

PROPOSED FIVE YEAR CONSUMER PROTECTION PLAN
(1977-81) FOR THE OFFICE OF THE CONSUMER COUNSEL

BY:

BUREAU OF PLANNING, SOCIO-ECONOMIC DIVISION



BUREAU OF PLANNING
GOVERNMENT OF GUAM
AGANA, GUAM

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SECTION ONE

FIVE YEAR CONSUMER PROTECTION PLAN

I. Introduction

The nature of our economic system has created many problems for the consuming public. Technological advances in the production, processing, and marketing of goods/services has altered the seller-buyer relationship. To a large extent, the consumer's buying behavior is irrational. The consumer is taught to want and accept as the fair price the vast array of goods/services that are available. They are subject to products which are unhealthy and/or unsafe. The competitiveness of the system subjects the consumer to deceptive and fraudulent selling practices. The vast array of goods/services available in a "cash-short" society has subjected the consumer to credit abuses. The notion of fair play in the market place has all but disappeared.

Government (national, state, local) has taken it as a public policy to intervene in behalf of the consuming public. The resources of government are now being employed to foster the economic welfare of the consumer. In this effort, four basic strategies have been identified toward restoring fair play in the system. (1) The consumer must be educated to be aware of his options and better able to act more effectively in his individual interest. (2) The seller must be regulated in order to discourage or ban undesirable business practices. (3) The need to change the legal relationship between buyer-seller creditor to balance their competing interests. (4) The establishment of consumer groups or advocates to intercede in behalf of the consumer before public bodies. Efforts in these directions are slow due to the nature of our political system, but there are indications that these efforts are restoring fair play in the system.

II. Government of Guam Consumer Protection Program Effort

A. Framework

The government effort in consumer protection reached its significant development stage with the establishment of the OCC (Office of Consumer Counsel). Prior to the formulation of this office, consumer protection functions were dispersed among the different departments and agencies. These agencies were supposed to function in administering local statutes. Efforts in this direction were hindered by the absence of the necessary expertise and staff support in consumer protection activities. Enforcement of statutes was poor due to conflicting jurisdictions and authority. Poor coordination among the different agencies further aggravated the situation. The regulation of unfair business and trade practices was virtually non-existent. These circumstances and others retarded the development of a viable consumer protection program. In response, the 12th Guam Legislature unanimously enacted Public Law 12-36--creating and establishing the OCC.

The intent of Public Law 12-36 is the protection of the interests of the consumer and the legitimate businessman through the implementation of a consumer protection program. The formation of this office consolidated

consumer protection services into one agency. Public Law 12-36 stipulates that efforts in this direction should take into consideration the following goals: (a) to educate and inform the public to be effective consumers; (b) to protect the consumer from deceptive and unfair business practices; (c) to promote the competitiveness of the market system; and (d) to effectively represent the consumers' interest in all branches and levels of government.

The OCC became operational in late 1973. For administrative purposes, it was placed under the general cognizance of the Director of Commerce as a semi-autonomous division within the department by Executive Order No. 73-30. However, concerning all legal matters affecting the government, it reported to the Attorney General. The promulgation of Executive Order No. 74-30 subsequently placed it as an agency under the auspices of the Attorney General's office. The enactment of Public Law 13-117, December 1975, resulted in the OCC losing its semi-autonomous status. It is now a division within the recently reorganized Department of Law under the direct management of the Attorney General.

B. Definition of Purpose

The purpose of the OCC is to provide for enforcement of laws, consumer education, protection, and assistance. In pursuit of its purpose it defines its functions and responsibilities as being:

1. To conduct a comprehensive and continuing program of public education through dissemination of facts on consumer protection and assistance.
2. To encourage and assist businesses to correct practices which have been or may become the subject of justified consumer complaints.
3. To provide a publicized and recognized central place for the receiving and screening of consumer complaints in all areas of consumer protection and assistance.
4. To provide a publicized and recognized central place for the receiving and screening of the viewpoint of the business and industrial community concerning all areas of consumer protection and assistance. Bringing buyer and seller together to voluntarily correct consumer exploitation will be done where possible.
5. To exercise a coordination influence as the need arises over all agencies and departments legally involved in the consumer protection and assistance areas.
6. To provide technical counseling in all areas of consumer protection and assistance.
7. To conduct research, gather statistics, and make plans leading to the improvement of present programs for consumer protection and assistance.
8. To coordinate the implementation of new programs and proposals for new legislation for consumer protection and assistance based on research, experience, and need.
9. To effectively represent consumers in all branches and levels of government, and in the courts as the need arises.

C. Descriptive Assessment of Existing Effort

- Resources -

The development and implementation of a viable program is dependent upon the resources that can be mobilized toward its accomplishment. In the past, OCC had only to compete with other departments/agencies for its budget allocation. At present, it has to compete with other programs within the Department of Law and the competition has become rigorous. The priority of this program within the agency will determine its level of funding support. The current authorization (FY 76) for consumer programs is \$132,372.* However, the austerity program currently in force will limit expenditures to about 80-85% of actual authorization.

	<u>Breakdown</u>
Personnel Services	\$72,688
Off-Island and Local Travel	\$ 7,000
Contractual	\$43,150
Supplies and Materials	\$ 300
Equipment	\$ 500
Miscellaneous	\$ 1,000
Personnel Benefits	\$ 7,734
TOTAL	\$132,372

The existing staff of the OCC consists of a Deputy Consumer Counsel, Research Analyst, Administrative Assistant, Administrative Secretary, and a Clerk Typist. The work load has made it necessary for the staff to perform functions not within the scope of their official job assignments. Currently, the Deputy Consumer Counsel handles all legal matters, counseling, and administration. The research analyst writes reports, investigates complaints, counsels consumers, teaches consumer education, and prepares brochures and other materials. The administrative assistant assists complainants, investigates complaints, reviews files, teaches consumer education, supervises clerical staff, and handles the public relations of the office. The administrative secretary receives and processes complaints, follows up complaints, and does general office work. The clerk typist receives and processes complaints, and does general clerical work.

