



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

APR 08 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>Pammy Garcia</i>
Time	<i>3:20 p.m.</i>
Date	<i>4-8-98</i>

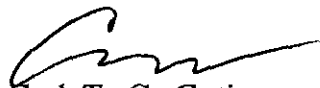
Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 450 (LS), "AN ACT TO ESTABLISH PRIORITY PLACEMENT FOR GUAM TELEPHONE AUTHORITY ('GTA') EMPLOYEES FOR VACANT POSITIONS WITHIN THE GOVERNMENT", which I have **signed** into law today as **Public Law No. 24-150**.

This legislation provides a procedure for transfer of current employees of the Guam Telephone Authority to other government agencies when the Guam Telephone Authority responds to the mandates of recent federal law. The recent changes in federal telecommunications law, which open up the telecommunications field to wide competition, forecasts that the Guam Telephone Authority (GTA) must compete with private sector companies in the offering of a variety of telecommunications services. In order to compete effectively, our government agency, GTA, must either take on the characteristics of a private company, or become a private company.

When the GTA moves to accommodate the changes in federal law, there may be employees of the GTA who do not wish to be part of these changes. Some employees may wish to work in other government of Guam agencies, instead. This legislation ensures that there is a mechanism for transferring employees who chose to transfer to other government agencies.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00728

Office of the Speaker
ANTONIO R. UNPINGCO
Date: *4-8-98*
Time: *1345*
Rec'd by: *[Signature]*
Print Name: *Charlene Pueras*

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

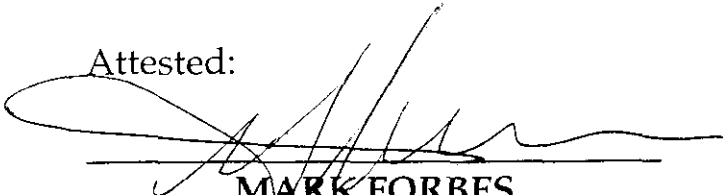
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 450 (LS), "AN ACT TO ESTABLISH PRIORITY PLACEMENT FOR GUAM TELEPHONE AUTHORITY ("GTA") EMPLOYEES FOR VACANT POSITIONS WITHIN THE GOVERNMENT," was on the 25TH day of March, 1998, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



MARK FORBES
Senator and Acting Legislative
Secretary

This Act was received by the Governor this 31st day of March, 1998, at
2:45 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 4-8-98

Public Law No. 24-150

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 450 (LS)

As substituted by the Committee on
Transportation, Telecommunications
and Micronesian Affairs, and as substituted
and amended on the Floor.

Introduced by:

C. A. Leon Guerrero
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO ESTABLISH PRIORITY PLACEMENT
FOR GUAM TELEPHONE AUTHORITY ("GTA")
EMPLOYEES FOR VACANT POSITIONS WITHIN
THE GOVERNMENT.**

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

2 **Section 1. Legislative Findings.** The Guam Legislature finds that
3 according to a consultant's report on privatization options commissioned by the
4 Guam Telephone Authority ("GTA"), the most important issue to GTA
5 employees is the threat they perceive to their jobs. Many employees have
6 expressed great anxiety about their future should GTA be privatized, and believe
7 there is greater stability working for the government. Finding other employment
8 within the government would help alleviate their concerns, and establishing
9 *Priority Placement Procedures* for qualified GTA employees will assist them in
10 finding other government employment. The Guam Legislature further finds that
11 reducing GTA's workforce will have a positive effect on the value of GTA, as a
12 sensitivity model used in the privatization report also states that for every One
13 Dollar (\$1.00) of labor there is a loss of value of Eleven Dollars (\$11.00).

14 **Section 2. Establishment of Policy.** Government agencies, and the
15 Judicial Council of Guam, shall establish *Priority Placement Procedures* that give
16 qualified GTA employees who apply for a vacant position within the
17 government, priority for any positions that become available. In implementing
18 the *Priority Placement Procedures* promulgated by Executive Order Number 87-33,
19 the servicing personnel office at GTA shall forward a *Priority Placement* listing for
20 each affected employee to no more than two (2) personnel offices for placement
21 assistance. If the two (2) personnel offices are unable to place the employee
22 within their respective agencies, it would be the responsibility of the two (2)
23 personnel offices, after consultation with the employee, to forward the
24 employee's *Priority Placement* list to two (2) other personnel offices until the

1 employee is finally placed.

