

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) REGULAR SESSION

Bill No. 27²-33(COR).

Introduced by:

FRANK B. AGUON, JR. 

AN ACT RELATIVE TO RECOGNIZING THAT PUBLIC EMPLOYEES WITH SUPERIOR RATINGS IN FISCAL YEAR 2002 WERE NOT COMPENSATED FOR MERITORIOUS PERFORMANCE IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN §6203, TITLE 4, GUAM CODE ANNOTATED; AUTHORIZING THE APPLICATION OF THE MERIT BONUS PROGRAM FOR FISCAL YEAR 2002; AND PROVIDING FOR SUCH PAYMENTS,

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
3 that *I Maga'lahren Guahan* over the past two years had compensated meritorious
4 bonuses to public employees in line agencies dating back to October 1, 1991,
5 pursuant to §6203, Title 4, Guam Code Annotated. Upon the payment of these
6 merit bonuses, it was brought to the attention of *I Liheslaturan Guahan* that such
7 payments were restricted in fiscal year 2002 by Public Law No. 26-35, Chapter IV,
8 Section 4(a), due to the implementation of cost containment measures. *I*
9 *Liheslaturan Guahan* further finds that it is estimated that over 1200 outstanding
10 public employees may have been directly affected by the legal restriction outlined
11 above.

12 Therefore, it is the intent of *I Liheslaturan Guahan* to authorize *I*
13 *Maga'lahren Guahan* to make such merit bonus payments to the public employees
14 who received superior performance evaluations in fiscal year 2002.

1 **Section 2. Authorization for Payment of Meritorious Bonuses to Public**
2 **Employees with Superior Performance Ratings in Fiscal Year 2002.**

3 Notwithstanding any other provision of law, the compensation of public
4 employees for meritorious ratings in accordance with §6203 of Title 4, Guam Code
5 Annotated, for fiscal year 2002, is hereby authorized.

6 **Section 3. Identification of Funding Source.** *I Maga'lahaen Guahan* in
7 carrying out the provision contained in Section 2 of this Act shall utilize his
8 transfer authority as provided for in Section 9, Chapter VIII, of Public Law No. 32-
9 181, in identifying funds necessary to effectuate the authorization contained in the
10 previous section of this Act.

11 **Section 4. Reporting Requirement.** The Director of the Department of
12 Administration shall report to *I Maga'lahaen Guahan* and the Speaker of *I*
13 *Liheslaturan Guahan* no later than Ten (10) days following the initial
14 implementation of any payments authorized in Section 2 above, and every Thirty
15 (30) days thereafter, until such time full compliance with Section 2 of this Act is
16 accomplished. Such report shall include the identification of the funding source or
17 sources, and the date of remittance of such payments.

18 **Section 5. Alternative Course of Action for the Implementation of**
19 **Section 2 of this Act.** Should *I Maga'lahaen Guahan* be unable to identify a
20 funding source and implement the provision contained in Section 2 of this Act by
21 July 1, 2015, he shall present to the Speaker and the Chairman of the Committee
22 on Appropriations and Adjudication of *I Mina Trentai Tres Na Liheslaturan*
23 *Guahan* a written plan highlighting a course of action and/or recommendation for
24 addressing the intent of this Act. Such plan shall be presented no later than the
25 date highlighted within this Section.

26 **Section 6. Effective Date.** The provisions contained within this Act shall
27 be effective upon enactment.

1 **Section 7. Severability Clause.** If any provision of this Law or its
2 application to any person or circumstance is found to be invalid, or contrary to law,
3 such invalidity *shall not* affect other provisions or applications of this Law which
4 can be given effect without the invalid provision or application, and to this end the
5 provisions of this Act are severable.