OCC is having problems in recruiting and retaining experienced professionals. The unattractiveness of Government of Guam compensation plan for attorneys makes government service for these people undesirable. The turn-over rate among OCC attorneys is relatively high. The office recruits recent graduates on two-year contract to fill in the need for legal expertise. There is the problem of retaining them after their contract expires. This problem is not limited to the recruitment of attorneys but includes all professional staff.

* This amount was authorized prior to the enactment of Public Law 13-117-- making OCC a Division within the Department of Law.

There are resources within other departments and agencies which have functions for consumers. However, OCC is having problems in trying to get these entities to coordinate their activities. There is the problem of unresponsiveness of these entities towards actively pursuing consumer complaints.

- Program -

Current efforts in consumer protection and assistance are focused on the education of the consumer. It is assumed that the consumer is ignorant of problems directly affecting his economic welfare and is in need of consumer education. At the same time, a level of consumer consciousness is needed before it can respond to programs designed to protect and assist them. In recognition of this basic problem, the OCC has been conducting these activities.

1. OCC in cooperation with the private and secondary public schools has been teaching consumer education classes. The objective of this program is to teach students to be effective and comparative consumers. Participating schools are: Notre Dame, Academy of our Lady, Mission Academy, Father Duenas, and John F. Kennedy.
2. A weekly television program entitled "Consumer Survival Kit" has appeared in KGTF (Public Broadcasting) and is currently being played over KUAM (Private Broadcasting). The objective of the program is to educate the public to be effective and comparative consumers and to be aware of deceptive and fraudulent business practices.
3. Brochures and consumer aids are made available to the public in quantity. They provide tips in buying commodities or procuring services and the deceptive/fraudulent practices to be aware of.
4. Appearances are made before community gatherings/organizations to speak on consumer topics and explain the functions of OCC.
5. OCC encourages people who have initial contacts with the office to disseminate informations on individual basis concerning its services.

A central clearinghouse for handling complaints has been established within the OCC, located at the 7th floor, Pacific Daily News building. Its function is to receive, process, examine, and disposition of legitimate complaints. Initial contacts with complainants are made over the telephone, letter, or walk-in basis. Complainants are required to come to the office or mail in official complaint form and then it is processed by the OCC administrative staff. An attorney or designated individual examines the complaint to determine legitimacy and possible violation of the law. OCC writes to the complainee or conducts an investigation if it is justified by the situation. Disposition of complaints is accomplished informally or formally depending on the nature and circumstances encompassing it. In 1974, OCC recorded a total of 251 complaints compared to 648 recorded in 1975. The rise in the number of complaints is the result of an intensive consumer education program conducted over the public and private broadcasting systems.

OCC maintains an inquiry and counseling service. The purpose of this program is to provide professional and technical assistance to consumers in all areas of consumerism. The office maintains an open door policy, whereas the

public is encourage to either drop in casually or call. Depending upon the availability of professional staff, everybody's need will be accommodated with minimum inconvenience.

In its effort toward getting the public to be actively involved in consumer protection, the OCC formed the OCC Council. Its purpose is to assist the office in major policy decision making; to provide skills and expertise not available within office staff; assist the OCC in understanding the views affected by its policies; to promote good communication and cooperation among the regulated, the consumer, and the regulator. The Council consist of individuals who are considered to have skills, expertise, or knowledge in various fields of endeavor. Membership in the Council is voluntary and its composition does not reflect a cross-section representation of the different interest groups on island.

- Conclusion -

The OCC deserves recognition for its effort in maintaining an adequate level of consumer protection services. Despite its infancy, limited fiscal resources support, and lack of political base, the Office of the Consumer Counsel is quickly building a reputation as a "do something agency." The services it delivers to the community are very personal and direct. The following section of this paper will present the consumer protection plan for Guam for the next five years.

SECTION TWO

The Five Year Consumer Protection Plan

INTRODUCTION

The Five Year Consumer Protection Plan is a guide to give direction to government efforts in consumer protection for the next five years (1977-81). The plan will be subject to yearly review and revisions to meet changing needs of the community.

The first year of the plan will be basically an outreach effort. Overall emphasis will be upon the education of the resident population and establishing the Office of the Consumer Counsel as a visible force in consumer affairs on the island.

The second year of the plan will continue to emphasize the outreach effort. It is anticipated that at the end of the second year the consumer education program will have reached all island residents and consumer protection will be a government priority. OCC services will be widely recognized.

The third year of the plan will emphasize the legal dimension of consumer protection. The OCC will have established community support to use its legal expertise to promote consumer interest throughout Guam.

The fourth year of the plan will continue to concentrate on the legal matters of consumer interest. The OCC will begin to rely on other government agencies to provide services to consumers. A climate of consumers protection will have emerged within Government of Guam agencies.

The fifth year of the plan will emphasize consumer protection through community participation. The role of the OCC will diminish gradually as consumer interests groups develop within the community. These groups will take over functions and responsibilities previously performed by the OCC.

Each year of the Five Year Plan will now be reviewed in detail.

FIRST YEAR

The objectives for the first year of the Consumer Protection Plan are the following:

1. To provide a consumer education program for 80,000 island residents.
2. To process 400 official inquiries to the Consumer Counsel.
3. To issue four reports on different areas of consumer interest.
4. To increase by 25% the number of official complaints handled by the OCC (Office of the Consumer Counsel).

