

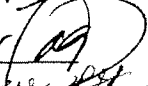
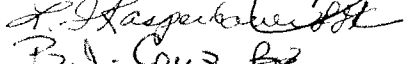



MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN
2006 (SECOND) Regular Session

Bill No. 290 (EC) ~~(ES)~~

Introduced by:

R. Klitzkie 
Mike Cruz, MD 
A. D. Patac 
R. J. Hasper 
B. J. Cruz 

AN ACT TO REPEAL AND RENENACT 2 GCA §1118(a); TO AMEND 2 GCA §1120; TO AMEND 2 GCA §1121.1; TO AMEND 1 GCA §419(a); TO REPEAL 19 GCA §3204(e); TO AMEND 4 GCA §1103 (c); TO AMEND 16 GCA §7122; TO REPEAL 5 GCA §7115; TO AMEND 5 GCA §23104; TO AMEND 2 GCA §1106; TO AMEND 4 GCA §4102(a); TO AMEND 4 GCA §4102(b); TO AMEND 5 GCA §6105(b); TO AMEND 22 GCA §9103(p); TO AMEND 2 GCA §1120(b); TO ADD 2 GCA §1118.1; TO ADD A NEW 2 GCA §1118.2; TO AMEND 17 GCA CHAPTER 20; TO AMEND 2 GCA §1119; TO AMEND 2 GCA § 1120; TO AMEND 4 GCA §4102(a) 11; TO AMEND 4 GCA §4105; TO ADD NEW ITEM (17) TO 4 GCA §4106; TO AMEND 4 GCA §5101(a); TO ADD NEW ITEM (p) TO 4 GCA §8104; TO AMEND 4 GCA §8121(a); TO AMEND 4 GCA §6102; TO AMEND 4 GCA §6103; TO AMEND 4 GCA §6303; TO AMEND 4 GCA §6304; AND TO ENACT THE PEOPLE'S LEGISLATIVE REFORM ACT OF 2006.

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

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9
10 **Section 1. Short Title.** This act may be cited as the People’s Legislative Reform
11 Act of 2006.

12 **Section 2. Statement of Legislative Findings.**

13 *I Liheslaturan Guahan* finds:

14 1. Legislation, appropriation and confirmation of executive appointments are the
15 only essential functions of *I Liheslaturan Guahan*.

16 2. The position of senator ought to be a public office not public employment with
17 abundant perquisites of employment.

18 3. The people are best served by a legislature the members of which come from
19 all walks of life where every man or woman may easily aspire to service in their
20 legislature.

21 4. Legislative service is more easily attainable by a broad spectrum of the
22 community when the legislature meets in two regularly scheduled thirty day sessions per
23 year rather than pursuant to a calendar which allows for unlimited sessions on a random
24 basis.

25 5. Scheduled sessions with senators paid on a *per diem* basis would result in a
26 popularly representative, economical legislative branch.

27 6. The Organic Act requires, “The legislature shall establish a merit system and,
28 as far as practicable, appointments and promotions shall be made in accordance with such
29 merit system.” 48 USC §1422c (See Haeuser v. Dep of Law, 97 F.3d 1152, 9th Cir. 1996).

30 7. While it is practicable for most employees of the legislative branch to be
31 appointed pursuant to the merit system, it is impracticable to appoint, pursuant to the
32 merit system, persons who must have a political relationship with a senator.

33 8. A legislative civil service would allow for broader representation, bring the
34 legislature into compliance with the Organic Act and allow for the development of

1 continuity and expertise that is difficult to obtain when wholesale staff changes can occur
2 as often as every other year.

3 9. The laws dealing with the office of Suruhanu and the Legislative Agencies
4 Fund have fallen into desuetude and should be removed from the books.

5 **Part I. Sessions of *I Liheslaturan Guahan*: Part-time Legislature**

6 **Section 3. Start Date of Regular Sessions. 2 GCA §1118 (a) is repealed and**
7 **reenacted to read:**

8 “§1118(a) Sessions of *I Liheslaturan Guahan*.

