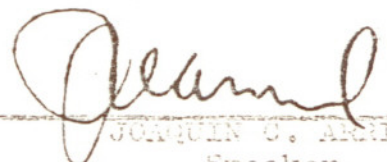


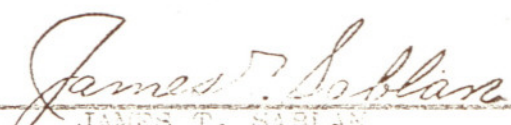
TENTH GUAM LEGISLATURE  
1970 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 473, "An Act to amend Section 4212, Chapter 3, Title V, Government Code of Guam, relative to revising disability retirement benefits", was on the 10th day of February, 1970, duly and regularly passed.

  
JOAQUIN C. ARRIOLA  
Speaker

ATTESTED:

  
JAMES T. SABLAN  
Legislative Secretary

This Act was received by the Governor this 19th day  
of February, 1970 at 12:00 o'clock P M.

/s/ Pedro D. Perez  
PEDRO D. PEREZ  
Acting Secretary of Guam

APPROVED:

/s/ Carlos G. Camacho  
CARLOS G. CAMACHO  
Governor of Guam

DATED: MAR 20 1970  
6:35 P.M.

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Public Law 10-122

Public Law 10-122  
Tenth Guam Legislature  
(Bill 473)

March 20, 1970

AN ACT

*An Act to amend Section 4212, Chapter 3, Title V, Government Code of Guam, relative to revising disability retirement benefits.*

**Be it enacted by the People of the Territory of Guam:**

Section 1. Section 4212, Chapter 3, Title V, Government Code of Guam, is hereby amended to read as follows:

"Section 4212. Disability. Any member less than 60 years of age, who shall become totally and permanently disabled for service, either mentally or physically, regardless of how or where the disability shall have occurred, shall be entitled to a disability retirement annuity. A total and permanent disability for the purposes of this Chapter is one which results from some impairment of body or mind that substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation that he would be competent to perform were it not for that impairment and is founded upon conditions which render it reasonably certain that it will continue indefinitely.

\* Such annuity shall begin to accrue upon the commencement of disability provided that if the member is receiving salary for sick leave, payment shall accrue from the date salary ceases.

A member shall be considered totally and permanently disabled after the Board shall have received written certification by at least two licensed and practicing physicians selected by the Board that the member is totally and likely to be permanently disabled for the further performance of the duties of any assigned position in the service of the government. If upon consideration of the report of such physicians and such other evidence as shall have been presented to it by the member or others interested therein, the Board finds the member to be totally and permanently disabled, it shall grant him a disability retirement annuity upon written certification that the member has been separated from the service of the employer because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the government.

The amount of disability retirement annuity shall be 66 2/3% based on the salary of the member in effect at the date of disability. Any special compensation allowance received or payable to any member because of disability resulting from accidental causes while in the performance of a specific act or acts of duty shall be deducted from the disability annuity payable by the fund on account of the same disability.

At least once each year during the first five years following the allowance of a disability annuity to any member, and at least once in every three-year period thereafter, the Board shall require any disability annuitant to undergo a medical examination to be made at place of residence of said annuitant, or at any other place mutually agreed upon, by a physician or physicians engaged by the Board. If any examination indicates that the annuitant is no longer physically or mentally incapacitated for service, or that he is engaged or is able to engage in a gainful occupation payments of the disability annuity by the fund shall be discontinued as soon as he is reinstated to the payroll following sick leave, but in no case shall payment be made for more than 60 days after physicians engaged by the Board find the annuitant is no longer incapacitated for service.

Should such annuitant become able to resume a gainful occupation and his earnings therefrom be less than his salary at the date of retirement or the salary currently paid for similar positions, whichever is lower, the Board shall continue the disability allowance in an amount which when added to his earnings from a gainful occupation shall not exceed his salary at the date of retirement for the salary currently paid for similar positions whichever is lower.

Should any disability annuitant refuse to submit to a medical examination as herein provided, payments by the fund shall be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all rights for the member in any disability annuity shall be revoked by the Board.

Any disability annuitant who is restored to active service shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement allowance based upon all allowable service including that upon which the disability allowance is based."

Section 2. Effective date: Coverage. This Act shall take effect the first day of the first month following approval. The annuities of present disability retirement annuitants shall be recomputed upon the effective date of this Act and from that day forward will be paid at the rate set

out in Section 1 hereof.

Section 3. This Act is an urgency measure.

Approved March 20, 1970.