

I MINA ‘TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill _____-33

Introduced by: _____

**AN ACT TO AMEND SECTION 1907 OF TITLE 1 OF THE
GUAM CODE ANNOTATED RELATIVE TO THE
COMPENSATION OF THE PUBLIC AUDITOR AND THE
PERSONNEL OF THE OFFICE OF PUBLIC
ACCOUNTABILITY.**

BE IT ENACTED B Y THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* is aware that the Office of Public Accountability has for many years had difficulty in recruiting and retaining for its staff the high caliber of professional auditors that are necessary to carry out that agency’s responsibilities to audit, assess, and analyze government activities and its ancillary task to hear and decide all appeals arising from the government’s procurement activities.

Since 2007, OPA personnel have been locked into the general wage structure for government employees set out in Title 4, Chapter 6, Article 2 of the Guam Code Annotated and in the Competitive Wage Act of 2014. The average increase OPA auditors received under the Wage Act was \$1.05 an hour or \$2,172 annually and that

did not make the OPA wages competitive with autonomous agencies and the private sector. Autonomous agencies, such as the Guam Power Authority, the Guam Waterworks Authority, and the University of Guam, among others, are not so constrained in setting salaries for their professional auditors and accountants and thus are able to lure personnel initially recruited and trained in the OPA to their ranks by the offer of substantially higher wages.

To set a more realistic salary structure for the OPA, the Public Auditor engaged the services of Leading Edge Consulting Group. That company produced a report that would modify and increase the number of professional positions within OPA and increase the salary ranges as well. It is not unlike the special wage plans for attorneys, nurses, educators, and Administration executives that were included with the Competitive Wage Act. The OPA plan is set forth in Section 2 of this Act as an amendment to 1 G.C.A. § 1907. *I Liheslaturan Guåhan* notes that *I Maga'lahi Guåhan* supports this plan.

I Liheslaturan Guahan further finds that the salary of the Public Auditor has not been adjusted since 2006, when the Public Auditor was given the responsibility of Procurement Appeals and the salary was made equivalent to that of a Judge of the Superior Court of Guam. Since that time, the Judges and the elected Attorney General have received salary increases, but the Public Auditor has not. When the salaries of other elected officials and heads of departments within the Executive Branch benefitted from salary increases in 2014, the Public Auditor was left out. A

purpose of this Act is to keep the compensation of the Public Auditor on par with that of a judge of the Superior Court and as recommended in the Leading Edge study.

Section 2. Section 1907 of Chapter 19 of Title 1 of the Guam Code Annotated is amended to read:

“§ 1907. Public Auditor and Staff, Compensation of.

(a) The annual compensation of the Public Auditor shall be ~~One Hundred Thousand Dollars (\$100,000)~~ the same as a Judge of the Superior Court and shall not be diminished during the Public Auditor’s term of office.

(b) Subject to the availability of funds and notwithstanding any other law to the contrary, the Public Auditor may appoint a Deputy and an Executive Secretary in the unclassified service, and such persons shall serve at the pleasure of the Public Auditor in accordance with Title 4 GCA, Chapter 4, Article 1, § 4102(a)(4) and (5). The Deputy shall be compensated as provided by Title 4 GCA, Chapter 6, Article 2, § 6206.1.

(c) Subject to the availability of funds, ~~and~~ notwithstanding any other law to the contrary, ~~and consistent with Subsection (b) of this Section~~ and as required by Title 1 GCA, Chapter 19, § 1 GCA, Chapter 19, § 1909(i), the Public Auditor may appoint such full-time or part-time employees in the Office of Public Accountability as are necessary to carry out the duties and responsibilities of the Public Auditor and the Office of Public Accountability. Upon appointment by the Public Auditor, such persons *shall* be probationary employees in the classified service. ~~until~~ ~~†~~ Their

qualifications ~~have been~~ shall be verified and confirmed in writing by the Civil Service Commission in accordance with Title 4 GCA, Chapter 4, Article 4, § 4403(e), ~~or up to~~ within one hundred eighty (180) days upon employment, ~~whichever comes first~~. Subsequent to ~~the action of the Commission's verification~~, the Public Auditor may continue a person's probation as provided by Title 4 GCA, Chapter 4, Article 1, § 4106.

(d) Persons who are employed by the Office of Public Accountability, but who are not within the ranks of the professional staff shall, be compensated in accordance with the Government of Guam Competitive Wage Act of 2014 or as that Act may hereafter be amended.

(e) The members of the professional staff of the Office of Public Accountability shall be compensated in accordance with the compensation study prepared by the Leading Edge Consulting Group as set out in Subsection (f). The compensation schedule may hereafter be amended upon the written approval of *I Maga'lahaen Guåhan* and the concurrence of *I Liheslaturan Guåhan* expressed by a duly adopted resolution.

(f) The professional staff positions in the Office of Public Accountability shall

be:

<u>Old Title</u>	<u>New Title</u>	<u>Duties</u>	<u>Pay Grade</u>	<u>Pay Range</u>	<u>Qualifications</u>
Public Auditor	Public Auditor	Public Auditor	(Elected)	Equivalent to Superior Court Judge	-
Deputy Public Auditor	Deputy Public Auditor	Deputy	(Unclassified)	Executive Pay Plan	-
Special Assistant	Special Assistant	Special Assistant	(Unclassified)	\$65,523 - \$115,611	-
Executive Secretary	Executive Secretary	Oversee Administration	(Unclassified)	\$60,482 - \$106,599	-
Chief Auditor	Assistant Deputy Accountability Auditor	Operations Manager	U	\$81,522 - \$143,682	Master's degree plus CPA <u>OR</u> Master's degree plus two other certifications <u>OR</u> Law degree plus one certification; AND 12 years experience (of which 4 years are in supervisory capacity)
Chief Auditor	Accountability Director	Assistant Operations Manager	T	\$76,188 - \$134,281	Bachelor's degree w/CPA plus one other certification <u>OR</u> Master's degree plus CPA <u>OR</u> Law degree plus CPA; AND 11 years experience (of which 3 years are in supervisory capacity)
MA IV/ Auditor III	Managing Accountability Auditor	Audit Manager	S	\$70,873 - \$124,913	Bachelor's degree plus two certifications <u>OR</u> Master's degree plus one certification <u>OR</u> Law degree plus one certification AND 10 years experience (of which 2 years are in supervisory capacity)
MA IV/ Auditor III	Supervising Accountability Auditor	Audit Supervisor	R	\$65,623 - \$115,661	Bachelor's degree plus one certification <u>OR</u> Master's degree; AND 8 years experience
Auditor III/ MA III	Accountability Auditor III	Auditor in Charge	P	\$55,488 - \$97,798	Bachelor's degree plus one certification <u>OR</u> Master's degree; AND 6 years experience
Auditor II/ MA II	Accountability Auditor II	Staff Auditor	N	\$45,014 - \$79,338	Bachelor's degree AND 4 years experience

Auditor I/ MA I	Accountability Auditor I	Staff Auditor	M	\$40,762- \$71,844	Bachelor's degree AND 2 years experience
None	Accountability Auditor Intern	Trainee	K	\$33,911 \$59,768	Bachelor's degree AND Passage of Pre-screening test (no experience)

Section 3. Effective Date. Notwithstanding any other provision of law, Section 2 of this Act shall be effective January 1, 2015.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are severable.