

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

FEB 13 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-14-1309
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date: 2/14/14
Time: 4:10 PM
Received by:

Dear Madame Speaker:

Transmitted herewith is Bill No. 228-32 (COR) "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS" which I signed into law on February 10, 2014 as **Public Law 32-128**.

Senseramente,

EDDIE BAZA CALVO

2014 FEB 14 PM 4:49 W

1309

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Bill No. 228-32 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS," was on the 3rd day of February, 2014, duly and regularly passed.



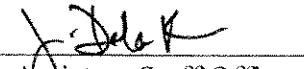
Judith T. Won Pat, Ed.D.
Speaker

Attested:



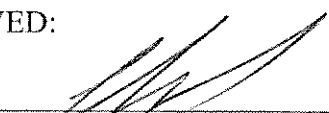
Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of Feb., 2014, at 12:28 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: FEB 10 2014

Public Law No. 32-128

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 228-32 (COR)

Introduced by:

Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Lintiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS.

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “*Responsible*
3 *Retired School Bus Driver and Automotive Mechanic Re-employment Act.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that the Department of Public Works currently has a fleet of one hundred thirty-
6 eight (138) school buses. In the near future, it is expected that the fleet will expand

1 to approximately one hundred fifty (150) school buses. Currently, the Department
2 of Public Works has difficulty in maintaining sufficient bus drivers to operate the
3 full complement of buses owned by the government of Guam, and keeping much
4 of the bus fleet operational. Recently, the newly-expanded fleet has been operating
5 with around one hundred ten (110) school buses. The automotive mechanics
6 employed by the Department face a large workload, so unexpected mechanical
7 failures or damage to buses can have significant impacts on the transportation of
8 public and private school students.

9 *I Liheslaturan Guåhan* further finds that Subsection (a) of §8121, Chapter 8,
10 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,
11 provided that the retirement annuity is suspended. Many retirees view this as a
12 disincentive to return to government service. Some exceptions to this include
13 certain judges, persons employed at Department of Education schools, certain
14 licensed health professionals, faculty of the University of Guam and Guam
15 Community College, limited term police officers, unclassified appointees of the
16 Governor, employees of the Office of the Governor and Lieutenant Governor, and
17 heads of autonomous agencies appointed by a governing board. School bus drivers
18 and automotive mechanics are *not* included in this exempt class, so if they return to
19 work for the Department of Public Works, they would be required to forgo their
20 regular retirement annuity payment, which would be a considerable barrier to re-
21 employment with the Department.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited
23 term appointment of government of Guam retirees to work as school bus drivers or
24 automotive mechanics, and allow such retiree to continue to receive his or her
25 regular retirement annuity payment.

26 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,
27 Article 1, Chapter 8, Title 4, Guam Code Annotated, is hereby *amended* to read:

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

15 The provisions of this Section *shall not* be applicable to any certified,
16 registered or licensed health care professional, or ancillary service personnel,
17 employed by the Guam Memorial Hospital Authority, the Department of
18 Mental Health and Substance Abuse, the Department of Public Health and
19 Social Services; academic faculty positions at the University of Guam and
20 the Guam Community College; a limited term police officer employed by
21 the Guam Police Department, to include Police Officers I, II, III and
22 Sergeant I & II, performing duties such as patrol officers, narcotic officers,
23 criminal investigators and school resource officers; or limited term school
24 bus drivers or automotive mechanics employed by the Department of Public
25 Works; provided, that such person(s) occupies such positions for which *no*
26 other qualified/certified applicants was available, and that such employment

1 *shall* be on a fiscal year basis; subject to the provisions of Subsection (d) of
2 this Section.

3 The provisions of this Section *shall not* be applicable to employee(s) of the
4 Office of the Governor, employee(s) of the Office of the Lieutenant Governor,
5 unclassified employee(s) appointed by the Governor of Guam, and heads of
6 autonomous agencies appointed by a governing board. An employee of the
7 Governor or Lieutenant Governor's office or unclassified employee appointed by
8 the Governor of Guam and heads of autonomous agencies appointed by a
9 governing board who has previously retired *shall* become a member of the Defined
10 Contribution Retirement System."