2 **Section 3. Notice of Vacancies.** Government agencies, and the Judicial
3 Council of Guam, shall submit to the GTA Personnel Office a copy of any
4 vacancies or job announcements no later than one (1) working day after
5 publication. The GTA Personnel Office shall post in a conspicuous place copies
6 of any vacancies or job announcements it receives on the same day it receives it.

7 **Section 4. Effective Date.** The *Priority Placement Procedures* described in
8 §2 of this Act shall become effective within thirty (30) days of the enactment of
9 this Act, and shall remain in effect until January 1, 1999.

10 **Section 5. Hiring Freeze.** Effective upon the enactment of this Act and
11 notwithstanding any other provision of law, neither GTA, its Board, management
12 or agents shall hire any new employees, or expend funds for new employees, or
13 hire temporary or limited term employees, or enter into a contract to pay for
14 services for independent contractors, or fill any job vacancy, or permit persons
15 to be temporarily assigned to GTA from any other government department or
16 agency. Exceptions to the above hiring freeze, however, may be made to fill
17 essential positions as shall be determined by the Board.

18 **Section 6. Essential Positions.**

19 (a) *Essential positions and services* shall mean those positions and
20 services which perform functions directly related to the provision of
21 telecommunication services, when the failure to effectively perform such service
22 or in such position will significantly jeopardize telecommunication services in
23 Guam, including, but not limited to, switch operators and cable splicers.

24 (b) The GTA Board of Directors shall establish and certify an
25 Essential Positions and Services List no later than forty-five (45) days after the

1 enactment of this Act.

2 **Section 7. Court Action.** Any resident of Guam may maintain an
3 action in the Superior Court of Guam for a determination by the Court as to
4 whether a position certified as an essential position is, in fact, essential. If the
5 Court determines that GTA was not substantially justified in its determination
6 that the position was essential, the Court shall:

7 (a) terminate the employment *ab initio*;

8 (b) award reasonable attorney fees to the plaintiff to be paid by
9 GTA;

10 The terminated employee shall have no appeal to the Civil Service
11 Commission of the Court's decision. GTA shall not indemnify Board Members
12 who are ordered to repay funds.

17-24-1998



24th Guam Legislature
Sen. Carlotta A. Leon Guerrero

Union Bank Building, Suite 312
194 Hernan Cortez Avenue
Agana, Guam 96910

Tel : (671) **472-3416 / 3418**
Fax : (671) **477-1323**
senclg@kuentos.guam.net

Chairperson :

Committee on
Transportation,
Telecommunications and
Micronesia Affairs

January 16, 1998

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Transportation, Telecommunications, and Micronesia Affairs, to which was referred **Bill No. 450, "An Act to establish Priority Placement for Guam Telephone Authority ("GTA") employees for vacant positions within the government"**, has had the same under consideration, and now wishes to report back with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>15</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee report and all pertinent documents are attached for your information and file.

Sincerely yours,




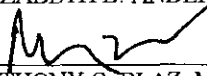
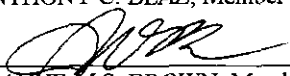
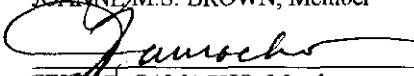
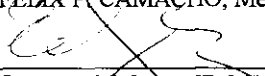
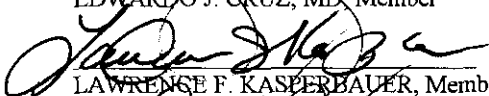


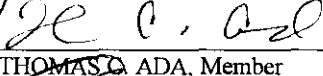
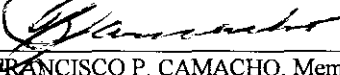
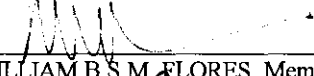



CARLOTTA A. LEON GUERRERO
Chairperson

attachments

Committee on Transportation, Telecommunications and Micronesia Affairs
Twenty-Fourth Guam Legislature

