



*Territory of Guam*  
*Territorio de Guam*

OFFICE OF THE GOVERNOR  
UFISINAN I MAGA LAHI  
AGANA, GUAM 96910 U.S.A.

REFER TO  
LEGISLATIVE SECRETARY

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LEGISLATIVE SECRETARY

JUN 15 1991

The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

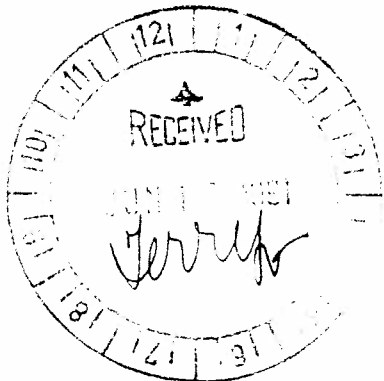
Transmitted herewith is Bill No. 382, which I have signed into law  
this date as Public Law 21-40.

Sincerely,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

Attachment

210316




TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill 382(COR), "AN ACT TO UPGRADE INCUMBENT EMPLOYEES IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN, PROVIDE COMPENSATION FOR PAST EMPLOYEES AS PROVIDED IN DEPARTMENTAL REORGANIZATION OF 1985 AND APPROPRIATING TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) FOR IMPLEMENTATION OF THESE CHANGES; TO APPROPRIATE FORTY THOUSAND DOLLARS (\$40,000) TO THE GUAM CHAPTER OF THE SPECIAL OLYMPICS FOR THE VII INTERNATIONAL SUMMER OLYMPICS IN MINNESOTA; AND TO PROVIDE COMPENSATION FOR GUAM'S NATIONAL GUARDSMEN AND RESERVISTS WHO SERVED IN OPERATION DESERT STORM AND OPERATION DESERT SHIELD; AND TO APPROPRIATE FORTY-FIVE THOUSAND DOLLARS (\$45,000) TO THE GUAM COUNCIL ON THE ARTS AND HUMANITIES COUNCIL FOR ITS ANNUAL CHAMORRO CULTURAL FAIR; TO WAIVE BIDDING REQUIREMENTS FOR PURCHASE OF PUBLIC ADDRESS UNIT AND PIANO FOR JOHN F. KENNEDY HIGH SCHOOL; TO MAKE THE APPROPRIATION IN SECTION 5 OF P. L. 19-19 FOR DEPARTMENT OF LABOR'S DIVISION OF OCCUPATIONAL SAFETY AND HEALTH A CONTINUING ONE; TO APPROPRIATE FIFTY THOUSAND DOLLARS (\$50,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE REPAIR AND REPLACEMENT OF AIR CONDITIONERS AT THE NORTHERN REGIONAL HEALTH CENTER, TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO THE GUAM VISITORS BUREAU FOR OFFICE RE-LOCATION COSTS, FIVE THOUSAND DOLLARS (\$5,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO CONDUCT AN ISLAND-WIDE SPAYING AND NEUTERING PROGRAM, ONE HUNDRED EIGHT THOUSAND DOLLARS (\$108,000) TO THE DEPARTMENT OF YOUTH AFFAIRS TO PURCHASE CERTAIN EQUIPMENT, ONE MILLION THREE HUNDRED SEVENTY THOUSAND FIFTY-NINE DOLLARS (\$1,370,059) TO THE GUAM MEMORIAL HOSPITAL FOR NURSE SPECIALTY PAY, TWENTY-ONE THOUSAND SIX HUNDRED SIXTY EIGHT DOLLARS (\$21,668) TO THE WESTERN PACIFIC ASSOCIATION FOR THE DISABLED FOR WAGES FOR DRIVERS AND OTHER EXPENSES RELATED TO TRANSPORTATION OF THE DISABLED, AND TO REIMBURSE THE GUAM MASS TRANSIT AUTHORITY FOR FUNDS TRANSFERRED, ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) TO THE UNIVERSITY OF GUAM, FOR SCHOOL YEAR 1991-92 COSTS OF THE GRADUATE NURSING DEGREE PROGRAM, TWENTY SEVEN THOUSAND DOLLARS (\$27,000) TO THE GUAM ENERGY OFFICE TO ATTEND THE NATIONAL NEED LEADERS TRAINING CONFERENCE AND TO PARKS AND RECREATION TO DEFRAY THE COST OF EQUIPMENT FOR THE GUAM CHIEFS FOOTBALL ASSOCIATION, AND ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000) FOR SPECIALIZATION COMPENSATION FOR NURSES; TO AMEND

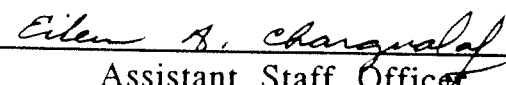
SPECIALIZATION COMPENSATION FOR NURSES; TO AMEND PUBLIC LAW 20-188 ON AIRPORT LEASES; TO APPROPRIATE SIXTY THOUSAND DOLLARS (\$60,000) FOR THE SOUTH PACIFIC GAMES; TO AMEND SUBSECTION (a) OF §61307, TITLE 21, GUAM CODE ANNOTATED, ON COMMERCIAL ZONING; AND MAKING MISCELLANEOUS APPROPRIATIONS FOR LIBERATION DAY ACTIVITIES IN GERMANY, FOR REPAIR OF THE CUSTOMS PURSUIT BOAT, FOR THE INSTALLATION OF STREET LIGHTS IN TALOFOFO, FOR THE EXPENSES OF BASEBALL TEAMS ATTENDING OFF-ISLAND TOURNAMENTS, AND FOR THE RENOVATION OF THE TALOFOFO BASKETBALL COURT; AND TO AMEND SECTION 11 OF PUBLIC LAW 21-17 ON TRIPS OF GUAM YOUTH CONGRESS DELEGATES," was on the 4th day of June, 1991, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
\_\_\_\_\_  
DON PARKINSON  
Senator and Acting Legislative Secretary

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This Act was received by the Governor this 4<sup>th</sup> day of June, 1991, at 5:30 o'clock P. M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: June 15, 1991

Public Law No. 21-40

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 382 (COR)

Substitute Bill by Committee on Ways and Means  
and further Substituted on the floor

Introduced by:

C. T. C. Gutierrez  
D. L.G. Shimizu  
J.P. Aguon  
J. T. San Agustin  
D. Parkinson  
E. P. Arriola  
M. Z. Bordallo  
H. D. Dierking  
P. C. Lujan  
G. Mailloux  
F. R. Santos  
A. C. Blaz  
M. D. A. Manibusan

AN ACT TO UPGRADE INCUMBENT EMPLOYEES IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN, PROVIDE COMPENSATION FOR PAST EMPLOYEES AS PROVIDED IN DEPARTMENTAL REORGANIZATION OF 1985 AND APPROPRIATING TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) FOR IMPLEMENTATION OF THESE CHANGES; TO APPROPRIATE FORTY THOUSAND DOLLARS (\$40,000) TO THE GUAM CHAPTER OF THE SPECIAL OLYMPICS FOR THE VII INTERNATIONAL SUMMER OLYMPICS IN MINNESOTA; TO PROVIDE COMPENSATION FOR GUAM'S NATIONAL GUARDSMEN AND RESERVISTS WHO SERVED IN OPERATION DESERT STORM AND OPERATION DESERT SHIELD; TO APPROPRIATE FORTY-FIVE THOUSAND DOLLARS (\$45,000) TO THE GUAM COUNCIL ON THE ARTS AND HUMANITIES COUNCIL FOR ITS THIRD ANNUAL CHAMORRO CULTURAL FAIR; TO WAIVE BIDDING REQUIREMENTS FOR PURCHASE OF PUBLIC ADDRESS UNIT AND PIANO FOR JOHN F. KENNEDY HIGH SCHOOL; TO MAKE THE APPROPRIATION IN SECTION 5 OF P. L. 19-19 FOR DEPARTMENT OF LABOR'S DIVISION OF OCCUPATIONAL SAFETY AND HEALTH A CONTINUING ONE; TO APPROPRIATE FIFTY THOUSAND DOLLARS (\$50,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE REPAIR AND REPLACEMENT OF AIR CONDITIONERS AT THE NORTHERN REGIONAL HEALTH CENTER, TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO THE GUAM VISITORS BUREAU FOR OFFICE RE-LOCATION COSTS, FIVE THOUSAND DOLLARS (\$5,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO CONDUCT AN ISLAND-WIDE SPAYING AND NEUTERING PROGRAM, ONE HUNDRED EIGHT THOUSAND DOLLARS (\$108,000) TO THE DEPARTMENT OF YOUTH AFFAIRS TO PURCHASE CERTAIN EQUIPMENT, ONE MILLION THREE HUNDRED SEVENTY THOUSAND FIFTY-NINE

DOLLARS (\$1,370,059) TO THE GUAM MEMORIAL HOSPITAL FOR NURSE SPECIALTY PAY, TWENTY-ONE THOUSAND SIX HUNDRED SIXTY EIGHT DOLLARS (\$21,668) TO THE WESTERN PACIFIC ASSOCIATION FOR THE DISABLED FOR WAGES FOR DRIVERS AND OTHER EXPENSES RELATED TO TRANSPORTATION OF THE DISABLED, AND TO REIMBURSE THE GUAM MASS TRANSIT AUTHORITY FOR FUNDS TRANSFERRED, ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) TO THE UNIVERSITY OF GUAM, FOR SCHOOL YEAR 1991-92 COSTS OF THE GRADUATE NURSING DEGREE PROGRAM, TWENTY SEVEN THOUSAND DOLLARS (\$27,000) TO THE GUAM ENERGY OFFICE TO ATTEND THE NATIONAL NEED LEADERS TRAINING CONFERENCE, TWENTY SEVEN THOUSAND DOLLARS (\$27,000) TO PARKS AND RECREATION TO DEFRAY THE COST OF EQUIPMENT FOR THE GUAM CHIEFS FOOTBALL ASSOCIATION, ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,00) FOR SPECIALIZATION COMPENSATION FOR NURSES; TO AMEND AMEND PUBLIC LAW 20-188 ON AIRPORT LEASES; TO APPROPRIATE SIXTY THOUSAND DOLLARS (\$60,000) FOR THE SOUTH PACIFIC GAMES; TO AMEND SUBSECTION (a) OF §61307, TITLE 21, GUAM CODE ANNOTATED ON COMMERCIAL ZONING; AND MAKING MISCELLANEOUS APPROPRIATIONS FOR LIBERATION DAY ACTIVITIES IN GERMANY, FOR REPAIR OF THE CUSTOMS PURSUIT BOAT, FOR THE INSTALLATION OF STREET LIGHTS IN TALOFOFO, FOR THE EXPENSES OF BASEBALL TEAMS ATTENDING OFF-ISLAND TOURNAMENTS, AND FOR TH RENOVATION OF THE TALOFOFO BASKETBALL COURT; AND TO AMEND SECTION 11 OF PUBLIC LAW 21-17 ON TRIPS OF GUAM YOUTH CONGRESS DELEGATES.

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

2 Section 1. (a) Legislative Intent. The Legislature finds that the Division of Public  
3 Welfare in the Department of Public Health and Social Services (the "Department") was  
4 reorganized effective October 1, 1985, creating five (5) bureaus, i. e. Management Support,  
5 Economic Security Administration, Social Service Administration, Health Care Financing  
6 Administration, and Investigation and Benefits Recovery. The latter was later abolished as  
7 the Child Support Enforcement Office was transferred to the Department of Law on March  
8 1, 1991.

9 The reorganization resulted in a shifting of duties and responsibilities for various  
10 personnel in the Division of Public Welfare (the "Division").

11 The Department of Administration requested the Civil Service Commission to  
12 create and abolish positions to accommodate the different responsibilities of persons in the  
13 Division on January 28, 1987. Action was tabled due to government austerity measures put  
14 into effect by Executive Order 87-2.

