

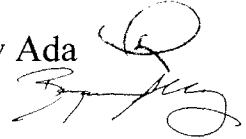
I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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WMA

Bill No. 238131(cov)

Introduced by:

V. Anthony Ada
B.J.F. Cruz



**AN ACT TO AMEND §4502(d) AND TO ADD A NEW
§§4504.1 AND 4508 TO CHAPTER 4 OF 4GCA
RELATIVE TO EXPANDING WHISLTER-BLOWER
PROTECTION TO ALL EMPLOYEES OF THE
GOVERNMENT OF GUAM.**

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

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3 **Section 1.** Section 4502(d) of Chapter 4 of 4GCA is *amended* to read:

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5 “(d) *Employee* means any person employed ~~by an agency~~ in the classified,
6 unclassified or contractual service of the Government of Guam.”

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8 **Section 2.** A new Section 4504.1 is *added* to Chapter 4 of 4GCA to read:

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10 **“§4504.1. Complaints by unclassified employees.**

11 (a) It shall be a misdemeanor to take any disciplinary action as defined in
12 §4502(b) of this Chapter against any unclassified employee who discloses to a
13 superior, local or federal law enforcement officer, the Attorney General’s Office or
14 a member or committee of I Liheslaturan Guåhan any form of waste, abuse of
15 policy, abuse of public trust, fraud or criminal acts by any employee of the
16 Government of Guam. If there are two or more violations of this section the

1 offense shall be a third degree felony. Any person who is complicit in or abets
2 such disciplinary action commits a violation of Chapter 13 of 9GCA. Any person
3 obstructs or hinders an investigation of any violation or potential violation of this
4 section commits a violation of Chapter 55 of 9GCA.

5 (b) For purposes of this Section, the Civil Service Commission shall have
6 the same authority authorized by §4504 this chapter to investigate complaints of
7 unclassified employees. If the Commission finds that any public employee either
8 directly or through a third party caused any form of disciplinary action as defined
9 by §4502(b) of this chapter to be taken against an unclassified employee for filing
10 such complaint, the matter shall be directed to the Office of the Attorney General's
11 Prosecution Division.

12 (c) Any unclassified employee who files a complaint known to be false or
13 untrue commits a petty misdemeanor.”

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15 **Section 3.** A new Section 4508 is *added* to Chapter 4 of 4GCA to read:

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17 **§4508. Employee Email Accounts Protected.** No appointing authority,
18 supervisor or other official of the Government may gain access to an employee's
19 email account without a warrant, court order or order by the Civil Service
20 Commission (Judicial Counsel for Judiciary employees). Subject to an order of the
21 Civil Service Commission (Judicial Counsel for Judiciary employees), an
22 appointing authority may gain access to an employee's email account if probable
23 cause exists that the employee committed a crime, fraud or other activity contrary
24 to the personnel rules and regulations of the government of Guam and the Laws of
25 Guam.