Voting Record

Bill 450, "An Act to establish Priority Placement for Guam Telephone Authority ("GTA") employees for vacant positions within the government."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 CARLOTTA A. LEON GUERRERO, chair	✓	—	—	—
MARK FORBES, Vice-chair	—	—	—	—
 ANTONIO R. UNPINGCO, Ex-officio	✓	—	—	—
 ELIZABETH B. ANDERSON, Member	✓	—	—	—
 ANTHONY C. BLAZ, Member	✓	—	—	—
 JOANNE M.S. BROWN, Member	✓	—	—	—
 FELIX P. CAMACHO, Member	✓	—	—	—
 EDUARDO J. CRUZ, MD, Member	✓	—	—	—
 LAWRENCE F. KASPERBAUER, Member	X	—	—	—
 ALBERTO A.C. LAMORINA, Member	—	—	—	—
 JOHN C. SALAS, Member	✓	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 FRANCISCO P. CAMACHO, Member	✓	—	—	—
 WILLIAM B.S.M. FLORES, Member	✓	—	—	—
 LOU LEON GUERRERO, Member	✓	—	—	—
 VICENTE C. PANGELINAN, Member	—	—	—	—
 FRANCIS E. SANTOS, Member	—	—	—	—

**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

BBMR-F7

Bill Number: 450
Amendatory Bill: No

Date Received: November 25, 1997
Date Reviewed: December 04, 1997

Department/Agency Affected: Guam Telephone Authority
Department/Agency Head: Vincent Arriola, Acting General Manager
Total FY Appropriation to Date: Autonomous

Bill Title (preamble): AN ACT TO ESTABLISH PRIORITY PLACEMENT FOR GUAM TELEPHONE AUTHORITY ("GTA") EMPLOYEES FOR VACANT POSITIONS WITHIN THE GOVERNMENT.

Change in Law: N/A

Bill's Impact on Present Program Funding:
Increase _____ Decrease _____ Reallocation _____ No Change //

Bill is for:
Operations _____ Capital Improvement _____ Other X

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Autonomous	//		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	//					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? Yes - IF NO, ADD'L AMOUNT REQUIRED \$ _____
AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	//					
OTHER						
TOTAL						

ANALYST md DATE 12/04/97 DIRECTOR Joseph Rivera DATE 12/21/97
M. Dizon Joseph E. Rivera, Acting

FOOTNOTES: See attached.

1/

Bill 450 proposes to establish priority placement for Guam Telephone Authority (GTA) employees for vacant positions within the government by requiring government agencies to establish priority placement policies. Furthermore the bill proposes to establish a hiring freeze within GTA.

Placement of GTA employees in current vacant positions in the Executive branch will require additional General fund appropriation to provide for the full funding of the positions. This is necessary because many of the positions were not fully budgeted for the fiscal year.

**COMMITTEE ON TRANSPORTATION, TELECOMMUNICATIONS,
AND MICRONESIAN AFFAIRS**

COMMITTEE REPORT

ON

BILL 450

**“An Act to establish Priority Placement for Guam
Telephone Authority (“GTA”) employees for vacant
positions within the government”**

COMMITTEE MEMBERS

Chairperson: Sen. Carlotta A. Leon Guerrero

Vice-Chairperson: Sen. Mark Forbes

Ex-Officio Member: Speaker Antonio R. Unpingco

Sen. Anthony C. Blaz

Sen. Joanne S. Brown

Sen. Edwardo J. Cruz, M.D.

Sen. Alberto C. Lamorena V

Sen. Thomas C. Ada

Sen. William B.S.M. Flores

Sen. Vicente C. Pangelinan

Sen. Elizabeth Barrett-Anderson

Sen. Felix P. Camacho

Sen. Lawrence F. Kasperbauer

Sen. John C. Salas

Sen. Francisco P. Camacho

Sen. Lou Leon Guerrero

Sen. Francis R. Santos

PUBLIC HEARING SCHEDULE

The Committee on Transportation, Telecommunications, and Micronesian Affairs conducted a Public Hearing on Thursday, December 4, 1997 at 9:00 a.m. in the Public Hearing room of the Guam Legislature Temporary building in Agana.

