

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

Bill No. 298-31(LS)

Introduced by:

A.A. Yamashita, PhD

2011 AUG 31  
A.A. Yamashita  
8:38

**AN ACT TO AMEND SECTION 8121(A), CHAPTER 8 OF  
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO  
THE LIST OF POSITIONS THAT ARE EXEMPT FROM  
SUSPENSION OF ANNUITY PAYMENT.**

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

2 **Section 1.** Subsection (a) of §8121 of Chapter 8, Title 4, Guam Code

3 Annotated is *amended* to read:

4 **§ 8121. Same. Suspension of Annuity Payment.**

5 “(a) A retired member who subsequently becomes an employee  
6 eligible for membership under § 8106 of this Title *prior* to January 1, 1999,  
7 *shall*, upon becoming so employed, have that member’s right to receive  
8 payment of that member’s annuity suspended for the duration of that  
9 member’s employment, but all other rights pertaining to that member’s  
10 annuity provided by this Article, including automatic increases therein, *shall*  
11 be retained by that member. The provisions of this Section *shall not* be  
12 applicable to any retired Judge or Justice designated and assigned by the  
13 Chief Justice to perform judicial duties in the courts of Guam as provided for  
14 in § 6115 of Title 7 GCA, the President of the University of Guam,  
15 the President of the Guam Community College, the Superintendent of  
16 Education, or any person employed by the Department of Education in

1 Guam schools, as a substitute teacher or as a Certified Augmentation  
2 Teaching Service (CATS) employee as that term is defined by Title 17 GCA  
3 § 3127(b). Such employment *shall* be subject to the provisions of Subsection  
4 (d) of this Section.

5 The provisions of this Section *shall not* be applicable to any certified,  
6 registered or licensed health care professional, or ancillary service personnel,  
7 employed by the Guam Memorial Hospital Authority, the Department of  
8 Mental Health and Substance Abuse, the Department of Public Health and  
9 Social Services, academic faculty positions at the University of Guam and  
10 the Guam Community College, or a limited term police officer employed by  
11 the Guam Police Department to include Police Officers I, II, III and Sergeant  
12 I & II, performing duties such as patrol officers, narcotic officers, criminal  
13 investigators and school resource officers; provided, that such person(s)  
14 occupies such positions for which *no* other qualified/certified applicants was  
15 available, and that such employment *shall* be on a fiscal year basis; subject  
16 to the provisions of Subsection (d) of this Section.

17 The provisions of this Section *shall not* be applicable to employee(s)  
18 of the Office of the Governor, employee(s) of the Office of the Lieutenant  
19 Governor, unclassified employee(s) appointed by the Governor of Guam,  
20 and heads of autonomous agencies appointed by a governing board. An  
21 employee of the Governor or Lieutenant Governor's office or unclassified  
22 employee appointed by the Governor of Guam and heads of autonomous  
23 agencies appointed by a governing board who has previously retired *shall*  
24 become a member of the Defined Contribution Retirement System.

25 (b) A retired member who subsequently becomes an employee  
26 eligible for membership under § 8106 of this Title on or after January 1,  
27 1999 shall, upon becoming so employed, have that member's right to

1 receive payment of that member's annuity suspended for the duration  
2 of that member's employment, and shall be ineligible for readmission to  
3 the Defined Benefit Plan, but all other rights pertaining to that  
4 member's annuity provided by this Article, including automatic  
5 increases therein, shall be retained by that member; except, that the  
6 retired member shall forfeit any enhanced benefits for which that  
7 member was eligible pursuant to the early retirement provisions of §  
8 8121.1.

9 This Subsection shall not be construed to render a member  
10 ineligible for participation in the Defined Contribution Retirement  
11 System or the Deferred Compensation Program under Articles 2 and 3  
12 of this Chapter, upon a retired member's subsequent employment with  
13 the government of Guam.

14 (c) No employee voluntarily purchasing early retirement credit  
15 shall be rehired by the government of Guam in any position, whether  
16 contractual or otherwise, for at least three (3) years from the effective  
17 date of retirement, except for those exemptions listed under Item (a).  
18 The Retirement Fund shall make all individuals who voluntarily apply  
19 for early retirement credit aware that their purchase of such credit shall  
20 be construed as a voluntary waiver of their right to re-employment or  
21 reinstatement for a period of at least three (3) years.

22 (d) Any persons hired pursuant to the provisions of Item (a) of  
23 this Section who are subsequently rehired for consecutive school years  
24 shall be exempt from the requirements expected only of new  
25 employees, including, but not limited to, physical examinations with the  
26 exception of proof of certification, as a condition of such rehire."