To expand the consumer education program to reach twice as many consumers as the current program will require the addition of a consumer education specialist to the staff of the OCC. This specialist will maximize the potential of the island's mass communication mediums through a weekly television program, radio spot announcements, and a weekly newspaper article on consumer affairs. A permanent consumer education class in the island's secondary schools will also be promoted. The OCC will begin "outreach" efforts through the distribution of consumer literature, brochures, and consumer aids, and by making presentations to community groups and organizations.

As the public becomes better informed, the OCC can expect an increase in the number of inquiries and complaints it receives. An in-house staff training program will improve the office's capacity to receive and process inquiries and complaints. Furthermore, the OCC will begin to utilize the village commissioners' offices as a first contact point in the consumer complaint process. The OCC mobile unit will be used on a scheduled basis to expedite complaint submission.

In 1977, the OCC will issue four reports to the public on particular issues in consumer affairs. One report will provide an analysis of utility rate schedules. Another report will focus on local supermarket pricing policies. The third report will examine the island's wholesale trade industry. The final report will be a functional analysis of a selected government agency.

SECOND YEAR

The objectives for the second year of the Consumer Protection Plan are the following:

1. To complete the establishment of an island-wide consumer education program.
2. To process 500 official inquiries.
3. To process 800 official complaints.
4. To introduce four consumer bills to the Legislature.

The island-wide consumer education program will be fully implemented by the end of 1978. The consumer education specialist of the OCC will have established consumer education classes within all of the island's junior and senior high schools. Consumer education will also be available at the University of Guam. The specialist also will be involved in preparing teaching materials to meet local needs. It is anticipated that the Department of Education will take the initiative to integrate consumer education within its regular curriculum. The OCC will continue its workshop and conference program within the island's business community.

An increased capacity to process complaints and inquiries will be necessary through 1978. However, it is anticipated that the number of complaints will be leveling off towards the end of the year as the impact of the consumer education program is felt. An informed public and a consumer conscious business community will have the effect of reducing the OCC's function in complaint and inquiry processing.

In 1978, the OCC will introduce four consumer bills to the Guam Legislature. The bills to be introduced will be concerned with the following:

- a) A bill establishing uniform pricing and labeling for all local supermarkets.
- b) A bill to create a Public Utility Rate Commission.
- c) A bill to establish mandatory consumer education classes in the public schools.
- d) A bill to improve consumer services of a selected government agency.

The legislation will result from the research undertaken during the previous year.

Finally, during 1978, the OCC will create a staff position for an auditor and a special investigator. The auditor will be used to provide expert analysis regarding the operations of government agencies and private business firms as they affect the consumer. The special investigator will be responsible for the monitoring of the business community to prevent or detect unfair or fraudulent business practices.

THIRD YEAR

The objectives for the third year of the Consumer Protection Plan are the following:

1. To provide legal counsel to 700 consumers.
2. To litigate four consumer cases.
3. To introduce eight consumer bills to the Legislature.
4. To establish a permanent investigations and monitoring system of the Guam business community.

The major objective of the 1979 plan is to expand the legal functions of the OCC. An additional attorney will be hired to compliment the efforts of the consumer counsel. With the added legal capability, the OCC will be able to litigate at least four consumer protection cases.

The research, investigations, and legal activities will increase the OCC's potential to submit consumer protection bills to the legislature. The issues to be addressed in 1979 legislation will depend on the findings of the OCC professional staff. The legislative program will have the effect of strengthening local consumer protection law.

Towards the end of 1979, the OCC will have fully implemented a permanent investigative and monitoring system of the local business community. Government agencies will not be beyond the preview of the investigative function of the OCC. The Government of Guam will have to permit the OCC to initiate investigations on consumer protection matters at its own discretion.

FOURTH YEAR PLAN

The objectives for the fourth year of the Consumer Protection Plan are the following:

1. To establish an anti-trust division within the OCC.
2. To provide arbitration services to 50 consumer.
3. To coordinate government agency activities in the representation, education, and investigation of consumer problems.

To achieve the first objective of the plan will require the development of a strong information gathering system within the OCC to enable the initiation of anti-trust proceedings against local monopolies. This anti-trust function of the OCC will be only temporary. The co-operation of the Department of Revenue and Taxation and the Civil Division of the Department of Law will be necessary in this effort.

With the development of staff capability through experience, the OCC will be able to move from litigation into arbitration servicing of documented consumer complaints. The success or failure of the arbitration program will determine the necessity for expansion or reduction of the litigation program.

By 1980, the OCC will be depending significantly on other departments and agencies within the government to provide needed expertise in the promotion of consumer protection on Guam. It is anticipated that a consumer protection climate will be emerging government wide as a result of the education and investigation programs of the OCC. As the departments and agencies take upon consumer protection responsibilities, the OCC will be able to reduce some of its activities.

FIFTH YEAR

The objectives for the final year of the Five Year Consumer Protection Plan are the following:

1. To redefine the status of the OCC as an autonomous agency.
2. To establish active consumer interest citizen groups.

3. To establish a consumer advocacy board on utilities.
4. To provide an analysis of OCC's five year program and to develop a plan for the next five years.

The OCC will become an autonomous agency within the Government of Guam. This will protect the OCC from the political pressures which might threaten the success of its programs. A significant portion of the autonomous OCC's budget will be federally subsidized. For the objective to be realized, the concepts and premises of consumer rights not only will have to be acceptable to the executive and legislative branches, of Guam, but also will have to be enthusiastically promoted.