Committee Members present: Sen. Carlotta A. Leon Guerrero, Chair
Sen. Anthony C. Blaz
Sen. Alberto A. C. Lamorena V
Sen. Thomas C. Ada
Sen. Frank Aguon, Jr.
Sen. Francisco P. Camacho
Sen. Lou Leon Guerrero
Sen. Vicente C. Pangelinan

SUMMARY OF TESTIMONY

The Guam Telephone Authority (GTA) was represented by Interim General Manager Vince P. Arriola. Arriola testified in support of the bill, with recommendations to allow GTA to continue filling essential positions, and to require that job vacancies or announcements be sent to GTA no later than the following day it is published to give GTA employees adequate notice. GTA Privatization Task Force Chairman Clifford Guzman also testified in support of the bill, but sought to delay its implementation until such time as employees have been given the opportunity to fully participate in the development of the goals and objectives of the move toward a new strategic partnership for GTA. Department of Administration Director Michael Reidy testified that there are existing priority placement procedures that were promulgated by Executive Order 87-33, and recommended that language be included in the bill to require the GTA personnel office to forward a priority placement listing for each affected employee to no more than two personnel offices for placement assistance. If the two personnel offices are unable to place the employee, it would be the responsibility of those two offices, after consultation with the employee, to forward the employee's priority placement list to two other personnel offices until the employee is placed. Agency for Human Resources Development Director William Cundiff testified that many employees of GTA are in specialized positions that may not have equivalents elsewhere in the government. He recommends establishment of a cross training program to qualify them for other jobs. GTA Privatization Task Force Chairman Guzman said GTA is currently developing such a program.

COMMITTEE FINDINGS

The Committee finds that there is general support for establishing a priority placement policy for GTA employees in light of the anticipated privatization of GTA. Many GTA employees have expressed a desire to remain with the government, and because of the unprecedented privatization of this public utility, the committee finds that

a policy which specifically gives GTA employees priority is warranted. The committee further finds that reducing the GTA workforce enhances the value of GTA, which would benefit the government and the taxpayers in the event of a sale of GTA. The committee also finds that imposing a hiring freeze on entry-level positions at GTA will further prevent the erosion of GTA's value.

COMMITTEE RECOMMENDATION

The Committee on Transportation, Telecommunications, and Micronesia Affairs hereby reports out Bill No. 450 to the Twenty-Fourth Guam Legislature with the recommendation **To Pass**.

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs


Senator Mark Forbes, Chairman



DEC 02 1997

MEMORANDUM

TO: Chairperson
Committee on Transportation, Telecommunications and Micronesian
Affairs

FROM: Chairman 
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 450

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



Post Office Box 9008 • Tamuning, Guam 96931 • Telephone: (671) 646-1427/5527 • Fax: (671) 649-GTA1(4821)
624 North Marine Drive, Tamuning, Guam 96911

December 4, 1997

Senator Carlotta Leon Guerrero
Chairperson, Committee on Transportation,
Telecommunications & Micronesian Affairs
24th Guam Legislature
155 Hesler Street
Agana, Guam 96932

Hafa Adai and Greetings from the Guam Telephone Authority:

Madame Chair, Members of the Committee my name is Vincent P. Arriola, Interim General Manager of the Guam Telephone Authority. On behalf of the Board of Directors, management, and dedicated staff, I thank you for the opportunity to provide you with GTA's views with regard to Bill 450.

First of all, Madame Chair, you and I share a common interest with the Authority and that is the welfare of the employees of the Guam Telephone Authority. I extend my sincerest appreciation to you for the concern and support you have shown since the onset of our efforts towards privatization.

GTA supports the intent and the purpose of Bill 450. Bill 450 is definitely a step towards ensuring the employees of the Authority have every opportunity to integrate into vacant positions within the Government of Guam. Bill 450 recognizes that the




employees of GTA, or for that fact, any company in a similar industry, are its biggest asset. These individuals have been and still are the backbone of the Authority.

As I understand, there is currently an approved process in which government employees have the opportunity to transfer laterally from one agency to another, essentially retaining their position, title, and pay grade. This bill, as proposed, would give preferential hiring and filling of vacancies to GTA employees assuming they meet all employment requirements. While this may affect GovGuam employees in other departments, I believe it is important to understand that this process of privatizing GTA is a monumental effort that will have fairly significant impacts throughout the government. For this reason, we are prepared and committed to assist GTA employees in transferring to other government agencies should they so desire.