1 Due to passage of time, the request to create and abolish positions was resubmitted  
2 on December 21, 1989.

3 Due to a lost memorandum, the Director of Public Health and Social Services  
4 resubmitted the Department's request to the Governor for approval pursuant to 4 GCA  
5 §6210 on March 30, 1990.

6 The Civil Service Commission by memoranda dated July 26, 1990 (90-588) and  
7 August 8, 1990 (90-643), approved the creation of the new positions needed and  
8 abolishment of old positions which are no longer accurate reflections of the work  
9 performed. No recommendation was made for retroactive compensation and the  
10 individuals affected have only been desk audited by report completed May 10, 1991. The  
11 individuals affected will have been performing work without proper compensation from  
12 October 1, 1985 until after May 10, 1991.

13 The Legislature has already provided appropriations for implementation of the new  
14 pay ranges in Public Law 20-3 for Fiscal Year 1991.

15 (b) Upgrade of positions. Within the Division, the following employees shall be  
16 upgraded as follows:

	<u>BUDGETED POSITIONS</u>	<u>POSITION TITLE</u>
18	6816	Quality Control Supervisor
19	6848	Quality Control Supervisor
20	6817	Quality Control Reviewer II
21	6818	Quality Control Reviewer II
22	6823	Quality Control Reviewer II
23	6847	Quality Control Reviewer II
24	6813	Quality Control Reviewer II
25	6892	Quality Control Reviewer II
26	6909	Quality Control Reviewer II
27	6923	Quality Control Supervisor

1	6804	Quality Control Reviewer II
2	6294	Quality Control Reviewer II
3	6803	Quality Control Reviewer II
4	6952	Public Welfare Investigator II
5	6921	Public Welfare Investigator II
6	6805	Public Welfare Investigator II
7	6808	Public Welfare Investigator II
8	6825	Public Welfare Investigator II
9	6902	Public Welfare Investigator II
10	6903	Public Welfare Investigator II
11	6996	Eligibility Specialist II
12	6944	Eligibility Supervisor
13	6948	Eligibility Specialist II
14	6931	Eligibility Specialist II
15	6926	Eligibility Specialist II
16	6937	Eligibility Specialist II
17	6943	Eligibility Specialist II
18	6992	Eligibility Specialist II
19	6994	Eligibility Specialist II
20	6991	Eligibility Specialist II
21	6920	Eligibility Supervisor
22	6927	Eligibility Supervisor
23	6938	Eligibility Specialist II
24	6940	Eligibility Specialist II
25	6990	Eligibility Specialist II
26	6932	Eligibility Specialist II
27	6854	Eligibility Specialist II

1	6831	Eligibility Supervisor
2	6845	Eligibility Specialist II
3	6838	Eligibility Specialist II
4	6844	Eligibility Specialist II
5	6821	Eligibility Specialist II
6	6819	Eligibility Specialist II
7	6840	Eligibility Specialist II
8	6836	Eligibility Specialist II
9	6827	Eligibility Supervisor
10	6830	Eligibility Supervisor
11	6837	Eligibility Specialist II
12	6945	Eligibility Specialist II
13	6834	Eligibility Specialist II
14	6839	Eligibility Specialist II
15	6929	Eligibility Specialist II
16	6895	Eligibility Specialist II
17	6809	Eligibility Specialist II
18	6883	Claim Specialist III
19	6411	Claims Specialist III
20	6231	Claims Specialist III
21	6842	Claims Specialist II
22	6651	Eligibility Specialist II
23	6653	Eligibility Specialist II
24	6654	Eligibility Supervisor
25	6655	Eligibility Specialist II
26	6656	Claims Specialist III
27	6652	Claims Specialist III



1	6658	Eligibility Supervisor
2	6227	Eligibility Specialist II
3	6982	Claims Specialist III

4 (c) Appropriation. Two Million One Hundred Fifty Thousand Dollars  
5 (\$2,150,000) are appropriated from the General Fund to the Department of Public Health  
6 and Social Services to fund the difference between the salaries received by the employees  
7 affected by the October 1, 1985 reorganization, and the salaries to which the employees were  
8 entitled, effective October 1, 1985.

9 (d) Application unnecessary. Notwithstanding any other law, rule, or regulation,  
10 no person presently occupying any position which is listed by number in subsection (b) of  
11 this Section shall be required to submit an application or be chosen from any list of  
12 applicants, but shall occupy the position designated by virtue of enactment of this Section.

13 (e) Departed employees. The Director of the Department of Public Health and  
14 Social Services shall determine those former employees who have left employment with  
15 the Department for any reason after October 1, 1985, and who would have received  
16 compensation as provided by the creation and abolishment of positions by the Civil  
17 Service Commission as a result of the Department's reorganization in October 1, 1985, if  
18 this Civil Service Commission action had been taken on October 1, 1985, and shall pay  
19 those persons according to the position title and pay ranges now established for those  
20 positions, for the period of time each such position was occupied by the former employee.

21 (f) Employees with promotions. The Director of the Department of Public  
22 Health and Social Services shall determine, in the case of each employee of the  
23 Department who has received any raises or promotions after October 1, 1985, the position  
24 that is created by the Civil Service Commission that is equivalent to the position occupied  
25 by the employee, for the length of time the various positions were occupied by the  
26 employee, and shall pay the difference in salary for each position occupied at the rate of the  
27 newly created position, for the length of time each employee occupied each such position.

1 (g) Use of prior appropriations. Any funds appropriated to the Department in  
2 Public Law 21-3 may be utilized to pay the salary differences required under this Section,  
3 retroactive to October 1, 1985.

4 (h) Later qualification. Any employee occupying a position enumerated in  
5 subsection (b) of this Section and who does not presently qualify for the position as  
6 upgraded due to lack of required experience or education, shall be upgraded to the extent of  
7 his or her present experience and education, and the upgraded position designated for his  
8 or her position number shall be kept vacant until such time as the employee shall meet  
9 the qualifications. At such time, the employee shall be placed in the position without the  
10 need to make application or be chosen from a list of applicants.

11 (i) Upgrade in position. Within the State Office of the Department the following  
12 employee shall be upgraded as follows:

<u>Position</u>	<u>Position Title</u>	<u>Pay Range/Step</u>
14 6800	Chief Human Services Administrator	60/7

15 This Section shall be effective October 1, 1990.

16 (j) Overtime and acting pay. Any overtime earned, and any time spent in an  
17 acting position for which a personnel action was taken, shall be compensated at the rate for  
18 the position upgrades specified in this Section, for the periods applicable.

19 **Section 2.** Forty Thousand Dollars (\$40,000) are appropriated from the General  
20 Fund to the Guam Chapter of the Special Olympics to provide partial funding for the  
21 Guam contingent of athletes and coaches to attend the VII International Summer Special  
22 Olympics Games to be held in Minnesota during July, 1991.

23 **Section 3.** (a) Legislative findings. It is the finding of the Legislature that  
24 the appreciation of the people of Guam should be conveyed to all National Guardsmen  
25 and Reservists who were called to active duty during Operation Desert Shield and  
26 Operation Desert Storm. It is the further finding of the Legislature that, as an expression of  
27 such appreciation, these same Guardsmen and Reservists, who served the nation as 7

1 gallantly, should be compensated for lost pay from their regular jobs during their time in  
2 active service.

3 (b) Compensation for lost pay. All Guam National Guardsmen and Reservists  
4 from Guam based units and who are residents of Guam, who were called to active duty as  
5 part of Operation Desert Storm and Operation Desert Shield, and who were employed and  
6 not on paid leave from their regular jobs during all or part of their service, shall receive  
7 compensation equivalent to their lost pay as defined by this Section. All Guam National  
8 Guardsmen and Reservists from Guam based units, and who are residents of Guam, who  
9 were called to active duty as part of Operation Desert Storm and Operation Desert Shield,  
10 and who were students at the University of Guam, shall receive compensation equivalent  
11 to one (1) year of tuition equal to the class load for which they were registered at the time  
12 they were called to active duty.

13 (c) Definitions. "Paid Leave" includes regular salary, administrative leave, or  
14 administrative leave pay, but does not include annual leave, paid vacation leave, or a  
15 similar benefit accrued prior to and expended during active duty during Operation Desert  
16 Shield or Operation Desert Storm.

17 "Lost pay" means an amount equivalent to the regular salary the Guardsmen or  
18 Reservist would have received during that period of active service for Operation Desert  
19 Storm or Operation Desert Shield during which he or she did not receive any regular  
20 salary from his or her regular employer.

21 (d) Determination of lost pay. For purposes of this Section, lost pay shall be  
22 calculated by first determining the time served by the Guardsmen or Reservists during  
23 active service for Operation Desert Storm or Operation Desert Shield, as certified by the  
24 Guam Army National Guard or the respective Reserve Unit. After such determination,  
25 Guardsmen or Reservists may then claim compensation for that part of their active service  
26 during which they received no paid leave from their regular employer, which shall be  
27 established by an affidavit by those Guardsmen or Reservists claiming at such 8

1 Guardsmen's or Reservists' regular hourly wage from their regular jobs, as certified by  
2 their regular employers. In the case of Guardsmen or Reservists who were University of  
3 Guam (the "University") students, the University shall certify the cost of tuition equal to  
4 the classload of the Guardsmen or Reservists at the time they were called to active duty.

5 (e) Administration. The Department of Administration shall implement the  
6 provisions of this Section.

7 (f) Appropriation. Five Hundred Thousand Dollars (\$500,000) are appropriated  
8 from the General Fund to the Department of Administration to fund the compensation  
9 authorized by this Section. Any amount so appropriated in excess of that necessary to  
10 effectuate this Section shall revert to the General Fund.

11 **Section 4.** Section 45 of Chapter III of Public Law 21-3 is amended to read:

12 "Section 45. (a) One Hundred Fifteen Thousand Dollars  
13 (\$115,000) are appropriated from the General Fund to the Guam  
14 Council on the Arts and Humanities Council ("CAHA") to be  
15 allocated as follows: One Hundred Ten Thousand Dollars  
16 (\$110,000) to fund travel of delegates to attend the Third Annual  
17 Chamorro Cultural Fair in Fairfield, California; and Five  
18 Thousand Dollars (\$5,000) to be used to fund the planning of the  
19 participation of Guam in the Third Annual Chamorro Cultural  
20 Fair to be held in Fairfield, California (the "Fair"), sponsored by  
21 the Hafa Adai Club of Fairfield, California ("HAGCFC"). Within  
22 ninety (90) days of the closing of the Fair, the Director of CAHA  
23 and the President of HAGCFC shall each submit to the Governor  
24 and the Legislature, a report of all of each such respective  
25 organization's expenditures under this Section, including but  
26 not limited to a balance sheet, a statement of receipts and a

1           general description of expenses arising out of the participation of  
2           CAHA and HAGCFC in the Fair."

3           **Section 5.** The Public Address Unit and related equipment, and a Grand Piano, for  
4           which funds were appropriated to the Department of Education to purchase for the John  
5           F. Kennedy High School in Public Laws 21-03 and 21-17, shall be purchased without the  
6           necessity of following bid procedures, due to the emergency caused by the need to use such  
7           equipment for the graduation on June 9, 1991.

8           **Section 6.** The appropriation to the Department of Labor for the Division of  
9           Occupational Safety and Health made in Section 5 of Public Law 19-19 shall continue to be  
10          available beyond the first year's operations and until exhausted.

11          **Section 7.** Fifty Thousand Dollars (\$50,000) are appropriated from the General  
12          Fund to the Department of Public Health and Social Services for the repair and  
13          replacement of air conditioners at the Northern Region Health Center.

14          **Section 8.** Twenty-Five Thousand Dollars (\$25,000) are appropriated from the  
15          Tourist Attraction Fund to the Guam Visitors Bureau for office-relocation and rental costs.

