 13 Environmental Public Health Officers (EPHO) that are able to conduct inspections, respond to outbreaks, and provide outreach and guidance to the community. Furthermore, of the 13, three of them are management, and thus, are not field employees.


When I started working for the Division five years ago, I was excited and determined to make a difference in the health and welfare of the public. Working under DEH has given me that opportunity. Our roles and responsibilities as EPHOs are never ending; which is understandable, since the work we do is indeed a continuous effort to protect the people that we serve. However, because of the limited upward mobility in this Division, retention of employees can be difficult, especially with the amount of work EPHO's take on each day. In the past five years since I've been with DEH, we've lost six employees, either from medical or seeking other employment with better security and upward mobility. When comparing the average EPHO's position series to that of the national annual mean salary for this occupation, our EPHO series is

well below that national average. Thus, I can see why retention of employees in this Division is difficult; never-ending work and well below national average pay.

Thus, I am in support of Bill 184-33, which allows for a competitive incentive pay, should I choose to obtain the Registered Sanitarian or Registered Environmental Health Specialist national credential, along with the other four certifications that I am required to take as a professional in my field. The RS/REHS is the premier National Environmental Health Association (NEHA) credential. Individuals holding the REHS/RS credential show competency in environmental health issues, direct and train personnel to respond to routine or emergency environmental health situations, and frequently provide education to their communities on environmental health concerns. Thus, it is considered the most prevalent NEHA credential. Obtaining this will not be an easy task. As with other required credentials, we must pay, earn, and maintain these credentials on our own. However, I see the importance of these credentials, especially for the type of work we do in our field.

Thus, by allowing Bill 184-33 to pass, not only will the retention of valuable employees in a Division whose mission is to protect the public from environmental hazards occur, but this will also attract potential candidates with the appropriate educational science background. These credentials will bolster the right education and mindset of professionals in our field.

With the attraction and retention of valuable employees, food-related illnesses can indeed be preventable!



Katherine Del Mundo

TESTIMONY IN SUPPORT OF BILL 184-33

Hafa Adai and good evening, Mr. Chairman and Members of the Committee on Health, Economic Development, Homeland Security, and Senior Citizens. Thank you for allowing me the opportunity to present testimony on Bill 184 – An act to provide incentive pay for environmental public health officers within the Division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

My name is ^{Duane Dominguez} Marilou Scroggs. I am here today to provide testimony on behalf of my colleague, Rosanna Rabago, an Environmental Public Health Officer Administrator with the Division of Environmental Health of the Department of Public Health and Social Services. Unfortunately, she is unable to be here today and asked that her voice be heard. Like Rosanna, I would like to state that we both are in full support of the passage of Bill 184.

For almost a decade, the Division of Environmental Health has worked towards modernizing and revitalizing our environmental health workforce. Public Law 30-138 enacted on May 17, 2010 was the start of the Division's journey towards establishing a new position series – the Environmental Public Health Officers (EPHOs). For many of us our journey is not complete. The full intent of Public Law 30-138 has not been realized, that being the incentive pay provision. It is encouraging to know that 13 senators of the 30th Guam Legislature voted in support of the Bill 272-30 which included an incentive pay provision. Only two senators were unable to be included in this count because they were absent at the time of voting. Of the 13 senators, eight are in the 33rd Guam Legislature. We are hoping that these same senators champion our cause and continue to advocate for the passage of Bill 184-33 to honor the original intent of the Guam Legislature.

The job specifications of the EPHOs required a bachelor's degree in any field of study, 30 semester or 45 quarter hours in basic science, and a college algebra course of higher level math. Such changes have been very positive as seen in our newly recruited EPHOs. It is refreshing that these staff possess the background and foundation of the basic sciences and are able to readily apply it in their assigned program areas. Almost a third of the EPHOs have around 5-10 years left to retirement. We are hoping that these new staff take the helm of environmental health as our future leaders.

How can DEH retain these staff and recruit for more environmental health professionals? Why would anyone want to join our ranks? We are not the most popular with our stakeholders due to the nature of our regulatory work of sanitation inspections, investigations, and surveillance. We do not have the luxury of focusing on a single program area unlike our sister agencies, nor can we compete with private sector companies who can offer their staff training and experience in a single program area with almost double the current salary of an EPHO at DEH. The Department's requirement for up to five certifications (i.e., REHS/RS, HHS, CP-FS, CPO, Certified Pesticide Applicator CAT7a) for EPHOs which need to be attained within one year of hire is no easy feat to accomplish.

These certifications have raised the level of professionalism, competence, skill, and knowledge of our staff. There is a rain of confidence in our workforce that is hard to beat. Granted, not all EPHOs can qualify for all the certifications upon hire. Each certification has its respective

minimum qualification requirements. Some require college degrees combined with years of experience. Some certifications require retesting for renewals, while others require continuing education. Environmental health is a diverse field that is science-based, dynamic and ever-changing. This requires a workforce that is compelled to keep up with the latest information, technology, and research. Just this month alone, me and my staff participated in three webinars in the early hours of 1 am and 4 am to learn more about the Zika virus and its national and international threat. This is a testament to the dedication of our environmental health team to stay abreast of current research and news within our field.

Working in DEH is not easy. Staff that has come from private sector to DEH have often remarked how wrong they were to think that their government of Guam job would be any less stressful and demanding than their previous job. I know of one staff who even took a \$20K pay cut. It is not uncommon for staff to work 40+ hours per week. Almost any given day of the week, the last staff to leave our department in Mangilao is DEH. This is true! Why do we stay? We don't get overtime since we are exempt employees. I don't even know why I stay back at times when I sacrifice my own personal time and that of my family. I must say it's because I am a dedicated public servant who just loves working in the field of environmental health. Providing incentive pay will help to ensure our EPHOs continue to strive for excellence in their field and, more importantly, pave the way for a recruitment and retention strategy for EPHOs.

I fear that our young, new EPHO recruits may think twice about wanting to stay as an environmental health practitioner at DEH. Doubling of their salary or assignment of a single program area are great enticements for anyone to seriously consider as opposed to the long hours, multiple program assignments, and certification requirements imposed by DEH. I believe an incentive pay would allay that fear from becoming a reality.

On another note, I am in support of Bill 184's intent to clarify that basic sciences mean "any of the courses in Biological Science, Natural Science, Physical Science, and Health Science as established by the National Environmental Health Association, or its successor." Previously, applicants for the Environmental Public Health Officer positions would qualify through a social science degree. While I agree that social science degrees are important for our society, I do not believe that it is appropriate for the EPHO job specifications educational requirement for obvious reasons. Environmental health relies on basic sciences, such as biology (food safety, pathogens, mosquito and other arbovirus surveillance and control) as opposed to social sciences (i.e., psychology or social work). Your support in this section of the bill is equally important and vital to our operations.

In closing, thank you for allowing me the opportunity to voice my support for Bill 184-33. Un dangko'lo na si Yu'os Ma'ase.



Rosanna Y. Rabago

April 27, 2016



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

TESTIMONY IN SUPPORT OF BILL 184-33
SUMMARY

- DPHSS thanks the Legislature for holding this Public Hearing on Bill 184-33, and the Committee on Health, Economic Development, Homeland Security, and Senior Citizens for leading that effort. We also thank Chairman Rodriguez for introducing Bill 184-33.
- The Department had submitted its written statement of support for Bill 184-33 on April 18, 2016. We are essentially resubmitting the same document today, with the exception of the acknowledgement that today's gathering is a Public Hearing.
- Rather than reading the entire document once again; I will summarize the Department's testimony and make additional oral comments to the bill.
- DPHSS is in full support of Bill 184-33.
- By establishing a definition for "basic sciences" for the educational qualification of an Environmental Public Health Officer (EPHO), it will assist the Department of Administration in better identifying qualifying science courses when reviewing applications, and thus, this will ensure that individuals applying for the position of an EPHO possesses the education sought by the Division of Environmental Health (DEH), which is similar to the qualifications recommended by the National Environmental Health Association, and supported by the U.S. Centers for Disease Control and Prevention.
 - Furthermore, possessing the basic sciences, as defined in Bill 184-33, will enable the applicant to be better prepared in passing the exams for the certifications that the Division of Environmental Health is already requiring of individuals holding these positions.
- In speaking of certifications, please know that DPHSS had implemented a directive in 2013 where all EPHOs of DEH are required to obtain 4 different certifications. These 4 certifications are listed as "Necessary Qualifications" in the Job Specifications of EPHO I through EPHO Supervisor, which state that these certifications MAY be required as a prerequisite for recruitment. Because the Division sees the value and importance of these certifications for the newly created Environmental Public Health Officer positions, the Department had opted to require the 4 certifications, but to be obtained within one year of employment. For the EPHO Administrator and Chief EPHO, they are required to obtain the Registered Environmental Health Specialist certificate (REHS) or the Registered Sanitarian (RS) certificate, which are the highest credentials offered by NEHA for the field of environmental Health. Therefore, the Department has already instituted professional certification requirements as it was intended in P.L. 30-138, which created these new positions, and it's now simply a matter of adding the actual language of implementing the incentive pay into the law.
- The establishment of the new EPHO position series, and the accompanying certification requirements, have led to employees resigning from DEH. Existing personnel who fail to

achieve their required certifications may end up making the same decision. While this is the unpleasant downside of our Division's drive to employ only the best and most capable personnel, we believe, in the long run, that this can only improve the Division and its mission to provide its many environmental health services to the people of Guam.

- In addition to recruiting and retaining exemplary employees, the incentive pay will encourage them to pursue the highest professional credential in the field, the REHS/RS. Those who have already achieved such certification will still need to obtain the other 4 certificates to qualify.

As I had commented previously during the last hearing, I suspect some in the Legislature, and even the public, may have difficulties in supporting this bill in light of the recent controversy about government salary increases and its finances, but we ask that the following points be considered:

1. Incentive pay is not a new pay plan or an automatic salary increase for the affected employees. It is a voluntary program; it is up to the individual to decide whether to take advantage of the program to better him or herself by achieving all 5 certifications. Some may not wish, or successfully obtain, these certifications.
2. DPHSS is already requiring all EPHOs to possess 1 or 4 of the certifications listed in their Job Specifications, which undoubtedly have had adverse impacts on retention, and created additional stress and obligation to already over-tasked personnel. However, the adoption of the incentive pay program should make these mandatory certifications much more acceptable to them since it will provide them a motivation to pursue all five certificates. The Division will also benefit from their 5 certifications as it would demonstrate to us that they possess the knowledge required and expected of them to fulfill their duties and responsibilities.
3. To retain the incentive, the EPHO must seek and obtain continuing education credits, and pay the required renewal fees, which will be out of pocket costs for them.
4. The duties and responsibilities of an EPHO exceed beyond those of environmental health work; they include law enforcement activities through the investigations of pharmaceutical controlled drug cases, and we'll now be adding laboratory operation with the establishment of the food lab and the mosquito lab; this is all without any added compensation.
5. Because upward mobility in DEH is greatly limited, the incentive pay may be the only option available to most for any pay increase outside of their usual annual increments. At least with the incentive pay program, the pay increase is truly earned through merit.
6. Whether Bill 184-33 becomes law or not, it is the intent of DPHSS to continue to require the EPHOs to obtain the several certifications listed in their Job Specifications, and possibly other credentials, as necessary, and we will always seek to recruit those applicants who possess the appropriate education to succeed in the Division of Environmental Health. Yet, the Department hopes that this legislature, and the public, understands the benefits of passing Bill 184-33 and instituting the incentive program and adding a definition of "basic sciences." With its passage, the public can expect more knowledgeable, and thus more effective, employees to serve the needs of the community.

Handwritten signature
4/27/10



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

APR 25 2016

Honorable Senator Dennis G. Rodriguez, Jr.
Chairman; Committee on Health, Economic Development,
Homeland Security, and Senior Citizens
Suite 107, 176 Serenu Ave.
Tamuning, Guam 96931

Dear Senator Rodriguez:

Thank you for inviting us this public hearing, and allowing the Department to provide its comments to Bill 184-33, an act to provide incentive pay for Environmental Public Health Officers within the Division of Environmental Health of this department and providing a definition for the term "basic sciences" in determining the qualification standard of an Environmental Public Health Officer.

The Department of Public Health and Social Services is in full support of Bill 184-33. This is a proposal that was actually acknowledged and supported in Public Law 30-138, otherwise known as the "Environmental Public Health Modernization and Revitalization Act of 2010," which was enacted six years ago, but for whatever reason, the provision was not incorporated into the body of the act. Thus, we are grateful to see that the oversight is finally being addressed in Bill 184.

In justifying the Department's support of Bill 184-33, it's imperative that I provide a quick history of how the Environmental Public Health Officer (EPHO) position series came to be. The EPHO positions were established through the enactment of P.L. 30-138 with the advocacy and support of the Guam Food Safety Task Force, which is attached to this letter, in response to the recruitment and retention challenges of the Division of Environmental Health (DEH) and its operational restrictions that existed at the time. Back then, DEH had multiple, differing position titles in its staffing pattern to conduct environmental health activities, and each had its own specific qualification standard and job description with an uncompetitive salary structure. As a result, the Division had difficulties recruiting the right people, for the right job, and for the right pay. In addition, DEH was losing its employees to other agencies with greater opportunities.

Fortunately, with the implementation of P.L. 30-138, the qualification standards and the compensation of DEH personnel were increased to attract qualified applicants who now perform all facets of environmental health without restrictions from differing position titles and duties. We liken the EPHOs to "Swiss Army" knives since they can do it all; they are empowered to perform every aspect of environmental health work based on tiered complexity, not job titles. This has allowed greater flexibility of staff assignment in responding to shifting priorities, unanticipated emergencies, and employee absences; and consequently, this led to the improvement of DEH

operation. Although the Division continues to be hampered by limited staff numbers, which especially impacts inspection quantities, the quality of these inspections and the Division's accomplishments have vastly improved.

Which now leads to the issue that is brought before us. Another outcome in the establishment of the EPHO positions was the inclusion of 5 certifications under the "*Necessary Qualifications*" of these positions' Job Specifications. Consequently, this Department now requires all EPHO-I through EPHO Supervisor to possess four certifications, and the EPHO Administrator and Chief to possess one of the five certifications, within a year of meeting eligibility for the certification. Such credentialing promotes professionalism and competency of its workforce. Although these certifications are optional requirements, DPHSS has nonetheless obligated its EPHOs to obtain and maintain these credentials so to ensure the staff possess the environmental health knowledge expected of them to perform their duties and to compel them to pursue continuing education credits or retake the examinations to retain their certifications.