Through 1982, significant effort by the OCC will be spent in the formulation of consumer interest citizen groups. The function of these groups will be to take over OCC's monitoring function of the business community. The objective of these groups is to see that consumers are not adversely affected by local business policies. It is vital that these groups organize and maintain community support for their programs.

A consumer advocacy board for utilities will be established in 1981. A high level of expertise in utility management and rate structures will be encouraged for membership on this board. However, dedication to consumer interests will be the only real requirement. Engineering, auditing, accounting, and management experience will be solicited. The board should be capable of testifying before public bodies in behalf of consumer interests.

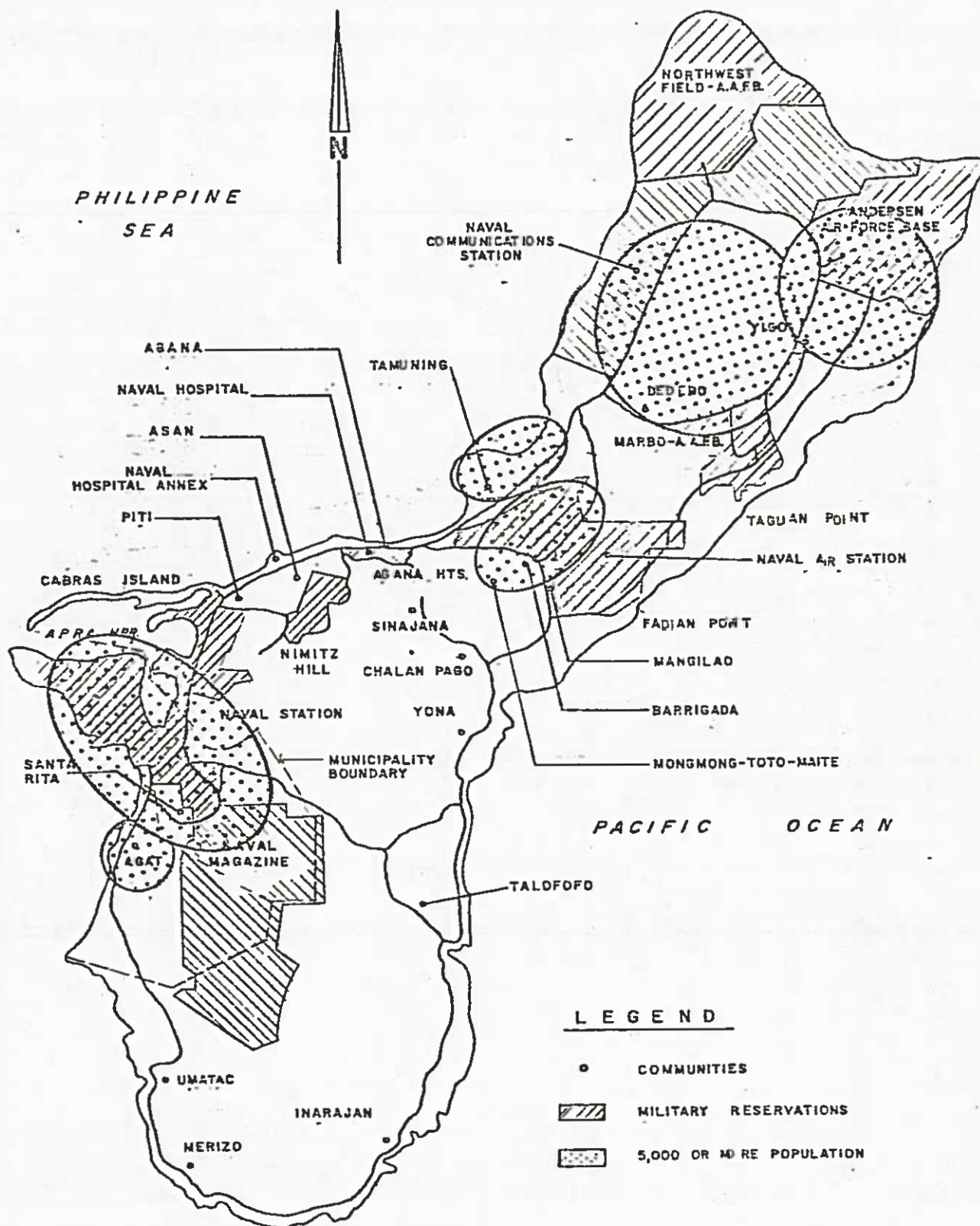
As the fifth year of the plan draws to an end, the activities of the OCC over the five years should be objectively evaluated. Ideally, an outside or independent organization should perform the evaluation. During this period, the plan for the next five years should be developed.

CONCLUSION

The Five Year Consumer Protection Plan outlines the objectives and describes the activities of the Office of the Consumer Counsel for the next five years, 1977-81. The purpose of the plan is to resolve the problems confronting the consuming public. It is anticipated that by persuing the plan strategy that the desired objectives can be accomplished during the next five years.

A climate of consumerism has yet to emerge in Guam. The successful implementation of the Five Year Consumer Protection Plan depends on the support it receives from the public and the Government. A degree of consensus must be reached among public officials as to the importance and high priority of consumer protection programs. The implementation of the plan requires that the office of the Consumer Counsel must be given the needed budgetary support outlined in the attached program sheets. The OCC must eventually be granted a degree of political autonomy to prevent the compromising of consumer interest. The entire community has to decide the importance of consumer protection services. Finally, the overall effectiveness of the plan will depend on the dedication and effort of the staff of the Office of Consumer Counsel.