16          **Section 9.** Five Thousand Dollars (\$5,000) are appropriated from the General  
17          Fund to the Department of Public Health and Social Services to conduct an island-wide  
18          spaying and neutering program, pursuant to §34120, Chapter 34, Title 10 Guam Code  
19          Annotated. This appropriation shall remain in effect until expended and shall be  
20          implemented within thirty (30) calendar days after enactment.

21          **Section 10.** One Hundred Eight Thousand Dollars (\$108,000) are appropriated from  
22          the General Fund to the Department of Youth Affairs to be used as follows:

- 23           (a) To purchase one (1) van: \$30,000;  
24           (b) To purchase portable gas stove and generator: \$28,000;  
25           (c) To purchase and install computer equipment and software, and for staff  
26           training: \$50,000.

1           **Section 11.** (a) Legislative statement. The Legislature has been informed that  
2 the nursing personnel of Guam Memorial Hospital have not received their specialization  
3 pay as provided for in Public Law 20--64, Section 3 and Public Law 21-17, Section 10.  
4 Section 3 of Public Law 20-64 was enacted to provide an incentive for the recruitment and  
5 retention of professional nurses at Guam Memorial Hospital, the Department of Mental  
6 Health and Substance Abuse and the Department of Public Health and Social Services,  
7 each of which has perennially suffered from the shortage of local nurses desiring to work  
8 and remain working for the government of Guam, which condition is continually  
9 aggravated by the national and worldwide shortage of nursing professionals and Section 10  
10 of Public Law 21-17 was enacted to include specialties not covered by Public Law 20-64. The  
11 enactment of these two laws is a clear indication of the purpose of the legislation and the  
12 intent of the Legislature and the governor of Guam. It is, therefore, deemed prudent that  
13 the Government of Guam, through its General Fund, subsidize specialty pay for the  
14 nursing personnel of the Guam Memorial Hospital, for the period of time beginning  
15 October 1, 1989 to September 30, 1991 for the primary reason that the Guam Memorial  
16 Hospital, as an autonomous agency, had not provided for said compensation in its  
17 schedule of fees and would be unable to provide for such in billings already rendered.

18           (b) Appropriation. One Million Three Hundred Seventy Thousand Fifty-  
19 Nine Dollars (\$1,370,059) are appropriated from the General Fund to the Guam Memorial  
20 Hospital Authority to pay for specialization compensation earned by Guam Memorial  
21 Hospital nursing personnel for the period beginning October 1, 1989 to September 30, 1991,  
22 as provided for in Public Law 20-64, Section 3, and Public Law 21-17 Section 10.

23           **Section 12.** Twenty-One Thousand Six Hundred Sixty Eight Dollars (\$21,668) are  
24 appropriated from the General Fund to the Western Pacific Association of the Disabled  
25 ("WPAD") to pay wages for two (2) drivers and other expenses related to the operation of  
26 two (2) vans utilized for the transportation of the disabled and also to reimburse the Guam  
27 Mass Transit Authority ("GMTA") for funds used to assist WPAD in providing 11

1 uninterrupted transportation service for disabled persons. Such sums used by GMTA to  
2 assist WPAD between June 1, 1991, and the disbursement of the funds contained in this  
3 Section shall be immediately reimbursed by WPAD to GMTA. Any portion of the funds  
4 contained in this Section not expended by WPAD by September 30, 1991, shall revert to  
5 the General Fund.

6       **Section 13.** (a) Legislative findings. The Legislature has recognized the  
7 shortage of nurses, and the potential to alleviate the shortage through training of local  
8 nurse teaching staff and nurse administrators. Public Law 20-137 authorized the  
9 University of Guam (the "University") to establish a four-year advanced nursing  
10 education and training program through a contractual relationship with an accredited  
11 nursing institution. A detailed report on first year costs was made to the Legislature by the  
12 President of the University in March, 1991, accompanied by a request for year two of the  
13 program funds. Due to the commitment of the University to its ten (10) graduate students,  
14 and Washington State University for costs anticipated in program year two, the Legislature  
15 finds that an immediate appropriation is needed.

16       (b) One Hundred Fifty Thousand Dollars (\$150,000) are appropriated from  
17 the General Fund to the University for year two of the program costs authorized in Public  
18 Law 20-137.

19       **Section 14.** Twenty Seven Thousand Dollars (\$27,000) are appropriated from the  
20 General Fund to the Guam Energy Office to send public and private school teachers and  
21 students and two (2) staff members of the Guam Energy Office to attend the National  
22 NEED Leaders Training Conference in Las Vegas, Nevada during the period of July 21-26,  
23 1991. Such sum shall be used solely to cover the expenses of air fare and a matching share  
24 of Two Hundred Dollars (\$200) per person, since the National NEED Project will cover the  
25 cost of room and board.

26       **Section 15.** Twenty Seven Thousand Dollars (\$27,000) are appropriated from the  
27 General Fund to the Department of Parks and Recreation to defray the cost of equipment 1 2

1 for the Guam Chiefs Football Association, a new member of the Guam Youth Football  
2 League. The Association shall submit to the Director of Parks and Recreation a complete  
3 report on all expenditures from such appropriated funds.

4 **Section 16.** One Hundred Twenty Five Thousand Dollars (\$125,000) are  
5 appropriated from the General Fund to the Department of Mental Health and Substance  
6 Abuse (the "Department") to fund the specialization compensation earned by the  
7 Department's nursing personnel for the period from October 1, 1989 to September 30, 1991,  
8 and as provided for in Public Laws 20-64, §3, and 21-07, §10.

9 **Section 17.** Subsection (b) of Section 1 of Public Law 20-188 is amended to read:

10 "(b) Lots Nos. 4, Block No. 1, Tract No. 1427, containing an area of  
11 approximately 9,002 square meters or 96,901 square feet, as shown on Drawing  
12 No. DS1-S-88-25, to LSG LUFTHANSA SERVICE GUAM, INC., a Guam  
13 corporation."

14 **Section 18.** Subsection (b) of Section 2 of Public Law 20-188 is amended to read:

15 "(b) The minimum initial rent under each of the Leases shall be ten  
16 percent (10%) per annum of the then current highest appraised fair market  
17 value of the land based on two (2) appraisals, by two (2) independent licensed  
18 appraisers, made within six (6) months of execution of the lease, of the  
19 highest and best use for such land regardless of zoning restrictions, and taking  
20 into consideration the large investment the Guam Airport Authority has  
21 made in this land. Rent shall be charged no later than six (6) months after  
22 execution of the lease, or until beneficial occupancy of the tenant's  
23 constructed facility, whichever comes first, and shall escalate at the rate of ten  
24 percent (10%) every five years. The tenants shall execute the Leases by August  
25 15, 1991 or shall forfeit the right to lease the property at the appraised rate  
26 established pursuant to this Section. The land shall be reappraised and rent  
27 readjusted accordingly every thirty (30) years in the same manner as the



1 initial rent determination, provided that rent shall not be reduced as a result  
2 of such reappraisal."

3 **Section 19.** Sixty Thousand Dollars (\$60,000) are appropriated from the General  
4 Fund to the Guam National Olympic Committee to cover the shortfall in funds needed for  
5 the 1991 South Pacific Games to be held in Papua New Guinea.

6 **Section 20.** §61307 of Title 21, Chapter 61, Guam Code Annotated, is hereby  
7 repealed and reenacted to read:

8 "(a) Use Permitted.

- 9 (1) One-family dwellings.
- 10 (2) Duplexes.
- 11 (3) Wholesale and retail stores, shops and businesses.
- 12 (4) Amusement enterprises.
- 13 (5) Automobile service station, including minor repairs.
- 14 (6) Bakeries.
- 15 (7) Mortuaries.
- 16 (8) Offices, business or professional inclusive of professional  
17 healing arts offices and clinics, and banks.
- 18 (9) Personal service shops, including barber shops, beauty  
19 parlors, laundromats, and the like.
- 20 (10) Repair shops and service shops, including shoe repair  
21 shops, plumbing shops, dressmaking shops, and the like, but not including  
22 automobile repair shops for major work.
- 23 (11) Restaurants and cafes.
- 24 (12) Studios.
- 25 (13) Other uses which in the judgment of the Commission, as  
26 evidenced by resolution in writing, are similar to those listed herein.

1 (14) Uses customarily accessory to any of the above listed uses,  
2 including only those accessory to manufacturing, storage, compounding, or  
3 processing activities which are necessary for the ordinary conduct of said  
4 listed uses and which are an integral part thereof."

5 **Section 21.** Ten Thousand Dollars (\$10,000) are appropriated from the General  
6 Fund to the Guam Council of the Arts and Humanities Agency to help defray cost of  
7 entertainers to attend the Liberation Day festivities in Frankfurt, Germany.

8 **Section 22.** Ten Thousand Dollars (\$10,000) are appropriated from the General  
9 Fund to the Department of Commerce to repair the engine of the pursuit boat used by the  
10 Guam Customs Agency.

11 **Section 23.** Six Thousand Dollars (\$6,000) are appropriated from the General Fund  
12 to the Mayor of Talofoto to complete the installation of streetlights in Talofoto.

13 **Section 24.** Two Thousand Dollars (\$2,000) are appropriated from the General  
14 Fund to the Department of Parks and Recreation to defray the costs of the trips of the teams  
15 of the Guam Amateur Baseball League to Taipei and Korea in the summer of 1991.

16 **Section 25.** Thirty Thousand Dollars (\$30,000) are appropriated from the General  
17 Fund to the Department of Public Works to complete the renovation of the Talofoto  
18 Basketball Court, municipality of Talofoto.

19 **Section 26.** Section 11 of Public Law 21-17 is hereby amended to read:

20 "Section 11. Twenty-One Thousand Five Hundred Fifty-Eight Dollars  
21 (\$21,558) are appropriated from the General Fund to the Guam Youth  
22 Congress to send six (6) members of the Guam Youth Congress to the  
23 Congressional, Wall Street and the Global and Diplomacy Seminars  
24 sponsored by the Washington Workshop Foundation to be held in  
25 Washington, D.C. and New York. Upon completion of the seminars, the  
26 Youth Congress Speaker and the other participants shall prepare a written  
27 report of the accomplishments and objectives and expenditures of the

1 seminars for submission to the Legislature within sixty (60) days after  
2 returning."

