



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

**EXECUTIVE ORDER NO. 2001-25**

**RELATIVE TO PROVIDING FOR THE REHIRING OF UNCLASSIFIED SOLID WASTE TECHNICIANS WHO WERE EXCLUDED BY THE FY 2002 BUDGET ACT, AND SUCH PERSONNEL AS ARE NECESSARY, IN ORDER TO PROVIDE FOR CONTINUING PUBLIC HEALTH.**

**WHEREAS**, the Fiscal Year 2002 budget acts failed to provide either positions or funding for numerous Solid Waste Technicians previously employed at the Department of Public Works as unclassified employees; and

**WHEREAS**, employees in the Solid Waste Division of the Department of Public Works do hazardous, very necessary, and important work for our island and our community, the FY 2002 budget acts neglected and overlooked these employees when these employees should be looked up to for the vital and essential role that they fulfill; and

**WHEREAS**, although two public laws, Public Law Nos. 26-36 and 26-47, were passed subsequent to the main budget act, Public Law No. 26-35, neither of these public laws provided for the continuation of removal of solid waste from our island; and

**WHEREAS**, the current number of Solid Waste Technicians and others employed in classified positions within the Department of Public Works is insufficient to provide adequate coverage for the removal of solid waste from residences and businesses on our island; and

**WHEREAS**, Guam's Organic Act provides that the Governor is empowered to ensure the provision of health care to the population of our island, and states:

"Subject to the laws of Guam, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease"; and

**WHEREAS**, in order to avoid the spread of disease and a deteriorating health situation throughout the island, it is necessary to keep all of the unclassified employees who were employed within the Solid Waste Division of the Department of Public Works during this time, pending the classification of these necessary positions, and to provide for such personnel as are necessary for this function; and

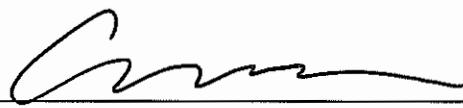
**WHEREAS**, Public Law No. 25-47 provided some flexibility for the use of funds within an agency, while not providing for the continuing employment of the currently unclassified individuals who lost their jobs as a result of the FY 2002 budget act;



NOW, THEREFORE, I, CARL T.C. GUTIERREZ, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Emergency powers under the Organic Act of Guam invoked.** The Organic Act of Guam provides for the Governor to ensure the health of the island, and pursuant to the Organic Act, an emergency situation is declared to provide for the rehiring of Solid Waste Technicians within the Department of Public Works and the hiring of personnel who are necessary to fulfill this health requirement.
2. **Solid Waste Technicians employed on September 30, 2001 to be rehired.** All Solid Waste Technicians employed within the Department of Public Works on September 30, 2001 shall be rehired and continue in their employment to preserve the health and sanitation of our island by removing solid waste from residential and commercial areas, and such other personnel who are necessary to fulfill this health requirement; and
3. **Regular time and overtime authorized.** According to the instructions of the Acting Director of the Department of Public Works, regular pay and overtime pay is authorized to all personnel, except administrative and supervisory personnel, within the Solid Waste Division of the Department of Public Works, in order to preserve the health and sanitation of our island; and
4. **Funding.** The funding to be utilized for this expenditure shall come first from the Department of Public Works and thereafter from any and all available accounts of the government; and
5. **Duration of Executive Order.** This Executive Order shall remain in effect until the positions filled by this Executive Order are permanized, which shall be by January 1, 2002.

SIGNED AND PROMULGATED at Hagåtña, Guam this 9th day of October, 2001.

  
CARL T. C. GUTIERREZ  
I Maga'Lahen Guåhan  
Governor of Guam