ATTACHMENTS



PROJECTED
1976-80

POPULATION CENTERS

FOR REVIEW ONLY

BUREAU OF PLANNING

CONSUMER COUNSEL

NATURE OF WORK IN THIS CLASS:

This is highly difficult and responsible professional legal work which involves in the enforcement of consumer protection laws of the territory. Work also involves in developing, formulating and adopting rules necessary for the effective administration of the consumer protection program so that the interest of both the consumer and the legitimate businessman are protected.

Under the direct supervision of the Attorney General while engaging in litigation on behalf of the Government of Guam, employee in this class works with wide latitude in the exercise of independent judgment and actions in carrying out the enforcement and development of consumer protection laws and practices according to sound and fair business and legal judgment.

~~Eventually, this position will be independent except for litigation. However, initially the employee will work within the Department of Commerce, utilizing their administrative and research facilities. One duty of employee will be to devise an independent structure for the office~~

ILLUSTRATIVE EXAMPLES OF WORK:

Educates and informs the consumer to insure rational consumer choice in the marketplace.

Protects the consumer from the sale of goods and services from the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers.

Fosters competition.

Promotes effective representation of consumers' interests in all branches and levels of government.

Coordinates boards, departments, and agencies of the Government of Guam, together with private organizations, to aid in the development of preventive and remedial programs affecting the interests of the consumer public, and to vigorously prosecute those who violate the consumer protection laws of the territory.

Conducts special, confidential, regular investigations in connection with any unfair business practice.

Performs legal and business research; prepares cases and assembles evidence for presentation in a court of competent jurisdiction.

Coordinates and supervises the work activities of professional and clerical employees.

Prepares appeal cases if and when necessary.

Performs related work as required.



JOB DESCRIPTION

ATTORNEY - Office of Consumer Counsel Government of Guam

EDUCATIONAL REQUIREMENTS: Graduate of an ABA accredited law school and a member of the bar of the highest court of any state or territory of the United States or of the District of Columbia. Courtroom experience is also desirable.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS: A thorough knowledge of common and statutory laws, laws of Guam, judicial precedents, and sources of legal reference. Thorough knowledge of the principles, methods, materials and practices of legal research and investigation. Thorough knowledge of effective techniques in the presentation of cases in court. Thorough knowledge of court practices, judicial procedures, and the rules of evidence. Ability to analyze legal documents and instruments. Ability to appraise and organize facts and to present evidence and other materials effectively, orally and in writing. Ability to plan, assign, and supervise the work of professional, technical, and clerical employees.

Ability to establish and maintain effective working relationships with department officials, subordinates, judicial and legislative representatives, and the general public.

ORGANIZATIONAL POSITION: ~~The Office of the Consumer Counsel is now an autonomous agency with regard to administration and policy formulation. For litigation purposes, OCC attorneys are special assistant attorney generals, and the approval of the Attorney General is required for the initiation of formal legal action.~~

The attorney will report directly to the Consumer Counsel.

JOB DESCRIPTION
ATTORNEY - Office of
the Consumer Counsel (Cont.)

Page Two

JOB DESCRIPTION: The job will involve difficult and responsible legal work in the preparation and prosecution of court cases relating to the enforcement of local and federal consumer protection laws. In addition, the attorney will be involved in the planning and design of consumer education programs and materials. The position will also require the supervision of investigators, preparation of proposed legislation, and testimony regarding these proposals. The attorney will also participate in preparing technical research papers.

Because of the great need for consumer protection and the fact that this is a new agency, the attorney will perform a very wide range of duties and participate in a variety of activities. The character of the job requires skills and talents beyond those ordinarily expected of a lawyer. Consequently, the need for a flexible individual cannot be over-emphasized.

ILLUSTRATIVE EXAMPLES OF WORK:

- o Interviews witnesses in case to be prosecuted
- o Prepares and assembles evidence for the Government for presentation in court
- o Accompanies interpreter in regularly scheduled visits to each village for the purpose of soliciting consumer complaints and disseminating educational information and materials
- o Prepares closing arguments, supplementary briefs, and appeal briefs in behalf of the Office of Consumer Counsel.
- o Investigates or supervises investigation of consumer complaints with the objective of resolving the controversy through informal techniques

JOB DESCRIPTION
ATTORNEY - Office of
the Consumer Counsel (Cont.)

Page Three

- o Makes presentations regarding consumer protection and the services offered by the Office of Consumer Counsel
- o Assists in coordinating departments, agencies, and boards, together with private organizations, to aid in the development of preventive and remedial programs affecting the interests of the consuming public
- o Studies the operation of laws affecting the consumers and assists the Consumer Counsel in recommending to the Governor and the Legislature new laws and amendments of laws in the consumers' interest
- o Participates in activities designed to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services
- o Meets with community representatives for the purpose of establishing local sources of information and advice

GUAM: Guam is a land of contrasts. It is experiencing an unprecedented economic boom, yet the standard of living is extremely low by U. S. standards. Its cost of living is second only to Alaska's. It is an international community, and cultural and language barriers are vast. There is a tremendous need for qualified professionals of all kinds, but ethnocentrism, racism and sexism may hinder a professional's performance. In particular, a woman might find that her professional status would go unrecognized because of the traditionally subordinate role of women in the Chamorro culture.

8/9/74

NATURE OF WORK IN THIS CLASS:

This is highly difficult and responsible technical, professional work involved in developing and implementing research designs and projects in validating test items in the study of social, cultural, and biological phenomena.

Under the general administrative supervision and direction of the division or branch head, employees in this class work with wide latitude in determining the need for, and priority of, intensive research projects and for initiating assignments which will meet various demands for the planning and development of an integrated and coordinated programs, services, and activities in accordance with established laws, rules, regulations, policies, procedures, and program objectives. Work is reviewed through conferences, work accomplishments, and submission of reports. Supervision may be exercised over subordinate technical and clerical employees.