Because of the Department's belief in the importance and the merit of these credentials, we have been actively assisting and supporting the employees in pursuing the certifications by providing preparatory courses and training as resources permit. However, at the same time, the Department has been enforcing the policy by initiating administrative actions against employees who have failed to meet the requirement. As the attached chart and the supporting documents will show, most of these credentials have prerequisites and are quite comprehensive of the subject covered, and all require the passing of a test. There have been multiple individuals who have been forced to retake the test after initially failing. Furthermore, there have been employees who resigned or transferred out of the Division because of the implementation of the new positions and its requirements. So while there have been a few set-backs, overall, the benefits have far exceeded the challenges encountered.

DPHSS does however recognize the additional pressure, responsibility, and expectation placed on our EPHOs because of these certifications, and we believe the passage of Bill 184-33 will help counterbalance the adverse impact it may have caused, especially in the retention and recruitment of personnel. After all, one of the primary reasons for the enactment of the law that established the EPHO series was to promote the hiring and keeping of employees. Thus, the proposed incentive pay of Bill 184-33 will address this very issue, and the use of Registered Environmental Health Specialist (REHS), otherwise known as the Registered Sanitarian (RS), as the standard for determining the qualification for the incentive pay is ideal since REHS/RS is the premiere credential of the National Environmental Health Association (NEHA) and represents the holder's breadth of knowledge of the environmental health profession.


By implementing the incentive pay, as proposed in Bill 184-33, the EPHO I through EPHO Supervisor would need to seek only one additional credential (REHS/RS) for all five certifications to qualify for the inducement. This would not only make the certification requirements of the initial four certifications more agreeable for them, but it will encourage them to achieve the highest credentialing with the acquisition of the REHS/RS. Likewise, the EPHO Administrator and Chief, who are already required to possess the REHS/RS, would be obliged to obtain the other four credentials if they wish for the incentive pay. This ensures that even the senior management of the Division of Environmental Health will have shown competency in the leadership of environmental health practices with the REHS/RS, but also the detailed understanding of the specific subject, and activities in the field, for improved overall management of division programs.

In addition, the implementation of Bill 184-33 should entice, and not frighten or intimidate, potential candidates from seeking employment for the position of EPHO. We hope to also discourage existing personnel from seeking employment elsewhere for higher pay, as promotional opportunities within DEH has historically been limited. In years past, we've had staff transferring out of the Division in search of upward mobility and less stressful working conditions. While such transfers have stopped in recent years, we are concerned that it may repeat itself now that the EPHOs are tasked with greater responsibility with the construction of the new Guam Environmental Public Health Laboratory, which has required us to add laboratory duties to their already extensive position description. Thus, our EPHOs in the very near future, when the lab becomes fully operational, will not only be performing environmental health work but also that of a microbiologist, chemist, and researcher. Subsequently, this means more training and possibly more certifications that will be required of Division personnel. While the incentive pay may not ensure the successful recruitment and retention of staff in DEH, it would surely help in that endeavor.

It's important to note that the adoption of the incentive pay program is not an automatic pay increase to the affected employees; they must earn and maintain the certifications, which means preparing for courses, taking and passing the exams, continually seeking continuing education credits, and paying out of pocket fees. Not every employee may want to pursue, or even be able to achieve, the benefits deriving from the incentive pay. Bill 184 is not a new compensation plan as some may perceive this to be. The employees must successfully attain and retain a total of five separate certifications to qualify.

Finally, defining "basic sciences" will assure that only those applicants that meet the criteria of NEHA and DEH qualify for the position of Environmental Public Health Officer.

We fully support Bill 184-33 and hope that the 33rd Guam Legislature will finally act on the proposal and pass this bill. Thank you.



JAMES W. GILLAN
Director

Enclosures

ENVIRONMENTAL PUBLIC HEALTH OFFICER I**NECESSARY SPECIAL QUALIFICATIONS:**

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
 - o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).


ESTABLISHED: **OCTOBER 2012**

AMENDED: **JANUARY 2013**

PAY GRADE: **L**

STATUTE: **Public Law 30-138 / Public Law 31-233**

HAY EVALUATION:	KNOW-HOW:	E 1 2	175
	PROBLEM SOLVING:	D 3 33%	57
	ACCOUNTABILITY:	D 2 C	66
	TOTAL POINTS:		298



BENITA A. MANGLONA, Director
Department of Administration

ENVIRONMENTAL PUBLIC HEALTH OFFICER II

algebra or higher level math; and four (4) years of work experience in environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
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- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
 - o Certified Professional -- Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

ESTABLISHED: OCTOBER 2012

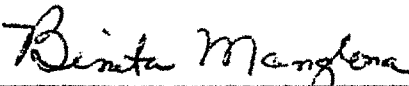
AMENDED: JANUARY 2013

PAY GRADE: M

STATUTE: Public Law 30-138 / Public Law 31-233

HAY EVALUATION:

KNOW-HOW:	E 1 2	200
PROBLEM SOLVING:	E 3 33%	66
ACCOUNTABILITY:	D 2 C	<u>87</u>
TOTAL POINTS:		353



BENITA A. MANGLONA, Director
 Department of Administration

ENVIRONMENTAL PUBLIC HEALTH OFFICER III

- c) Graduation from a recognized college or university with a Bachelor's degree in any field of study with a minimum of 30 semester hours or 45 quarter hours in basic sciences, and a course in college algebra or higher level math; and five (5) years of work experience in environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
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- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
- o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

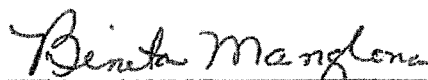
ESTABLISHED: **OCTOBER 2012**

AMENDED: **JANUARY 2013**

PAY GRADE: **N**

STATUTE: **Public Law 30-138 / Public Law 31-233**

HAY EVALUATION:	KNOW-HOW:	E 1 2	230
	PROBLEM SOLVING:	E 3 38%	87
	ACCOUNTABILITY:	E 2 C	<u>115</u>
	TOTAL POINTS:		422



BENITA A. MANGLONA, Director
Department of Administration

ENVIRONMENTAL PUBLIC HEALTH OFFICER SUPERVISOR**MINIMUM EXPERIENCE AND TRAINING**

- a) Graduation from a recognized college or university with a Master's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; and three (3) years of work experience in environmental health, protection, sanitation, or safety; or
- b) Graduation from a recognized college or university with a Bachelor's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; and four (4) years of experience in environmental health, protection, sanitation, or safety; or
- c) Graduation from a recognized college or university with a Bachelor's degree in any field of study with a minimum of 30 semester hours or 45 quarter hours in basic sciences, and a course in college algebra or higher level math; and six (6) years of experience in environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
 - o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

ESTABLISHED: **OCTOBER 2012**

AMENDED: **JANUARY 2013**

PAY GRADE: **P**

STATUTE: **Public Law 30-138 / Public Law 31-233**

ENVIRONMENTAL PUBLIC HEALTH OFFICER ADMINISTRATOR**MINIMUM EXPERIENCE AND TRAINING**

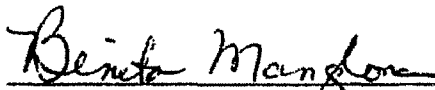
- a) Graduation from a recognized college or university with a Master's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; three (3) years of work experience in environmental health, protection, sanitation, or safety; and two (2) years of supervisory work experience in environmental health, protection, sanitation, or safety; or
- b) Graduation from a recognized college or university with a Bachelor's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; four (4) years of work experience in environmental health, protection, sanitation, or safety; and two (2) years of supervisory work experience in environmental health, protection, sanitation, or safety; or
- c) Graduation from a recognized college or university with a Bachelor's degree in any field of study with a minimum of 30 semester hours or 45 quarter hours in basic sciences, and a course in college algebra or higher level math; six (6) years of work experience in environmental health, protection, sanitation, or safety; and two (2) years of supervisory work experience of environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.

ESTABLISHED: OCTOBER 2012**AMENDED: JANUARY 2013****PAY GRADE: R****STATUTE: Public Law 30-138 / Public Law 31-233**

HAY EVALUATION:	KNOW-HOW:	E II 3	350
	PROBLEM SOLVING:	E 4 43%	152
	ACCOUNTABILITY:	E 2 S	<u>175</u>
	TOTAL POINTS:		677


BENITA A. MANGLONA, Director
Department of Administration

CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER**NECESSARY SPECIAL QUALIFICATIONS:**

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.

ESTABLISHED: OCTOBER 2012

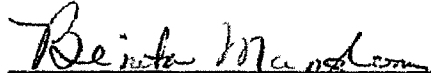
AMENDED: JANUARY 2013

PAY GRADE: S

STATUTE: Public Law 30-138 / Public Law 31-233

HAY EVALUATION:

KNOW-HOW:	F II 3	400
PROBLEM SOVLING:	F 4 50%	175
ACCOUNTABILITY:	F 3 S	<u>264</u>
TOTAL POINTS:		839



BENITA A. MANGLONA, Director
 Department of Administration



Environmental Public Health Association
P.O. Box 2950
Hagåtña, Guam 96932
guamEPHA@gmail.com

Testimony of the Environmental Public Health Association (EPHA) IN SUPPORT OF Bill No. 184-33 (COR), AN ACT TO ADD NEW §§ (I), (J) AND (K) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA) before the Committee on Health, Economic Development, Homeland Security, and Senior Citizens, April 27, 2016:

The EPHA is a non-profit organization committed to promote all aspects of environmental health in our community and is comprised largely of existing and former employees of the Division of Environmental Health (DEH) of the Department of Public Health and Social Services (DPHSS). Bill 184-33 provides clarification of the necessary qualifications under the Environmental Public Health Officer (EPHO) job specification of the "*Environmental Public Health Modernization and Revitalization Act of 2010*" and affords the opportunity for eligible staff to receive an incentive pay for the increased qualification standards required of the EPHO position series. This Association supports Bill No. 184-33 and it is this Association's opinion that the Bill, should it be passed into law, would serve to maintain, retain, and draw in individuals with a desirable knowledge base in this field.

As positions open, there has been difficulty in recruiting candidates with the appropriate educational science background and experience. Bill No. 184-33 clarifies the appropriate sciences necessary for performing work of this caliber; thereby, inviting and attracting only individuals with suitable skill sets and streamlining the candidate review process for the Department of Administration, DPHSS, DEH, and the applicant.

The National Environmental Health Association (NEHA) is the national standard and their Registered Sanitarian (RS) and Registered Environmental Health Sanitarian (REHS) credentials are quintessential in the environmental health field. According to the U.S. Department of Labor, Bureau of Labor Statistics, the line of work of EPHA who have obtained the NEHA RS or REHS credential, fall under occupation code 29-9011- Occupational Health and Safety Specialist.

The national annual mean salary for this occupation code is \$71,790 which is well above the 2015 average (\$49,900) of the EPHO position series. Factored into this figure are managerial positions such as the DEH Division Chief and Administrators. Bill No. 184-33 would allow for only those EPHOs who have obtained the RS or REHS national credential to receive a competitive incentive pay; thus, improving the likelihood of retaining these valuable individuals. As it stands, of the twelve staff employed in the EPHO position series, only three have obtained their RS credential and six others are qualified to take the exam. To qualify for the incentive pay, EPHOs must pay, earn, and maintain the credential on their own. It is not automatic.

Furthermore, it was intended in the *"Environmental Public Health Modernization and Revitalization Act of 2010"* that professional certification and accompanying incentive pay shall be implemented to promote recruitment and retention of DEH personnel. This statement will likely not be fulfilled and justified without the passing of Bill 184-33. In summary, the passing of this Bill will effectively attract, recruit, and maintain valuable individuals to and for DEH, the Government of Guam, and ultimately, benefit our island community. Therefore, we urge the committees to support Bill No. 184-33.

Thank you very much for your time.

Claire M. Baradi
President

Claire M. Baradi
P. O. Box 25475
Barrigada, GU 96921
clairy713@yahoo.com

Testimony of the Claire M. Baradi, citizen of Guam IN SUPPORT OF Bill No. 184-33 (COR), AN ACT TO ADD NEW §§ (I), (J) AND (K) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA) before the Committee on Health, Economic Development, Homeland Security, and Senior Citizens, April 27, 2016:

My name is Claire M. Baradi and I have been a resident of Guam for approximately thirteen years. I am a proud alumna of the University of Guam (UOG) having graduated with a Bachelors of Arts in Biology in 1996. I have been employed as a lead microbiology Laboratory Associate in a nationwide company, a Department of Public Health & Social Services (DPHSS) microbiology laboratorian under the Bioterrorism/PHEP (Public Health Emergency Preparedness) Program, as an Environmental Scientist contracted to handle the Navy's wastewater compliance, and a lastly Natural Resources Expert contracted to manage overarching environmental review of the Navy's construction projects. I left my previous job have now been employed with the Division of Environmental Health (DEH) for almost eleven months. In my time at DEH, I have obtained the Guam Environmental Protection Agency (GEPA) CORE Pesticides Applicator license, the National Swimming Pool Foundation (NSPF) Certified Pool/Spa Operator (CPO) and Inspector (CPI) national credentials, the NEHA Certified Professional-Food Safety (CP-FS) national credential, and the NEHA Healthy Homes Specialist (HHS) national credential. I am qualified to take the Registered Sanitarian (RS) or Registered Environmental Health Specialist (REHS) exam.

Bill 184-33 will serve two primary purposes:

- 1) Clarify job specifications of what qualifies as "basic science" college courses. NEHA considers basic science courses to include Life Sciences, Natural Sciences, Physical Sciences or Health Sciences.
- 2) Provide an incentive pay to employees holding an Environmental Public Health Officer (EPHO) position

The UOG graduating class of 1996 consisted of approximately 430 graduates receiving their Bachelor and Master degrees. Of these 430 graduates, one graduated with a BS in Agriculture, four with BAs in Chemistry, ten with BAs in Biology, four with MAs in Biology, and 23 with a BS in Nursing. In the year I graduated college, 42 graduates have the basic science qualifications identified by NEHA. Assuming that nursing majors will likely be employed as nurses and agriculture majors will likely be involved in agriculture; will leave 18 people (BA and MAs in Biology or Chemistry) of my graduating class having the most qualifying knowledge base for employment at DEH. To further solidify this, nine of the thirteen DEH staff in the EPHO series hold either a degree in Biology or Chemistry. My point is that there are

already few students graduating in the academic disciplines of science, technology, engineering and mathematics (STEM) as it is, what more, who will work at DEH over more lucrative salaries. I am one of these individuals. I took a \$20,000 pay cut to come to DEH to do something new and try to make a difference among other reasons. I can honestly say that I have never worked as hard as I have here at DEH. And one the other end of having passed the exams required to maintain my job, I have never felt as fulfilled.

I ask the Committee, to kindly support Bill 184-33. Thank you for your time.