At this point, GTA is doing everything possible to keep its employee level at a minimum. However, GTA cannot neglect the fact that critical areas do exist. It is imperative that essential positions are filled to ensure the level of service GTA provides is properly maintained. As you are aware, GTA is bound by the Civil Service Commission (CSC) rules and regulations on reassigning employees within the Authority. To reassign employees from one area to fulfill the job responsibilities of positions where we are short-handed would be in violation of CSC regulations. Not filling these critical positions may have a definite impact on operations. Mindful of the intent to maintain a lean workforce, I am committed to working with the committee in addressing this issue.

Madame Chair and members of the committee, I assure you that the employees of the Guam Telephone Authority are not only qualified but are hard working, dedicated and professional employees. Their expertise and experience are evident in the telecommunications successes our island has come to enjoy for the past 23 years. I am confident that should they opt to remain with the Government of Guam, they will continue to contribute the same, if not more, to our government and to public service. I am grateful that you Madame Chair and the members of this committee recognize that these employees deserve to be treated fairly. On an administrative note, should Bill 450 become law, I believe vacancies/job announcements should be sent to GTA no later than the following day it is published to give every employee adequate notice and an equal chance to apply.

On behalf of the Guam Telephone Authority, I again support Bill 450, and I look forward to working with you to bring Bill 450 to fruition. Thank you and Si Yu'os Ma'åse'.


VINCENT P. ARRIOLA
Interim General Manager

Testimony on Bill # 450
to the
Committee on Transportation,
Telecommunications and Micronesian Affairs

by
Clifford A. Guzman,
Chairman, GTA Privatization Task Force

Buenas Dias Madam Chair and members of the Legislative Committee on Transportation, Telecommunications and Micronesian Affairs.

My Name is Clifford A. Guzman and I come to you in my capacity as Chairman of the GTA Privatization Task Force. I am here on behalf of the Task Force to indicate our position relative to Bill # 450, "An Act to establish priority placement for Guam Telephone Authority employees for vacant positions within the Government."

Let me say at the onset that we fully support the intent and the spirit of the Bill. We applaud the efforts of Madam Chair and this Committee in helping us to develop as many options as possible for the employees of GTA in the wake of the Telecommunications Act of 1996. In our recent employee forums held just two weeks ago, there was strong concern indicated by the employees relative to their ability to transfer to other government Agencies should they decide to remain in with the Government of Guam.

To this end, the Task Force is presently working with the Civil Service Commission in identifying comparable positions and salary structures within other agencies. This information will be disseminated to the employees as early as next week to give them an idea of options within the Government as we move forward in our efforts.

Presently the employees of GTA or any employee of the Government of Guam for that matter, has the right to request a transfer to another department or agency provided that there is a comparable position available and they qualify for that position. Although this would cover the majority of the employees relative to lateral transfers, there are in fact some positions within GTA that are specialized and particular to GTA alone.

The Task Force is presently working with the Agency for Human Resources Development to develop a cross training program for those specialized positions as well as for those employees who would like to increase their value to the government should they elect to transfer.

I would also like to ask that consideration be given by this committee to delay the implementation of this Bill until such time as the employees have been given the opportunity to fully participate in the development of the goals and objectives of our move towards a new strategic partnership for GTA. Optimally, all employees should be given the opportunity and the right to decide whether any new partnership would provide them with better options than they might realize as an employee of the Government. It is entirely possible that whatever agreement is reached with a private entity in the future may result in a gain for some employees and better opportunities for advancement and career development in the exciting field of telecommunications.

There are other considerations that should be noted toward the further development of this Bill, and I will defer to GTA's management, the Civil Service Commission, the Department of Administration and AHRD present them.

There is no doubt that change is being forced upon GTA as a result of the Telecommunications Act of 1996. In fact, already there are indications that private telecommunications companies have full intentions of providing local exchange services beginning next year. Indeed, they are already knocking on the door of GTA's largest customers and have at this point in time already competed for and won maintenance contracts that were once GTA's. This will severely jeopardize the bottom line for GTA and its ability to meet its obligations to its creditors and its employees.

