

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

Bill No. 375 (EC / LS)

Introduced by:

R. Klitzkie

AN ACT TO AMEND 4 G.C.A., § 8121(a), RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENTS AND EXCEPTING CERTIFIED AUGMENTATION TEACHING SERVICE EMPLOYEES (CATS) FROM THE SUSPENSION; TO ADD A NEW 17 G.C.A., § 3103(q) RELATIVE TO PROMULGATING RULES & REGULATIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. § 3127 RELATIVE TO ESTABLISHING DEFINITIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. § 3128 RELATIVE TO ELIGIBILITY CRITERIA FOR CERTIFIED TEMPORARY EMPLOYEE STATUS; TO ADD A NEW 17 G.C.A. § 3129 RELATIVE TO THE CERTIFICATE OF NECESSITY FOR THE EMPLOYMENT OF CATS; TO STATE A FINDING OF THE IMPRACTICABILITY OF ALLOWING CATS TO BE EMPLOYED AS CLASSIFIED EMPLOYEES; TO ADD A NEW 17 G.C.A. § 3130 RELATIVE TO THE MAINTENANCE OF AN EMPLOYMENT ROSTER BY THE SUPERINTENDENT; TO ADD A NEW 17 G.C.A. § 3131 RELATIVE TO THE REPLACEMENT OF CATS BY CERTIFIED APPLICANTS; TO ADD A SUNSET PROVISION EFFECTIVE JULY 1, 2010; TO ENACT THE CERTIFIED AUGMENTATION TEACHER SERVICE (CATS) ACT.

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

2 **Section One. Short title.** This act may be cited as The Certified Augmentation Teacher
3 Service (CATS) Act or the CATS Act.

4 **Section Two. Statement of legislative purpose.** The purpose of this act is to augment
5 certified personnel, as identified in Item 12 of Title 1 G.C.A., Chapter 7, §715, within the Guam
6 Public School System with government of Guam retirees who meet the eligibility requirements

1 set out in Section Six of this Act, in order to assist with the full compliance with the Every Child
2 is Entitled to an Adequate Public Education Act for the next three school years.

3 **Section Three. Suspension of Annuity Payments.** Title 4 G.C.A. § 8121(a) is amended
4 to read:

5 “(a) A retired member who subsequently becomes an employee eligible for membership
6 under § 8106 of this Title prior to January 1, 1999 shall, upon becoming so employed, have that
7 member's right to receive payment of that member's annuity suspended for the duration of that
8 member's employment, but all other rights pertaining to that member's annuity provided by this
9 Article, including automatic increases therein, shall be retained by that member. The provisions
10 of this Section shall not be applicable to any retired Judge or Justice designated and assigned by
11 the Chief Justice to perform judicial duties in the courts of Guam as provided for in § 6115 of
12 Title 7 G.C.A., or any person employed by the Guam Public School System in Guam schools
13 ~~such as a substitute teacher; classroom teacher; guidance counselor; health counselor; or~~
14 ~~certified, registered and/or licensed health professionals, including, but not limited to, physical~~
15 ~~therapists, audiologists, speech pathologists, speech clinicians, physicians, physician assistants,~~
16 ~~nurses or psychologists; when such critical need arises; provided, that such person(s) occupies a~~
17 ~~position for which no other qualified/certified applicant was available, and that or as a Certified~~
18 Augmentation Teaching Service (CATS) employee as that that term is defined by Title 17
19 G.C.A. § 3127(b). ~~such~~ Such employment shall be ~~on a school year basis~~, subject to the
20 provisions of Items (d) and (e) of this Section

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

27 **Section Four. Rules.** A new Title 17 GCA § 3103(q) is added to read:

28 “(q) to promulgate rules and regulations for the implementation and operation of §§ 3127
29 through 3131 of this title as necessary.”

30 **Section Five. Definitions.** A new Title 17 G.C.A., § 3127 is added to read:

1 “§3127. Definitions: As used in Title 4 G.C.A., Chapter 8, § 8121(a) and §§ 3127
2 through 3131 of this Title.