Very Respectfully,

Claire M. Baradi

REQUIRED CREDENTIALS FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS (EPHO)
DIVISION OF ENVIRONMENTAL HEALTH, DPHSS

	Certified Pesticide Applicator (CORE + Category 7)	Certified Pool and Spa Operator (CPO)	Healthy Homes Specialist (HHS) Credential	Certified Professional of Food Safety (CP-FS)	Registered Environmental Health Specialist (REHS)/ Registered Sanitarian (RS)
Purpose	Category 7 certification from GEPA allows the holder to purchase, use, and apply restricted pesticides.	"CPO® certification courses are designed to provide individuals with the basic knowledge, techniques, and skills of pool and spa operations." It is issued by the National Swimming Pool Foundation (NSPF).	HHS credential is issued by the National Environmental Health Association and the National Center for Healthy Homes. The credential "demonstrates professional direction, achievement and the knowledge to carry out functions and duties of a technical nature in a responsible manner" when assessing dwellings for health hazards and determining its remediation.	CP-FS credential is issued by the National Environmental Health Association. It is designed for "individuals within the public and private sectors who have prior food safety experience, and it integrates food microbiology, HACCP principles, and regulatory requirements to validate problem solving and knowledge expertise using real-world examples. This prestigious credential is well respected throughout the industry, and is highly valued by employers when hiring food safety professionals."	National Environmental Health Association issues the REHS/RS credential: "An Individual with an REHS/RS credential has the skill set to ensure that these basic community necessities are met as well as to manage other critical functions such as emergency response, vector control, sewage sanitation, hazardous material handling and more. The REHS/RS is the most prevalent NEHA credential and professionals demonstrate competency in an impressive range of environmental health issues, directing and training personnel to respond to routine or emergency environmental situations, and providing education to their communities on environmental health concerns. In addition, REHS/RS credential holders are key members in ensuring communities are in compliance with local, state and federal environmental health regulations."
Pre-requisite	A person must first pass the CORE exam before he/she qualifies to take the Category 7 exam.	Attend a two-day classroom course and pass its exam.	Have 5 years of experience in housing, environmental health, or public health. The applicant must also take and pass an exam.	A candidate must meet the criteria for 1, 2 or 3 as follows: 1. <u>Degree Track:</u> a. Bachelor's degree in food science or environmental health; OR b. Bachelor's degree with at least 2 years of experience in food protection; OR c. Bachelor's degree and possession of REHS/RS 2. <u>Experience Track:</u> a. Associate's degree and 4 years of experience in food-related work and successful passage of the Certified Professional Food Manager (CPFM), Food Safety Managers Certification (FSMC) Examination, SuperSafe Mark Exam, or ServSafe exam; OR b. High School Diploma or GED and 5 years of experience in food-related work, and successful passage of the CPFM, FSMC, SuperSafe Mark Exam, or ServSafe exam 3. <u>"In-Training" Status:</u> If applying under Degree Track without work experience, applicant may apply for an "In-Training" Status registration. Three years given to acquire the necessary experience.	To be eligible to sit for the REHS/RS credential examination, a candidate must meet all of the criteria for Track A or Track B or Track C. Track A – Environmental Health Degree Track <ul style="list-style-type: none"> Bachelor's degree, Master's degree, or PhD in Environmental Health from an EHAC accredited school and degree program Track B – Bachelor's Degree Track <ul style="list-style-type: none"> Bachelor's degree, Master's degree, or PhD in any subject, and 30 semester hours (or 45 quarter hours) of college credit in basic science coursework (Life Sciences, Natural Sciences, Physical Sciences or Health Sciences); College level Math or Statistics class; and 2 years or more experience in environmental health work Track C – "In Training" Track If applicant meets Track B, but lacks work experience, "In Training" Track is available. Upon passing the exam, applicant has 3 years to obtain 2 years of work experience.
Examination	The CORE exam has 75 questions and the applicant must pass with 70% score. Cat. 7 exam has around 70 questions and the applicant must achieve 70% to pass.	It is an open book exam, and the applicant must score 75% or better to pass.	HHS exam is two hours long with 75 multiple-choice questions. Exam is scored using scaled scores that range from 0 to 900 with a passing score of 650.	CP-FS exam consists of a total of 140 multiple-choice questions. Candidates are given a total of 2.5 hours to complete the exam. Of the 140 total questions, 120 is scored and 20 unscored pilot items. Exam is scored using scaled scores that range from 0 to 900 with a passing score of 650.	The REHS/RS exam consists of a total of 250 multiple-choice questions. The exam is split into two parts of 125 questions each. Candidates are given a total of four (4) hours to complete the entire exam or two (2) hours for each part with a short 15-minute break in between. Of the 250 items, 225 is scored and 25 questions will be unscored, pilot questions. Exam is scored using scaled scores that range from 0 to 900 with a passing score of 650.
Applicability to EPHO	EPHOs must have familiarity with pests and pest control in regulating establishments and residual pesticide on agricultural products. Also, EPHO may be tasked with applying, or assist in the application, of pesticides for mosquito control.	DEH regulates the safe and sanitary operation of pools in hotels, resorts, apartments, condominiums, and public facilities. EPHO must be familiar with the filtration system, disinfection, and general operation of pools.	In addition to school buildings, childcare facilities, and other institutional facilities, DEH is responsible for regulating the safe and sanitary operation of thousands of other establishments. Knowing and identifying the general hazards of buildings improves EPHOs ability to inspect these establishments.	Nearly 77% of all establishments regulated by DEH are food facilities. Thus, food safety is a high priority activity in DEH, and EPHOs are expected to be proficient in the subject so they may effectively conduct inspections of food facilities to prevent foodborne diseases.	By possessing a REHS/RS, EPHO has demonstrated knowledge in all facets of environmental health field, including subjects not under the purview of DEH but indirectly impacting division operation and the public. Because an EPHO is expected to manage, or assist in the management, of every program of DEH, REHS/RS is the ideal credential in determining competency of the employee.

Testimony in support of Bill 184-33:

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

Good afternoon. Thank you for this opportunity to provide testimony in support of Bill 184-33. My name is Michelle Lastimoza and I am an Environmental Public Health Officer III with the Division of Environmental Health at the Department of Public Health and Social Services. Often times, the public perception of our jobs is reduced to “oh, you’re just a Health Inspector”. While it is a fact I am a “health inspector”, I am so much more; because this Government expects more of me. This Government expects me to be qualified, competent, knowledgeable, skilled and able to do my job. This Government requires that I have the college education and work experience to handle the complexities of my job and demonstrate aptitude. The Government took three (3) professional and technical positions and created one (1) position. It took the Public Health Inspector, Engineer, and Environmental Health Specialist positions and created the Environmental Public Health Officer position.

Environmental health is a branch of public health that ensures the health and safety of life’s necessities - food, water, consumer commodities, medicines, life-saving and life-enhancing medical devices and equipment, air, and shelter. We ensure the safety of what we eat, breathe, touch and drink. We are responsible for carrying out measures for protecting public health, including developing, writing, interpreting, administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards.

WE DO IT ALL. We touch EVERYTHING that impacts human health and safety. You may think we just inspect restaurants, but we manage and ensure the safety of all imported food, drugs, medical devices, cosmetics, electronic devices, household appliances, clothing, baby items, and toys. We inspect substandard housing, hotels, swimming pools, cemeteries and mortuaries, clinics, hospitals, laboratories, pharmacies, play grounds, schools, daycares, adult daycares, prisons, beauty and barber shops, nail salons, tattoo parlors, massage parlors, x-ray equipment, hazardous substances, solid waste, animal control, village sanitation, rodent and vector control, livestock and poultry, mosquito surveillance and control, controlled substances, drinking fountains, medical compressed gases, wastewater and toilets, portable toilets, laundry and dry cleaning, and edible garbage.

With the global increase of environmental health threats such as Zika, Dengue and Chikungunya, tainted food outbreaks such as Listeria and Escherichia coli, bed bug infestations, bio/agro-terrorism (intentional tainting of food) and the human health impacts of environmental catastrophes and the possibility of terrorist attacks only demonstrate the need for more trained professionals in the field of environmental health.

If you’ve heard anything about the prevention of Zika, Dengue, Chikungunya or other mosquito-borne diseases, it’s information we’ve put out. With the construction of the new Guam

Environmental Public Health Laboratory, we will add to our duties and expand our expertise into; biology microbiology, chemistry, food science, vector ecology, pest biology, pesticide testing, monitoring and surveillance, lab management, risk assessment, environmental science and technology, incident command structure, as well as the skills and knowledge related to the tracking and control of communicable disease.

Keep in mind, we respond to complaints about everything from dogs, pigs, chickens, dead animals, mold, trash, noise, mosquitoes, flies, animal bites, garbage complaints, odor complaints, or sewage overflows and every public health nuisance and health hazard you can think of. But we also investigate drug diversions, prescription fraud and forgery, and thefts at pharmacies. We investigate outbreaks of food poisoning and infectious disease, we collect vomit, stool, pest samples for laboratory identification and testing.

We issue public advisories and give educational talks. We collect, analyze, and prepare evidence in cases that go to court. We testify in those cases. We keep records and write reports on all environmental health matters. Because of our educational background and training requires such diversity, we can also provide information and referrals with regards to topics such as air pollution, pesticides, water pollution, water quality, lead, radon, mold, and emerging diseases such as Zika, West Nile Virus, SARS and Avian Flu. Our field also overlaps with hazardous materials (Hazmat) and Hazmat responders similar to Guam EPA. We also play a vital role in community projects such as those concerning health promotion, tobacco reduction, biosecurity, food security, and emergency preparedness.

Yet, despite the important role that environmental health professionals play in keeping our community healthy and safe, the number of job openings outweighs the supply of qualified individuals to fill them. In May 2014, the U.S. Bureau of Labor Statistics (BLS) noted that there were 88,740 environmental scientists, including those specializing in environmental health, working in the U.S. They made an average salary of \$72,050. About 46% of environmental scientists overall were employed in the consulting services sector or by state governments. Starting salary for an EPHO I is approximately \$37,000. That's half the average salary.

Environmental science protection technician jobs, including those in the health field, totaled approximately 33,760 in May 2014, according to the BLS. The average salary for all these technicians was \$45,910. About 47% of technicians worked in consulting services and in architectural and engineering services. We make what technicians make, without a bachelor's degree. I have almost 20 years in this field, and was fortunate enough to see the green grass on the other side of the fence. I can tell you from personal experience that Guam's private sector pays about \$20,000 more per year for less work. Guam's federal sector pays about \$35,000 more per year. Earnings like that makes it easy to leave government service.

Let's talk man hours. We work on average of 50-60 hours a week. We work weekends. We work nights. We work on holidays. We work at home. We wake up for 4 am webinars and 1 am teleconferences. We travel off-island for training. We attend on-island training. We take online courses. We never stop learning, because our field is always changing and there's always something new. We adjust and we adapt. It is not without sacrifice and consequences, from our families to our personal well-being.

The incentive pay will not help shorten hours, it won't lessen the work, it will not shortcut the requirements, but it will help. It will help to validate all the hours, the sacrifice, and commitment all of us make to protect you and me, us. Who do the people call when there's a problem with their food, drug, medical device, cosmetic, substandard housing, electronic device, household appliance, clothing, baby items, toys, hotels, swimming pools, cemeteries and mortuaries, clinics, hospitals, laboratories, pharmacies, play grounds, schools, daycares, adult daycares, prisons, beauty and barber shops, nail salons, tattoo parlors, massage parlors, x-ray equipment, hazardous substances, solid waste, animal control, village sanitation, rodent and vector control, livestock and poultry, mosquito surveillance and control, controlled substances, drinking fountains, medical compressed gases, wastewater and toilets, portable toilets, laundry and dry cleaning, edible garbage, dogs, pigs, chickens, dead animals, mold, trash, noise, mosquitoes, flies, animal bites, garbage complaints, odor complaints, sewage overflows, drug diversions, prescription fraud and forgery, thefts at pharmacies, food poisoning, mosquito-borne diseases, and now medical marijuana? It's us.

Every single one of us is highly marketable as an employee. We are your investment. We are your professionals. We've met the Government's requirement. We are the nationally certified and recognized professionals you asked us to be. We've earned that incentive pay. YOU have the power to retain, manage and develop this workforce by honoring the intent of the incentive pay acknowledged by the Legislature as far back as 2009.

Thank you.


Michelle C. Razo Lastimoza

Testimony in Support of Bill No. 184-33

Hafa Adai! My name is Katherine Duenas, an Environmental Public Health Officer I with the Division of Environmental Health of the Department of Public Health. As a private citizen, I would like to thank you all for giving me this opportunity to provide a written testimony to Bill 184-33. I specifically would like to thank Senator Rodriguez for introducing this bill and supporting the need to provide for incentive pay for Environmental Public Health Officers within the Division of Environmental Health of the Department of Public Health and Social Services.

I have been working for the Government of Guam for 20 years now, 10 years with the Guam Police Department and 10 years with Public Health. When I first started with the Division, there were approximately 13 Environmental Health staff with different job titles to enforce Chapters 20 to 40, 48 and 51 of Title 10 Guam Code Annotated and Title 9 Chapter 67 of the Guam Code which includes the Controlled Substances.

Prior to the passing of Bill 272 which is an act to modernize and revitalize the Division of Environmental Health and re-classify employees as Environmental Public Health Officers, many of my fellow colleagues have gone and left for different reasons. Afterwards, it was very difficult to recruit and fill those vacancies. If we did recruit, it was difficult to retain them. Out of the 13 staff, I am the only one at the entry level and three others at upper management levels that still remain at Division of Environmental Health after the passing of Bill 272. All others were new hires in the Division. After Bill 272 passed, I could not be qualified to get promoted because I had a Bachelor's Degree in Criminal Justice and Public Administration and did not have enough college credits in the field of science. This is not including all seven certifications that I have to obtain.

As a Grandmother, mother of two, and a working mother, I continued to work hard and obtain those sciences courses and certifications. To date, I have renewed and paid for all my certifications, but I am still pending one more science class to qualify to get promoted. Unfortunately, due to medical and financial matters, I have missed three chances of getting promoted. But, this has not and will not discourage me in completing the standards. My completion of the one science course will allow me to qualify for a promotion and if Bill 184-33 passes, it will continue to motivate me to obtain the highest certification as a Registered Sanitarian and obtain an incentive pay by doing so.

Currently, we have a staff of 10 continuing to enforce the same laws for the entire island of Guam and in addition, recently working tirelessly on the medical marijuana rules and regulations. These are the same individuals that the people of Guam rely on when they get sick after eating at a restaurant, or their child's school is falling apart, or their neighbor's chickens and dog feces smell, or their pharmacy technician is diverting controlled substances. We need to retain these same individuals by providing an incentive pay to improve motivation. In turn, I believe it will also increase their productivity and efficiency while working for the Division of Environmental Health.