The Privatization Task Force is working diligently and with great urgency to develop a plan for a strategic partnership that acknowledges and protects the value and rights of all GTA employees. Bill # 450 will provide them with yet another option that they can count on as we move forward to maintain their value in the wake of these changes. Once again, on behalf of the Privatization Task Force, we support the intent of this Bill and respectfully request that the committee carefully review any provisions that might unnecessarily prevent GTA's employees from discovering all their individual options before they elect to remain in Government.

Si Yu'us Ma'ase for this opportunity to testify. I am now open to any questions the Committee may have for me.



GOVERNMENT OF GUAM
AGANA, GUAM 96932

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIVISION OF PERSONNEL MANAGEMENT
(DIBISION MANMANEHAN EMPLEHAO)
Post Office Box 884 • Agana, Guam 96932
Tel.: (671) 475-1132/1288 • Fax: (671) 477-7100

Carl T.C. Gutierrez
Governor

Madeleine Z. Bordallo
Lieutenant Governor

CW 12/4/97

December 3, 1997

Senator Carlotta A. Leon Guerrero
Chairperson, Committee on Transportation
Telecommunications and Micronesian Affairs
Union Bank Building, Suite 312
194 Herman Cortez Avenue
Agana, Guam 96910

REF: COMMENTS ON BILL NO. 450

Dear Senator Leon Guerrero:

Hafa Adai! Thank you for the opportunity to comment on Bill NO. 450, an act to establish priority placement for Guam Telephone Authority (GTA) employees for vacant positions within the Government.

We support the intent of Bill 450 to minimize the adverse effect on employees caused by actions required for the effective management of government functions. However, we recommend that Section 2 of the Bill, Establishment of policy, be removed since there already is an existing priority placement procedure for all departments, bureaus, agencies commissions, or other instrumentalities under the executive branch which was promulgated through Executive Order 87-33 by Governor Joseph F. Ada on September 21, 1987 (copy enclosed).

We find the existing priority placement procedures to be thorough and applicable to the current situation with the Guam Telephone Authority. Furthermore, to ensure that a coordinated effort takes place between GTA's servicing personnel office and the personnel office of other agencies and instrumentalities, we recommend the following language to be included in the Bill:



PAGE 2

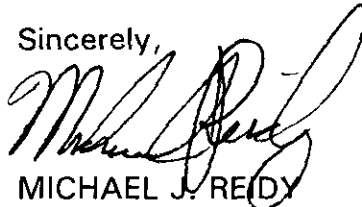
RE: COMMENTS ON BILL NO. 450

"In implementing the Priority Placement Procedures promulgated by Executive Order 87-33, the servicing personnel office (GTA) shall forward a Priority Placement Listing for EACH affected employee to no more than TWO personnel offices for placement assistance. If the two personnel offices are unable to place the employee within their respective agencies, it would be the responsibility of the two personnel offices, after consultation with the employee, to forward the employee's priority placement list to two other personnel offices until the employee is finally placed."

We believe the above procedure will provide for a more orderly placement of employees by referring them initially to the first two agencies they would prefer or most likely be placed in due to their qualifications and experience. It would only create confusion amongst personnel offices if a priority placement listing of all employees is forwarded to all personnel offices at one time for placement without some coordinated effort.

If we can be of further assistance regarding the above recommendation, please let us know. Once again, thank you for the opportunity to provide comments. Dankolo Na Si Yu'os Ma'ase.