21-40

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

6

Date: 6/4/91

VOTING SHEET

Bill No. 382

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

	<u>AYE</u>	<u>NO</u>	<u>NOT VOTING</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
<u>AGUON, John P.</u>				✓
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>				✓
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>	✓			
<u>DIERKING, Herminia D.</u>				✓
<u>DUENAS, Edward R.</u>	✓			
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>				✓
<u>MAILLOUX, Gordon</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>	✓			
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>	✓			
<u>TANAKA, Thomas V.C.</u>	✓			
<u>UNPINGCO, Antonio R.</u>				✓

16      0      0      5

# Twenty-First Guam Legislature

155 Hesler Street  
Pacific Arcade  
Agana, Guam 96910  
Telephone: (671) 472-3407/8/9  
FAX: (671) 477-3161



Chairman, Committee  
on Ways & Means

Vice-Chairman, Committee  
on Tourism & Transportation

**CARL T. C. GUTIERREZ**

Senator

June 3, 1991

Honorable Speaker Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Ways & Means wishes to report out its findings on **BILL NO. 382** "AN ACT TO UPGRADE INCUMBENT EMPLOYEES IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN, PROVIDE COMPENSATION FOR PAST EMPLOYEES AS PROVIDED IN DEPARTMENTAL REORGANIZATION OF 1985 AND APPROPRIATING TWO MILLION ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$2,150,752) FOR IMPLEMENTATION OF THESE CHANGES; TO APPROPRIATE FORTY THOUSAND DOLLARS (\$40,000) TO THE GUAM CHAPTER OF THE SPECIAL OLYMPICS FOR THE VII INTERNATIONAL SUMMER OLYMPICS IN MINNESOTA; AND TO PROVIDE COMPENSATION FOR GUAM'S NATIONAL GUARDSMEN AND RESERVISTS WHO SERVED IN OPERATION DESERT STORM AND OPERATION DESERT SHIELD; AND TO APPROPRIATE FORTY-FIVE THOUSAND DOLLARS (\$45,000) TO THE GUAM COUNCIL ON THE ARTS AND HUMANITIES COUNCIL FOR THEIR ANNUAL CHAMORRO CULTURAL FAIR; AND WAIVER OF BIDDING PROCEDURE REQUIREMENTS FOR PURCHASE OF PUBLIC ADDRESS UNIT AND PIANO FOR JOHN F. KENNEDY HIGH SCHOOL; AND TO MAKE THE APPROPRIATION IN SECTION 5 OF P. L. 19-19 FOR DEPARTMENT OF LABOR'S DIVISION OF OCCUPATIONAL SAFETY AND HEALTH A CONTINUING ONE;FIFTY THOUSAND DOLLARS (\$50,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE REPAIR AND REPLACEMENT OF AIR CONDITIONERS AT THE NORTHERN REGIONAL HEALTH CENTER; TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO THE GUAM VISITORS BUREAU FOR OFFICE RE-LOCATION COSTS; FIVE THOUSAND DOLLARS (\$5,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF CONDUCTING AN ISLAND-WIDE SPAYING AND NEUTERING PROGRAM; ONE HUNDRED EIGHT THOUSAND DOLLARS (108,000) TO THE DEPARTMENT OF YOUTH AFFAIRS TO PURCHASE CERTAIN EQUIPMENTS; ONE MILLION THREE HUNDRED SEVENTY THOUSAND FIFTY-NINE DOLLARS (\$1,370,059) TO THE GUAM MEMORIAL HOSPITAL FOR NURSE SPECIALTY PAY; TWENTY-ONE THOUSAND SIX HUNDRED SIXTY EIGHT DOLLARS (\$21,668) TO THE WESTERN PACIFIC ASSOCIATION FOR THE

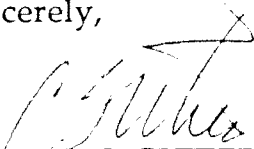
DISABLED (WPAD) FOR THE PURPOSE OF WAGES FOR TWO DRIVERS AND OTHER EXPENSES RELATED TO TRANSPORTATION NEEDS OF THE DISABLED, AND ALSO TO REIMBURSE THE GUAM MASS TRANSIT AUTHORITY FOR FUNDS TRANSFERRED TO WPAD IN ORDER TO PROVIDE FOR THEIR CONTINUED OPERATION; AND ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) TO THE UNIVERSITY OF GUAM, FOR SCHOOL YEAR 1991-92 COSTS OF THE GRADUATE NURSING DEGREE PROGRAM; AND TWENTY SEVEN THOUSAND DOLLARS (\$27,000) TO GUAM ENERGY OFFICE TO ATTEND THE NATIONAL NEED LEADERS TRAINING CONFERENCE AND TO PARKS AND RECREATION TO DEFRAY THE COST OF EQUIPMENT FOR THE GUAM CHIEFS FOOTBALL ASSOCIATION." to the full Legislature with the recommendation to do Pass as Substituted by the Committee on Ways and Means.

The Committee Voting Record is as follows:

TO PASS:	<u>12</u>
NOT TO PASS:	_____
ABSTENTIONS:	_____
INACTIVE FILE:	_____

Copies of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

  
**CARL T. C. GUTIERREZ**  
Chairman, Committee on  
Ways & Means

Twenty-First Guam Legislature  
Committee on Ways & Means  
VOTING SHEET

BILL NO.  
382

AN ACT TO UPGRADE INCUMBENT EMPLOYEES IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN, PROVIDE COMPENSATION FOR PAST EMPLOYEES AS PROVIDED IN DEPARTMENTAL REORGANIZATION OF 1985 AND APPROPRIATING TWO MILLION ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$2,150,752) FOR IMPLEMENTATION OF THESE CHANGES; TO APPROPRIATE FORTY THOUSAND DOLLARS (\$40,000) TO THE GUAM CHAPTER OF THE SPECIAL OLYMPICS FOR THE VII INTERNATIONAL SUMMER OLYMPICS IN MINNESOTA; AND TO PROVIDE COMPENSATION FOR GUAM'S NATIONAL GUARDSMEN AND RESERVISTS WHO SERVED IN OPERATION DESERT STORM AND OPERATION DESERT SHIELD; AND TO APPROPRIATE FORTY-FIVE THOUSAND DOLLARS (\$45,000) TO THE GUAM COUNCIL ON THE ARTS AND HUMANITIES COUNCIL FOR THEIR ANNUAL CHAMORRO CULTURAL FAIR; AND WAIVER OF BIDDING PROCEDURE REQUIREMENTS FOR PURCHASE OF PUBLIC ADDRESS UNIT AND PIANO FOR JOHN F. KENNEDY HIGH SCHOOL; AND TO MAKE THE APPROPRIATION IN SECTION 5 OF P. L. 19-19 FOR DEAPRTMENT OF LABOR'S DIVISION OF OCCUPATIONAL SAFETY AND HEALTH A CONTINUING ONE; FIFTY THOUSAND DOLLARS (\$50,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE REPAIR AND REPLACEMENT OF AIR CONDITIONERS AT THE NORTHERN REGIONAL HEALTH CENTER; TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO THE GUAM VISITORS BUREAU FOR OFFICE RE-LOCATION COSTS; FIVE THOUSAND DOLLARS (\$5,000) TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF CONDUCTING AN ISLAND-WIDE SPAYING AND NEUTERING PROGRAM; ONE HUNDRED EIGHT THOUSAND DOLLARS (108,000) TO THE DEPARTMENT OF YOUTH AFFAIRS TO PURCHASE CERTAIN EQUIPMENTS; ONE MILLION THREE HUNDRED SEVENTY THOUSAND FIFTY-NINE DOLLARS (\$1,370,059) TO THE GUAM MEMORIAL HOSPITAL FOR NURSE SPECIALTY PAY; TWENTY-ONE THOUSAND SIX HUNDRED SIXTY EIGHT DOLLARS (\$21,668) TO THE WESTERN PACIFIC ASSOCIATION FOR THE DISABLED (WPAD) FOR THE PURPOSE OF WAGES FOR TWO DRIVERS AND OTHER EXPENSES RELATED TO TRANSPORTATION NEEDS OF THE DISABLED, AND ALSO TO REIMBURSE THE GUAM MASS TRANSIT AUTHORITY FOR FUNDS TRANSFERRED TO WPAD IN ORDER TO PROVIDE FOR THEIR CONTINUED OPERATION; AND ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) TO THE UNIVERSITY OF GUAM, FOR SCHOOL YEAR 1991-92 COSTS OF THE GRADUATE NURSING DEGREE PROGRAM; AND TWENTY SEVEN THOUSAND DOLLARS (\$27,000) TO GUAM ENERGY OFFICETO ATTEND THE NATIONAL NEED LEADERS TRAINING CONFERENCE AND TO PARKS AND RECREATION TO DEFRAY THE COST OF EQUIPMENT FOR THE GUAM CHIEFS FOOTBALL ASSOCIATION.

VOTING SHEET - BILL 382

PAGE 2

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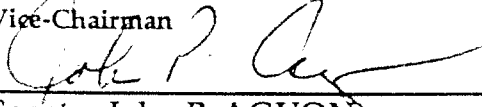
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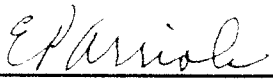
  
\_\_\_\_\_  
Senator Carl T. C. GUTIERREZ  
Chairman

✓

\_\_\_\_\_  
Senator Herminia D. DIERKING  
Vice-Chairman


  
\_\_\_\_\_  
Senator John P. AGUON  
Member

✓


  
\_\_\_\_\_  
Senator Elizabeth P. ARRIOLA  
Member

✓

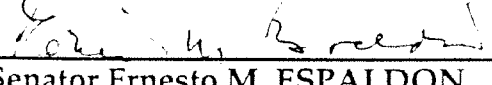
\_\_\_\_\_  
Senator George BAMBA  
Member

  
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Senator Anthony BLAZ  
Member

✓

  
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Senator Doris F. BROOKS  
Member

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Senator Ernesto M. ESPALDON  
Member

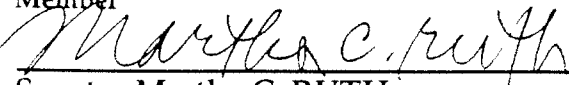
✓

  
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Senator Marilyn MANIBUSAN  
Member


✓ 6/3/91  
MAM

\_\_\_\_\_  
Senator Don PARKINSON  
Member


To report out  
to floor for discussion  
6/3/91

  
\_\_\_\_\_  
Senator Martha C. RUTH  
Member

✓ 6/3/91

  
\_\_\_\_\_  
Senator David SHIMIZU  
Member

✓

  
\_\_\_\_\_  
Speaker Joe T. SAN AGUSTIN  
Ex-Officio Member

✓



**COMMITTEE ON WAYS & MEANS  
COMMITTEE REPORT ON**

**BILL NO. 382: AN ACT TO CREATE AND ABOLISH CERTAIN CLASSIFIED POSITIONS IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, UPGRADING INCUMBENT EMPLOYEES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN AND APPROPRIATING TWO MILLION FIVE HUNDRED SEVENTY THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$2,570,752) FOR IMPLEMENTATION OF THESE CHANGES.**

The Committee on Ways & Means conducted a public hearing on Friday, May 24, 1991 beginning at 1:00 p.m. at the Legislative Public Hearing Room to gather testimony on Bill No. 382. Senator Carl T. C. Gutierrez conducted the hearing being joined by Senators Doris Brooks, Speaker San Agustin, David Shimizu, Anthony Blaz, Don Parkinson, and Ernesto Espaldon.

**TESTIMONY**

Mrs. Leticia V. Espaldon, M. D., Director of the Department of Public Health and Social Services appeared before the Committee with written testimony (attachment "A") stating that at the outset she fully agrees with the intent of Bill No. 382 on the implementation of the abolishment and creation of the new positions in the Division of Public Welfare, however, she has several questions as well as recommendations. Dr. Espaldon suggested that Sections 1(b) and (c) be deleted since the creation and abolishment of positions were already approved by the Civil Service Commission on June 28, 1990 under CSC No. 90-588, and Section 1(d) because the Department of Administration has already finished the report on the audit of the 67 employees affected by the creation of 14 positions. Senator Gutierrez informed Dr. Espaldon that the abolishment and creation of these positions has to be done by law. Senator Gutierrez asked how many Fiscal Years have you included the new salaries for these new positions in your budget as submitted to the Legislature already? Dr. Espaldon replied that only in Fiscal Year 1991. Jesse Cadahay, Chief Human Services from the Department of Public Health and Social Services informed the members of the Committee that the study from DOA brought

up some concerns which makes it hard for the Department to implement like those employees eligible, for example, to the Eligibility Specialist Supervisor positions, would have to compete for the position based on the present Personnel Rules and Regulations. Senator Gutierrez stated that language would be added to the Bill to take care of this concern. Mr. Cadahay also stated that there are present employees who do not meet the new qualification standards in terms of education and work experience. The Senator asked what would happen to them. Mr. Cadahay stated that they would have to wait based on that recommendation until August. Senator Gutierrez asked if language should be written to the effect that those positions should be placed on hold until these employees meet the minimum qualifications.