9 Annual regular sessions of the *I Liheslaturan Guahan* shall be held as follows:

10 (1) Convening upon the first Monday in January of each year, the Legislature
11 shall remain in session thirty (30) consecutive calendar days, and at the conclusion
12 thereof adjourn to the second Monday in June.

13 (2) Reconvening on the second Monday of June, the Legislature shall thereupon
14 remain in session thirty (30) consecutive calendar days.”

15 **Part II. Legislative Fiscal and Budget**

16 **Section 4. Legislative Budgetary Ceiling. 2 GCA §1121.1 is amended to**
17 **read:**

18 “§1121.1. Budgetary Ceiling – *I Liheslaturan Guahan*. The total budget of the *I*
19 *Liheslaturan Guahan* shall at no time exceed ~~two~~ one percent (~~21~~1%) of the Government
20 of Guam revenue projections set for the same fiscal year, as enacted into law in the
21 Government of Guam Budget Act for that fiscal year. The legislature must set a revenue
22 projection for the Government of Guam in the Annual Government of Guam Budget
23 Act.”

24 **Part III. Senatorial Reform**

25 **Section 5. Eliminates State Funerals. 1 GCA §419(a) is amended to read as:**

26 “§ 419 State Funerals

27 (a) The Legislature, on behalf of the people of Guam, shall honor with a State
28 Funeral any person who at the time of his death or before served as a ~~Senator~~,
29 Governor, Lieutenant Governor, Judge, or Non-Voting Delegate to
30 Washington, ~~or any citizen who, in the opinion of the Committee on Rules of~~

1 the Legislature, has displayed exemplary service for the island and the people
2 of Guam, if the family of the deceased so agrees.”

3 **Section 6. Eliminates Marriage Ceremonial Duties of the Speaker.** 19 GCA
4 §3204(e) is repealed.

5 **Section 7. Eliminates Government Vehicle Privileges of the Speaker.** 4 GCA
6 § 1103(c) is amended to read:

7 “(c) The provisions of this Section shall not apply to any vehicle assigned for the
8 use of I Maga’lahen Guahan, I Segundu na Maga’lahen Guahan [the Lt. Governor], ~~the~~
9 ~~Speaker of I Liheslaturan Guahan [the Legislature],~~ the Presiding Judge of the Superior
10 Court of Guam, and the Chief Justice of the Supreme Court of Guam.”

11 **Section 8. Eliminates Special License Plates for Senators.** 16 GCA §7122 is
12 **amended to read:**

13 “§7122. License Plates, Government Officials. In carrying out the issuance of
14 license plates pursuant to the provisions of this Chapter, the Director of Revenue and
15 Taxation shall issue special licenses bearing the following numbers to the following
16 officials of the government of Guam for use on their privately-owned vehicles:

17 OFFICE PLATE NUMBER

18 Governor 1

19 Lieutenant Governor 1-A

20 Speaker 2

21 ~~Vice Speaker 2-A~~

22 ~~Legislative Secretary 2-B~~

23 ~~Senators 2-C through 2-Z~~

24 District Court Judge 3

25 Superior Court Judges 3-A through 3-Z

26 Commissioners 4-A through 4-Z

27 Assistant Commissioners 5-A through 5-Z

28 The foregoing licenses shall be issued to those entitled thereto upon their
29 assumption of the office in question, and where there is more than one person holding
30 any of the foregoing offices, licenses shall be issued in sequence based upon their last
31 names in alphabetical order, except in the case of Superior Court Judges who shall be

1 issued licenses in sequence based upon their seniority. Such licenses shall be surrendered
2 to the Department upon their removal from said office for any cause. Nothing herein
3 contained shall be construed as authorizing the waiver of the local registration and
4 licensing requirements for such vehicles and their respective owners nor of preventing the
5 issuance of special government of Guam plates to the official government-owned
6 vehicles assigned to any public officer.”