Sincerely,



MICHAEL J. REIDY

Director, Department of Administration

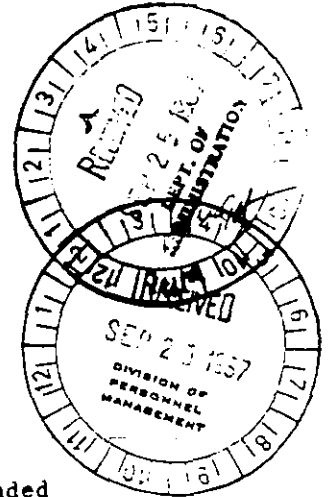
Enclosure



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

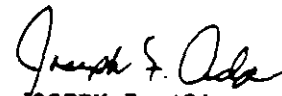
EXECUTIVE ORDER NO. 87-33

PRIORITY PLACEMENT PROCEDURES

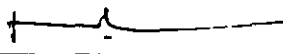


- WHEREAS, Section 8 of Public Law 17-4, as amended by Section 13 of Public Law 17-5, provides that there shall be no reduction in force by any Government of Guam department, bureau, or agency, which includes autonomous agencies or other instrumentalities of the Executive Branch of the Government of Guam, until such time that a layoff, demotion, or salary reduction procedure is adopted by the Civil Service Commission and implemented by a department, bureau, agency, or instrumentality; and
- WHEREAS, the Civil Service Commission has duly adopted the procedures for layoff, demotion, and salary reduction on May 31, 1984; and
- WHEREAS, the Civil Service Commission has determined a need to establish a priority placement procedure in order to promote stability of employment for employees affected by changing manpower requirements, to provide maximum opportunity for placement in the Executive Branch of the government and to minimize the adverse affects on employees caused by actions required for the effective management of government such as, but not limited to consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction-in-force; and
- WHEREAS, the Civil Service Commission has duly adopted the Priority Placement Procedure on September 10, 1987.
- NOW, THEREFORE, I, JOSEPH F. ADA, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam and laws of Guam, do hereby order as follows:
1. The attached Priority Placement Procedure duly adopted by the Civil Service Commission, is hereby promulgated.

SIGNED AND PROMULGATED at Agana, Guam this 21st day of September, 1987.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:


FRANK F. BLAS
Lieutenant Governor

PRIORITY PLACEMENT PROCEDURE

I. POLICY:

It is the policy of the Government of Guam to promote stability of employment for employees affected by changing manpower requirements and to provide maximum opportunity for placement in the Executive Branch of the government. Consistent with this policy, a strong Priority Placement Procedure shall be maintained to minimize the adverse affects on employees caused by actions required for the effective management of government such as, but not limited to, consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction-in-force.

II. COVERAGE:

A. Departments and Agencies

This procedure is applicable to all departments, bureaus, agencies, commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the Government.

B. Employees

This procedure covers all probationary and permanent classified employees who are to be or have been issued notice of impending demotion or separation due, but not limited to, consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction-in-force.

III. RESPONSIBILITIES:

A. All department and agency heads shall assure efficient operations of these procedures within their respective department/agency and shall insure that all managers, supervisors and department officials comply with these procedures.

B. Annually, all department and agency heads shall issue a written statement of support to their employees for these procedures and shall insure that all managers and supervisors comply with these procedures, and that employees are notified with respect to these procedures.

C. All personnel offices are responsible for the effective administration of these placement procedures, for counseling employees on the provisions of these regulations, and for informing department heads, managers, supervisors, and employees on the placement requirements.

- D. Affected employees shall be responsible for notifying the respective personnel office of any changes to their employment status i.e., availability, latest address and telephone number, lowest acceptable salary, etc.
- E. The Civil Service Commission shall monitor and enforce compliance of these procedures.

IV. ADVANCE PLANNING:

Whenever a consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction-in-force occurs within a department or agency, the following actions shall be carried out:

- A. The department/agency head shall immediately inform, in writing, the servicing personnel office of the positions impacted and the number of employees affected. A copy of the notice shall be provided to all other personnel offices within the Executive Branch and to the Civil Service Commission.
- B. Immediately upon receipt of notice, all other personnel offices shall forward the servicing personnel office and the Civil Service Commission a listing of all position vacancies. Position vacancy listings shall continue to be provided on a monthly basis as long as there are employees on the Priority Placement List who have not been matched to appropriate positions.

V. DURING THE NOTICE PERIOD:

- A. The servicing personnel office shall be responsible for the following actions:
 - 1. Obtain from each affected employee a list of positions, but not more than ten, to which they wish to be considered, to include the lowest pay range acceptable, and a completed application form. Affected employees, in determining this listing, shall be provided a copy of the position vacancy listing.
 - 2. Review applications of employees to determine qualifications to positions identified for consideration.