Mr. Felix P. Camacho, Executive Director of the Civil Service Commission appeared before the Committee with written testimony (attachment "B"). In his testimony, Mr. Camacho stated that the Commission does not endorse the retroactive compensation of newly created positions prior to the date the Governor approves such creations. He went on to say that to "authorize this type of compensation will only establish precedence over other classification matters that were created pursuant to law. It is unfortunate that Public health reorganized the Division of Social Services in October 1, 1985, and classification actions were tabled due to government austerity in January 8, 1987 (E. O. 87-2). The Commission, however, held a meeting with Public Health officials on July 15, 1987, to discuss all classification matters relative to their reorganization. Due to a job analysis study conducted by DOA Test Development and Research Branch, among other classification issues, the Commission resumed its classification study on March 30, 1990. Section 1(d) of the Bill needs further clarification with the findings and recommendations conducted by DOA Personnel Management Division. The Commission ruled for DOA to conduct a reclassification study to properly reallocate each incumbent affected to the newly created classes of positions. It would be erroneous to assume that each incumbent occupying the newly created positions were actually performing the duties and responsibilities since October 1, 1985. Therefore, it is the Commissions position that the effective date of reallocation of all employees affected to the new classes of positions be made retroactive to May 2, 1990, the date the Governor created and abolished various classes of position for the division of Public Welfare."

Ms. Elizabeth M. Santos, an employee of the Department of Public Health and Social Services, under the Division of Public Welfare for twenty (20) years, appeared before the Committee with written testimony

(attachment "C") in support of Bill No. 382, with recommendation. Ms. Santos' present position title is "Social Services Field Representative III", which has been functionally and commonly referred to as "Quality Control Unit Supervisor" since 1985. Ms. Santos recommended that those affected be exempted from competing for the newly created positions, a step-to-step salary increase and retroactive coverage to October 1985.

Ms. Maria E. Medina, Social Services Supervisor for the Bureau of Economic Security appeared before the Committee with written testimony (attachment "D") in favor of Bill No. 382.

## RECOMMENDATION

The Committee on Ways & Means recommends that Bill No. 382 be Substituted, with the following changes:

1. Section 1(b) and (c) be deleted as recommended by Dr. Espaldon, Director of the Department of Public Health and Social Services, since the creation and abolishment of positions were already approved by the Civil Service Commission on June 28, 1990 under CSC No. 90-588.
2. The sum of Four Hundred Thirty Thousand Dollars (\$430,000) be reduced because this amount was appropriated in the Fiscal Year 1991 budget of the Department of Public Health and Social Services.
3. Change three of the position titles from Public Welfare Investigator III to Public Welfare Investigation Supervisor.
4. Language is added to read that Employees presently occupying any position which is listed in this Bill shall be exempted from submitting an application or be chosen from any list of applicants, but shall occupy the position designated by virtue of enactment of this Bill.
5. Language is added to read that the Director of the Department of Public Health and Social Services shall determine those former employees who have left employment with the Department for any reason after October 1, 1985, and

who would have received compensation as provided by the creation and abolishment of positions by the Civil Service Commission as a result of the Department's reorganization shall pay those persons according to the position title and pay ranges now established for those positions, for the period of time each such position was occupied by the former employee.

6. Language is added to read that the Director shall determine, in the case of each employee of the Department who has received any raises or promotions after October 1, 1985, the position that is created by the Civil Service Commission that is equivalent to the position occupied by the employee, and shall pay the difference in salary for each position occupied at the rate of the newly created position, for the length of time each employee occupied each such position.

7. Language is added to read that Those positions which were occupied by incumbent employees but do not meet the minimum qualifications shall be placed on hold until such employees meet the minimum qualifications.

The Committee on Ways & Means further acted on Bill No. 382 as substituted by adding

1. Appropriate Forty Thousand Dollars (\$40,000) to the Guam Chapter of Special Olympic to provide partial funding for the Guam contingent of athletes and coaches at attend the VII International Summer Special Olympic Games in Minnesota during July of 1991.

2. To provide compensation for Guam's National Guardsmen and Reservists who served in Operation Desert Storm and Operation Desert Shield.

3. Appropriate Forty-Five Thousand Dollars (\$45,000) to the Guam Council of the Arts of Humanity Agency to supplement the appropriation made in Section 45 of Chapter 3 of Public Law 21-03 for the off-island cultural fair in Fairfield, California.

4. Language to waive the Bidding Procurement procedure requirements for purchase of Public Address system and the Grand Piano for John F. Kennedy High School due to

emergency of necessity of using the equipment for the graduation on June 9, 1991.

5. Language to allow the appropriation made in Section 5 of P. L. 19-19 for the Department of Labor's Division of Occupational Safety and Health a continuing one to be used until exhausted.

6. Appropriate Fifty Thousand Dollars (\$50,000) to the Department of Public Health and Social Services for the repair and replacement of air conditioners at the Northern Regional Health Center.

7. Appropriate Twenty-Five Thousand Dollars (\$25,000) to the Guam Visitors Bureau for office relocation costs.

8. Appropriate Five Thousand Dollars (\$5,000) to the Department of Public Health and Social Services for the purpose of conducting an island-wide spaying and neutering program.

9. Appropriate One Hundred Eight Thousand Dollars (\$108,000) to the Department of Youth Affairs to purchase certain equipments.

10. Appropriate One Million Three Hundred Seventy Thousand Fifty-Nine Dollars (\$1,370,059) to the Guam Memorial Hospital for nurse specialty pay.

11. Appropriate Twenty-One Thousand Six Hundred Sixty-Eight Dollars (\$21,668) to the Western Pacific Association for the Disabled (WPAD) for the purpose of wages for two drivers and other expenses related to transportation needs of the disabled, and also to reimburse the Guam Mass Transit Authority for funds transferred to WPAD in order to provide for their continued operation.

12. Appropriate One Hundred Fifty Thousand Dollars (\$150,000) to the University of Guam, for School Year 1991-92 costs of the Graduate Nursing Degree Program.

13. Appropriate Twenty Seven Thousand Dollars (\$27,000) to the Guam Energy Office for the purpose of sending

public and private school teachers and students and two (2) GEO staff members to attend the National NEED Leaders Training conference in Las Vegas, Nevada.

14. Appropriate Twenty Seven Thousand Dollars (\$27,000) to the Department of Parks and Recreation to defray the cost of equipment for the Guam Chiefs Football Association, a new member of the Guam Youth Football League.



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM

P. O. BOX 2816

AGANA, GUAM 96910



TESTIMONY ON BILL NO. 382

AN ACT TO CREATE AND ABOLISH CERTAIN CLASSIFIED POSITIONS IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, UPGRADING INCUMBENT EMPLOYEES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN AND APPROPRIATING TWO MILLION FIVE HUNDRED SEVENTY THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$2,570,752) FOR IMPLEMENTATION OF THESE CHANGES.

Mr. Chairman and Members of the Committee on Ways and Means, Good Morning.

My name is Leticia V. Espaldon, M. D., Director of the Department of Public Health and Social Services. Thank you for giving us the opportunity to testify on Bill No. 382.

At the outset I fully agree with the intent of the 21st Guam Legislature on the implementation of the abolishment and creation of the new positions in the Division of Public Welfare. However, there are several questions that concern us:

1. Is it the intent of the bill to include retroactive payments to employees who were on permanent status since fiscal year 1986 but are no longer in the positions that are abolished due to: a) promotion; b) transfer; c) resignation; d) death, etc.?

If this is the intent, it is recommended that employees or their heirs file a claim for possible retroactive pay with the Department of Administration. We believe that each claim should be reviewed by the Personnel Management Division of that department on a case-by-case basis by a review of claimant's position description, performance evaluation and other pertinent documents. Claims should be honored only upon a satisfactory showing that the employee was in fact performing the duties and responsibilities specified in the appropriate created position.

2. Will the conversion to the new position include a step-to-step salary conversion for both supervisory and non-supervisory positions?

3. Will the conversion to the new positions include probationary employees? For example, would an Assistance Payment Worker II probationary employee be "grandfathered" into the new Eligibility Specialist II position which could mean not having the required credentials for the said new position?
  
4. Will Social Service Field Representative IIIs who have no supervisory responsibilities be given the Public Welfare Investigation Supervisor position which requires supervisory responsibilities?  
  
If yes, will they be paid retroactive to fiscal year 1986 although they have had no supervisory functions?  
  
If no, will they be converted to the next higher position in the series?
  
5. Will present supervisors compete for appropriate supervisory positions or they be converted to the appropriate supervisory positions?

Another concern is the specificity of the bill regarding positions which will be converted as provided for in Section 1 (b). There are several discrepancies already noted which include: a) recent promotions which were not updated in the submitted FY 1991 budget and staffing pattern; b) the position of Public Welfare Investigator III was not created by the Civil Service Commission but was listed in the bill; c) two positions created by the Civil Service Commission were not listed, which are the Public Welfare Investigation Supervisor and the Claims Processing and Utilization Review Officer. If these are not corrected, the Investigation and Recovery Office and the Medicaid Unit will not have supervisors to supervise the Public Welfare Investigators and the Claims Specialists respectively.

Allow me therefore, to present the following recommendations:

1. Revise the title of the bill to read "AN ACT TO APPROPRIATE TWO MILLION FIVE HUNDRED SEVENTY THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$2,570,752) FOR IMPLEMENTATION OF THE ABOLISHMENT AND CREATION OF NEW POSITIONS IN THE DIVISION OF PUBLIC WELFARE OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES", since the Civil Service Commission has already abolished and created new positions on June 28, 1990 under CSC No. 90-588.



Testimony on Bill No. 382, p.3.

2. Sections 1 (b) and 1 (c) should be deleted since the creation and abolishment of positions were already approved by the Civil Service Commission on June 28, 1990 under CSC No. 90-588.
3. Section 1 (d) should be deleted for the following reasons:
  - a. The Department of Administration has already finished the the report on the audit of the 67 employees affected by the creation of 14 positions.
  - b. The two newly created positions of Public Welfare Investigation Supervisor and the Claims Processing and Utilization Review Officer were not included in the list.
4. Implementation of the new positions must still be subject to the applicable personnel rules governing reclassification of positions under:
  - a. Personnel Rule 12.20 which provides that when a position is reclassified to a class of higher pay range, the employee shall receive a salary which is not less than the equivalent of a two-step pay increase in the pay range held prior to the reclassification; however, Step 10 of the pay range shall be the maximum step for any pay adjustment.
  - b. Personnel Rule 10.16 which provides that merit promotion plan shall apply to all promotion opportunities and to different kinds of personnel actions like selection for supervisory or manager positions. This means that supervisory positions shall be announced for competition and incumbents shall have to compete for these positions.

With the clarification of the above questions and adaptation of the recommendations, I fully support Bill No. 382.

  
LETICIA V. ESPALDON, M. D.  
Director

**MAY 24 1991**



## GOVERNMENT OF GUAM

### CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

Century Plaza, 2nd Floor, Upper Tamuning  
P.O. Box 3156, Agana, Guam 96910

Tel: (671) 649-4272, 649-7955/57 • Fax: (671) 649-1272



CSC NO. 91-0276

MAY 24 1991

The Honorable Carl T.C. Gutierrez  
Chairperson, Committee on Ways and Means  
Twenty-First Guam Legislature  
Agana, Guam 96910

RE: Comments on Bill No. 382

Dear Mr. Chairperson and Members of the Committee:

The Civil Service Commission wishes to express its appreciation to this body for giving us the opportunity to comment on Bill 382 - An Act to create and abolish certain classified positions in the Department of Public Health and Social Services, upgrading incumbent employees as provided in the Department's FY 1991 staffing pattern and appropriating two million five hundred seventy thousand seven hundred fifty two dollars (\$2,570,752) for implementation of these changes.

