


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

2011 OCT 13 PM 2:25 EDM

Bill No. 347-31(COR)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO AMEND §8121(a) OF ARTICLE 1,
CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO THE EMPLOYMENT OF PUBLIC-
SECTOR RETIREES WITHIN THE JUDICIARY OF
GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that Title 4 of the Guam Code Annotated authorizes the Executive
4 Branch to employ public-sector retirees, on a fiscal year basis, to occupy
5 certain unclassified positions within the government of Guam without giving
6 up their retirement benefits.

7 *I Liheslaturan Guahan* finds that the reasons for authorizing the hiring
8 of retirees include the wealth of experience and subject area expertise a
9 retiree brings to a government entity, in the absence of available or adequate
10 level(s) of personnel. The hiring of retirees helps expand the pool of choices
11 and aids agencies in minimizing adverse impacts to island residents by
12 ensuring the delivery of effective and timely public services.

13 *I Liheslaturan Guahan* also finds that the Judiciary of Guam desires to
14 be included in the provisions contained in Title 4GCA. The inclusion of the
15 Judiciary of Guam would enable the Judiciary to employ retirees who are
16 well capable of performing critical functions within the Judiciary.

1 It is the intent of *I Liheslaturan Guåhan* to authorize for the hiring of
2 retirees in the Judiciary of Guam, by amending §8121(a) of Article 1,
3 Chapter 8, Title 4, Guam Code Annotated, and to allow such retirees to
4 continue to receive their regular retirement annuities.

5 **Section 2. Hiring of Retired Personnel Authorized.** Section
6 8121(a) of Article 1, Chapter 8, Title 4, Guam Code Annotated, is hereby
7 *amended* to read:

8 **“§8121. Same. Suspension of Annuity Payment.**

9 (a) A retired member who subsequently becomes an employee eligible
10 for membership under §8106 of this Title *prior* to January 1, 1999, *shall*,
11 upon becoming so employed, have that member’s right to receive payment
12 of that member’s annuity suspended for the duration of that member’s
13 employment, but all other rights pertaining to that member’s annuity
14 provided by this Article, including automatic increases therein, *shall* be
15 retained by that member. The provisions of this Section shall not be
16 applicable to any retired Judge or Justice designated and assigned by the
17 Chief Justice to perform judicial duties in the courts of Guam as provided for
18 in §6115 of Title 7 GCA, or any person employed by the Department of
19 Education in Guam schools, as a substitute teacher or as a Certified
20 Augmentation Teaching Service (CATS) employee as that term is defined
21 by Title 17 GCA §3127(b). Such employment *shall* be subject to the
22 provisions of Subsection (d) of this Section.

23 The provisions of this Section *shall not* be applicable to any certified,
24 registered or licensed health care professional, or ancillary service personnel,
25 employed by the Guam Memorial Hospital Authority, the Department of
26 Mental Health and Substance Abuse, the Department of Public Health and
27 Social Services, academic faculty positions at the University of Guam and

1 the Guam Community College, or a limited term police officer employed by
2 the Guam Police Department to include Police Officers I, II, III and Sergeant
3 I & II, performing duties such as patrol officers, narcotic officers, criminal
4 investigators and school resource officers; provided, that such person(s)
5 occupies such positions for which *no* other qualified/certified applicants was
6 available, and that such employment *shall* be on a fiscal year basis; subject
7 to the provisions of Subsection (d) of this Section.

8 The provisions of this Section *shall not* be applicable to employee(s)
9 of the Office of the Governor, employee(s) of the Office of the Lieutenant
10 Governor, unclassified employee(s) appointed by the Governor of Guam,
11 unclassified employees of the Judiciary of Guam appointed by the Chief
12 Justice, and heads of autonomous agencies appointed by a governing board.
13 An employee of the Governor or Lieutenant Governor's office or
14 unclassified employee appointed by the Governor of Guam, unclassified
15 employees of the Judiciary of Guam appointed by the Chief Justice, and
16 heads of autonomous agencies appointed by a governing board who has
17 previously retired *shall* become a member of the Defined Contribution
18 Retirement System.”

19 **Section 3. Effective Date.** This Act shall become effective
20 immediately upon enactment.