I fully support Bill 184-33 and will continue to perform the duties and responsibilities to meet the mandates and continue to work with Division of Environmental Health in protecting the health of the people of Guam. Thank You.



Katherine B. Duenas



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
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Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

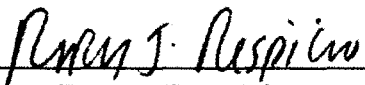
Mary C. Torres
MINORITY MEMBER

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 184-33(COR) –Dennis G. Rodriguez, Jr., "AN ACT TO ADD NEW §§ (i), (j) AND (k) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA)."**– on September 25, 2015. COR hereby certifies that BBMR confirmed receipt of this request September 25, 2015 at 8:28 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 184-33(COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson of the Committee on Rules

June 16, 2016
Date



COMMITTEE ON RULES

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Mary C. Torres
MINORITY MEMBER

September 25, 2015

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill No. 184-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
184-33 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO ADD NEW §§ (i), (j) AND (k) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA).



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V. Anthony Ada
MINORITY LEADER

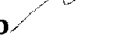
Mary C. Torres
MINORITY MEMBER

April 19, 2016

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson of the Committee on Rules

Subject: **Re-referral of Bill No. 184-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re-referral of **Bill No. 184-33(COR)**.

Please ensure that the subject bill is re-referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
184-33 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO ADD NEW §§ (i), (j) AND (k) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA).	09/23/15 4:31 p.m.	9/24/2015 Re-referred: 4/19/16	Committee on Health, Economic Development, Homeland Security, and Senior Citizens			Fiscal Note Request 09/25/15



John Luces <johnluces@toduguam.com>

FIRST NOTICE of PUBLIC HEARING on Wednesday, April 27, 2016 at 5:30pm

1 message

Joe Mesngon <joe@toduguam.com>

Wed, Apr 20, 2016 at 4:34 PM

To: phnotice@guamlegislature.org

April 20, 2016

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: FIRST NOTICE of PUBLIC HEARING on Wednesday, April 27, 2016

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will conduct a Public Hearing at 5:30pm on Wednesday, April 27, 2016 in the Guam Legislature's Public Hearing Room.

The Committee will accept oral and written testimony on:

*Bill No. 184-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

Individuals who wish to submit written testimony may address: Sen. Dennis G. Rodriguez, Jr., Chairman, and send via email to senatordrodriguez@gmail.com or hand deliver to 176 Serenu Ave. Suite 107 Tamuning, Guam or 155 Hesler Pl. Hagatna, Guam.

Individuals who may require special accommodations are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the scheduled hearing at 649-8638/0511.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens
I Mina'trentai Tres Na Libeslaturan Guahan
33rd Guam Legislature
176 Serenu Ave. Suite 107
Tamuning, Guam 96931
649-8638/0511
www.toduguam.com



John Luces <johnluces@toduguan.com>

SECOND NOTICE of PUBLIC HEARING on Wednesday, April 27, 2016 at 5:30pm

1 message

Joe Mesngon <joe@toduguan.com>

Mon, Apr 25, 2016 at 8:50 AM

To: phnotice@guamlegislature.org

April 25, 2016

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: SECOND NOTICE of PUBLIC HEARING on Wednesday, April 27, 2016

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will conduct a Public Hearing at 5:30pm on Wednesday, April 27, 2016 in the Guam Legislature's Public Hearing Room.

The Committee will accept oral and written testimony on:

*Bill No. 184-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

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Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

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John Luces <johnluces@toduguam.com>

FIRST NOTICE of PUBLIC, INFORMATIONAL and CONFIRMATION HEARING on MONDAY, APRIL 18, 2016

Joe Mesngon <joe@toduguam.com>

Mon, Apr 11, 2016 at 8:38 AM

To: phnotice@guamlegislature.org

April 11, 2016

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: FIRST NOTICE of Public, Informational & Confirmation Hearings on Monday, April 18, 2016

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will conduct a Public Hearing on Monday, April 18, 2016 in the Guam Legislature's Public Hearing Room.

The Committee will accept oral and written testimony on the following:

9:00 A.M.

Informational Hearing:

*Bill No. 184-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

*Bill No. 249-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to mandate the payment of compensation benefits of animal control officers of the Department of Agriculture, as provided pursuant to Public Law 29-105.

Bill No. 271-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to mandate and provide for the payment of promised compensation and overtime earned and accrued by DPW employees, to authorize the sum of six hundred sixty-seven thousand four hundred ten dollars and fifty two cents (\$667,410.52) for payments owing, and to establish public policy on promised compensation.

Public Hearing:

*Bill No. 172-33 (COR) - Introduced by Sen. M.F.Q. San Nicolas

An act to amend § 65102 of and to add a new subsection § 65103(e) and a new § 65103.1 to chapter 65, title 10, Guam Code Annotated; relative to the establishment of operational continuity plans for each agency of the Government of Guam.

*Bill No. 127-33 (COR) - Introduced by Sen. M.F.Q. San Nicolas

An act to *add* a new §58106.1 to 12 GCA; Relative to establishing Qualifying Certificate Certification requirements to ensure that no vendor payables or classified employee compensation are over thirty (30) days past due

2:00 P.M.

Informational Hearing

Bill No. 240-33 (LS) - Introduced by Sen. D.G. Rodriguez, Jr. & Sen. R. J. Respicio

An act to amend title 11 Guam Code Annotated, chapter 26, §26216 relative to providing relief to health care providers of the Guam Memorial Hospital Authority (GMHA), the Medically Indigent Program (MIP), and the Guam Medicaid Program by authorizing the offset of Business Privilege Taxes (BPT) against past due billings.

Confirmation Hearing:

*The Executive Appointments of Members to the Guam Memorial Hospital Authority Board of Trustees:

Mr. Eloy S. Lizama

Ms. Lillian Perez-Posadas

Ms. Melissa Waibel

Individuals who wish to submit written testimony may address: Sen. Dennis G. Rodriguez, Jr., Chairman, and send via email to senatordrodriguez@gmail.com or hand deliver to 176 Serenu Ave. Suite 107 Tamuning, Guam or 155 Hesler Pl. Hagatna, Guam.

Individuals who may require special accommodations are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the scheduled hearing at 649-8638/0511.

Si Yu'os Ma'ase'!



John Luces <johnluces@toduguam.com>

**SECOND NOTICE of PUBLIC and CONFIRMATION HEARING on MONDAY,
APRIL 18, 2016**

Joe Mesngon <joe@toduguam.com>
To: phnotice@guamlegislature.org

Wed, Apr 13, 2016 at 2:19 PM

April 13, 2016

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: SECOND NOTICE of Public & Confirmation Hearings on Monday, April 18, 2016

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will conduct a Public Hearing on Monday, April 18, 2016 in the Guam Legislature's Public Hearing Room.

The Committee will accept oral and written testimony on the following:

9:00 A.M.

*Bill No. 184-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

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Agriculture, as provided pursuant to Public Law 29-105.

Bill No. 271-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to mandate and provide for the payment of promised compensation and overtime earned and accrued by DPW employees, to authorize the sum of six hundred sixty-seven thousand four hundred ten dollars and fifty two cents (\$667,410.52) for payments owing, and to establish public policy on promised compensation.

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2:00 P.M.

Bill No. 240-33 (LS) - Introduced by Sen. D.G. Rodriguez, Jr. & Sen. R. J. Respicio

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*The Executive Appointments of Members to the Guam Memorial Hospital Authority Board of Trustees:

Mr. Eloy S. Lizama

Ms. Lillian Perez-Posadas

Ms. Melissa Waibel

Individuals who wish to submit written testimony may address: Sen. Dennis G. Rodriguez, Jr., Chairman, and send via email to senatordrodriguez@gmail.com or hand deliver to 176 Serenu Ave. Suite 107 Tamuning, Guam or 155 Hesler Pl. Hagatna, Guam.

Individuals who may require special accommodations are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the scheduled hearing at 649-8638/0511.



SENATOR DENNIS G. RODRIGUEZ, JR.

**INFORMATIONAL HEARING
APRIL 18, 2016
DIGEST AND TESTIMONIES**

**BILL NO. 184-33 (COR)
AS INTRODUCED**



SENATOR DENNIS G. RODRIGUEZ, JR.

Informational Hearing Digest Bill No. 184-33 (COR)

- I. OVERVIEW:** The Committee on Health, Economic Development, Homeland Security and Senior Citizens conducted a Public Informational Hearing on April 18, 2016. The hearing convened at 5:30pm in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill 184-33 (COR) - An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA); Sponsored by Senator Dennis G. Rodriguez, Jr.**

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on April 11, 2016 (5-day notice), and again on April 13, 2016 (48-hour notice)

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Tony V. Ada	Vice-Chairman
Senator Rory J. Respicio	Member
Senator Tommy A. Morrison	Member

II. SUMMARY OF TESTIMONY & DISCUSSION.

Senator Dennis G. Rodriguez, Jr.: Hafa Adai everybody, thank you very much for being here. The Committee on Health, Economic Development, Homeland Security and Senior Citizens convenes this Public Hearing, Public Hearing Notices were provided to the media. First Notice was on Monday, April 11, 2016 and Second Notice on Wednesday, April 13, 2016. For the record today is Monday, April 18, 2016 and the time now is 9:09 a.m. The Committee will hear and accept testimonies both oral and written on the following Bills on Bill 184-33 (COR), Bill 249-33 (COR), Bill 271-33 (COR), Bill 172-33 (COR), Bill 127-33 (COR) and later on this afternoon we will reconvene and have a hearing on Bill 240-33 (LS) and also the Executive Appointment of Mr. Eloy S. Lizama, Ms. Lillian Perez-Posadas, and Ms. Melissa Waibel to serve as members of the Guam Memorial Hospital Authority Board of Trustees. I'd like to welcome my Vice-Chair of the Committee Senator Tony V. Ada for being here, thank you very much Senator for being here. I'd also like to thank all of you for being here this morning for the different bills that you are here to testify on. The first item on the agenda is Bill 184-33 (COR) and before I (Inaudible) call the first



SENATOR DENNIS G. RODRIGUEZ, JR.

group up and testify, this hearing is being recorded, it's an official hearing of the Guam Legislature, it's the official hearing of my Committee and a sponsor of these measures that were not moved through the committee and so it's a responsibility for all of us here as your senators to ensure that the business of the legislature continues. You have fifteen (15) senators and it's a matter of getting your voices heard and not suppressing your voices and that's why we're here this morning and I thank you all for being here.

(Recognized Senator Tony V. Ada)

Senator Tony V. Ada: Mr. Chair if I may, I just wanted to state for the record before we begin the hearing that it is my disappointment that this hearing is not publicly televised on the air. All other informational hearings have been publicly televised, all round tables have been televised, all resolution presentations have been televised and I just wanted to let those of you who are here to testify that though this hearing is not televised, it is being recorded and I hope that they will see fit to turn on the broadcast so those who are at home can see the hearing as we go along. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you Mr. Vice-Chairman. Let me call up to the table, Mr. Tom Nadeau, Ms. Catherine Del Mundo, Mr. John Paul Manuel, Ms. Claire Baradi, Ms. Rosanna Rabago. Thank you. I want to thank Senator Tommy A. Morrison for being here as well.

(Bill 184-33 (COR); Title Read). I'll read to you the findings and intent of this bill so just to give a little bit of history and ensure that it's put on record.

(Bill 184-33 (COR); Section 1. Legislative Finding and Intent; Read). So that gives you a brief history of what this bill is about and really reaffirming that this was a law that was passed in the 30th Guam Legislature and this Bill now is just ensuring that it's fully implemented and that we can move forward in the operations of the environmental health personnel and their mandates there. So I want to recognized our Committee on Rules Chair, Senator Rory J. Respicio, thank you very much Senator.

(Recognized Mr. Tom Nadeau)

Mr. Tom Nadeau: Thank you. Good morning and Hafa Adai, My name is Tom Nadeau, I'm the Chief Environmental of Public Health Officer with the Division of Environmental Health, Department of Public Health and Social Services. I'm here on behalf of the department representing our Director, Mr. James Gillan. Thank you Senator Rodriguez, Senator Morrison, Senator Respicio, and the Committee on Health, Economic Development, Homeland Security and Senior Citizens.

(Read Written Testimony of Director, James Gillan, DPHSS.) Also I'd like to personally add. I suspect that some of the Legislature and even some of the Public may have difficulties in supporting Bill 184 and we do understand do to the recent controversy about Government Pay Salary increases and it's finance but we asked that we all consider the following points and keep this in mind in

Chairman, Committee on Health, Economic Development, Homeland Security & Senior Citizens

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SENATOR DENNIS G. RODRIGUEZ, JR.

discussing the fate of Bill 184. One (1), it is a wonderful inducement if implemented, Public Health will require the employees to obtain all five (5) certifications to qualify, just to obtain just inducement. Two (2), this is a volunteer program, it's only applicable to (inaudible) to pursue that, it's not once again a new pay plan, it's not an automatic pay increase to anybody, it's an inducement if they wish to pursue so and to retain this incentive pay, the EPHO must seek and maintain continued education credits and that means study, taking courses outside regular work hours, and pay out of pocket fees for renewals and whether 184 becomes law or not, it is the intent of Public Health to require these certifications as permitted a newly created jobs specifications. So if you're a Public Officer I through Supervisor, who's still going to require that you obtain the four (4) compulsory certifications, with or without Bill 184 and we're going to require a Chief Administrator to get their certification. So while it may not be popular within the division that we pursue that without the compensation plan but I think having the compensation plan will make it much more (inaudible) and accepting for the staff and once again I'd like to mention again that the duties and responsibility of EPHO has succeed beyond Environmental Health work. We also do a lot of enforcement activities such as investigating drug diversion cases and now with the opening of the new lab, our role has expanded to include lab operation and there are no compensations for that. That's something that we acknowledge and we perform as necessary to serve the public, I'd like to say thank you and the committee for introducing Bill 184 and we hope we get their support and the entire Legislature and thank you very much.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Tom. Tom just a quick question, I know you said that these certifications would be part of the new positions that you would be creating and whether there's this incentive pay or not, it's going to be part of the positions but can you explain how difficult how that maybe given the circumstances now in recruiting and retaining individuals without this incentive.

