

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) REGULAR SESSION

Bill No. 284 (EC)

Introduced by:

v.c. pangelinan

2008 APR 28 PM 3:20 *29*

AN ACT TO AMEND SUBSECTION (c) OF SECTION  
4101 OF ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO  
GOVERNMENT OF GUAM EMPLOYMENT  
EDUCATION REQUIREMENTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds  
3 that the minimum requirement of a high school diploma or a successful  
4 completion of a General Educational Development ("GED") test as a  
5 prerequisite for government of Guam employment has created hiring  
6 obstacles for individuals applying for non-technical and non-administrative  
7 positions. There are many in our community that must seek gainful  
8 employment to support their families but for numerous reasons are unable to  
9 or have yet to obtain a high school diploma or a GED thereby restricting them  
10 for employment within the government of Guam. However, these individuals  
11 are fully capable of performing tasks when given clear direction, guidance  
12 and supervision.

13 *I Liheslaturan Guahan* finds that the current statute may be  
14 discriminatory in nature excluding an employable segment of the population.  
15 In the case of Griggs v. Duke Power Co. 401 U.S. 424 (1971), the Supreme Court

1 examined the policy of a company requiring a high school diploma or its  
2 equivalent of its employees and ruled “if a law was non-discriminatory on its  
3 face, but discriminatory in its impact, then the law is unenforceable.”

4 *I Liheslaturan Guahan* further finds in applying the Griggs Test, requiring  
5 a high school diploma or a GED equivalent for non-technical and non-  
6 administrative positions within the government of Guam does not have a  
7 direct rational relationship with the job skills.

8 It is therefore the intent of *I Liheslaturan Guahan* to ensure that non-  
9 technical and non-administrative positions within the government of Guam  
10 are based on job qualifications related to job performance and job skills and  
11 does not discriminate based on the absence of a high school diploma or the  
12 successful completion of a GED test.

13 **Section 2.** Subsection (c) of Section 4101 of Article 1, Chapter 4 of Title 4  
14 of the Guam Code Annotated is hereby amended to read as follows:

15 “(c) All employment in the service of the government of Guam, with the  
16 exception of non-technical and non-administrative positions as determined by  
17 the Department of Administration shall have, as a reasonable measure of job  
18 performance, the minimum requirement of a high school diploma or a  
19 successful completion of a General Educational Development (“GED”) Test, or  
20 any equivalent of a general education high school program, or a successful  
21 completion of a certification program, from a recognized accredited or  
22 certified vocational technical institution, in a specialized field required for the  
23 job.

24 This subsection shall not be applicable to the Summer Youth Employment and

1 Training Act, a person with a disability which would prevent him or her from  
2 complying with this Section, or a person born on Guam whose eighteenth  
3 (18<sup>th</sup>) birthday was prior to August 1, 1950, and shall *only* apply to individuals  
4 hired after May 17, 2002.”

5 **Section 3. Severability.** If any of the provisions of this Act or the  
6 application thereof to any person or circumstance is held invalid, such  
7 invalidity shall not affect any other provision or application of this Act which  
8 can be given effect without the invalid provision or application, and to this  
9 end the provisions of this Act are severable.