7 **Section 9. Eliminates Legislative Counsel representing Senators and**
8 **Legislature as Plaintiffs.** 5 GCA §7115 is repealed.

9 **Section 10. Amends Travel allowances.** 5 GCA § 23104 subsection (1) of
10 **subsection (a) is amended to read:**

11 “(1) If the employee is the Governor, Lieutenant Governor, ~~a member of the~~
12 ~~legislature~~ or a judge, the rates are One Hundred Thirty Percent (130%) of the basic per
13 diem rates.”

14 **Part IV. Senatorial Compensation and Classification**

15 **Section 11. Compensation for Senators.** 2 GCA §1106 is amended to read:

16 “2 GCA §1106. Legislative Compensation for Senators and Allowances.

17 Compensation of each senator is fifty dollars (\$50) for each day of attendance at a
18 session of the legislature as shown in the journal of the legislature member of the Guam
19 Legislature shall be paid in twenty six (26) equal installments at the rate per annum of
20 fifty percent (50%) of the annual salary of a judge of the Superior Court; the
21 compensation of the Speaker of the Guam Legislature is sixty dollars (\$60) for each day
22 of attendance. shall be paid in twenty six (26) equal installments at the rate per annum of
23 fifty percent (50%) of the annual salary of the presiding judge of the Superior Court.
24 Such compensation shall be paid out of funds to be appropriated by the Guam
25 Legislature. Any statute, rule or regulation which is inconsistent with this section is
26 repealed to the extent of such inconsistency.”

27 **Section 12. Elimination of Unclassified Employee Status for Senators.** 4
28 **GCA §4102(a) (1) is amended to read:**

29 “1. (1) elective officials except senators;”

1 **Section 13. Elimination of Classified Status for Senators. 4 GCA §4102(b) is**
2 **amended to read:**

3 “(b) The classified service shall include all other positions in the government of
4 Guam except senators.”

5 **Section 14. Claims Act Protection for Senators. 5 GCA §6105(b) is amended**
6 **to read:**

7 “(b) for claims in tort, arising from the negligent acts of its employees acting for
8 and at the direction of the government of Guam, even though occurring in an activity to
9 which private persons do not engage. For the purposes of this chapter, any officer or
10 enlisted person of the Guam National Guard on territorial duty or any nursing student
11 acting for and at the direction of the University of Guam, ~~or~~ of the Guam Community
12 College or a senator performing an official duty shall be deemed an employee of the
13 government.”

14 **Section 15. Definition of Public Employment for Workers Compensation.**
15 **22 GCA §9103 (p) is amended to read:**

16 “(p) Public Employment. The term “public employment” means employment by
17 the government of Guam Executive, Judicial or Legislative departments, agencies,
18 instrumentalities, inclusive of semi-autonomous and autonomous agencies, and any other
19 government of Guam entities and public corporations. It shall include all elected officials
20 except for senators, provided, however that senators shall be deemed to be employees for
21 the purposes of this chapter only.”

22 **Section 16. Eliminates Exception to Reemployment and Retirement Rule**
23 **for Senators. 2GCA §1120 (b) is amended to read:**

24 “(b) Elected officials, except senators, who have retired from the government of
25 Guam and who are receiving retirement benefits from the Government or elected
26 officials who are eligible to receive retirement benefits from the Government shall
27 not relinquish, forfeit, or have such benefits suspended during the periods such
28 elected officials are holding their respective offices; provided, however, that such
29 elected officials shall not be deemed active members of the retirement fund for
30 purposes of such elected office service, and no deductions shall be made nor

1 government contributions made on account of any salary they receive as such
2 elected officials.”

