

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
2006 (SECOND) Regular Session

Bill No. 276 (EC)

Introduced by:

A. B. Palacios, Sr. 

AN ACT TO AMEND §4102(a)(11) OF CHAPTER 4, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING
EMPLOYMENT POSITIONS WITHIN THE GUAM
LEGISLATURE AND PLACING THESE POSITIONS IN THE
CLASSIFIED SERVICES OF THE GOVERNMENT OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds
2 that there currently exists no classified non-elected position within the Guam
3 Legislature, notwithstanding that the current positions have existed as long
4 as the Legislature existed. Many of these positions have been established for
5 many years, and are recognized as necessary positions for the proper and
6 efficient operations of the Guam Legislature. That positions in the
7 Legislature are all unclassified, presents uncertainty of continuity of good
8 service due to turnovers following every legislative election. Furthermore, a
9 position that is unclassified is a position that offers no job security. Hence, for
10 some job seekers it serves as a transient job. The end result is a less efficient

1 service and support to newly elected incoming legislators. Fortunately, most
2 of the current non-elected employees of the Guam Legislature are carry-overs
3 from previous legislatures, notwithstanding different leadership from the 27th
4 Guam Legislature to the 28th Guam Legislature. In fact, a majority of current
5 legislative employees are carry-overs from the last three legislative terms, a
6 manifestation of acceptance of a need for continuity and efficiency of service.
7 The positive audit reports of the Legislature for the last three terms may be
8 attributed to the retention of many of the current employees from previous
9 legislative terms. The inclusion of basic positions in the classified services,
10 with qualifications requirement, will promote the efficiency of operation of
11 the Guam Legislature.

12 *I Liheslaturan Guåhan* believes that continuity of service and support for
13 the proper operations of the Guam Legislature is in the best interest of the
14 people of Guam, who ultimately will be served by members of the Guam
15 Legislature. *I Liheslaturan Guåhan* further believes that there are currently
16 positions within the Guam Legislature that are determined to be a necessary
17 part of the Guam Legislature, and should be placed under the “classified”
18 service of the government of Guam.

19 It is therefore the intent of *I Liheslaturan Guåhan* to place certain
20 positions within the Guam Legislature under the classified services of the
21 government of Guam by amending §4102(a)(11), Chapter 4, Title 4, Guam
22 Code Annotated.

1 **Section 2.** §4102(a)(11) of Chapter 4, Title 4, Guam Code Annotated, is
2 hereby amended to read as follows:

3 “(11) all legislative employees except employees for the positions of
4 Chief Fiscal Officer, Senior Accountant, Accounting Clerk, Accounting
5 Technician I, Accountant II, Human Resource Administrator, Payroll Clerk II,
6 Procurement Officer, MIS Supervisor, Deputy Clerk, Management Legislative
7 Officer I, Legislative Officer I, and Archivist, as these positions are currently
8 authorized in the Fiscal Year 2006 Budget Act for *I Liheslaturan Guåhan*. These
9 positions shall henceforth be included under the classified services of the
10 government of Guam.”

11 **Section 3. Position description, classification, and compensation.** The
12 Department of Administration in conjunction with the Executive Director of *I*
13 *Liheslaturan Guåhan*, shall conduct and submit to *I Liheslaturan Guåhan* within
14 One Hundred Twenty (120) days an assessment and recommendations for the
15 proper position description requirements, classification, and compensations
16 for each of the positions so placed in the classified services pursuant to
17 Section 2 of this Act. The Executive Committee of *I Liheslaturan Guåhan* will
18 submit a finding and recommendation to *I Liheslaturan Guåhan* for
19 consideration and adoption.

20 **Section 4. Merit protection.** (a) Employees currently occupying a
21 position, which will be placed under the classified services of the government
22 of Guam, shall enjoy the same status, step or pay, and shall be entitled to all

1 rights, benefits and protection accorded full-time equivalent personnel within
2 the classified services of the government of Guam pursuant to law.

3 (b) Subsequent to the enactment of Section 4(a) as amended in this
4 Act, any subsequent classification, reclassification, or change in status on any
5 classified employee or position within the Guam Legislature shall be
6 pursuant to the Uniform Position Classification and Salary Act of 1991 and
7 applicable law.

8 (c) In the event a classified position within the Guam Legislature is
9 vacated, then the recruitment and hiring for the position shall be conducted
10 pursuant to the Uniform Position Classification and Salary Act of 1991 and
11 applicable law, and the succeeding employee shall be admitted into the
12 classified services of the government of Guam.

13 **Section 5. Transition period.** Employees currently occupying a
14 position, which will be placed under the classified services of the government
15 of Guam at the enactment of this Act, shall remain in such position and under
16 the terms and conditions for which such employee occupies such position,
17 until such time that *I Liheslaturan Guåhan* adopts or modifies and adopts the
18 recommendations of the Executive Committee of *I Liheslaturan Guåhan*,
19 pursuant to Section 3 of this Act.

20 **Section 6. Grandfather provisions; conditions.** Employees currently
21 occupying a position so placed in the classified services pursuant to Section 2
22 of this Act shall be subject to the following conditions:

1 (a) Employees who have occupied such position continuously for not
2 less than twelve (12) months immediately preceding the enactment of this
3 Act, shall be grandfathered into such position and shall enjoy the same
4 benefits and protection accorded classified employees of the government of
5 Guam.

6 (b) Employees who have occupied a position for less than twelve (12)
7 months continuously preceding the enactment of this Act, but who have met
8 the new qualifications required for the position as adopted by the Legislature,
9 shall be given reasonable time to prepare and qualify for such position, and
10 shall be given priority consideration to occupy and remain in such position.

11 (c) Employees who have occupied a position for less than twelve (12)
12 months continuously preceding the enactment of this Act, and who have not
13 met the new qualifications required for the position as adopted by the
14 Legislature, shall be given reasonable time to prepare and qualify for such
15 position, and shall then be given priority consideration to occupy and remain
16 in such position.

17 (d) Employees who are currently occupying a position and who are
18 currently receiving a government of Guam annuity shall have the option to
19 elect, either to vacate the position and continue to receive the annuity or to
20 remain in the position and suspend the annuity benefit. These employees are
21 still subject to the condition of subsections (a), (b), or (c) of this Section.

22 **Section 7. Limitations.** Positions placed in the classified services of the
23 government of Guam pursuant to Section 2 of this Act are for the purpose of

1 staffing and supporting the operations of the Guam Legislature. No
2 classified position may be authorized for any office of any member of the
3 Guam Legislature.

4 **Section 8. Severability.** If any provision of this law or its application
5 to any person or circumstance is found to be invalid or contrary to law, such
6 invalidity shall not affect other provisions and that other applications of this
7 law can be given effect without the invalid provisions or application, and to
8 this end the provisions of the law are severable.