Bill NO. 382 proposes to retroactively compensate incumbents into the newly created classes of position effective October 1, 1985.

Pursuant to Section 6210 of 4 GCA, the Director of Public Health, in a memorandum dated April 17, 1990 submitted a request to the Governor to create and abolish positions within the Division of Public Welfare. On May 2, 1990, the Governor created and abolished positions as requested by Public Health. The Commission, at its meeting on June 28, 1990, ruled to create fourteen (14) new classes of positions, abolished seven (7) current classes of positions and to effectuate such abolishment as soon as all employees affected are properly reallocated to the newly created classes of positions.

The Commission does not endorse the retroactive compensation of newly created positions prior to the date the Governor approves such creations. To authorize this type of compensation will only establish precedence over other classification matters that were created pursuant to law.

It is unfortunate that Public Health reorganized the Division of Social Service in October 1, 1985, and classification actions were tabled due to government austerity in January 8, 1987 (E.O. 87-2).



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The Commission, however, held a meeting with Public Health officials on July 15, 1987, to discuss all classification matters relative to their reorganization. Due to a job analysis study conducted by DOA Test Development and Research Branch, among other classification issues, the Commission resumed its classification study on March 30, 1990.

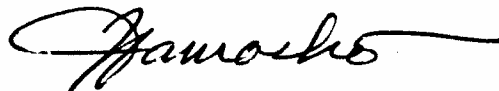
Section 1(d) of the Bill needs further clarification with the findings and recommendations conducted by DOA Personnel Management Division. The Commission ruled for DOA to conduct a reclassification study to properly reallocate each incumbent affected to the newly created classes of positions. It would be erroneous to assume that each incumbent occupying the newly created positions were actually performing the duties and responsibilities since October 1, 1985.

Therefore, it is the Commission's position's that the effective date of reallocation of all employees affected to the new classes of positions be made retroactive to May 2, 1990, the date the Governor created and abolished various classes of position for the Division of Public Welfare, Public Health.

We urge your cooperation in considering the needs of all employees and allowing the CSC to handle this matter consistent with provisions of Title 4, Guam Code Annotated.

Thank you.

Sincerely,



FELIX P. CAMACHO  
Executive Director



Commonwealth Now!

TESTIMONY  
ON BILL 382

BY ELIZABETH SANTOS  
MAY 24, 1991

GOOD AFTERNOON SENATORS.

I AM ELIZABETH M. SANTOS. I HAVE BEEN AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, UNDER THE DIVISION OF PUBLIC WELFARE FOR 20 YEARS. MY PRESENT POSITION TITLE IS THAT OF A "SOCIAL SERVICES FIELD REPRESENTATIVE III", WHICH HAS BEEN FUNCTIONALLY AND COMMONLY REFERRED TO AS "QUALITY CONTROL UNIT SUPERVISOR" SINCE 1985. I AM HERE TO TESTIFY ON BEHALF OF MYSELF AND MY FELLOW WORKERS WHO SUPPORT THE GENERAL PROVISIONS OF THIS BILL. IT IS OUR HOPE AND PRAYER THAT THIS TESTIMONY AND THE TESTIMONY OF OTHERS PRESENTED IN THIS PUBLIC HEARING WILL HELP CONVINCING THOSE OF YOU HERE AND YOUR COLLEAGUES OF THE INJUSTICE THAT MANY OF US HAVE HAD TO WORK UNDER THESE PAST YEARS AND OF THE NEED TO CORRECT AND REDRESS THE INEQUITIES.

0

BILL 382 IS FAIRLY ACCURATE IN ITS BRIEF CHRONOLOGY OF EVENTS DESCRIBING THE ADMINISTRATIVE ACTION TAKEN TO DATE TO ADDRESS OUR PROBLEM, SO THERE IS LITTLE NEED FOR ME TO REPEAT THEM IN MY TESTIMONY. HOWEVER, MANY OF US FEEL THAT MORE NEEDS TO SAID ON THOSE ISSUES WHICH WE BELIEVE CONTRIBUTED IN MANY WAYS TO OUR PLIGHT AND OUR REASON FOR BEING HERE.

WE FEEL IT IS UNFAIR FOR US TO HAVE TO COMPETE FOR THE NEWLY  
CREATED POSITIONS. WHENEVER WE TALK OR DO ANYTHING ABOUT OUR  
RECLASSIFIED POSITIONS, WE ARE REPEATEDLY REMINDED BY THOSE  
IN AUTHORITY IN OUR DEPARTMENT, THE DEPARTMENT OF  
ADMINISTRATION, AND THE CIVIL SERVICE COMMISSION, THAT  
ANY RECLASSIFICATION OF A SUPERVISORY POSITION IS SUBJECT TO  
THE MERIT PROMOTION PROVISION OF THE GOVERNMENT OF GUAM  
PERSONNEL RULES AND REGULATIONS. THIS MEANS THAT BEFORE THE  
POSITION CAN BE FILLED, IT MUST BE ANNOUNCED AND COMPETED FOR  
BY QUALIFIED APPLICANTS; THAT IS, UNLESS THE POSITION IS  
EXEMPTED FROM THIS PROVISION BY THE CIVIL SERVICE COMMISSION.  
THOSE SAME PEOPLE IN AUTHORITY ARE QUICK TO SAY THAT ALTHOUGH  
THE POSITIONS ARE TO BE FILLED COMPETITIVELY, WE (THE  
INCUMBENTS) ARE THE MOST LIKELY CANDIDATES TO BE SELECTED TO  
FILL THE POSITION. ANOTHER WAY OF SAYING THIS IS THAT WE,  
THE INCUMBENTS, HAVE A SLIGHT CHANCE OF LOSING OUR JOBS.  
NO MATTER WHAT THE ODDS ARE, IT IS NOT A COMFORTABLE FEELING  
TO US AND OUR FAMILY KNOWING THAT OUR JOBS ARE UP FOR GRAB.

WE WOULD LIKE FOR THOSE OF US AFFECTED BY THIS PROVISION TO  
BE EXEMPTED. WE HAVE BEEN PERFORMING OUR DUTIES UNDER THE  
1985 REORGANIZATION SATISFACTORILY. SOME OF US HAVE EVEN  
RECEIVED OUTSTANDING PERFORMANCE EVALUATIONS BY OUR  
SUPERVISORS. WE ARE NOT ASKING FOR ANYTHING NEW OR FOR  
SPECIAL FAVORS. WE ONLY ASK THAT WE BE GIVEN EQUAL  
TREATMENT AND CONSIDERATION. IN 1986, THREE DIVISION  
EMPLOYEES WERE IN THE SAME PREDICAMENT. THEY WERE OCCUPYING  
POSITIONS THAT WERE NEWLY APPROVED. BECAUSE THEY WERE  
SUPERVISORY POSITIONS, THEY TOO WERE SUBJECT TO THE MERIT

PROMOTION PROVISION. HOWEVER, IN THEIR CASE, THE CIVIL SERVICE COMMISSION SAW FIT TO EXEMPT THEM FROM THIS PROVISION. BECAUSE OF THE EXEMPTION, (1) THEY DID NOT HAVE TO COMPETE WITH ANYONE FOR THEIR POSITION; (2) THEY WERE GIVEN A STEP-TO-STEP INCREASE; AND, (3) THEY WERE GRANTED RETROACTIVE PAY TO 1985. WE DON'T BEGRUDGE THEM THE EXEMPTION. WE ONLY ASK THAT THE SAME CONSIDERATION BE EXTENDED TO US. WHY SHOULD WE BE ANY DIFFERENT. THE ONLY DIFFERENCE THAT WE CAN SEE BETWEEN THEM AND US IS THEIR RELATIVELY HIGH ADMINISTRATIVE POSITIONS WHICH WE KNOW IS NOT A CRITERIA FOR THEIR EXEMPTION.

I AM NOT CERTAIN AFTER READING BILL 382 THAT OUR CONCERNS ARE ADDRESSED. I WOULD LIKE TO SUGGEST THAT THE FOLLOWING THREE ITEMS BE SPECIFICALLY INCLUDED:

1. EXEMPTION FROM COMPETING FOR POSITION
2. STEP-TO-STEP SALARY INCREASE
3. RETROACTIVE COVERAGE TO OCTOBER 1985

THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO PRESENT MY TESTIMONY. SI YUUS MAASI.

Testimony on Bill 382

My name is Maria E. Medina, Social Services Supervisor for the Bureau of Economic Security, Department of Public Health and Social Services.

I am here to testify in favor of this Bill. The Legislative intent of this bill is true, since Oct. 1985 when the division was reorganized, there were shifting of duties and responsibilities for various staff of the division and in addition there were numerous duties and responsibilities added for staff to perform. For food stamp and public assistance programs some of these added duties and responsibilities are but not limited to:

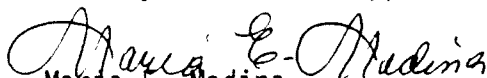
1. learning and understanding both food stamp and public assistance programs. There is a continuous and on-going need to update program policies and procedures as situation arises thus, staff have to cope with these on-going demand of learning and understanding these changes on programs. There are instances wherein policies changes from month to month depending on the federal administrative notice or transmittal action.
2. It is mandatory for staff to learn and operate the computer on-line system. These process are very demanding and requires concentration and skills. There are various policies and action codes that staff has to learn before benefits can be generated through the on-line system.

It is mandatory for the program to conduct income verification thru computer system using participants social security number.

3. There is a growing demand for staff to conduct client orientation, public speaking, radio and T.V interview in order to inform recipients of their rights and responsibilities and the penalty sanction under the programs.
4. staff have to learn social work and investigative skills for interviewing clients in order to get accurate and true information for determining eligibility for the programs.

Another concerns I want to note is that for food stamp and public assistance programs, errors caused by staff are used to determine performance evaluation reports. Staff are monitored both by the public interms of their responsibility towards meeting the client's need and by the federal government in terms of meeting the program accountability.

Thank you for this opporunity and God bless you all.

  
Maria E. Medina  
May 24, 1991

Senator Carl T. O. Sotomayor, Chairman  
Committee on Ways and Means  
Twenty-First Guam Legislature

Dear Chairman and Members of the Committee on Ways and Means:

My name is Mrs. Jacinta T. Reyes, an employee for the Department of Public Health and Social Services. I have served the Government of Guam with the Division of Public Welfare for thirteen years as an Assistance Payment Worker.

Through out the years, the Division of Public Welfare has grown in Programs both Local and Federal. It also has participated in large number of clientele (participants). My responsibilities for Assistance Payment Worker has increased and expanded tremendously, aside from the constant changes in programs policies and procedures.

The demands for the services of an Assistance Payment Worker are great and overwhelming, however, the number of staff (work force) remained the same. So that each worker was over extending themselves thinly in order to serve the ever increasing number of program clients. Not to mention also the constant changes in programs policies and procedures.

As of April 1991, the Medically Indigent Program and the Catastrophic Illness Assistance Program has a staff of six Assistance Payment Workers for Eligibility Determination providing services to 4,810 recipients. Food Stamps has a staff of twenty-three with a total of 11,119 recipients and the Public Assistance Program has a staff of twelve with 3,451 recipients. This gives you a total of 21,363 recipients served by only 41 employees at an average of 521 recipients per worker.

With these many people that we serve every month, you can't imagine the frustration and the risks we go through everyday, may it be our life or our health. We are faced with language barrier from the different ethnic groups, and are subjected to both physical and verbal abuses such as: 1. obscene name calling, 2. deflating tires of workers vehicles, 3. vehicles being stolen, 4. objects thrown at workers, 5. ripping off the clothes of worker, and 6. threatening to shoot worker. These incidents affect not only us, as Assistance Payment Workers, but also our families.