3 **Part V. Safeguarding Employment**

4 **Section 17. Safeguarding Employment. A new 2 GCA § 1118.1 is added to**
5 **read:**

6 “§1118.1 Leave of Absence from Employment for Legislative Sessions.

7 Every senator shall, on the days of every session of the legislature at which he or
8 she is in attendance, be entitled to absent himself from any employment in which he or
9 she is then engaged. The senator shall not, because of so absenting himself, be liable to
10 loss of employment, demotion or loss of seniority on account of such absence.”

11 **Section 18. Safeguarding Employment. A new 2 GCA §1118.2 is added to**
12 **read:**

13 “§1118.2 Safeguarding employment.

14 (a) An employer shall not deprive an employee of his employment, or threaten or
15 otherwise coerce him with respect thereto, because the employee is a senator or candidate
16 for senator.

17 (b) Any employer who violates Subsection (a) is guilty of a petty misdemeanor.

18 (c) If an employer discharges an employee in violation of subsection (a) the
19 employee within ninety days from the date of discharge may bring a civil action for
20 recovery of wages lost as a result of the violation and for an order requiring the
21 reinstatement of the employee. Damages recoverable shall not exceed lost wages for six
22 weeks. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by
23 the court.”

24 **Part VI. Legislative Research and Service Bureau**

25 **Section 19. Legislative Research and Service Bureau. 17 GCA Ch 20 is**
26 **amended to read:**

27 “~~172~~ GCA Ch 20 - Legislative Research and Service Bureau

28 **CHAPTER 20**

29 **Legislative Research and Service Bureau**

30 §20101. Creation of the Legislative Research and Service Bureau.

1 There is ~~within the University of Guam~~ a Legislative Research and Service Bureau for
2 the use of the Legislature under such regulations as the Executive Director of the
3 Legislature Bureau, with the approval of the Committee on Rules (or its functional
4 equivalent) of the Legislature, may from time to time provide.

5 §20102. Purposes of Bureau. The purpose of the Legislative Research Bureau
6 shall be:

7 (a) To assist the senators ~~of the Legislature~~ in the proper performance of their
8 duties by providing them with impartial and accurate information and reports concerning
9 legislative problems that come or may come before them;

10 (b) To provide a comprehensive research and reference service on legislative
11 problems;

12 (c) To secure and compile reports of the various offices, departments and agencies
13 of the government of Guam; and, as far as may be practical and useful, of the Federal
14 Government, of states and other territorial governments, and such other material,
15 periodicals or books as will furnish the fullest information practicable upon all matters
16 pertaining to current or proposed legislation and to legislative problems;

17 (d) To secure information for the senators by cooperating with the legislative
18 references services of the various states, and territories and with the legislative service
19 conference maintained by the Council of State Governments and the National Council of
20 State Legislatures;

21 (e) To furnish, upon their written or electronic request to any senator, a digest of
22 information and material pertaining to legislative problems;

23 (f) To draft or aid in drafting bills and resolutions, and amendments thereto, and
24 to render legal services in connection therewith, for any senator upon request;

25 (g) To make available for use by the various departments and agencies of the
26 government of Guam, and by the residents of Guam, the reference material and facilities
27 maintained by it;

28 (h) To provide fiscal analysis and assist in the preparation of the annual budgets
29 of the government;

30 (i) To provide continuity during inter session recesses;

31 (j) To provide operations and accounting support.”

1 **Part VII. Legislature Merit System**

2 **Section 20. Legislature Staff: Employment and Conditions Thereof. 2 GCA**
3 **§1119 is amended to read:**

4 “§1119. Legislature Staff: Employment and Conditions Thereof.

5 (a) The Legislature, in addition to the attaches referred to in §1112 of this
6 Chapter, may employ ~~such~~ other classified employees in accordance with ~~as it may from~~
7 ~~time to time require. Notwithstanding the provisions of the Personnel Law and the~~
8 Compensation Law. The methods of appointment and promotion and the compensation,
9 tenure, leave and other conditions of employment of ~~such~~ unclassified employees and
10 attaches shall be such as the Legislature may from time to time fix by its Standing Rules
11 or by resolution.

