

FILE COPY

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

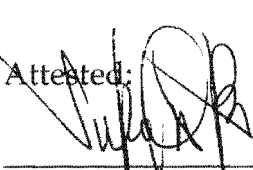
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 208-30 (LS), "AN ACT TO AMEND §6205.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING THE RESTRICTIONS ESTABLISHED ON THE RECRUITMENT OR COMPENSATION OF GOVERNMENT OF GUAM PERSONNEL ABOVE STEP 10 OF THE COMPENSATION SCHEDULE," was on the 19th day of March, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of March, 2010, at 2:15 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURÁN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 208-30 (LS)
As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
F. B. Aguon, Jr.
Telo Taitague
T. C. Ada
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §6205.2 OF ARTICLE 2, CHAPTER
6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO
CLARIFYING THE RESTRICTIONS ESTABLISHED ON
THE RECRUITMENT OR COMPENSATION OF
GOVERNMENT OF GUAM PERSONNEL ABOVE STEP
10 OF THE COMPENSATION SCHEDULE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the reasoning and rationale behind the restrictions *I Liheslaturan Guåhan*
4 imposed on the recruitment and compensation of Government of Guam Personnel
5 above Step 10 via the enactment of §6205.2, Title 4, Guam Code Annotated, is

1 sound. Further, the aforementioned statute was upheld in *Office of the Public*
2 *Auditor v. Lourdes M. Perez, in Her Capacity as Director, Department of*
3 *Administration, Government of Guam, et.al*, SP0192-07, Amended Decision and
4 Order dated November 12, 2008 (Superior Court of Guam). However, *I*
5 *Liheslaturan Guåhan* finds that, at the time §6205.2, Title 4, Guam Code
6 Annotated was enacted, only two (2) Office of Public Accountability employees
7 were adversely affected by its mandate that the Director of Administration *shall*
8 adjust the compensation of an unclassified employee who was hired above Step 10
9 prior to the effective date of the said statute, which was October 1, 2007. *I*
10 *Liheslaturan Guåhan* finds that a disparity exists between the two (2) Office of
11 Public Accountability employees and unclassified employees of the Office of *I*
12 *Maga'lahen Guåhan*, the Office of *I Segundu Na Maga'lahen Guåhan*, the Guam
13 State Clearinghouse, *I Liheslaturan Guåhan*, and any agency whose governing
14 Board has exclusive authority over compensation, because these entities are
15 exempt from the aforementioned mandate and the Public Auditor *does not* have
16 exclusive authority over the compensation of her employees. *I Liheslaturan*
17 *Guåhan* finds that it was *not* its intention to create such a disparity and that this
18 disparity must be remedied to avoid inequity and hardship on the two (2)
19 unclassified employees affected by the salary adjustment mandate.

20 **Section 2.** §6205.2 of Title 4, Guam Code Annotated, is hereby *amended*
21 to read:

22 **“§6205.2. No Recruitment or Compensation Above Step 10.**

23 (a) No agency, department, autonomous agency, public
24 corporation, *or* other instrumentality of the government of Guam *shall*
25 authorize compensation above Step 10 for the initial appointment, hiring *or*
26 recruitment of an employee. This Section *shall not* apply to the Office of *I*
27 *Maga'lahen Guåhan*, Office of *I Segundu Na Maga'lahen Guåhan*, Guam

1 State Clearinghouse, *I Liheslaturan Guåhan*, to any agency whose governing
2 board has exclusive authority over compensation, *or* to any positions
3 specifically exempted by law.

4 (b) Notwithstanding any other provision of law, the Director of
5 Administration *shall* adjust to Step 10 the compensation of an unclassified
6 employee who was hired above Step 10 before enactment hereof effective
7 the date of this enactment. Failure to comply with this Section *shall* result in
8 the deappropriation of the total amount of compensation paid in violation
9 hereof from the budget of the non-compliant agency.

10 (c) An employee hired by the Office of the Public Auditor prior to
11 October 2007 *shall not* be personally liable for repayment of any salary
12 received in good faith prior to December 2008.”