

I MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) REGULAR SESSION

Bill No. 428-32(002)

Introduced by:

T.R. Muña Barnes

AN ACT TO *ADD* SUBSECTION (F) TO § 8121 OF ARTICLE 1,
CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING PARITY IN THE
RETIREMENT ANNUITY OF THE ATTORNEY GENERAL
OF GUAM.

2011 NOV 25 PM 2:08

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A *new* Subsection (f) is added to § 8121 of Article 1, Chapter 8, Title 4 of the Guam Code Annotated to read:

“§ 8121. Same. Suspension of Annuity Payment.

(a) A retired member who subsequently becomes an employee eligible for membership under § 8106 of this Title prior to January 1, 1999, shall, upon becoming so employed, have that member’s right to receive payment of that member’s annuity suspended for the duration of that member’s employment, but all other rights pertaining to that member’s annuity provided by this Article, including automatic increases therein, shall be retained by that member. The provisions of this Section shall not be applicable to any retired Judge or Justice designated and assigned by the Chief Justice to perform judicial duties in the courts of Guam as provided for in § 6115 of Title 7 GCA, or any person employed by the Department of Education in Guam schools, as a substitute teacher or as a Certified

1 Augmentation Teaching Service (CATS) employee as that term is defined
2 by Title 17 GCA § 3127(b). Such employment shall be subject to the
3 provisions of Subsection (d) of this Section.

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

18 (b) A retired member who subsequently becomes an employee
19 eligible for membership under § 8106 of this Title on or after January 1,
20 1999 shall, upon becoming so employed, have that member's right to receive
21 payment of that member's annuity suspended for the duration of that
22 member's employment, and shall be ineligible for readmission to the
23 Defined Benefit Plan, but all other rights pertaining to that member's
24 annuity provided by this Article, including automatic increases therein, shall
25 be retained by that member; except, that the retired member shall forfeit any
26 enhanced benefits for which that member was eligible pursuant to the early
27 retirement provisions of § 8121.1.

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

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

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

19 (e) Any employee hired pursuant to § 8121(a), Chapter 8, Title 5 GCA
20 shall only be eligible to enroll in the Government of Guam Health Insurance
21 Program as an active employee.

22 (f) Any person who is elected to the Office of the Attorney General of
23 Guam or the Office of Public Accountability, who is retired from
24 Government of Guam and receiving benefits shall not relinquish, forfeit, or
25 have such annuity suspended during the period of such elected office."

26 **Section 2. Effective Date.** This Act *shall* be effective upon enactment.