12 (b) It is impracticable to appoint legislative attaches, the executive director
13 and staff of an individual senator, or standing committee of the
14 legislature in accordance with the merit system;

15 (bc) The Committee on Rules (or its functional equivalent) shall certify the
16 amount of compensation due such employees and attaches in accordance with the said
17 Standing Rules or resolution of the Legislature and the disbursing officer of the
18 Legislature shall thereupon pay the same in accordance with said certification.

19 (ed) Notwithstanding any provision of law to the contrary, and to provide for an
20 orderly transition from one Legislature to another, it shall be the duty and obligation of
21 all attaches ~~and employees~~ of the Legislature, to remain at their posts and perform their
22 duties until otherwise relieved or until their services are terminated by an incoming
23 Legislature.

24 ~~The Chairman of the Rules Committee of an outgoing Legislature, within ten~~
25 ~~(10) days following the declaration of results and issuance of certificates of election~~
26 ~~under the Election Law, shall account for and effect the orderly turn-over of legislative~~
27 ~~keys and other property, records and files to the Legislature designated for the purpose by~~
28 ~~the majority of the incoming Legislators.”~~

29 **Section 21. Legislature Classified Employees Retirement Benefits. 2 GCA**
30 **§1120 is amended to read:**

31 “§1120. Classified Legislature Employees Retirement Benefits.

1 (a) ~~The Classified employees and attaches~~ of the Legislative Branch are entitled to
2 the same retirement benefits, subject to the same contributions and conditions, as
3 employees of the Executive Branch of the government of Guam as provided by 4 GCA
4 Chapter 8.”

5 **Section 22. Unclassified Employees of the Legislature. 4 GCA §4102(a) 11.**
6 **is amended to read:**

7 “(11). ~~all legislative employees~~ Legislative attaches, the Executive Director
8 and staff of an individual Senator, or Standing Committee of the Legislature;”

9 **Section 23. Amends Departmental Rules. 4 GCA §4105 is amended to read:**

10 **“§4105. Branch and Departmental Rules.** Rules subject to criteria established
11 by this Chapter governing the selection, promotion, performance, evaluation, demotion,
12 suspension and other disciplinary action of classified employees shall be adopted by the
13 Legislature by resolution, Board of Directors of the Antonio B. Won Pat Guam
14 International Airport Authority; the Board of Directors for the Guam Economic
15 Development Authority, the Board of Directors of the Guam Housing Corporation; the
16 Board of Commissioners for the Guam Housing and Urban Renewal Authority; the Guam
17 Judicial Council; the Board of Directors of the Guam Telephone Authority; the Board of
18 Directors of the Port Authority of Guam; the Board of Directors of the Guam Power
19 Authority; the Board of Education; the Board of Regents of the University of Guam; the
20 Guam Community College Board of Trustees; the Board of Trustees of the Guam
21 Memorial Hospital Authority; the Board of Directors of the Guam Visitors Bureau; and
22 by the Board of Directors of the Guam Waterworks Authority with respect to personnel
23 matters within their respective Branches, agencies or departments, and by the Director of
24 the Department of Administration as to all other Executive Branch employment.

25 Such rules shall, to the extent practicable, provide standard conditions for entry
26 into and the other matters concerning the government service. The personnel rules
27 adopted for the Guam Economic Development Authority, the Guam Housing
28 Corporation, the Guam Housing and Urban Renewal Authority, the University of Guam,
29 the Guam Community College, the Antonio B. Won Pat Guam International Airport
30 Authority, the Guam Telephone Authority, the Port Authority of Guam, the Department
31 of Education, the Guam Memorial Hospital Authority, the Director of the Department of