Mr. Tom Nadeau: These five (5) certifications to begin with, they're actually written in the job specifications of the current Environmental Public Health Officer position series. These five (5), they're related to the work of Environmental Health, some are very specific to the subject like food safety, others abroad which is the premiere Environmental Health special certification which covers the whole gamete of Environmental Health and you have to take and pass the examination to obtain those certifications. Of course, it's rather intimidating you have to get all four (4) just to be a entry level position but we fine that it's very important for the role now that our role has expanded. So we're not requiring it to qualify to apply for the position. However, upon recruitment if recruited, you have within a year to obtain those four (4) certifications provided you meet the initial qualifications just to take the exam but you're given a year and if you fail to obtain all four (4) we will pursue adverse action and we have and we've asked that part of the division because of the requirements, it's unfortunate but I think it's important that we implement it, it has its value and it serves its purpose and also helps kind of, had those who recognize this is probably not meant for them in the work in Environmental Health to basically allow themselves to recognize that they're not

Chairman, Committee on Health, Economic Development, Homeland Security & Senior Citizens

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SENATOR DENNIS G. RODRIGUEZ, JR.

able to do this job and not stay with Environmental Health so that kind of that weeds out those employees that may not have the capacity to do the work, so that makes it difficult at the same time. So I think the inducement helps and not only allowing better acceptance for the first four (4) certifications but also encourage them to pursue the fifth (5th) and final certification which is the highest. So it makes them basically, it makes it that much better as a Environmental Health Practitioner and also in addition to recruitment, upper mobility in Environmental Health is limited, we had one that held a position for over a decade, the opportunity just didn't exist for her promotion. So we're thinking that in addition to the having this incentive pay will basically allow the person to basically have not have upper mobility but again, additional pay in necessary by pursuing these certification and rewarded by through all merit rather than through simply being promoted. So in terms of difficulty, yes, it's difficult to recruit to begin with but the new position, new quality, new standards, new pay have helped but also retention will be a concern now that we have the lab opening and all those new requirements. I hope I answered the question, I'm very talkative in that respect but I apologize.

Senator Dennis G. Rodriguez, Jr.: Great thank you very much. We'll come back if there's any questions from the other Senators.

(Recognize Ms. Catherine Del Mundo)

Ms. Catherine Del Mundo: Hi Good morning, first I'd like to thank you for allowing us to provide time for our testimonies. My name is Catherine Del Mundo and I'm an Environmental Public Health Officer III for the Division of Environmental Health. The main program that I handle is, Food Safety Program.

(Read Written Testimony). Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Ms. Del Mundo.

(Recognized Ms. Claire Baradi)

Ms. Claire Baradi: Good morning Senators, first thank you for spending the time with us to be able to do this testimony with you. My name is Claire Baradi, I'm newly employed with the Division of Environmental Health only having been with the Department for ten (10) months now I have received almost all of those credentials that were mentioned short of one (1) more and then I hope to pursue the R.S. also as well but I'm here speaking on behalf of the Environmental Public Health Association.

(Read Written Testimony). Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Claire.

(Recognized Ms. Rosanna Rabago)



SENATOR DENNIS G. RODRIGUEZ, JR.

Ms. Rosanna Rabago: Hafa Adai and good morning Senator Rodriguez, Senator Ada, Senator Morrison and Senator Respicio.

(Read Written Testimony).

Senator Dennis G. Rodriguez, Jr.: Thank you very much Rosanna for your testimony and of course for your service, to all of you for your service. Claire, she mentioned you without saying your name in her testimony, so thank you so much for your service as well as dedication. John Paul who are you representing?

Mr. John Paul Manuel: My personal capacity.

Senator Dennis G. Rodriguez, Jr.: Personal, Okay.

(Recognized Mr. John Paul Manuel)

Mr. John Paul Manuel: Hafa Adai Senator Ada, Senator Rodriguez, Senator Morrison and Senator Respicio. I know it must be unusual to see me on this side of the table. For those of you that don't know I'm a staff member here at the Guam Legislature but I testify here today in my personal capacity. Even though I'm testifying in my personal capacity, as a member of the staff of the Guam Legislature as you are all members of divisions within your respective agencies, I know that you value the rules and regulations in which you function under your own respective divisions and agencies. The rules and regulations that you follow are the reasons why you're asking for the incentive pay that you're asking for, the reasons that you're asking for, the law enforcement pay that some of the people are asking for because they do enforce these rules and regulations. Unfortunately, it does seem that this particular hearing does not comply with the rules and regulations of the Legislature and I have to address that, in my personal capacity because I personally asked you Senator Rodriguez if this hearing was to be an official Public Hearing and you did not reply and so I am here.

Senator Dennis G. Rodriguez, Jr.: John Paul, were you hear this morning when I announced and opened this hearing?

Mr. John Paul Manuel: Yes I was.

Senator Dennis G. Rodriguez, Jr.: Okay so your response, you should of heard that response when I opened up.

Mr. John Paul Manuel: Was that that it is a Public Hearing?

Senator Dennis G. Rodriguez, Jr.: This is an official hearing of the Guam Legislature of my Committee.



SENATOR DENNIS G. RODRIGUEZ, JR.

Mr. John Paul Manuel: Unfortunately, these bills are.

Senator Dennis G. Rodriguez, Jr.: If you're here to question the procedure then I'm going to dismiss you now but if you're here to testify on the Bill, then I will allow you to continue, so which one is it?

Mr. John Paul Manuel: The procedure of this is important to this Bill because whether or not this is a hearing or not, legally speaking is Germaine to whether this bill can go into session floor, whether all these people are wasting their time or not.

Senator Dennis G. Rodriguez, Jr.: Mr. Manuel. John Paul, you put the question out there that perhaps you may put in people's mind that this maybe not a legal hearing, can you cite any law, any law that we cannot have any hearing and having the people express their opinions and of course their input in anything.

Mr. John Paul Manuel: Under Open Government Law, it says that a Public Notice of a Public Hearing shall be given five (5) working days.

Senator Dennis G. Rodriguez, Jr.: And that was followed.

Mr. John Paul Manuel: That was unfortunately not followed according to Legal Counsel.

Senator Dennis G. Rodriguez, Jr.: That was followed, Mr. Manuel if you have any other testimony of procedure I'm going to ask you send it to me in writing and we'll entertain it at that time. Thank you very much. Thank you very much to you the panel.

Mr. John Paul Manuel: Legal Counsel says that this is an illegal hearing.

Senator Dennis G. Rodriguez, Jr.: Mr. Manuel. I'm not going to tell you again.

Mr. John Paul Manuel: Legal Counsel said this is not within the law.

Senator Dennis G. Rodriguez, Jr.: I'm going to stop you from doing that testimony and you can send me a written testimony. Okay thank you very much. For those of you that are here, any other senator wish to.

Mr. John Paul Manuel: This is another example of an illegal hearing.

Senator Dennis G. Rodriguez, Jr.: Mr. Manuel. Mr. Sergeant-at-Arms can you please ask him, I've asked him to stop.

Mr. John Paul Manuel: that is putting raises and retros outside of the rules of public hearing.

(Sergeant-at-Arms turns off microphone).



SENATOR DENNIS G. RODRIGUEZ, JR.

Senator Dennis G. Rodriguez, Jr.: Mr. Vice-Chairman any questions for the panel?

Senator Tony V. Ada: I have nothing Mr. Chair. It's just unfortunate that you're here just to testify and to give your testimony on a Bill and Public Notices go out that this is an Informational Hearing, I think where the injustice is done is that it's not publicly aired like every other hearing is aired and I really feel for those of you that are here to testify on or to publicly state your opinions on these Bills that are before us and it is really an injustice to the public and it is an injustice to a responsible Government. So don't let this discourage you that just because we're not being publicly aired that your testimonies are still being heard, it is being heard by the Committee Chair and it is being heard myself and the Senators that sit here in front of you. So please don't be discouraged that just because some individuals may think that this is an illegal hearing, nothing in our Stand-Rules of this Legislature precludes us from having this hearing, absolutely nothing. But Mr. Chair, I hope you continue on with the hearing and like I said, it is my apology to you that this is not being publicly aired on TV because this is just a total injustice to you. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mr. Vice-Chairman. To the other Senators, I'm going to ask for your indulgence if we can stick to the Bill in front of us and any procedural questions that we have that we can bring it up on our Committee on Rules also amongst the other Senators.

(Recognized Committee on Rules, Senator Respicio)

Senator Rory J. Respicio: Can you just give me some a little latitude here because I do chair the Committee on Rules and under the rules when a Bill is introduced, I get to decide what Committee has jurisdiction over that issue and because this issue deals with the compensation for the Government of Guam employees, it was referred to Senator San Nicolas in his capacity over the Department of Administration and the agency that has oversight over the Competitive Wage Act and so because it's been in that Committee for about seven (7) months, the sponsor of the Bill felt compelled to have an Informational Hearing. This is an Informational Hearing, not a Public Hearing and Chairman Rodriguez was very clear that he wanted to give the people, particularly those affected by this Legislation an opportunity to come forward and express their views on these Bills and that's what we're doing this morning. More to Senator Tony Ada's point, the reason this is not being televised is because this is an Informational Hearing just like any Committee has mark up meetings, those mark up meetings aren't televised, just like any community group that's using the Public Hearing room and those meetings are not televised. I have a very unique responsibility here in the Legislature and that's to maintain some semblance in order even though the Legislature is an institution, it's not orderly and these kinds of things happen from time to time. This is an Informational Hearing and what I imagine the Chairman Rodriguez will do is compile a report to show that there is support for these Bills and that either the Chairman of oversight move to have a Public Hearing, which every committee has to do, should do pursuant to the Legislative process does



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or maybe the Committee on Rules should decide whether or not this Bill should be referred elsewhere so that they can have some movement on that Legislation. Folks, that's the Legislative process and if I allow for this hearing to be aired publicly it would have all the trappings of a Public Hearing and I wanted to make those distinctions early on. It's not a travesty that it's not being aired publicly, the Chairman did do Public Hearing Notices and the media is here, so certainly the Public will be aware that there is support for these Bills, I just have to be mindful that along with Senator Rodriguez there's fourteen (14) other members at the Legislature that are on a similar situation where they may feel that their Bills aren't publicly heard and if we allow one (1) instance where this committee is going to go above and beyond what the Standing Rules provide, we're not going to have order in this institution. So I want you to know that you're testimony is very important, I'm not only here as a member of the Senator's Committee, I'm here also as an observer of this process to make sure that there's those semblances of not only make it orderly but make sure that we're all playing by the rules and Senator before you dismiss the panel, I want to ask because I know that this panel probably represents the leadership of this issue although other employees are affected. I saw a post on Facebook by Senator San Nicolas that summarized a meeting that you've had with him and that post alluded to the fact that Senator San Nicolas explained the physical condition to the Government of Guam and how this will have an impact on the budget and that post also summarized that meeting to commend the employees for recognizing that now is not the time to do something like this and so I just want to give you guys an opportunity to say if you share those same sentiments and this is an Informational Hearing and you do have a right to freely speak your mind and to this committee that this post was really reflective of your sentiments of this Bill.

Mr. Tom Nadeau: If I may first Senator. Thank you for the question Senator. I was not personally present at that meeting. Today, I'm here representing the Department of Public Health and Social Services and I will say that the department supports Bill 184 and we seek for its implantation as soon as possible and I'll let my colleagues and staff who attended that meeting with Senator San Nicolas to answer more directly to that question.

Senator Rory J. Respicio: Mr. Chairman is that okay if they speak about that meeting?

Senator Dennis G. Rodriguez, Jr.: Yes.

Ms. Claire Baradi: I was present at that meeting and Senator San Nicolas did state the status of the Government as far as being able to incorporate the incentive pay and push it through. However, I do not believe that I agreed to that, I can't speak for my colleagues. I did understand where he was coming from, I do want to be a financially responsible citizen of Guam, however I feel if I do not speak and say my mind on this Bill, it will just die and it's been a Bill long time in works and since 2010 and I feel that, that would be the injustice to see it not heard and sought through.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Claire if I could just add. That's what really this process is for, when you have a Public Hearing, Informational Hearing like this, you get



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those information out where we're requesting a fiscal note as well for this Bill, once we get that then we would know how to proceed further. That's really what these hearings are for, is to be able to hear your voice and then look at information that's out there in order for all fifteen (15) to be able to make that decision. So thank you very much.

(Recognized Committee on Rules, Senator Rory J. Respicio)

Senator Rory J. Respicio: Yes, also Mr. Chairman, because your Bill did not have an appropriation attached to it, this is why it wasn't referred to the Committee on Appropriations but as you pointed out, if this Bill was passed back in September, the agency would have had to absorb this increase in the implementation of the incentive pay and I'm sure that would've been very possible considering the Governor's transfer authority but also if this Bill was passed seven (7) months ago the administration through BBMR would've had an opportunity to identify with Public Health what the fiscal impact would be and it could've already been in the budget for this upcoming fiscal year. It could've already been in the budget and the very least this Bill should have at least have a Public Hearing and brought to the floor and let the will of the body decide the fate of this Bill. Thank you Mr. Chair.

Senator Dennis G. Rodriguez, Jr.: Thank you Senator.

(Recognized Senator Tommy A. Morrison)

Senator Tommy A. Morrison: Good morning, I just wanted to thank you all for taking the time to provide your testimony. It's the nice thing about this process, democracy is alive this morning and allowing you to all share your thoughts on Bill 184 and other Bills coming before the committee. Listening to the input provided this morning from all of you, I've learned a lot about the nature of your job and the environments that you're in, it's unfortunate you have to wait seven (7) months to at least for the committee and the general public to understand that fully. I think not only the community and those here and of course the media that is here present has learned a great deal on why we have to have hearings a lot more in a timely manner, so we could learn and get the grasp of these issues. Not necessarily to agree with everything that's being said but importantly allows for us to go back possibly to mark up meetings, more informational hearings to address this accordingly. We do have a budget process coming up for the FY-2017 and these are things that we need to know prior and seven (7) months to be standing still on an issue like this is very critical is something that I believe a committee and members of this body have to take note of, listening to your concerns this morning. So given the FY 2017 budgets coming up in full swing and that we could use this information to work with, I thank you all for your time and I look forward to working with all of you. Thank you Mr. Chair.



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Senator Dennis G. Rodriguez, Jr.: Thank you Senator Morrison. Thank you very much to the Panel. The next in the list is Michelle Lastimoza, Katherine Duenas, Jerome Garcia, M. Leilani Navarro, and Mr. Fernando Esteves. Hafa Adai, please you can start.