ILLUSTRATIVE EXAMPLES OF WORK:

Plans, coordinates, and directs the various phases of research and statistical activities providing the analysis, evaluation, conclusions, projections, and predictions of statistical data.

Designs and develops techniques and methodology of the research and statistical analysis and reporting of statistical data.

Confers with subordinates and associates in allied fields to adapt the research and statistical activities to the needs and requirements of the department and to provide counsel to the division or branch head and other officials.

Reviews, edits, and approves completed statistical research and reporting projects.

Participates in disseminating information of current trends and projections to planning groups and authorities at territorial and local levels about needs and services; interprets such information to the public.

Oversees technical, clerical, and subordinate Research Analyst employees engaged in the collection, analysis, interpretation, and presentation of statistical data.

Prepares and revises instruction manual for lower level analysts; presents comprehensive and oral written reports on findings and recommendations resulting from studies conducted.

Confers with responsible members within the department as well as officials of outside agencies concerning purpose, method, and outcome of studies of research projects.

Performs related work as required.

DESIRABLE KNOWLEDGES, ABILITIES, AND SKILLS:

Thorough knowledge of the modern principles, methods, and practices of planning, including community planning, the evaluation of resources and facilities, and the basic principles of public administration.

Thorough knowledge of community health facilities and organizations and their interrelationships with the educational, manpower, demographic, environmental, social, economic, industrial, and agricultural characteristics of the territory.

Thorough knowledge of research principles and techniques, the principles and practices in the collection of planning data, and in the preparation of planning studies, reports, and recommendations.

Ability to plan, organize, and coordinate the activities of local communities in the development and promotion of community education and planning programs.

Ability to present complex statistical analyses in such a way that they can be readily understood by the non-professionals.

Ability to summarize complex factual data succinctly and to present it orally and in writing so that it is clearly understood by territorial and community leaders.

Ability to use sound judgment in evaluating administrative problems, situations and in making effective recommendations.

Ability to express oneself clearly, concisely, and effectively, orally and in writing.

DESIRABLE EXPERIENCE AND TRAINING:

(a) Graduation with a Master's degree from a recognized college or university in public administration, social sciences, business administration, mathematics, statistics, or closely related field, plus two years of progressively responsible professional work experience, as a research analyst or statistician, in the analysis of administrative, financial, economic, or social data and sources; or

(b) Graduation with a Bachelor's degree from a recognized college or university in social sciences, business administration, mathematics, or closely related field, plus three years of progressively responsible professional work experience, as a research analyst or statistician, in the analysis of administrative, financial, economic, or social data and sources.

Additional education beyond the Master's degree may be substituted on a year for year basis for qualifying general experience lacking.

AUDITOR III

NATURE OF WORK IN THIS CLASS:

This is responsible professional work involved in the examination and verification of accounting records and reports as well as review and evaluation of the system of internal control. Employee in this class performs audit work of above average difficulty, however, assignments are somewhat limited in scope and complexity. Under general supervision, employee in this class may be involved in the supervision of lower level auditors in performing assignments. Work is reviewed upon completion to insure conformance with procedures and special instructions.

ILLUSTRATIVE EXAMPLES OF WORK:

Performs independent audit work of above average difficulty usually with minimum supervision received. Work involves reviewing, examining and evaluating accounting, financial and other fiscal operations of the Government of Guam including the final preparation of audit work performed.

Reviews and evaluates the systems of checks and balances used for internal accounting controls in terms of adequacy and effectiveness; recommends improvements in accounting and financial reporting systems as a result of internal review.

Assists in the development of audit procedures, instructions and schedules.

Designs forms, document control and organization planning in the appraisal of methods, forms and organizational patterns; recommends for necessary improvements, etc.

Makes detailed examination of a variety of assigned accounts and prepares findings of accuracy thereof and adequacy of accounting system.

Performs related work as required.

DESIRABLE KNOWLEDGES, ABILITIES AND SKILLS:

Considerable knowledge of the principles, practices and techniques of auditing.

Considerable knowledge of the principles, practices and techniques of accounting.

Some knowledge in developing methods to accomplish objectives when the situation does not permit the application of standard methods for more effective utilization of accounting in the organization.

Ability to plan, assign, supervise and review the work of others.

Ability to perform audit work of above average difficulty.

Ability to carry out a prescribed audit program or office assignment in accordance with prescribed or standard procedures.

Ability to establish and maintain effective working relationships with departmental officials, professional groups, and subordinate employees.

Ability to prepare a concise report of work performed.

and in writing.

DESIRABLE EXPERIENCE AND TRAINING:

- (a) Graduation with a Master's degree from a recognized college or university in accounting, business or public administration or closely related field, plus two years of progressively responsible experience in auditing work; or
- (b) Graduation with a Bachelor's degree from a recognized college or university in accounting, business or public administration or closely related field, plus three years of progressively responsible experience in auditing work; or
- (c) Graduation from high school or possession of a certificate of high school equivalency (GED), plus six years of progressively responsible experience in auditing work.

1st APPROVED AMENDMENT: November

NATURE OF WORK IN THIS CLASS:

This is difficult and responsible investigating work performed at either the Department of Law, Office of Public Defender, and/or the Office of the Consumer Counsel. Employee in this class is vested with the investigative powers of the department, and is responsible for the application of professional investigative methods and procedures in obtaining clues and evidence and to its preservation for use in hearings or trials. This position assumes full responsibility for performing investigations characterized by their complex nature and broad scope.