1 Administration and by the Guam Waterworks Authority shall require that all their
2 classified employee appeals, except academic personnel of the Guam Community
3 College and the University of Guam in conformance with 4 GCA § 4403(h), be heard by
4 the Civil Service Commission ('Commission'). The personnel rules adopted for the
5 Judiciary Branch by the Judicial Council shall require that the Council hear all classified
6 employee appeals. The personnel rules adopted for the legislative branch by I
7 *Liheslaturan Guahan* shall require that a committee appointed by the Speaker shall hear
8 all classified employee appeals. Personnel rules governing any other Executive Branch
9 entities shall require that their classified employee appeals be heard by the Commission.
10 Rules concerning the Executive Branch shall take effect upon their approval by the
11 Commission, by Executive Order of I Maga'lahañ Guåhan and filing with the Legislative
12 Secretary. Rules concerning *I Liheslaturan Guahan* and the Judicial Council shall take
13 effect upon adoption ~~by the Judicial Council of Guam~~ and filing with the Legislative
14 Secretary.

15 Such rules shall include the following provisions:

16 (a) that the minimum rate of each pay range shall be the normal rate for initial
17 employment in the positions and classes assigned thereto; provided, however, that the
18 directors or other department heads may, with the approval of the Commission, authorize
19 initial employment in a position at a higher step in the position's pay range if such action
20 is warranted by recruitment difficulties or by the new employee's special or unusual
21 qualifications, including experience;

22 (b) that no spouse of any director, chief administrator or department head within
23 the government of Guam may be employed within the department, agency or
24 instrumentality so headed by such director, chief administrator, department head or other
25 officer;

26 (c) that overtime for those employees entitled hereto shall be calculated at one and
27 one-half (1 ½) times their regular wage;

28 (d) that employees may work at outside employment not in conflict with their
29 government service, nor such as would bring the government of Guam or its employees
30 into disrepute, but that any employee may undertake such employment only if such is not
31 in conflict with that person's duly scheduled hours and only with the consent of that

1 person's department or agency head, which consent may not be unreasonably withheld;
2 and

3 (e) that no person shall be required to work overtime, unless the employee has
4 received certification by the Director that funds for overtime pay as provided in
5 Subsection (c), above, are available.

6 Adoptions of such rules are subject to the Administrative Adjudication Law.”

7 **Section 24. Employment of Session Employees. A new item (17) is added**
8 **to 4GCA § 4106 to read:**

9 “(17) Employment of *session employees* of the legislature who may be called to
10 duty only during sessions of the legislature and up to five days before and after regular
11 sessions.”

12 **Section 25. Amendments to law dealing with political activity. 4 GCA §**
13 **5101(a) is amended to read:**

14 “(a) Employee means a person employed in ~~the Executive Branch~~ of the
15 government of Guam, including autonomous and semi-autonomous agencies thereof, or
16 in the Judicial Branch, with the following exceptions:

- 17 (1) A person holding elective office;
18 (2) A special or Staff Assistant to the Governor or senator;
19 (3) A person appointed by the Governor with the consent of the Legislature;
20 (4) A person retained from time to time to perform professional or special
21 services for a specific fee; and
22 (5) A person working on a casual basis on the days he performs no services.

23 Employees includes a person on administrative annual, or sick-leave unless such
24 person has resigned and has received a lump-sum payment for such leave. Subject to (5)
25 above, it includes persons not providing professional services for a specific fee who are
26 hired on a temporary, part-time, emergency or casual basis;”

27 **Section 26. Definition of Session Employees. A new item (p) is added to 4**
28 **GCA § 8104 to read:**

29 “(p) *Session employees* shall mean classified employees, e.g. pages, of the
30 legislature who may be called to duty only during sessions of the legislature and up to
31 five days before and after regular sessions.”