Pursuant to Executive Order 78-04 of the Equal Employment Opportunity Title 6 and 7 of the Civil Rights of 1964 and the Equal Work and Equal Pay Act of 1963, the Government is committed to fair and impartial treatment of all in the services provided by Government of Guam employees in its programs and activities. It also committed equal employment opportunity and practices based on non merit factors and the actual fitness of person in relation to specific jobs without discrimination on non-merit factors for employment within Government of Guam.

I strongly believe that the present salaries given to Residence Payment Workers is not comparable to their work responsibilities.

Based on the above, we are, therefore, requesting that Bill 1985 be hereby approved, retroactive to October 1, 1985.

We are public servants. We deserve equal employment opportunity. Thank You



AGANA, GUAM 96910  
GOVERNMENT OF GUAM  
DEPARTMENT OF ADMINISTRATION  
(DIPATTAMENTON ATMENESTRASION)  
DIRECTOR'S OFFICE  
(UFISINAN DIREKTOT)

Post Office Box 884 \* Agana, Guam 96910  
TEL: (671) 475-1101/1136 \* FAX: (671) 477-6788

MAY 28 1991

*file  
fcb*

The Honorable Carl T.C. Gutierrez  
Chairman  
Committee on Ways and Means  
21st Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

RE: Bill No. 382, Department of Public  
Health and Social Services

Dear Chairman Gutierrez:

Thank you for the opportunity to comment on this bill. Submitted for your disposition is written testimony on our analysis of Bill 382, an act to create and abolish certain classified positions in the Department of Public Health and Social Services; upgrading incumbent employees as provided in the department's Fiscal Year 1991 staffing pattern; and appropriating two million five hundred seventy thousand seven hundred fifty-two dollars (\$2,570,752) for implementation of these changes.

The Division of Public Welfare was re-organized on October 1, 1985. At the request of the Department of Public Health and Social Services, this office requested for the creation and abolishment of certain positions within the division on January 28, 1987. However, due to Executive Order 87-2, no action was taken. The document was again submitted on December 21, 1989. However, due to the changes in the routing procedures the document was to be submitted a third time, effective April 17, 1990.

The Governor approved the request on May 2, 1990. Concurrently, the Civil Service Commission Board approved the creations and abolishments on June 1990. These positions are referenced within Section 1(b) and appear to be intended for recreation effective October 1, 1985. However, to retroactively create the positions conceptually contradicts Subsection 6210, Title IV, Guam Code Annotated, whereby the Governor possesses the authority to create positions. The government must be consistent in its application of the statutes.



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Page 2

C.TC.GUTIERREZ - Comment on Bill 382

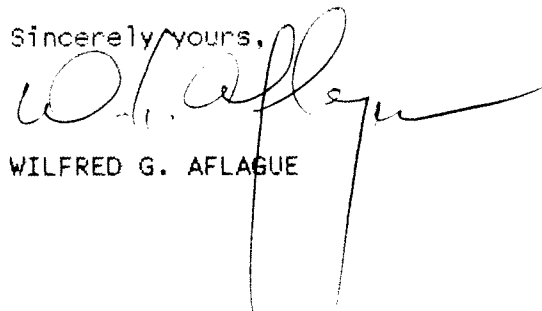
With respect to Section 1(d), this office is concerned with its intent. As stated...."the following employees shall be upgraded pursuant to the proposed staffing pattern submitted by the department....". There is no merit to this concept. There is no assurance that the affected incumbents were performing the duties and responsibilities of the illustrated positions. Arbitrarily promoting employees to anticipated positions defies the current Personnel Rules and Regulations. It in no way portrays the concept of equal pay for equal work. In order to properly promote (upgrade), strict adherence to the merit system must be followed - be it recruitment efforts or the classification process.

The Classification Review of the Division of Public Welfare (copy attached) dated May 20, 1991, does not totally concur with Section 1(d). Our assessment is based on a position analysis and is in compliance with the rules and regulations. It is a fair and unbiased report of the positions.

As for the effective date, Public Law 18-40;24, prohibits the retroactive payment of salary increases from the date of authorization, unless specified by law. The Department of Administration is not in support of the retroactivity of Bill 382 to October 1, 1985. The period dating to October 1, 1985 is so far removed that it is difficult to accurately ascertain the duties and responsibilities performed by the incumbents. However, our office is in favor of approving the Classification Report retroactive to the date the Civil Service Commission Board created the respective positions--June 1990. Reason being, the findings generated as a result of the audit represents the period the classification analysis was verified.

Once again, thank you for the opportunity to comment on this bill.

Sincerely yours,



WILFRED G. AFLAGUE

Attachments



GOVERNMENT OF GUAM  
AGANA GUAM 96910

COPY

DEPARTMENT OF ADMINISTRATION  
(DIPATTAMENTON ATMENESTRASION)  
DIVISION OF PERSONNEL MANAGEMENT  
(DIBISION MANMANEHAN EMPLEHAO)  
Post Office Box 884 \* Agana, Guam 96910  
TEL: (671) 475-1288/1154 \* FAX: (671) 477-7100

MAY 20 1991

Memorandum

To: Director, Department of Public Health & Social Services  
From: Administrator, Division of Personnel Management  
Subject: **Classification Results**  
**RE: Division of Public Welfare:**  
**Bureau of Health Care Financing;**  
**Bureau of Economics Security;**  
**Bureau of Management Support**

This is in reference to your classification request dated November 28, 1990. Desk audits were conducted with the duties and responsibilities verified by the respective immediate supervisors. Our findings follow:

<u>NAME/POSITION TITLE/PAY RANGE</u>	<u>POSITION REALLOCATED TO/PR</u>
Assistance Payment Worker I/PR 23	
Cornelia S.N. Asanoma	Eligibility Specialist I/PR 26
Bernadette A.S. Marcelo	Eligibility Specialist I/PR 26
Josephine M. Taimanglo	Eligibility Specialist I/PR 26

CLASSIFICATION REVIEW:

In their respective programs under the Bureaus of Health Care Financing or Economic Security, incumbents Asanoma, Marcello and Taimanglo are tasked to perform the following technical duties and responsibilities under close supervision:

- Receive and review applications;
- conduct interviews with applicants;
- analyze and evaluate information;
- analyze quality control case review findings and prepare responses on corrective action taken;
- compute entitlement amounts;



PHSS - Class. Results Health Care Financing; Economics Security; Mgmt. Support

- prepare monthly production reports;
- entertain client concerns and grievances;
- maintain and update case files and program manuals as changes occur; and
- perform other duties as required.

<u>NAME/POSITION TITLE/PAY RANGE</u>	<u>POSITION REALLOCATED TO/PR</u>
Armando L. Sarmiento/Assistance Payment Worker I/PR 23	Claims Specialist II/PR 28

**CLASSIFICATION REVIEW:**

Under the Bureau of Health Care Financing, Mr. Sarmiento performs the following tasks:

- Determines type and level of care provided to in-patients;
- performs first level medical review;
- codes complex diseases/conditions;
- prepares Catastrophic Illness Assistance Program (CIAP) medical claims;
- explains billing procedures to recipients and service providers;
- updates claims; and
- performs other duties as required.

<u>NAME/POSITION TITLE/PAY RANGE</u>	<u>POSITION REALLOCATED TO/PR</u>
Assistance Payment Worker II/PR 26	
Ben P. Andres	Eligibility Specialist II/PR 30
Pelagia M. Barrogo	Eligibility Specialist II/PR 30
Anne M. Castro	Eligibility Specialist II/PR 30
Martha S.N. Crisostomo	Eligibility Specialist II/PR 30
Edna A. Cruz	Eligibility Specialist II/PR 30

- prepare claim determination reports;
- prepare restoration forms;
- prepare appropriate referrals to various departments, agencies, and other program linkages;
- prepare monthly production reports;
- entertain client concerns and grievances;
- maintain and update case files and program manuals as changes occur; and
- perform other duties as required.

<u>NAME/POSITION TITLE/PAY RANGE</u>	<u>POSITION REALLOCATED TO/PR</u>
Leonor C. Fernandez/Assistance Payment Worker II/PR 26	Claims Specialist II/PR 28

CLASSIFICATION REVIEW:

Ms. Fernandez is currently assigned to the Bureau of Health Care Financing and performs the following:

- Determines type and level of care provided to in-patients;
- performs first level medical review;
- codes complex diseases/conditions;
- prepares Catastrophic Illness Assistance Program (CIAP) medical claims;
- explains billing procedures to recipients and service providers;
- updates claims; and
- performs other duties as required.

PHSS - Class. Results Health Care Financing; Economics Security; Mgmt. Support

- prepares claim determination reports;
- prepares restoration forms;
- prepares appropriate referrals to various departments, agencies, and other program linkages;
- prepares monthly production reports;
- entertains client concerns and grievances;
- maintains and updates case files and program manuals as changes occur; and
- performs other duties as required.

<u>NAME/POSITION TITLE/PAY RANGE</u>	<u>POSITION REALLOCATED TO/PR</u>
Assistance Payment Worker III/PR 29	
Evelyn R. Alba	Eligibility Specialist Supervisor/PR 36
Sarah Q. Manejero	Eligibility Specialist Supervisor/PR 36
Jacintha T. Reyes	Eligibility Specialist Supervisor/PR 36
Delfina Sta. Romana	Eligibility Specialist Supervisor/PR 36
Felicita Q. Taitano	Eligibility Specialist Supervisor/PR 36
Darlene V. Unpingco	Eligibility Specialist Supervisor/PR 36
Francisca C. Untalan	Eligibility Specialist Supervisor/PR 36

**CLASSIFICATION REVIEW:**

In their respective programs under the Bureaus of Health Care Financing or Economic Security, incumbents Alba, Manejero, Reyes, Romana, F.Taitano, Unpingco and Untalan, are tasked to perform the following supervisory duties and responsibilities.

- Supervise Eligibility Specialists;
- review case actions;
- review referral responses to various departments and agencies and other program linkages;
- conduct mass screenings;
- conduct agency conferences and assist in fair hearings;

CLASSIFICATION REVIEW:

Ms. Roldan is presently assigned to the Bureau of Health Care Financing and performs the following major duties and responsibilities:

- Supervises the non-institutional claims processing unit;
- determines appropriateness and necessity of services provided by medical service providers;
- conducts on-site utilization reviews of all clients participating in the health care financing programs;
- plans, develops, and maintains utilization control review procedures;
- establishes parameters, criteria, and standards of utilization review reports;
- performs pre-payment and post-payment utilization review of claims;
- analyzes utilization review reports;
- administers the policies and procedures of health care financing programs;
- coordinates off-island medical care referrals;
- plans computer system development with appropriate personnel;
- reviews requests for off-island treatment;
- counsels recipients found to be over utilizing services;
- prepares statistical and other reports; and
- performs other duties as required.

NAME/POSITION TITLE/PAY RANGE

POSITION REALLOCATED TO/PR

Belta N. Paulino/Social Services Field  
Representative I/PR 25

Quality Control Reviewer II/PR 34



- conduct surveillances;
- conduct further investigations on cases referred for administrative disqualification and prosecution hearings;
- maintain case file records; and
- perform other related duties as assigned.

<u>NAME/POSITION TITLE/PAY RANGE</u>	<u>POSITION REALLOCATED TO/PR</u>
Social Services Field Representative II/PR 30	
Patricia T. Benavente	Quality Control Reviewer II/PR 34
Dolores B. Blas	Quality Control Reviewer II/PR 34
Bernadita S. Castro	Quality Control Reviewer II/PR 34
Catherine M. Cruz	Quality Control Reviewer II/PR 34
Anna L. Naputi	Quality Control Reviewer II/PR 34
Maria F. Pangelinan	Quality Control Reviewer II/PR 34
Maria T. Santos	Quality Control Reviewer II/PR 34
Florentina C. Taitague	Quality Control Reviewer II/PR 34
Servia D. Tolentino	Quality Control Reviewer II/PR 34

**CLASSIFICATION REVIEW:**

Under the Quality Control Section, Bureau of Management Support, incumbents P.Benavente, Blas, B.Castro, C.M.Cruz, Naputi, Pangelinan, Santos, Taitague and Tolentino, perform the following duties and responsibilities:

- Verify the issuance of public welfare assistance;
- conduct field investigations;
- record all findings, analysis, and verifications;
- ensure the accuracy of recipients level of benefits;
- code all deficiencies in the Integrated Review Schedule;
- prepare case finding reports; and
- perform other related duties as assigned.