Employee in this class is under general supervision with wide latitude for the exercise of independent judgment and actions in accordance with established laws, rules, regulations, policies and procedures. Work is reviewed through conferences and submission of reports.

ILLUSTRATIVE EXAMPLES OF WORK:

Conducts investigations of violations of established laws, rules and regulations, alleged thefts such as misappropriations of government property, privately-owned property while in custody of government agencies, etc.

Investigates critical or sensitive personnel and enforcement situations in which recommendations for administrative, legal or legislative actions may be contemplated.

Conducts special and confidential investigations in regard to alleged civil, criminal, juvenile and traffic cases.

Coordinates and cooperates with government, civilian and

Interviews witnesses and persons under suspicion; evaluates and determines facts from information obtained and prepares factual reports; makes recommendations for proper disposition of cases; and may testify in court as a witness on all cases handled.

May instruct and advise in the performance of investigative tasks.

Performs related work as required.

DESIRABLE EXPERIENCE AND TRAINING:

Considerable knowledge of principles and practices of investigation.

Considerable knowledge of the methods, procedures and techniques in obtaining evidence admissible in court and its identifications, authentication and preservation.

Considerable knowledge of court rules and practices.

Considerable knowledge of interviewing methods and techniques.

Working knowledge of the laws of Guam and of Federal laws and regulations applicable to Guam.

5.046

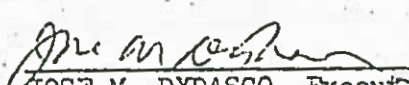
Ability to deal effectively with the public.
Ability to write clear and concise reports.
Ability to secure and analyze data and to prepare case records.
Ability to question witnesses and persons under suspicion or arrest.
Ability to instruct and advise others in the performance of investigative tasks.
Ability to make recommendations for proper disposition of cases.
Ability to express oneself clearly and concisely, orally, and in writing.

DESIRABLE EXPERIENCE AND TRAINING:

(a) Graduation with a Bachelor's degree from a recognized college or university in business or public administration, social sciences, police science or any closely related field, plus three years of progressively responsible investigative experience involving the investigation, review and evaluation of criminal violations of law or investigations concerning compliance with, or violations of, governmental law, rules and regulations which involved extensive fact-finding and reporting activities and the responsibility for testifying in court; or

(b) Graduation from high school or possession of a certificate of high school equivalence, plus six years of progressively responsible investigative experience involving the investigation, review and evaluation of criminal violations of law or investigations concerning compliance with or violations of, governmental law, rules and regulations which involved extensive fact finding and reporting activities and the responsibility for testifying in court; or

(c) Any acceptable equivalent combination of experience and training.


JOSE M. DYDASCO, Executive Director, CSC

FIRST AMENDED SPECIFICATION
August 1974

Government of Guam does not have a
position established for Consumer Education Specialist.

OFFICE OF CONSUMER COUNSEL (OCC)	CONSUMERISM
GOAL-- To eliminate deceptive and unfair business practices through the education and effective representation of Guam's consumers.	

PERFORMANCE OBJECTIVES -- 77	1. To provide a consumer education program for 80,000 people. 2. To counsel 400 inquiries. 3. To issue four reports on different areas of consumer problems. 4. To increase by 25% the number of official complaints handled by the OCC.
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INDICATORS OF PERFORMANCE	MEASUREMENT	OBJECTIVE	ESTIMATE
	DEMAND		
	Number of people attending OCC education programs	1	12,000
	Number of T.V. shows x 3,000	1	-
	Number of inquiry requests	2	300
	Number of complaints filed	4	422
	WORKLOAD		
	Number of OCC education programs	1	15
	Number of reports	3	2
	Number of inquiries fulfilled	2	250
	Number of complaints handled	4	400
	PRODUCTIVITY		
	Complaints/day	4	1.7
	Inquiries/day	2	.3
	Cost per consumer education program	1	-
	Cost per complaint	4	-
	EFFECTIVENESS		
	% complaints satisfied the consumer	4	90%
	% inquiries satisfied	2	95%
	% of participants passing OCC course	1	-

ANALYSIS	It is anticipated that the consumer education program will be more cost effective and widely distributed because of the establishment of a permanent T.V. program and school program. Inquiries and complaints should also increase as the OCC's existence and services are more widely recognized. Reports should also increase as a regular schedule of monitoring the business community is implemented.
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RESOURCES	CATEGORY	1977 ESTIMATE
	Personnel Supplies and materials Contractuals	\$65,273 4,100 43,000

OFFICE OF CONSUMER COUNSEL (OCC)	CONSUMERISM
GOAL -- To eliminate deceptive and unfair business practices through the education and effective representation of Guam's consumers.	

PERFORMANCE OBJECTIVES -- 78	- To receive 800 compliants. - To receive 500 inquiries. - To establish a comprehensive, island-wide consumer education program. - To introduce four consumer bills to the Guam Legislature.
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INDICATORS OF PERFORMANCE	MEASUREMENT	OBJECTIVE	ESTIMATE
	DEMAND		
	Number of complaints filed	1	700
	Number of inquiry requests	2	400
	Number of schools instituting consumer education program	3	-
	Number of groups/business requesting consumer education workshops	3	2
	WORKLOAD		
	Number of complaints	1	650
	Number of inquiries fulfilled	2	250
	Number of legislative bills prepared	4	2
	Number of consumer education classes	3	4
	Number of consumer education workshops	3	2
	PRODUCTIVITY		
	Complaints/day	1	2.3
	Inquiries/day	2	1.2
	Cost per consumer education program and workshop	3	-
	Cost per complaint and inquiry	1	-
	EFFECTIVENESS		
	% of complaints satisfying consumer	1	70%
	% of inquiries	2	95%
	# of people attending consumer education program	3	75,000
	# of consumer bills introduced	4	1

ANALYSIS	It is anticipated that in 1978 that the number of complaints will rise but begin to level off near the end of the year. The filling of the auditor and special investigator positions will occur. The Office of Consumer Counsel will become more widely recognized in the political community allowing for greater access and influence. Additionally, supportive agencies will increasingly become a factor in our service delivery.
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RESOURCES	CATEGORY	1978 ESTIMATE
	Personnel Supplies/Materials Contractual	\$87,893 5,490 44,100

OFFICE OF CONSUMER COUNSEL (OCC)	CONSUMERISM
GOAL -- To eliminate deceptive and unfair business practices through the education and effective representation of Guam's consumers.	

