

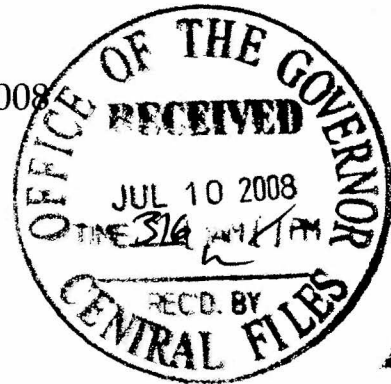


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**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
TWENTY-NINTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

July 10, 2008

The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 199(EC), 232(LS), 238(LS), 267(EC), 273(EC), 284(EC), 285(EC), 287(EC) & 294(EC); and Substitute Bill Nos. 266(EC), 278(LS) & 279(LS) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on July 9, 2008.

Sincerely,

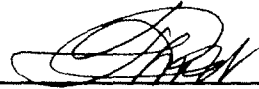
TINA ROSE MUÑA BARNES  
Senator and Secretary of the Legislature

Enclosures (12)

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 284(EC)**, "AN ACT TO *AMEND* SUBSECTION (c) OF §4101, ARTICLE 1, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT OF GUAM EMPLOYMENT EDUCATION REQUIREMENTS", was on the 9<sup>th</sup> day of July, 2008, duly and regularly passed.



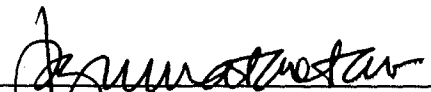
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

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This Act was received by *I Maga'lahaen Guåhan* this 10 day of July, 2008, at 3:16 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

**Bill No. 284 (EC)**

As amended on the Floor.

Introduced by:

v. c. pangelinan  
Dr. David L.G. Shimizu  
R. J. Respicio  
Tina Rose Muña Barnes  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith P. Guthertz, DPA  
Frank T. Ishizaki  
J. A. Lujan  
A. B. Palacios, Sr.  
Ray Tenorio  
J. T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (c) OF §4101, ARTICLE 1,  
CHAPTER 4 OF TITLE 4, 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 Guåhan* finds  
3 that the minimum requirement of a high school diploma *or* a successful completion  
4 of a General Educational Development (GED) test as a prerequisite for government  
5 of Guam employment has created hiring obstacles for individuals applying for non-  
6 technical and non-administrative positions. There are many in our community that  
7 must seek gainful employment to support their families but for numerous reasons

1 are unable to *or* have yet to obtain a high school diploma *or* a GED thereby  
2 restricting them from employment with the government of Guam. However, these  
3 individuals are fully capable of performing tasks when given clear direction,  
4 guidance and supervision.

5 *I Liheslaturan Guåhan* finds that the current statute may be discriminatory in  
6 excluding an employable segment of the population. In the case of *Griggs v. Duke*  
7 *Power Co.* 401 U.S. 424 (1971), the Supreme Court examined the policy of a  
8 company requiring a high school diploma *or* its equivalent of its employees and  
9 ruled “*if a law was non-discriminatory on its face, but discriminatory in its impact,*  
10 *then the law is unenforceable.*”

11 *I Liheslaturan Guåhan* further finds in applying the Griggs Test, requiring a  
12 high school diploma *or* a GED equivalent for non-technical and non-administrative  
13 positions within the government of Guam does *not* have a direct rational  
14 relationship with the job skills. \*

15 It is, therefore, the intent of *I Liheslaturan Guåhan* to ensure that non-  
16 technical and non-administrative positions within the government of Guam are  
17 based on job qualifications related to job performance and job skills and does *not*  
18 discriminate based on the absence of a high school diploma *or* the successful  
19 completion of a GED test.

20 **Section 2.** Subsection (c) of §4101, Article 1, Chapter 4 of Title 4, Guam  
21 Code Annotated, is hereby *amended* to read:

22 “(c) All employment in the service of the government of Guam,  
23 with the exception of non-technical and non-administrative positions as  
24 determined by the Department of Administration, *shall* have, as a reasonable  
25 measure of job performance, the minimum requirement of a high school  
26 diploma *or* a successful completion of a General Educational Development

1 (GED) Test *or* any equivalent of a general education high school program,  
2 *or* a successful completion of a certification program, from a recognized  
3 accredited *or* certified vocational technical institution, in a specialized field  
4 required for the job.

5 This subsection *shall* not be applicable to the Summer Youth  
6 Employment and Training Act, a person with a disability which would  
7 prevent him *or* her from complying with this Section, *or* a person born on  
8 Guam whose eighteenth (18<sup>th</sup>) birthday was prior to August 1, 1950, and  
9 shall *only* apply to individuals hired after May 17, 2002.”

10 **Section 3. Severability.** *If* any of the provisions of this Act or the  
11 application thereof to any person or circumstance is held invalid, such invalidity  
12 shall *not* affect any other provision or application of this Act which can be given  
13 effect without the invalid provision or application, and to this end the provisions of  
14 this Act are severable.