**CLASSIFICATION REVIEW:**

Ms. Chaco, Ms. Diaz, and Ms. Santos are currently assigned to the Quality Control Section, Bureau of Management Support, and are tasked to perform the following supervisory duties and responsibilities:

- Supervise the analysis and evaluation of welfare cases;
- ensure the compliance of federal and local policies;
- review the codes of the Integrated Review Schedules;
- edit case findings;
- attend quality control and policy review committee meetings;
- input National Integrated Quality Control data;
- prepare monthly case reports;
- coordinate with Region IX staff; and
- perform other related duties as assigned.

<b><u>NAME/POSITION TITLE/PAY RANGE</u></b>	<b><u>POSITION REALLOCATED TO/PR</u></b>
Social Services Field Representative III/PR 34	
Julia P. Dela Cruz	Deferred
Jesus R. Zamora	Deferred

**FINDINGS AND RECOMMENDATIONS:**

A. **DUTIES AND RESPONSIBILITIES:**

The duties and responsibilities performed by Ms. Asanoma, Ms. Marcelo and Ms. Taimanglo are indicative of an Eligibility Specialist I position.

Messrs. Alforque, Andres, Dizon, Lujan, W.Mantanona, Ms. Pilarca, Ms. Barrago, Ms. A.Castro, Ms. Crisostomo, Ms. E.Cruz, Ms. F.Cruz,

240 days. The incumbents must be reverted to their respective permanent duties and responsibilities. Re-audits may then be conducted.

B. RULES AND REGULATIONS:

Reallocations of Messrs. Dizon, Laygo, Lujan, W.Mantanona, Ms. Barrogo, Ms. A. Castro, Ms. Crisostomo, Ms. E.Cruz, Ms. F.Cruz, Ms. T.Cruz, Ms. Diaz, Ms. Duenas, Ms. Galman, Ms. Jardeleza, Ms. Lee, Ms. Lizama, Ms. Mafnas-Viloria, Ms. Malanum, Ms. Manila, Ms. Miner, Ms. Ong, Ms. Perez, Ms. Rojas, Ms. Taijeron, Ms. Taitano, Ms. Tejada, Ms. Concepcion, Ms. Fernandez, Ms. Adkins, Ms. Javier, Mr. M. Mantanona, Ms. P.Benavente, Ms. Blas, Ms. B.Castro, Ms.C.M.Cruz, Ms. Naputi, Ms. Pangelinan, Ms. Santos, Ms. Taitague, Ms. Tolentino, Mr. Angoco, Ms. Y.Benavente, Ms. Manglona, Ms. Materne, Ms. Parke, to their respective positions are proper, based on the gradual accretion of duties and responsibilities, pursuant to Rule 12.11(a) of the current Personnel Rules and Regulations.

C. QUALIFICATION REQUIREMENTS:

Messrs. Dizon, Laygo, Lujan, Angoco, W.Mantanona, M. Mantanona, Angoco, Ms. Barrogo, Ms. A.Castro, Ms. Crisostomo, Ms. E.Cruz, Ms. F.Cruz, Ms. T.Cruz, Ms. Diaz, Ms. Duenas, Ms. Galman, Ms. Jardeleza, Ms. Lee, Ms. Lizama, Ms. Mafnas-Viloria, Ms. Malanum, Ms. Manila, Ms. Miner, Ms. Ong, Ms. Perez, Ms. Rojas, Ms. Taijeron, Ms. Taitano, Ms. Tejada, Ms. Concepcion, Ms. Fernandez, Ms. Adkins, Ms. Javier, Ms. P.Benavente, Ms. Blas, Ms B.Castro, Ms. CM Cruz, Ms. Naputi, Ms. Pangelinan, Ms. Santos, Ms. Taitague, Ms. Tolentino, Ms. Y.Benavente, Ms. Manglona, Ms. Materne and Ms. Parke meet the minimum qualification requirements of their respective positions as reallocated.

Ms. Asonoma, Ms. Taimanglo and Ms. Marcelo do not meet the minimum qualification requirements for the Eligibility Specialist I position. Ms. Asonoma, Ms. Taimanglo, and Ms. Marcelo will qualify for the position by August, 1991, April, 1992 and July, 1992, respectively, provided that they perform the same duties and responsibilities.

Mr. Andres, Ms. Pilarca and Mr. Aflorque do not meet the minimum qualification requirements for the Eligibility Specialist II position. Mr. Andres, Ms. Pilarca, and Mr. Aflorque will qualify

Page 17

PHSS - Class. Results Health Care Financing; Economics Security; Mgmt. Support

Your attention to this matter is appreciated.



JOHN G. SALAS

cc: DOPM chrono  
Classification

DCA chrono

EMFLORIG/RANAPUTI:etlg  
April 13, 16,  
May 8, 14, 20, 1991

APW.AUD/FINAL2

Bill No. 382 (COR)

Introduced by:

JUN 04 91  
*C. T. C. Gutierrez*  
C. T. C. GUTIERREZ  
*Dave Stumpp*  
*John Aguirre*

AN ACT TO CREATE AND ABOLISH CERTAIN CLASSIFIED POSITIONS IN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, UPGRADING INCUMBENT EMPLOYEES AS PROVIDED IN THE DEPARTMENT'S FY 1991 STAFFING PATTERN AND APPROPRIATING TWO MILLION FIVE HUNDRED SEVENTY THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$2,570,752) FOR IMPLEMENTATION OF THESE CHANGES.

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

2 Section 1. (a) Legislative Intent. The Legislature finds that the Division of  
3 Public Health and Social Services was reorganized effective October 1, 1985, creating  
4 five (5) bureaus, i. e. Management Support, Economic Security Administration,  
5 Social Service Administration, Health Care Financing Administration, and  
6 Investigation and Benefits Recovery. The latter was later abolished as the Child  
7 Support Enforcement Office was transferred to the Department of Law on March 1,  
8 1991.

9 The reorganization resulted in a shifting of duties and responsibilities for  
10 various personnel in the Division of Public Welfare.

11 The Department of Administration requested the Civil Service Commission  
12 to create and abolish positions to accommodate the different responsibilities of  
13 persons in the Division on January 28, 1987. Action was tabled due to government  
14 austerity measures put into effect by Executive Order 87-2.

15 Due to passage of time, the request to create and abolish positions was  
16 resubmitted on December 21, 1989.

1 Due to lost memorandum, the Director of Public Health and Social Services  
2 resubmitted the Department's request to the Governor for approval pursuant to 4  
3 GCA §6210 on march 30, 1990.

4 The Civil Service Commission by memoranda dated July 26, 1990 (90-588) and  
5 August 8, 1990 (90-643), approved the creation of the new positions needed and  
6 abolishment of old positions which are no longer accurate reflections of the work  
7 performed. No recommendation was made for retroactive compensation and the  
8 individuals affected have only been desk audited by report to be completed May 10,  
9 1991. The individuals affected will have been performing work without proper  
10 compensation from October 1, 1985 until after May 10, 1991.

11 (b) Within the Division of Public Welfare in the Department of Public  
12 Health and Social Services, the following classified positions are created and given  
13 pay ranges as follows:

<u>POSITION TITLE</u>	<u>PAY RANGE</u>
Eligibility Specialist I	26
Eligibility Specialist II	30
Eligibility Supervisor	36
Claims Specialist I	24
Claims Specialist II	28
Claims Specialist III	32
Claims Processing and Utilization Review Officer	46
Public Welfare Investigator I	34
Public Welfare Investigator II	38
Public Welfare Investigation Supervisor	42
Chief of Public Welfare Investigation	49
Quality Control Reviewer I	30
Quality Control Reviewer II	34
Quality Control Supervisor	40

29 (c) Within the Division of Public Welfare in the Department of Public  
30 Health and Social Services, the following classified positions are abolished:

POSITION TITLE

PAY RANGE

1		
2	Assistant Payment Worker I	23
3	Assistant Payment Worker II	26
4	Assistant Payment Worker III	29
5	Social Service Field Representative I	25
6	Social Service Field Representative II	30
7	Social Service Field Representative III	34
8	Medicaid Specialist	44

(d) Within the Department of Public Welfare in the Department of Public Health and Social Services, the following employees shall be upgraded pursuant to the proposed staffing pattern submitted by the Department with the FY 1991 Supplemental Budget request:

BUDGETED POSITIONS

POSITION TITLE

14	6816	Quality Control Supervisor
15	6848	Quality Control Supervisor
16	6817	Quality Control Reviewer II
17	6818	Quality Control Reviewer II
18	6823	Quality Control Reviewer II
19	6847	Quality Control Reviewer II
20	6813	Quality Control Reviewer II
21	6892	Quality Control Reviewer II
22	6909	Quality Control Reviewer II
23	6923	Quality Control Supervisor
24	6804	Quality Control Reviewer II
25	6294	Quality Control Reviewer II
26	6803	Quality Control Reviewer II
27	6952	Public Welfare Investigator III
28	6921	Public Welfare Investigator I
29	6805	Public Welfare Investigator III
30	6808	Public Welfare Investigator III

1	6825	Public Welfare Investigator I
2	6902	Public Welfare Investigator II
3	6903	Public Welfare Investigator II
4	6996	Eligibility Specialist I
5	6944	Eligibility Supervisor
6	6948	Eligibility Specialist II
7	6931	Eligibility Specialist I
8	6926	Eligibility Specialist I
9	6937	Eligibility Specialist II
10	6943	Eligibility Specialist II
11	6992	Eligibility Specialist II
12	6994	Eligibility Specialist II
13	6991	Eligibility Specialist II
14	6920	Eligibility Supervisor
15	6927	Eligibility Supervisor
16	6938	Eligibility Specialist I
17	6940	Eligibility Specialist II
18	6990	Eligibility Specialist II
19	6932	Eligibility Specialist II
20	6854	Eligibility Specialist II
21	6831	Eligibility Supervisor
22	6845	Eligibility Specialist II
23	6838	Eligibility Specialist II
24	6844	Eligibility Specialist I
25	6821	Eligibility Specialist II
26	6819	Eligibility Specialist II
27	6840	Eligibility Specialist II
28	6836	Eligibility Specialist II
29	6827	Eligibility Supervisor
30	6830	Eligibility Supervisor



1	6837	Eligibility Specialist II
2	6945	Eligibility Specialist II
3	6834	Eligibility Specialist II
4	6839	Eligibility Specialist II
5	6929	Eligibility Specialist II
6	6895	Eligibility Specialist II
7	6809	Eligibility Specialist I
8	6883	Claim Specialist III
9	6411	Claims Specialist II
10	6231	Claims Specialist II
11	6842	Claims Specialist II
12	6651	Eligibility Specialist II
13	6653	Eligibility Specialist II
14	6654	Eligibility Supervisor
15	6655	Eligibility Specialist II
16	6656	Eligibility Specialist II
17	6652	Eligibility Specialist II
18	6658	Eligibility Supervisor
19	6227	Eligibility Specialist I
20	6982	Claims Specialist II

21           (e)    The sum of Two Million Five Hundred Seventy Thousand Seven  
22   Hundred Fifty-two Dollars (\$2,570,752) is appropriated from the General Fund to the  
23   Department of Public Health and Social Services to fund the positions created by this  
24   Section effective October 1, 1985.