1 **Section 27. Suspension of Annuity Payments. 4 GCA §8121(a) is amended to**
2 **read:**

3 **“§ 8121. Same. Suspension of Annuity Payment.**

4 (a) A retired member who subsequently becomes an employee eligible for
5 membership under § 8106 of this Title prior to January 1, 1999 shall, upon becoming so
6 employed, have that member’s right to receive payment of that member’s annuity
7 suspended for the duration of that member’s employment, but all other rights pertaining
8 to that member’s annuity provided by this Article, including automatic increases therein,
9 shall be retained by that member. The provisions of this Section shall not be applicable to
10 any retired Judge or Justice designated and assigned by the Chief Justice to perform
11 judicial duties in the Courts of Guam as provided for in §6115 of 7 GCA, or any person
12 employed by the Guam Public School System in Guam schools, such as a substitute
13 teacher; classroom teacher; guidance counselor; health counselor; or certified, registered
14 and/or licensed health professional, including, but not limited to, physical therapists,
15 occupational therapists, speech therapists, audiologists, speech pathologists, speech
16 clinicians, physicians, physician assistants, nurses or psychologists; when such critical
17 need arises; provided, that such person(s) occupies a position for which no other
18 qualified/certified applicant was available, and that such employment shall be on a
19 school-year basis, subject to the provisions of Items (d) and (e) of this Section and to
20 session employees of *I Liheslaturan Guahan*.

21 The provisions of this Section shall not be applicable to any certified, registered
22 or licensed health care professional, or ancillary service personnel employed by the
23 Guam Memorial Hospital Authority, the Department of Mental Health and Substance
24 Abuse and the Department of Public Health and Social Services; provided, that such
25 person occupies a position for which no other qualified applicants were available, and
26 provided that such employment is procured on an annual basis, subject to the provisions
27 of Item (d) of this Section.”

28 **Section 28. Amends Uniform and Unified System of Position Classification**
29 **and Compensation. 4 GCA §6102 is amended to read:**

30 **“§6102. Purpose.** The purpose of this Chapter is to provide a uniform and unified
31 system of position classification and compensation for the Executive, Legislative and

1 Judicial Branches of the Government of Guam. The only exceptions are senators and is
2 ~~for~~ academic personnel of the Guam Community College and the University of Guam
3 which as institutions of higher education, must adhere to accreditation standards
4 established by the appropriate accrediting bodies. The term *academic personnel* refers to
5 the definitions provided in 17 GCA §31106 and §16112, governing academic personnel
6 of Guam Community College and the University of Guam.”

7 **Section 29. Amends Uniform and Unified System of Position Classification**
8 **and Compensation.** 4 GCA §6103 is amended to read:

9 “§6103. **Scope.** Unless otherwise specified, this Chapter shall apply to all
10 positions, officers, and employees, classified and unclassified, as the case may be,
11 inclusive of the Executive, Legislative and Judicial Branches, autonomous and semi-
12 autonomous agencies, public corporations, and other public instrumentalities of the
13 government of Guam. The provisions of this Chapter do not apply to senators and to
14 academic personnel of the Guam Community College and the University of Guam. The
15 employment and terms and conditions of employment of academic personnel shall be
16 exclusively governed by provisions of the enabling laws of Guam Community College
17 and”

18 **Section 30. Amends Uniform and Unified System of Position Classification**
19 **and Compensation.** 4 GCA §6302 is amended to read:

20 “§6302. **Administration.**

21 (a) The ~~Commission~~ Department of Administration shall adopt and apply the
22 unified pay schedule and the Hay methodology of positions classification and salary
23 administration to the extent and manner it deems appropriate. The Hay methodology and
24 unified pay schedule shall be administered by the Judicial Council for the Judicial Branch
25 with assistance from the Personnel Office of the Superior Court of Guam and the Rules
26 Committee (or its functional equivalent) for the legislature.