Ms. Michelle Lastimoza: Good morning Senators. Again, thank you for the opportunity for us to provide testimony this morning. Before I start my testimony, I would like to address Senator Respicio's question about the meeting we had with Senator Mike San Nicolas and while we went there to sort of plead our case, we were there also in the capacity to inform him that we were just trying to right a wrong that should have been corrected in 2010. When he (inaudible) where the funding source would come from we specifically identified a funding source within our division that would fund the incentive pay. To which he said, yes you may have that healthy budget on paper but it's not there, so with all fairness if we can identify a funding source and from what we inspect is a healthy source to fund that incentive pay only to be told that it isn't there, it's a little unfair to us, if we're balancing our check book only to be told by the bank that the funds aren't in my checking account, it's kind of mind boggling. So we left that meeting kind of dumbfounded, we were there to sort of tell him this was an injustice that should have been corrected in 2010, six (6) years later we were only asking that it be corrected and we kind of left with our heads hung low and sort of feeling defeated. So while we understood that we were being fiscally responsible there was no resolve. We did not leave there with the intent to ask you to withdraw this Bill at all, I just wanted to make that clarification.

Senator Rory J. Respicio: Mr. Chair if I may. Did you confirm if the money was there or not?

Ms. Michelle Lastimoza: That's above my pay grade unfortunately.

Senator Rory J. Respicio: Because I want a conversation that follows up with the statement that you just made.

Mr. Tom Nadeau: This is Tom Nadeau once again with the Division of Environmental Health. To answer your question, do we have a funding source?

Senator Rory J. Respicio: I don't doubt that there's a funding source, I don't doubt that the money is there, I just want to get into the mind of the Senator that said that the money wasn't there and if you confirmed if the money was there or not?

Mr. Tom Nadeau: I can only say what's indicated on is four-hundred (400) and there's money in the account.

Senator Rory J. Respicio: And isn't this account set up where it can be intermingled with the general fund and it's a special fund so it has to go for these intended purposes?



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Mr. Tom Nadeau: Yes it is a special fund to my understanding how it works is it goes to one (1) giant pot and gets distributed all out.

Senator Rory J. Respicio: So if this Bill was passed seven (7) months ago, certainly there's a funding source and it could've happened seven (7) months ago?

Mr. Tom Nadeau: I suppose so Senator. I'm not a fiscal person.

Senator Rory J. Respicio: Thank you Mr. Chair.

Ms. Michelle Lastimoza: (Read Written Testimony).

Senator Dennis G. Rodriguez, Jr.: Thank you very much for your testimony.

(Recognized Ms. Katherine Duenas)

Ms. Katherine Duenas: (Read Written Testimony).

Senator Dennis G. Rodriguez, Jr.: Thank you very much Kathy.

(Recognized Mr. Fernando Esteves)

Mr. Fernando Esteves: Buenas yan hafa adai, I would first like to thank the Chairman, Vice-Chairman, Senator Morrison and Senator Respicio. My name is Fernando Esteves, I'm here on my own volition as a private citizen. I don't have anything prepared today in terms of written testimony but I do have experience in Environmental Health and what they do. They were very specific in terms of the items and their day to day duties but I'll tell you from firsthand experience and if I can try to summarize. At the morning at 6am they may be out in the jungle catching bugs, then they maybe in the lab processing it, trying to get information, responding to let's say a noise complaint or food complaint while doing their random inspections and this all happens in terms of the day. I think as a Government we need to not look at this one dimensionally that, what is this going to cost us but what is it going to save us. Because we do know, especially in our background as a population nearly wiped out by disease illness, what the cost is in terms of overtime for first responders, over time for hospital staff, which is already underfunded, and then additional overtime for EPA and these individuals trying to work to solve any issues. So if we do want to try to sell this, because I think there's reason enough to approve this or to pass this legislation. We do need to look at what it would cost (inaudible) if it didn't have them preventing us and saving us and I'm fairly certain these professional individuals have those numbers that they could provide of how much from start to finish we'd be looking at for an individual who does get sick and do the finds of the restaurant is that actually cover all of the additional cost that Government incurs? For the individual who may not have health insurance when going to the hospital because they have food poisoning, something that could have been preventable or time loss for the employee as well because they can't make it to work because we don't have enough qualified individuals to go and inspect these restaurants and as

Chairman, Committee on Health, Economic Development, Homeland Security & Senior Citizens

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well as our tourism industry. Also, based on again what Senator Rodriguez said thank you and Senator Respicio as a veteran, I'm fairly upset that I guess there's been a mockery of what the Democratic process should be, I don't think any Bill should ever sit in committee for seven (7) months and I do commend you four (4) individuals showing unity across any party that you're here for the people of Guam to come up with creative ways to see it through and I think everybody here today also appreciates it. Thank you very much.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Mr. Esteves, thank you for your service to our country as well. Thank you very much. We've exhausted our list for Bill 184 and so we'll move onto Bill 249.



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
 Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Monday, April 18, 2016 9:00am

•Bill 184-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers with the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certification in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
✓ Tom NADEAU	<i>[Signature]</i>	DPHSS-DEH	✓	✓	✓		735-7221	
✓ Katherine Del Mundo	<i>[Signature]</i>	DPHSS-DEH	✓	✓	✓		735-7522	
✓ JOHN PAUL MANUEL	<i>[Signature]</i>		✓				489-3145	
✓ Claire Davadi	<i>[Signature]</i>	DPHSS, DEH/EPHA	x	x	✓		488-817	
✓ Rosanna Pabayo	<i>[Signature]</i>	DPHSS-DEH	✓	✓			4887406	
✓ Michelle Lastimosa	<i>[Signature]</i>	DPHSS-DEH	✓	✓	✓		888-8150	
✓ Catherine Duenos	<i>[Signature]</i>	DPHSS-DEH		✓	✓		735-7221	
JEROME GARCIA	<i>[Signature]</i>	DPHSS-DEH			✓		735-7221	
M. LILLANI NAVARRO	<i>[Signature]</i>	DEH			✓		735-7543	
✓ Fernando Esteves	<i>[Signature]</i>				✓		489-9016	



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Monday, April 18, 2016

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An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers with the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certification in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
<i>Ronald T. Laguan</i>	<i>[Signature]</i>	<i>Citizen</i>		<input checked="" type="checkbox"/>				<i>rondo.laguan@gmail.com</i>

Testimony in support of Bill No. 184-33, AN ACT TO ADD NEW §§ (I), (J) AND (K) TO §6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA).

Thank you for this opportunity to provide testimony for Bill 184-33. My name is Michelle Lastimoza and I am an Environmental Public Health Officer (EPHO) III with the Division of Environmental Health. I am a nationally Certified Pool/Spa Operator, Certified Pool/Spa Inspector, Healthy Home Specialist, Certified Professional – Food Safety, and locally certified CORE and Category 7 for Pesticides. I am currently qualified to take the Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) exam.

As an EPHO, we deal with EVERYTHING. Environmental health is the branch of public health that ensures the health and safety of life's necessities - food, water, air, and shelter - through the enforcement of local and federal regulations. We ensure the safety of what you eat, breathe, touch, and drink. You name it, we handle it.

EPHOs make sure that people's living and personal surroundings are safe, healthy and hygienic. We work in both the private and public sectors. Usually the public perception of an EPHO is that we are "health inspectors", or someone who examines restaurants and ensures they maintain sanitary standards for food safety. While this is true, we do so much more. We help to protect and ensure the public's health at multiple levels. We investigate health hazards in a wide variety of settings, and will take action to mitigate or eliminate those hazards.

EPHOs bring to the profession an understanding of microbiology; ^{chemistry} risk assessment; ^{emergency response} environmental science and technology, food science, as well as the skills and knowledge related to the tracking and control of communicable disease. We must have strong investigative skills and a thorough understanding of the application of legislation related to public health and the environment.

No one day is every ^{at the} same. We are responsible for inspecting restaurants, hotels, swimming pools, substandard housing conditions, public schools, day cares, nursing homes, and personal service establishments such as spas, nail salons, tattoo parlors, beauty salons, hospitals, pharmacies, cemeteries, and the correctional facility. We manage programs such as Radiological Health, Controlled Substances, Consumer Commodities, School Pilot Program, Chemical Toilets, and Medical Marijuana. We respond to complaints such as animal nuisances like pigs, chickens, and dogs; garbage complaints, odor complaints, and sewage overflows. Because of our educational background we can provide information and referrals with regards to; lead, radon, mold, and emerging diseases such as Zika, Dengue and Chikungunya.

We play a vital role in community projects such as those concerning health promotion, tobacco reduction, healthy built environments/healthy communities, food security, and emergency preparedness. Environmental health is a very diverse field where professionals perform a variety

of tasks including such as research, investigations (such as disease outbreaks, outreach and education, cleanups and more. The increase in environmental health threats such as Zika, Dengue and Chikungunya, tainted food outbreaks such as Escherichia coli, bed bug infestations, bio/agro-terrorism (intentional tainting of food) and the human health impacts of environmental catastrophes and the possibility of terrorist attacks only demonstrate the need for more trained professionals in the field of environmental health.

Our field also overlaps with hazardous materials (Hazmat) and many Hazmat responders are also Licensed Environmental Health Practitioners or Registered Environmental Health Specialists. Despite the important role that environmental health professionals play in keeping our community healthy and safe, the number of job openings is far more than the supply of qualified individuals to fill them. In May 2014, the U.S. Bureau of Labor Statistics (BLS) noted that there were 88,740 environmental scientists, including those specializing in environmental health, working in the U.S. They made an average salary of \$72,050. About 46% of environmental scientists overall were employed in the consulting services sector or by state governments.

Environmental science protection technician jobs, including those in the health field, totaled approximately 33,760 in May 2014, according to the BLS. The average salary for all these technicians was \$45,910. About 47% of technicians worked in consulting services and in architectural and engineering services.

The average salary of the EPHO, including upper level management, is around \$49,000. Our skill level and required training is equivalent to a technician. Our local private sector counterparts make closer to the national average at around \$60,000. *I know this because I was fortunate to see if the grass was greener on the other side of the fence. We are marketable and sought after.*

What course are need to be an EH professional? Basic disciplines include math, biology, chemistry and physics, but we have to take other courses that stress environmental factors that might transmit disease or allow exposure to harmful physical and chemical materials. Areas of concern may include air quality, water and noise pollution, hazardous substances, infectious waste, toxic substances and pesticides, food safety processes, infectious disease, pests, sample collection, laboratory testing vector control, disease outbreak, promotion of healthy land use and ensure that public housing and institutions meet health and safety standards, and much more.

Public Law 30-138, "AN ACT TO ADD A NEW §6233 TO ARTICLE 2 OF CHAPTER 6, TITLE, GUAM CODE ANNOTATED, RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; AND TO BE KNOWN AS THE 'ENVIRONMENTAL PUBLIC HEALTH MODERNIZATION AND REVITALIZATION ACT OF 2010'", was signed into law on May 17, 2010. In Bill No. 30-272, the language in its Legislative Submission acknowledged the need for higher qualification standards and competitive salaries to promote the recruitment and retention of the DEH personnel. It acknowledged that the need for such services have grown and expanded over the years and the field is becoming more and more complex. Since 2009, the Legislature acknowledged in draft versions of the 'ENVIRONMENTAL PUBLIC HEALTH MODERNIZATION AND REVITALIZATION ACT OF 2010' that in order to encourage the retention of these personnel, and promote their continuing education, incentive pay for professional certification shall be made available to them. EPHOs who possess professional certification of REHS or RS shall be entitled

to professional certification pay differential to promote competency in the knowledge and application of environmental health principles and for the continuation of their education.

How much is my "Know-How" worth? Can you quantify the value of my knowledge? Is my skill set adding value to this government? If your answer is yes, you have the power to encourage employees to add even more value to our community, by encouraging employees to commit themselves to government service for the long haul.

You can be the key driver critical to attracting, retaining and engaging talented employees. I am asking that you honor the spirit of the law and do what the authors of the law intended. It's a win-win situation. Please vote to pass Bill 184-33.

Thank you for your time and consideration.



Michelle C. Razo Lastimoza



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
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JAMES W. GILLAN
DIRECTOR

APR 14 2016 **LEO G. CASIL**
DEPUTY DIRECTOR

Honorable Senator Dennis G. Rodriguez, Jr.
Chairman; Committee on Health, Economic Development,
Homeland Security, and Senior Citizens
Suite 107, 176 Serenu Ave.
Tamuning, Guam 96931

Dear Senator Rodriguez:

Thank you for inviting us this informational hearing, and allowing the Department to provide its comments to Bill 184-33, an act to provide incentive pay for Environmental Public Health Officers within the Division of Environmental Health of this department and providing a definition for the term “basic sciences” in determining the qualification standard of an Environmental Public Health Officer.

The Department of Public Health and Social Services is in full support of Bill 184-33. This is a proposal that was actually acknowledged and supported in Public Law 30-138, otherwise known as the “Environmental Public Health Modernization and Revitalization Act of 2010,” which was enacted six years ago, but for whatever reason, the provision was not incorporated into the body of the act. Thus, we are grateful to see that the oversight is finally being addressed in Bill 184.

In justifying the Department’s support of Bill 184-33, it’s imperative that I provide a quick history of how the Environmental Public Health Officer (EPHO) position series came to be. The EPHO positions were established through the enactment of P.L. 30-138 with the advocacy and support of the Guam Food Safety Task Force, which is attached to this letter, in response to the recruitment and retention challenges of the Division of Environmental Health (DEH) and its operational restrictions that existed at the time. Back then, DEH had multiple, differing position titles in its staffing pattern to conduct environmental health activities, and each had its own specific qualification standard and job description with an uncompetitive salary structure. As a result, the Division had difficulties recruiting the right people, for the right job, and for the right pay. In addition, DEH was losing its employees to other agencies with greater opportunities.

Fortunately, with the implementation of P.L. 30-138, the qualification standards and the compensation of DEH personnel were increased to attract qualified applicants who now perform all facets of environmental health without restrictions from differing position titles and duties. We liken the EPHOs to “Swiss Army” knives since they can do it all; they are empowered to perform every aspect of environmental health work based on tiered complexity, not job titles. This has allowed greater flexibility of staff assignment in responding to shifting priorities, unanticipated

emergencies, and employee absences; and consequently, this led to the improvement of DEH operation. Although the Division continues to be hampered by limited staff numbers, which especially impacts inspection quantities, the quality of these inspections and the Division's accomplishments have vastly improved.

Which now leads to the issue that is brought before us. Another outcome in the establishment of the EPHO positions was the inclusion of 5 certifications under the "*Necessary Qualifications*" of these positions' Job Specifications. Consequently, this Department now requires all EPHO-I through EPHO Supervisor to possess four certifications, and the EPHO Administrator and Chief to possess one of the five certifications, within a year of meeting eligibility for the certification. Such credentialing promotes professionalism and competency of its workforce. Although these certifications are optional requirements, DPHSS has nonetheless obligated its EPHOs to obtain and maintain these credentials so to ensure the staff possess the environmental health knowledge expected of them to perform their duties and to compel them to pursue continuing education credits or retake the examinations to retain their certifications.