3 (a) *Certified Employee* means an employee who holds a position defined in 1 GCA § 715
4 Item 12. (a) through (e) and (k) who is “certified” as that term is defined in 1 GCA § 715 Item
5 13.

6 (b) *Certified Augmentation Teaching Service (CATS) employee (CAT or CATS)* means a
7 member of the Government of Guam Employees’ Retirement Fund who has retired from
8 government service but has subsequently been temporarily employed as an unclassified
9 employee to fill a vacancy in a position defined in 1 GCA § 715 Item 12. (a) through (e) and (k)
10 who is “certified” as that term is defined in 1 GCA § 715 Item 13. for the remainder of a school
11 year or until replaced pursuant to 17 GCA § 3131 .

12 (c) *Certified Applicant* means an applicant for a position defined in 1 GCA § 715 Item
13 12. (a) through (e) and (k) who is “certified” as that term is defined in 1 GCA § 715 Item 13.

14 (d) *Certificate of Necessity* means a writing signed by the Superintendent that the
15 employment of a Certified Temporary Employee is necessary to fill a vacant position defined in
16 1 GCA § 715 Item 12. (a) through (e) and (k) in order to comply with the Every Child is Entitled
17 to an Adequate Public Education Act.

18 (e) *Every Child is Entitled to an Adequate Public Education Act* means the provisions of
19 Public Law 28-45.”

20 (f) *School year* means 180 instructional days as that term is qualified in 1 GCA § 715,
21 Item 12(m).

22 **Section Six. Eligibility for CATS Employee Status.** A new Title 17 G.C.A., § 3128 is
23 added to read:

24 “§ 3128. Eligibility for CATS Employee Status. A former Guam Public School System
25 employee who resigned or retired from a position defined in 17 G.C.A. § 715 Item 12. (a)
26 through (e) and (k) in good standing:

27 (a) while the Guam Public Schools were in their annual summer recess, and who gave
28 thirty (30) days’ notice before leaving his employment, may be employed as a CAT Certified
29 Temporary Employee if he holds a current certification for the position, or

30 (b) prior to the effective date of this act may be employed as a CATS employee if he
31 holds a current certification for the position.”

1 **Section Seven. Employment of CATS Employees.** A new Title 17 G.C.A., §3129 is
2 added to read:

3 “§ 3129. Employment of CATS employees.

4 (a) The Superintendent of Education shall, to the extent possible, fill all positions defined
5 in Title 17 G.C.A. § 715 Item 12 (a) through (e) and (k) with Certified Employees.

6 (b) In the absence of Certified Employees the Superintendent may employ CATS. Before
7 he employs a CAT the Superintendent shall issue and post on the Guam Public School System
8 website a Certificate of Necessity.”

9 **Section Eight. Superintendent to Maintain Roster.** A new Title 17 G.C.A., § 3130 is
10 added to read:

11 “§ 3130. Superintendent to Maintain Roster. The Superintendent shall establish, keep
12 current and post on the Guam Public School System website a roster of all positions required by
13 the Every Child is Entitled to an Adequate Public Education Act to be filled by a Certified
14 Employee as that term is defined by Title 17 G.C.A. § 715 Item 13. The roster shall indicate
15 which positions are vacant, which positions are filled with Certified Employees, which positions
16 are filled with CATS and the Certificate of Necessity for each CAT pursuant to Title 17 G.C.A.
17 §3129(b).”

18 **Section Nine. Employment of Certified Applicants.** A new Title 17 G.C.A., § 3131 is
19 added to read:

20 “§ 3131. Employment of Certified Applicants. When a Certified Applicant who is
21 available for employment for the remainder of a current school year is available to fill a position
22 occupied by a CAT, the Superintendent shall forthwith replace the CAT with a Certified
23 Applicant if at least ten weeks remain in the current semester, otherwise at the end of the current
24 semester.”

25 **Section Ten. Impracticability.** *I Liheslaturan Guahan* finds that because of the
26 necessity for recruiting retirees on short notice for positions which have limited tenure with no
27 expectation of continuing employment, it would be impracticable to employ CATS as classified
28 employees.

29 **Section Eleven. Sunset provision.** No CAT may be employed after July 1, 2010.