27 (b) The ~~Commission~~ Department of Administration, the Legislature by resolution,
28 and the Judicial Council may reassign Pay Grades as they deem necessary. Reassignment
29 shall be based upon the calculation of the Hay points performed by the technical staff
30 trained in the Hay evaluation system. The Department of Administration ~~Commission, I~~
31 Liheslaturan Guahan, and the Judicial Council are strongly encouraged to work closely

1 in the administration of the Hay System for the sake of consistency and uniformity of
2 results. The technical staffs of the ~~Commission~~ Department of Administration and the
3 Judicial Council (Personnel Office) shall coordinate their efforts in implementing the Hay
4 methodology.

5 (c) The ~~Commission~~ Department of Administration, I Liheslaturan Guahan, and
6 the Judicial Council shall establish appropriate policies and procedures for implementing
7 the provisions under this Article for their respective jurisdictions.”

8 **Section 31. Creation of Positions. 4 GCA §6303 is amended to read:**

9 **“§6303. Creation of positions.**

10 (a) New positions may be created by I Maga'lahaen Guahan, the Speaker of the
11 Legislature, the Chief Justice of the Guam Supreme Court, ~~or the Presiding Judge of the~~
12 ~~Superior Court of Guam~~ for the Judicial Branch, when necessary for the efficient
13 performance of the duties and functions of the government. *I Maga'lahaen Guahan* shall
14 submit to the Department of Administration ~~Civil Service Commission,~~ and the Presiding
15 Judge to the Judicial Council, the position descriptions for the positions within thirty (30)
16 calendar days after creation. The positions shall be terminated *unless* approved by the
17 Department of Administration ~~Commission,~~ the Legislature by resolution, or the Judicial
18 Council, as the case may be, within ninety (90) days after submission. No newly created
19 position shall be filled in the absence of appropriations to pay the salary of the proposed
20 position.

21 (b) This Section shall *not* apply to positions required by law to be filled by
22 persons confirmed by *I Liheslaturan Guahan.*”

23 **Section 32. Differential Pay. 4 GCA §6304 is amended to read:**

24 **“§6304. Differential Pay.** The Department of Administration ~~Commission,~~ the
25 Legislature by resolution, and the Judicial Council shall establish and implement uniform
26 differential pay policies. All statutes, rules, regulations, and policies which are not
27 covered by or inconsistent with the policies set forth herein, are hereby repealed upon
28 establishment of uniform pay policies.”

29 **Part VIII. Transition**

1 **Section 33. Legislative Standing Rules.**

2 The Standing Rules of the 28th *I Liheslaturan Guahan* shall govern Legislative
3 Branch classified employees until October 1, 2007.

4 **Section 34. Classified Position.**

5 Any employee occupying an unclassified position which becomes a classified
6 position by virtue of the provisions of this Act, shall:

7 (a) remain in his position if he meets the qualification requirements of the
8 established position classification standards and shall retain his salary if it is higher
9 than the appropriate salary set for the position until he vacates the position or until
10 October 1, 2007, whichever first occurs; or

11 (b) resign or be removed from his position no later than October 1, 2007 if he
12 does not meet the qualification requirements of the established position classification
13 standards. A removal under this Subsection shall be deemed an adverse action entitling
14 the employee to an appeal under the provisions of this Act.

15 **Part IX. Effective Dates and Implementation**

16 **Section 35. Repeals and Renumbering of Chapters.**

17 2 GCA Chapters 5 and 10 are repealed and the remaining chapters of 2 GCA are
18 renumbered consistently with the provisions of this act.

19 **Section 36. Effective Dates.**

Effective Dates Except as provided in tabular form below, this act shall become effective immediately:
Section 19 shall become effective October 1, 2006
Section 18 shall become effective July 7, 2006.
Sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 shall become effective January 1, 2007.

20 **Section 37. Implementation.** The Executive Director of the Civil Service
21 Commission, the Director of Labor and the Director of Administration shall provide
22 technical assistance to *I Liheslaturan Guahan* to facilitate the implementation of this act.