Because of the Department's belief in the importance and the merit of these credentials, we have been actively assisting and supporting the employees in pursuing the certifications by providing preparatory courses and training as resources permit. However, at the same time, the Department has been enforcing the policy by initiating administrative actions against employees who have failed to meet the requirement. As the attached chart and the supporting documents will show, most of these credentials have prerequisites and are quite comprehensive of the subject covered, and all require the passing of a test. There have been multiple individuals who have been forced to retake the test after initially failing. Furthermore, there have been employees who resigned or transferred out of the Division because of the implementation of the new positions and its requirements. So while there have been a few set-backs, overall, the benefits have far exceeded the challenges encountered.

DPHSS does however recognize the additional pressure, responsibility, and expectation placed on our EPHOs because of these certifications, and we believe the passage of Bill 184-33 will help counterbalance the adverse impact it may have caused, especially in the retention and recruitment of personnel. After all, one of the primary reasons for the enactment of the law that established the EPHO series was to promote the hiring and keeping of employees. Thus, the proposed incentive pay of Bill 184-33 will address this very issue, and the use of Registered Environmental Health Specialist (REHS), otherwise known as the Registered Sanitarian (RS), as the standard for determining the qualification for the incentive pay is ideal since REHS/RS is the premiere credential of the National Environmental Health Association (NEHA) and represents the holder's breadth of knowledge of the environmental health profession.

By implementing the incentive pay, as proposed in Bill 184-33, the EPHO I through EPHO Supervisor would need to seek only one additional credential (REHS/RS) for all five certifications to qualify for the inducement. This would not only make the certification requirements of the initial four certifications more agreeable for them, but it will encourage them to achieve the highest credentialing with the acquisition of the REHS/RS. Likewise, the EPHO Administrator and Chief, who are already required to possess the REHS/RS, would be obliged to obtain the other four credentials if they wish for the incentive pay. This ensures that even the senior management of the Division of Environmental Health will have shown competency in the leadership of environmental

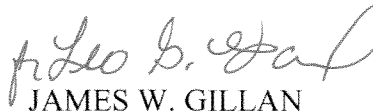
health practices with the REHS/RS, but also the detailed understanding of the specific subject, and activities in the field, for improved overall management of division programs.

In addition, the implementation of Bill 184-33 should entice, and not frighten or intimidate, potential candidates from seeking employment for the position of EPHO. We hope to also discourage existing personnel from seeking employment elsewhere for higher pay, as promotional opportunities within DEH has historically been limited. In years past, we've had staff transferring out of the Division in search of upward mobility and less stressful working conditions. While such transfers have stopped in recent years, we are concerned that it may repeat itself now that the EPHOs are tasked with greater responsibility with the construction of the new Guam Environmental Public Health Laboratory, which has required us to add laboratory duties to their already extensive position description. Thus, our EPHOs in the very near future, when the lab becomes fully operational, will not only be performing environmental health work but also that of a microbiologist, chemist, and researcher. Subsequently, this means more training and possibly more certifications that will be required of Division personnel. While the incentive pay may not ensure the successful recruitment and retention of staff in DEH, it would surely help in that endeavor.

It's important to note that the adoption of the incentive pay program is not an automatic pay increase to the affected employees; they must earn and maintain the certifications, which means preparing for courses, taking and passing the exams, continually seeking continuing education credits, and paying out of pocket fees. Not every employee may want to pursue, or even be able to achieve, the benefits deriving from the incentive pay. Bill 184 is not a new compensation plan as some may perceive this to be. The employees must successfully attain and retain a total of five separate certifications to qualify.

Finally, defining "basic sciences" will assure that only those applicants that meet the criteria of NEHA and DEH qualify for the position of Environmental Public Health Officer.

We fully support Bill 184-33 and hope that the 33rd Guam Legislature will finally act on the proposal and pass this bill. Thank you.



JAMES W. GILLAN
Director

Enclosures

ENVIRONMENTAL PUBLIC HEALTH OFFICER I

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
 - o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

ESTABLISHED: **OCTOBER 2012**

AMENDED: **JANUARY 2013**

PAY GRADE: **L**

STATUTE: **Public Law 30-138 / Public Law 31-233**

HAY EVALUATION:	KNOW-HOW:	E I 2	175
	PROBLEM SOLVING:	D 3 33%	57
	ACCOUNTABILITY:	D 2 C	66
	TOTAL POINTS:		298

Benita Manglona

BENITA A. MANGLONA, Director
Department of Administration

ENVIRONMENTAL PUBLIC HEALTH OFFICER II

algebra or higher level math; and four (4) years of work experience in environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
 - o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

ESTABLISHED: OCTOBER 2012

AMENDED: JANUARY 2013

PAY GRADE: M

STATUTE: Public Law 30-138 / Public Law 31-233

HAY EVALUATION:	KNOW-HOW:	E 1 2	200
	PROBLEM SOLVING:	E 3 33%	66
	ACCOUNTABILITY:	D 2 C	<u>87</u>
	TOTAL POINTS:		353



BENITA A. MANGLONA, Director
Department of Administration

ENVIRONMENTAL PUBLIC HEALTH OFFICER III

- c) Graduation from a recognized college or university with a Bachelor's degree in any field of study with a minimum of 30 semester hours or 45 quarter hours in basic sciences, and a course in college algebra or higher level math; and five (5) years of work experience in environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
- o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

ESTABLISHED: **OCTOBER 2012**

AMENDED: **JANUARY 2013**

PAY GRADE: **N**

STATUTE: **Public Law 30-138 / Public Law 31-233**

HAY EVALUATION:	KNOW-HOW:	E 1 2	230
	PROBLEM SOLVING:	E 3 38%	87
	ACCOUNTABILITY:	E 2 C	<u>115</u>
	TOTAL POINTS:		422



BENITA A. MANGLONA, Director
Department of Administration

ENVIRONMENTAL PUBLIC HEALTH OFFICER SUPERVISOR

MINIMUM EXPERIENCE AND TRAINING

- a) Graduation from a recognized college or university with a Master's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; and three (3) years of work experience in environmental health, protection, sanitation, or safety; or
- b) Graduation from a recognized college or university with a Bachelor's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; and four (4) years of experience in environmental health, protection, sanitation, or safety; or
- c) Graduation from a recognized college or university with a Bachelor's degree in any field of study with a minimum of 30 semester hours or 45 quarter hours in basic sciences, and a course in college algebra or higher level math; and six (6) years of experience in environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.
- c) Certified pesticide applicator license for the application of pesticides on private and public grounds may be required after employment and when made available through the Department of Public Health and Social Services.
- d) Certified Pool/Spa Operator (CPO) with the National Swimming Pool Foundation may be required after employment and when made available through the Department of Public Health and Social Services.
- e) The following certifications from the National Environmental Health Association may be required after employment and when made available through the Department of Public Health and Social Services:
 - o Certified Professional – Food Safety (CP-FS); and
 - o Healthy Homes Specialist Credential (HHS).

ESTABLISHED:	OCTOBER 2012
AMENDED:	JANUARY 2013
PAY GRADE:	P
STATUTE:	Public Law 30-138 / Public Law 31-233

ENVIRONMENTAL PUBLIC HEALTH OFFICER ADMINISTRATOR

MINIMUM EXPERIENCE AND TRAINING

- a) Graduation from a recognized college or university with a Master's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; three (3) years of work experience in environmental health, protection, sanitation, or safety; and two (2) years of supervisory work experience in environmental health, protection, sanitation, or safety; or
- b) Graduation from a recognized college or university with a Bachelor's degree in Environmental Health, Environmental Science, Environmental Engineering, or Natural Sciences; four (4) years of work experience in environmental health, protection, sanitation, or safety; and two (2) years of supervisory work experience in environmental health, protection, sanitation, or safety; or
- c) Graduation from a recognized college or university with a Bachelor's degree in any field of study with a minimum of 30 semester hours or 45 quarter hours in basic sciences, and a course in college algebra or higher level math; six (6) years of work experience in environmental health, protection, sanitation, or safety; and two (2) years of supervisory work experience of environmental health, protection, sanitation, or safety.

NECESSARY SPECIAL QUALIFICATIONS:

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.

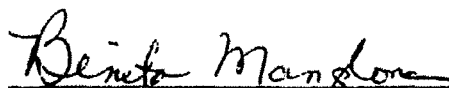
ESTABLISHED: OCTOBER 2012

AMENDED: JANUARY 2013

PAY GRADE: R

STATUTE: Public Law 30-138 / Public Law 31-233

HAY EVALUATION:	KNOW-HOW:	E II 3	350
	PROBLEM SOLVING:	E 4 43%	152
	ACCOUNTABILITY:	E 2 S	<u>175</u>
	TOTAL POINTS:		677


BENITA A. MANGLONA, Director
Department of Administration

CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER**NECESSARY SPECIAL QUALIFICATIONS:**

- a) Must possess a valid Guam driver's license.
- b) Credentialed as a Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) with the National Environmental Health Association, or from any State equivalent association, organization, or entity recognized by that State's environmental health regulatory agency may be required.

ESTABLISHED: **OCTOBER 2012**

AMENDED: **JANUARY 2013**

PAY GRADE: **S**

STATUTE: **Public Law 30-138 / Public Law 31-233**

HAY EVALUATION:	KNOW-HOW:	F II 3	400
	PROBLEM SOVLING:	F 4 50%	175
	ACCOUNTABILITY:	F 3 S	<u>264</u>
	TOTAL POINTS:		839



BENITA A. MANGLONA, Director
Department of Administration

**REQUIRED CREDENTIALS FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS (EPHO)
DIVISION OF ENVIRONMENTAL HEALTH, DPHSS**

	Certified Pesticide Applicator (CORE + Category 7)	Certified Pool and Spa Operator (CPO)	Healthy Homes Specialist (HHS) Credential	Certified Professional of Food Safety (CP-FS)	Registered Environmental Health Specialist (REHS)/ Registered Sanitarian (RS)
Purpose	Category 7 certification from GEPA allows the holder to purchase, use, and apply restricted pesticides.	"CPO® certification courses are designed to provide individuals with the basic knowledge, techniques, and skills of pool and spa operations." It is issued by the National Swimming Pool Foundation (NSPF).	HHS credential is issued by the National Environmental Health Association and the National Center for Healthy Homes. The credential "demonstrates professional direction, achievement and the knowledge to carry out functions and duties of a technical nature in a responsible manner" when assessing dwellings for health hazards and determining its remediation.	CP-FS credential is issued by the National Environmental Health Association. It is designed for "individuals within the public and private sectors who have prior food safety experience, and it integrates food microbiology, HACCP principles, and regulatory requirements to validate problem solving and knowledge expertise using real-world examples. This prestigious credential is well respected throughout the industry, and is highly valued by employers when hiring food safety professionals."	National Environmental Health Association issues the REHS/RS credential: "An individual with an REHS/RS credential has the skill set to ensure that these basic community necessities are met as well as to manage other critical functions such as emergency response, vector control, sewage sanitation, hazardous material handling and more. The REHS/RS is the most prevalent NEHA credential and professionals demonstrate competency in an impressive range of environmental health issues, directing and training personnel to respond to routine or emergency environmental situations, and providing education to their communities on environmental health concerns. In addition, REHS/RS credential holders are key members in ensuring communities are in compliance with local, state and federal environmental health regulations."
Pre-requisite	A person must first pass the CORE exam before he/she qualifies to take the Category 7 exam.	Attend a two-day classroom course and pass its exam.	Have 5 years of experience in housing, environmental health, or public health. The applicant must also take and pass an exam.	A candidate must meet the criteria for 1, 2 or 3 as follows: 1. Degree Track: a. Bachelor's degree in food science or environmental health; OR b. Bachelor's degree with at least 2 years of experience in food protection; OR c. Bachelor's degree and possession of REHS/RS 2. Experience Track: a. Associate's degree and 4 years of experience in food-related work and successful passage of the Certified Professional Food Manager (CPFM), Food Safety Managers Certification (FSMC) Examination, SuperSafe Mark Exam, or ServSafe exam; OR b. High School Diploma or GED and 5 years of experience in food-related work, and successful passage of the CPFM, FSMC, SuperSafe Mark Exam, or ServSafe exam 3. "In-Training" Status: If applying under Degree Track without work experience, applicant may apply for an "In-Training" Status registration. Three years given to acquire the necessary experience.	To be eligible to sit for the REHS/RS credential examination, a candidate must meet all of the criteria for Track A or Track B or Track C. Track A – Environmental Health Degree Track • Bachelor's degree, Master's degree, or PhD in Environmental Health from an EHAC accredited school and degree program Track B – Bachelor's Degree Track • Bachelor's degree, Master's degree, or PhD in any subject, and 30 semester hours (or 45 quarter hours) of college credit in basic science coursework (Life Sciences, Natural Sciences, Physical Sciences or Health Sciences); • College level Math or Statistics class; and • 2 years or more experience in environmental health work Track C – "In Training" Track If applicant meets Track B, but lacks work experience, "In Training" Track is available. Upon passing the exam, applicant has 3 years to obtain 2 years of work experience.
Examination	The CORE exam has 75 questions and the applicant must pass with 70% score. Cat. 7 exam has around 70 questions and the applicant must achieve 70% to pass.	It is an open book exam, and the applicant must score 75% or better to pass.	HHS exam is two hours long with 75 multiple-choice questions. Exam is scored using scaled scores that range from 0 to 900 with a passing score of 650.	CP-FS exam consists of a total of 140 multiple-choice questions. Candidates are given a total of 2.5 hours to complete the exam. Of the 140 total questions, 120 is scored and 20 unscored pilot items. Exam is scored using scaled scores that range from 0 to 900 with a passing score of 650.	The REHS/RS exam consists of a total of 250 multiple-choice questions. The exam is split into two parts of 125 questions each. Candidates are given a total of four (4) hours to complete the entire exam or two (2) hours for each part with a short 15-minute break in between. Of the 250 items, 225 is scored and 25 questions will be unscored, pilot questions. Exam is scored using scaled scores that range from 0 to 900 with a passing score of 650.
Applicability to EPHO	EPHOs must have familiarity with pests and pest control in regulating establishments and residual pesticide on agricultural products. Also, EPHO may be tasked with applying, or assist in the application, of pesticides for mosquito control.	DEH regulates the safe and sanitary operation of pools in hotels, resorts, apartments, condominiums, and public facilities. EPHO must be familiar with the filtration system, disinfection, and general operation of pools.	In addition to school buildings, childcare facilities, and other institutional facilities, DEH is responsible for regulating the safe and sanitary operation of thousands of other establishments. Knowing and identifying the general hazards of buildings improves EPHOs ability to inspect these establishments.	Nearly 77% of all establishments regulated by DEH are food facilities. Thus, food safety is a high priority activity in DEH, and EPHOs are expected to be proficient in the subject so they may effectively conduct inspections of food facilities to prevent foodborne diseases.	By possessing a REHS/RS, EPHO has demonstrated knowledge in all facets of environmental health field, including subjects not under the purview of DEH but indirectly impacting division operation and the public. Because an EPHO is expected to manage, or assist in the management, of every program of DEH, REHS/RS is the ideal credential in determining competency of the employee.

