

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

Bill No. 323(LS)

Introduced by:

L.F. Kasperbauer *LK*

AN ACT TO ADD NEW SUBSECTIONS (g) & (h) TO §4103, TO AMEND ITEM (8) OF §4106, TO AMEND SUBSECTION (c) OF §4202 ALL OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT OF GUAM TO HIRE CLASSIFIED EMPLOYEES FOR A SPECIFIED LIMITED TERM.

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

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3        **Section 1. Legislative findings and Intent.** *I Liheslaturan Guåhan* finds  
4 that the merit system is the best means to hire qualified applicants for Government  
5 of Guam jobs including those jobs that are federal funded or are for a specific  
6 project of limited duration. The classified personnel system, however, makes it  
7 nearly impossible to terminate federally funded employees and project specific  
8 employees once the federal funding expires or the project is completed.

9        *I Liheslatura* further finds that the practice of filling federally funded  
10 positions and project specific positions with unclassified employees will (1) not  
11 necessarily result in the hiring of the best qualified applicants and (2) in the event  
12 a highly qualified applicant is hired, no job protection is provided during the term  
13 of employment.

14        It is the intent of *I Liheslatura* to allow for the use of the merit system in  
15 filling federally funded positions, grant specific positions or project specific

1 positions for a specific period of time that coincides with the funding source or the  
2 project's specific duration.

3 **Section 2.** A new Subsection (g) is hereby *added* to 4GCA §4103 Title 4  
4 to read as follows:

5 “(g) A person may be employed in the classified service contingent upon the  
6 availability of a grant, federal program or federal funds. An appointment in the  
7 classified service may be coterminous with the duration of the grant, federal grant,  
8 federal program or federal funds including the duration of renewals and extensions  
9 of such grant, federal grant, federal program or federal funds for which the  
10 employee was employed.”

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12 **Section 3.** A new Subsection (h) is hereby *added* to 4GCA §4103 Title 4  
13 to read as follows:

14 “(h) A person may be employed in a professional level position in the  
15 classified service for a specific project or program. An appointment in the  
16 classified service may be coterminous with the duration of the specific project or  
17 program for which the employee was employed.”

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19 **Section 4.** Item (8) of §4106 of 4GCA is hereby amended to read as follow:

20 “(8) Separation from the service of employees by resignation, layoff,  
21 suspension, dismissal, termination due to the termination or ending of a grant,  
22 federal grant, source of federal funds, specific program or project for which an  
23 employee was employed and for incapacity to perform required duties, provided  
24 that the rules shall provide a system for the employee to seek reconsideration of  
25 suspension, dismissal and removal for incapacity to perform by answering any  
26 charges within ten (10) days in having a conference with the administrative head;”

1           **Section 5.** Subsection (c) of §4202 of 4GCA is hereby amended to read as  
2 follow:

3           “(c) Subsection (b) of this Section shall not apply to a person whose  
4 employment is terminated for cause, provided, however, that this exclusion shall  
5 not impair an employee's right to challenge such termination under applicable  
6 personnel rules, or an employee whose employment terminated at the conclusion  
7 of the a grant, federal grant, source of federal funds, specific program or project  
8 for which an employee was employed.”