3. Based on positions identified by affected employees, establish and forward a Priority Placement Listing to all personnel offices for placement assistance.
 4. Immediately upon receipt of the Priority Placement Listing, all personnel offices shall freeze all recruitment action and review all vacancies within the respective department(s) for placement assistance, including all classified positions encumbered by unclassified employees appointed on a 120-day basis.
 5. An offer of a position vacancy matching the Priority Placement Listing shall be immediately made to the employee and the releasing department will be immediately notified of the placement. A copy of the appointment action shall be submitted to the Civil Service Commission.
 6. If there are more priority placements to be made than there are vacancies, placement shall be based on retention points whereby those employees with the highest retention points shall be given first offer of employment.
 7. In those instances where inadequate position vacancies exist to those position classifications where employees have indicated an interest in but where there are existing positions in the classifications of interest which are filled by temporary unclassified appointments (120-days), the personnel office shall contact the department head where the position(s) exists to inform him that the 120-day appointment(s) shall be terminated in order to place a priority placement eligible.
- B. Qualification Dispute - The gaining personnel office is not authorized to disqualify a priority placement employee without the mutual agreement of the releasing personnel office. Disagreements of qualification of a priority placement employee shall be submitted to the Civil Service Commission.
- C. Priority placement shall not be applicable in those instances where an affected employee is being considered for promotional opportunities to position levels higher than the position held prior to the demotion or reduction-in-force action.

VI. AFTER THE NOTICE PERIOD:

Notwithstanding any other provision of law or regulation, all personnel offices shall continue to monitor their vacancies and offer priority placement assistance as provided in Section V of these procedures to affected employees for a period of two years or until such time that affected employees are matched to a position of no less than that prior to demotion or reduction-in-force.

VII. RECORDS AND REPORTS:

1. Each personnel office shall maintain for a 2-year period, an individual folder of each affected employee. The individual folder shall contain the following information:
 - a. Employee's name
 - b. Date(s) of counseling
 - c. Position title, pay range and salary prior to layoff or demotion
 - d. Most recent application form
 - e. Offers received, accepted or declined
 - f. Date removed from the priority placement listing and reason (i.e. acceptance of position, request by employee, etc.)
 - g. Current address and phone number
 - h. Any additional relevant information.

BILL 450 TESTIMONY

The idea of priority placing displaced GTA employees in other GovGuam job vacancies, upon privatization of GTA, is an excellent idea and I wholeheartedly concur with it. While moving from one agency to another may cause some apprehension, affected GTA employees will continue to be employed and have the opportunity to be fully immersed in another organization with the possibility of continual personal and professional growth. And later enjoy retirement life.

As chairman of the sub-committee on human resources development, a part of the Governor's BRAC 95 Steering Committee, I deal with retraining of those civil service employees affected with the downsizing of SRF and FISC. Priority placement are buzz words in the downsizing arena. It means placing employees in job openings with matching skills both off and on island. If this is your definition of priority placement, then we may have problems. I believe that most affected GTA positions are only peculiar to GTA and it would be difficult placing employees with GTA peculiar specialities in other GovGuam job openings. I suggest that priority placement would be placing employees in GovGuam job openings with matching skills or, cross-training them into other GovGuam job openings.

Another suggestion on a different note. If some affected GTA employees are not able to be placed in GovGuam because of lack of job openings, don't have the service time to be eligible to retire and still want to remain in GovGuam, suggest retirement offers be given to other GovGuam personnel so that positions be freed to accommodate these employees.

Whatever option is given to affected GTA employees, special care must be given to provide smooth and sensitive transition. As a recent appointee to the GTA Privatization Task Force, my agency will do its utmost to assist in this very challenging endeavor. Federal funds can be requested to assist in the transition.

Best wishes to your committee and to the GTA employees.

Bill Cundiff
AHRD Director

24th Guam Legislature
Senator Carlotta A. Leon Guerrero
Chairperson
Committee on Transportation, Telecommunications & Micronesian Affairs

Public Hearing
Guam Legislature Temporary Building
Public Hearing Room
December 4, 1997
9:00 a.m.

Bill No. 450 (COR): An act to establish priority placement for
Guam Telephone Authority ("GTA") employees
for vacant positions within the government.

1. ✓ JUAN J. FINONA GTA
2. ✓ ANGELO RANDOLPH S.
3. ~~Joseph SANCHEZ~~ ~~GTA~~
4. J.C. PEREDA GTA
5. ✓ R. CALVO GTA
6. ✓ A. GUNAWAN Privatization Task force
7. Bill Condit AHRD
8. Vince Arzola GTA
9. NOBERT PEREZ ORR ~~HR~~ (NO)
10. Michael J. Reid DOA
11. Dan Astorga DOA
12. _____