TESTIMONY IN SUPPORT OF BILL 184

Hafa Adai and good morning, Mr. Chairman and Members of the Committee on Health, Economic Development, Homeland Security, and Senior Citizens. Thank you for allowing me the opportunity to present testimony on Bill 184 – An act to provide incentive pay for environmental public health officers within the Division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

My name is Rosanna Rabago. I am an Environmental Public Health Officer Administrator with the Division of Environmental Health of the Department of Public Health and Social Services. I am here today as a private citizen to provide testimony in support of Bill 184.

For almost a decade, the Division of Environmental Health has worked towards modernizing and revitalizing our environmental health workforce. Public Law 30-138 enacted on May 17, 2010 was the start of the Division's journey towards establishing a new position series – the Environmental Public Health Officers (EPHOs). The job specifications of the EPHOs required a bachelor's degree in any field of study, 30 semester or 45 quarter hours in basic science, and a college algebra course of higher level math. Such changes have been very positive as seen in our newly recruited EPHOs. It is refreshing that these staff possess the background and foundation of the basic sciences and are able to readily apply it in their assigned program areas. Almost a third of the EPHOs have around 5-10 years left to retirement. We are hoping that these new staff take the helm of environmental health as our future leaders.

How can DEH retain these staff and recruit for more environmental health professionals? Why would anyone want to join our ranks? We are not the most popular with our stakeholders due to the nature of our regulatory work of sanitation inspections, investigations, and surveillance. We do not have the luxury of focusing on a single program area unlike our counterparts in the Guam EPA and Department of Military Affairs, nor can we compete with private sector companies who can offer their staff training and experience in a single program area with almost double the current salary of an EPHO at DEH. The Department's requirement for up to six certifications (i.e., REHS/RS, HHS, CP-FS, CPO, CPI, Certified Pesticide Applicator CAT7a) for EPHOs that need to be attained within one year of hire is no easy feat to achieve.

These certifications have raised the level of professionalism, competence, skill, and knowledge of our staff. There is a rain of confidence in our workforce that is hard to beat. Granted not all EPHOs can qualify for all the certifications upon hire. Each certification has its respective minimum qualification requirements. Some require college degrees combined with years of experience. Some certifications require retesting for renewals, while others require continuing education. Environmental health is a diverse field that is science-based, dynamic and ever-changing. This requires a workforce that is compelled to keep up with the latest information, technology, and research. Just this month alone, me and my staff participated in three webinars in the early hours of 1 am and 4 am to learn more about the Zika virus and its national and international threat. This is a testament to the dedication of our environmental health team to stay abreast of current research and news within our field.

Working in DEH is not easy. Staff that has come from private sector to DEH have often remarked how wrong they were to think that their government of Guam job would be any less stressful and driven than their previous job. I know of one who even took a \$20K pay cut. It is not uncommon for staff to work 40+ hours per week. Almost any given day of the week, the last staff to leave our office is DEH. This is true! Why do we stay? We don't get overtime since we are exempt employees. Providing incentive pay will help to ensure our EPHOs continue to strive for excellence in their field and, more importantly, pave the way for a recruitment and retention strategy for EPHOs.

I fear that our young new EPHO recruits may get wise to the challenge of having to be an environmental health practitioner at DEH. Doubling of their salary or assignment of a single program area are great enticements for anyone to seriously consider as opposed to the long hours, multiple program assignments, and certification requirements imposed by DEH. I believe an incentive pay would allay that fear from becoming a reality.

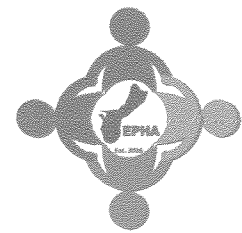
On another note, I am in support of Bill 184's intent to clarify that basic sciences mean "any of the courses in Biological Science, Natural Science, Physical Science, and Health Science as established by the National Environmental Health Association, or its successor." Previously, applicants for the Environmental Public Health Officer positions would qualify through a social science degree. While I agree that social science degrees are important for our society, I do not believe that it is appropriate for the EPHO job specifications educational requirement for obvious reasons. Environmental health relies on basic sciences, such as biology (food safety, pathogens, mosquito and other arbovirus surveillance and control) as opposed to social sciences (i.e., psychology or social work). Your support in this section of the bill is equally important and vital to our operations.

In closing, thank you for allowing me the opportunity to voice my support for Bill 184. Un dangko'lo na si Yu'os Ma'ase.



Rosanna Y. Rabago

April 17, 2016



Environmental Public Health Association
P.O. Box 2950
Hagåtña, Guam 96932
guamEPHA@gmail.com

Testimony of the Environmental Public Health Association (EPHA) IN SUPPORT OF Bill No. 184-33 (COR), AN ACT TO ADD NEW §§ (I), (J) AND (K) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA) before the Committee on Finance and Taxation, General Government Operations and Youth Development, April 18, 2016:

The EPHA is a non-profit organization committed to promote all aspects of environmental health in our community and is comprised largely of existing and former employees of the Division of Environmental Health (DEH) of the Department of Public Health and Social Services (DPHSS). Bill 184-33 provides clarification of the necessary qualifications under the Environmental Public Health Officer (EPHO) job specification of the *“Environmental Public Health Modernization and Revitalization Act of 2010”* and affords the opportunity for eligible staff to receive an incentive pay for the increased qualification standards required of the EPHO position series. This Association supports Bill No. 184-33 and it is this Association’s opinion that the Bill, should it be passed into law, would serve to maintain, retain, and draw in individuals with a desirable knowledge base in this field.

As positions open, there has been difficulty in recruiting candidates with the proper educational science background and experience. Bill No. 184-33 clarifies the appropriate sciences necessary for performing work of this caliber; thereby, inviting and attracting only individuals with suitable skill sets and streamlining the candidate review process for the Department of Administration, DPHSS, DEH, and the applicant.

The National Environmental Health Association (NEHA) is the national standard and their Registered Sanitarian (RS) and Registered Environmental Health Sanitarian (REHS) credentials are quintessential in the environmental health field. According to the U.S. Department of Labor, Bureau of Labor Statistics, EPHAs who have obtained the NEHA RS or REHS credential, fall under occupation code 29-9011- Occupational Health and Safety Specialist. The national annual mean salary for this occupation code is \$71,790 which is well below the 2015 average

(\$49,900) of the EPHO position series. Factored into this figure are managerial positions such as the DEH Division Chief and Administrators. Bill No. 184-33 would allow for only those EPHOs who have obtained the RS or REHS national credential to receive a competitive incentive pay; thus, improving the likelihood of retaining these valuable individuals. As it stands, of the thirteen staff employed in the EPHO position series, only three have obtained their RS credential and six others are qualified to take the exam. To qualify for the incentive pay, EPHOs must pay, earn, and maintain the credential on their own. It is not automatic.

Furthermore, it was intended in the "*Environmental Public Health Modernization and Revitalization Act of 2010*" that professional certification and accompanying incentive pay shall be implemented to promote recruitment and retention of DEH personnel. This statement will likely not be fulfilled and justified without the passing of Bill 184-33. In summary, the passing of this Bill will effectively attract, recruit, and maintain valuable individuals to and for DEH, the Government of Guam, and ultimately, benefit our island community. Therefore, we urge the committees to support Bill No. 184-33.

Thank you very much for your time.

 president
EPHA

Testimony in Support of Bill No. 184-33

Hafa Adai! My name is Katherine Duenas, an Environmental Public Health Officer I with the Division of Environmental Health of the Department of Public Health. As a private citizen, I would like to thank you all for giving me this opportunity to provide a written testimony to Bill 184-33. I specifically would like to thank Senator Rodriguez for introducing this bill and supporting the need to provide for incentive pay for Environmental Public Health Officers within the Division of Environmental Health of the Department of Public Health and Social Services.

I have been working for the Government of Guam for 20 years now, 10 years with the Guam Police Department and 10 years with Public Health. When I first started with the Division, there were approximately 13 Environmental Health staff with different job titles to enforce Chapters 20 to 40, 48 and 51 of Title 10 Guam Code Annotated and Title 9 Chapter 67 of the Guam Code which includes the Controlled Substances.

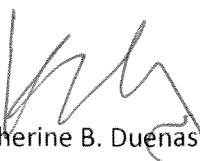
Prior to the passing of Bill 272 which is an act to modernize and revitalize the Division of Environmental Health and re-classify employees as Environmental Public Health Officers, many of my fellow colleagues have gone and left for different reasons. Afterwards, it was very difficult to recruit and fill those vacancies. If we did recruit, it was difficult to retain them. Out of the 13 staff, I am the only one at the entry level and three others at upper management levels that still remain at Division of Environmental Health after the passing of Bill 272. After Bill 272 passed, I could not be qualified to get promoted because I had a Bachelor's Degree in Criminal Justice and Public Administration and did not have enough college credits in the field of science. This is not including all ~~seven~~ certifications that I have to obtain.

As a Grandmother, mother of two, and a working mother, I continued to work hard and obtain those sciences courses and certifications. To date, I am still pending one more science class to qualify to get promoted. Unfortunately, due to medical and financial matters, I have missed three chances of getting promoted. But, this has not and will not discourage me in completing the standards. My completion of the one science course will allow me to qualify for a promotion and if Bill 184-33 passes, it will continue to motivate me to obtain the highest certification as a Registered Sanitarian and obtain an incentive pay by doing so.

Currently, we have a staff of ¹⁰ ~~9~~ continuing to enforce the same laws for the entire island of Guam and in addition, recently working tirelessly on the medical marijuana rules and regulations. These are the same individuals that the people of Guam rely on when they get sick after eating at a restaurant, or their child's school is falling apart, or their neighbor's chickens and dog feces smell, or their pharmacy technician is diverting controlled substances. We need to retain these same individuals by providing an incentive pay to improve motivation. In turn, I believe it will also increase their productivity and efficiency while working for the Division of Environmental Health.

I fully support Bill 272 and will continue to perform the duties and responsibilities to meet the mandates and continue to work with Division of Environmental Health in protecting the health of the people of Guam.

Un Dangkolo Na Si Yu'os Ma'ase.


Katherine B. Duenas

Testimony of the ~~Environmental Public Health Association (EPHA)~~ IN SUPPORT OF Bill No. 184-33 (COR), AN ACT TO ADD NEW §§ (I), (J) AND (K) TO § 6233 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, TO PROVIDE FOR INCENTIVE PAY FOR ENVIRONMENTAL PUBLIC HEALTH OFFICERS WITHIN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WHO OBTAIN AND MAINTAIN ONE OR MORE PROFESSIONAL CERTIFICATIONS IN BASIC SCIENCES AS DESIGNATED AND MEETING THE RECOMMENDED STANDARD ESTABLISHED BY THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION (NEHA) before the Committee on Finance and Taxation, General Government Operations and Youth Development, April 18, 2016:

According to the Centers for Disease Control and Prevention (CDC) each year, 1 of 6 Americans get sick from a food-related illness (which is roughly 48 million people a year), about 128,000 are hospitalized, and about 3,000 die of foodborne diseases. Foodborne illness is a common, costly – yet preventable – public health problem. The U.S. Department of Agriculture (USDA) estimates that foodborne illnesses costs about \$15.6 billion each year.

What makes this common and costly illness preventable? That is due largely in part by the work and efforts of the Division of Environmental Health (DEH), Department of Public Health and Social Services. Food safety, among other programs, is one of the active programs of DEH. Aside from issuing permits and health certificates for all food establishments and their employees on island, DEH is also responsible for the sanitation inspection, foodborne outbreak response, and numerous outreach activities to the industry and the community. As it stands, we currently have over 2,000 food establishments alone. This does not include other establishments, such as schools, beauty and barber shops, swimming pools, hotels and motels, that DEH is responsible for. Currently, we only have 13 Environmental Public Health Officers (EPHO) that are able to conduct inspections, respond to outbreaks, and provide outreach and guidance to the community. Furthermore, of the 13, three of them are management, and thus, are not field employees.

When I started working for the Division five years ago, I was excited and determined to make a difference in the health and welfare of the public. Working under DEH has given me that opportunity. Our roles and responsibilities as EPHO are never ending; which is understandable, since the work we do is indeed a continuous effort to protect the people that we serve. However, because of the limited upward mobility in this Division, retention of employees can be difficult, especially with the amount of work EPHO's take on each day. In the past five years since I've been with DEH, we've lost five employees, either from medical or seeking other employment with better security and upward mobility. When comparing the average EPHO's position series (\$49,900) to that of the national annual mean salary for this occupation (\$71,790), our EPHO series is well below that national average. Thus, I can see why retention of employees is difficult.

Thus, I am in support of Bill 184-33, which allows for a competitive incentive pay, should I choose to obtain the RS or REHS national credential. The RS/REHS is the premier National Environmental Health Association (NEHA) credential. Individuals holding the REHS/RS credential show competency in environmental health issues, direct and train personnel to respond to routine or emergency environmental health situations, and frequently provide education to their communities on environmental health concerns. Thus, it is considered the most prevalent NEHA credential. Obtaining this will not be an easy task. As with other required credentials, we must pay, earn, and maintain these credentials on our own. However, by

Registered Sanitarian/Registered Env. Health Sanitarian Specialist

allowing Bill 184-33 to pass, not only will the retention of valuable employees in a Division whose mission is to protect the public from environmental hazards occur, but this will also attract potential candidates with the appropriate educational science background.

With the attraction and retention of valuable employees, food-related illnesses can indeed be preventable!

A handwritten signature in black ink, appearing to read "Katherine Del Mundo", is written over a horizontal line. The signature is cursive and somewhat stylized.

Katherine Del Mundo

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phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: April 20, 2016

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SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Wednesday, April 27, 2016 5:30 pm Public Hearing Room, *I Liheslatura*

- I. Call to order**
- II. Items for public consideration:**

5:30 P.M.

- **Bill No. 184-33 (COR)** – Introduced by Senator D.G. Rodriguez, Jr. - An act to add new §§ (i), (j) and (k) to § 6233 of Article 2, Chapter 6 of Title 4, to provide for incentive pay for Environmental Public Health Officers within the division of Environmental Health of the Department of Public Health and Social Services who obtain and maintain one or more professional certifications in basic sciences as designated and meeting the recommended standard established by the National Environmental Health Association (NEHA).

III. Adjournment

Thank you for your participation in today's hearing.