PERFORMANCE OBJECTIVES --79	- To provide legal counsel to 700 consumers. - To introduce eight consumer bills. - To establish a permanent investigative and monitoring system of the Guam business community. - To litigate four consumer cases.
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INDICATORS OF PERFORMANCE	MEASUREMENT	OBJECTIVE	ESTIMATE
	DEMAND		
	Number of consumers seeking legal counsel	1	650
	Number of legislative consumer problems identified	2	-
	Number of consumer areas requiring monitoring and/ of investigation	3	10
	WORKLOAD		
	Number of consumers receiving legal counsel	1	650
	Number of legal counseling hours	1	250
	Number of legislative consumer bills introduced	2	4
	Number of investigative reports filed	3	-
	PRODUCTIVITY		
	Legal counseling per day	1	-
	Cost per legal counsel	1	-
	EFFECTIVENESS		
	Number of consumer bills becoming law	2	2
	Number of litigated consumer cases won	4	1
	Percentage of files with investigative	3	50%

ANALYSIS	It is anticipated in 1979 that consumer education will increasingly become a responsibility of Department of Education. Attorney positions will be unfrozen allowing for more litigation and legal counseling. As the special investigator and auditor become experienced, a system of regular monitoring of the business community will occur. Additionally, the OCC should have enough political influence to become actively involved in legislative representation.
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RESOURCES	CATEGORY	1979 ESTIMATE
	Personnel Supplies and materials Contractual	107,788 6,000 52,000

OFFICE OF CONSUMER COUNSEL (OCC)	CONSUMERISM
GOAL -- To eliminate deceptive and unfair business practices through the education and effective representation of Guam's consumers.	

PERFORMANCE OBJECTIVES -- 80	1. To establish a full-time anti-trust division in the Consumer Counsel. 2. To provide arbitration services to 50 consumers as a possible remedy of their problems. 3. To solicit intra-government cooperation in the representation, education, and investigation of consumer problems.
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INDICATORS OF PERFORMANCE	MEASUREMENT	OBJECTIVE	ESTIMATE
	DEMAND		
	Number of people seeking arbitration	2	30
	Number of cases earmarked for anti-trust	1	7
	Number of cases needing outside agency assistance	3	.72
	Number of cases unresolved	1	144
	WORKLOAD		
	Number of arbitration cases	2	-
	Number of anti-trust cases	1	-
	Number of intra-agency workshops	3	2
	Number of workshop hours	3	6
	PRODUCTIVITY		
	Cost per arbitration	2	-
	Cost per anti-trust litigation	1	-
	Cost per workshop	3	-
	EFFECTIVENESS		
	% of arbitration cases resolved	2	-
	# of anti-trust cases won	1	-
	% of cases with documented intra-agency assistance	3	5%
	# of people attending intra-agency workshops	3	20

ANALYSIS	It is anticipated for 1980, that anti-trust will become an important concern of the OCC. Since this division would be temporary in nature, the Civil Division of the Attorney General's office will be heavily relied on. The OCC will expand its services to cover arbitration of consumer disputes in order to avoid litigation. Additionally, consumerism will become more a part of Guam's life requiring the development of a consumer climate in Government of Guam.
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RESOURCES	CATEGORY	1980 ESTIMATE
	Personnel Supplies and materials Contractual	118,566 21,000 35,000

OFFICE OF CONSUMER COUNSEL (OCC)	CONSUMERISM
GOAL -- To eliminate deceptive and unfair business practices through the education and effective representation of Guam's consumers.	

PERFORMANCE OBJECTIVES -- 81	1. To establish a consumer advocacy board for utilities. 2. To establish an active consumerism group. 3. To be an autonomous agency and 25% federally funded. 4. To provide a report on OCC's past and future.
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INDICATORS OF PERFORMANCE	MEASUREMENT	OBJECTIVE	ESTIMATE
	DEMAND		
	Number of people expressing interest in advocacy board	1	-
	Number of utility complaints received	1	50
	Number of litigated cases	2	3
	WORKLOAD		
	Number of utility complaints serviced	1	50
	Number of federal grants submitted	3	4
	Number of hours spent on report	4	-
	PRODUCTIVITY		
	Cost of report	4	-
	Cost per complaint	3	-
	EFFECTIVENESS		
	# permanently on utility advisory board (VAB)	1	-
	# of meetings of VAB	1	-
	% of budget federally financed	3	10%
	# of active members of consumer group	2	-

ANALYSIS	It is anticipated for 1981, that the OCC will become more involved in advocacy of consumerism on a community level. A progress report evaluating the office's past performances and evaluating Guam's needs and the role the OCC will play in meeting them will be appropriate. As the office evolves in the community, it is important that it not be subject to compromising the consumer's interest through political pressure.
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RESOURCES	CATEGORY	1981 ESTIMATE
	Personnel Supplies and materials Contractual	\$130,422 12,600 25,400