

SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

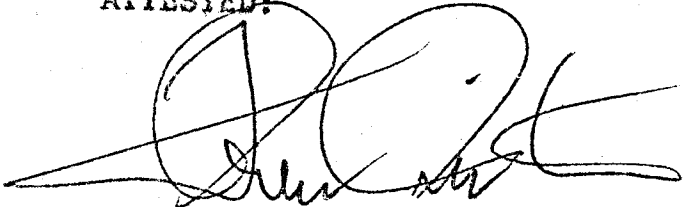
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 438, "An Act to amend Public Law 16-23 relative to the Civil Service Commission", returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 28th day of September 1981, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all the members thereof, to wit: by a vote of 17 members.



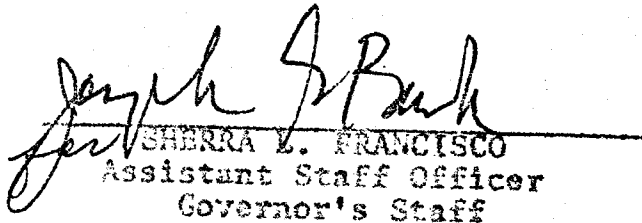
THOMAS V. C. LANAKA  
Speaker

ATTESTED:



THOMAS C. CRISOSTOMO  
Legislative Secretary

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This Act was received by the Governor this 30<sup>th</sup> day of  
September 1981 at 6:05 o'clock p.M.



SHERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Staff

P.L. 16-41

SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

Bill No. 488  
(As Substituted by  
the Committee on  
Governmental Operations)

Introduced by: K. S. Moylan, C. T. C. Gutierrez, F. R. Santos

AN ACT TO AMEND PUBLIC LAW 16-23 RELATIVE  
TO THE CIVIL SERVICE COMMISSION.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Subsection (a) of Section 4, Government Code  
Annotated 4102, is amended to read:

"(a) The unclassified service shall include the  
positions of:

- (1) elective officials;
- (2) judges;
- (3) Superior Court marshal, chief clerk, chief  
probation officer and court administrator of the  
Superior Court;
- (4) heads of agencies and instrumentalities and  
not more than one secretary for each such officer;
- (5) the first assistant, by whatever title  
denominated, to the heads of agencies and instrumenta-  
lities stated in paragraph (4) of this subsection;
- (6) persons employed on a temporary basis, but  
in no event longer than one (1) year, for the purpose  
of furnishing professional or technical services to  
the government of Guam; provided, however, that this  
subsection shall not alter the requirements of Section

1 4119.3 of the Government Code; and provided, further  
2 that this subsection shall not act to continue any  
3 contract of employment past its expiration date;

4 (7) members of boards and commissions;

5 (8) executive director of the Commissioner's  
6 Council;

7 (9) all offices and employment in the executive  
8 branch whose appointments are required to be confirmed  
9 by the Guam Legislature;

10 (10) all offices and employment made, by law, to  
11 be at the pleasure of any board, commission or officer;

12 (11) legislative attaches, the executive director,  
13 the deputy executive director, the chief fiscal  
14 officer, the community services bureau, the chief of  
15 the budget office, and staff of an individual senator  
16 or standing committee of the Legislature;

17 (12) members of the Guam Gaming Commission;

18 (13) physicians and health care administrators  
19 employed at Guam Memorial Hospital Authority;

20 (14) all positions in the Department of Military  
21 Affairs; and

22 (15) not more than twenty-five (25) employees of  
23 the Office of the Governor and not more than ten (10)  
24 employees of the Office of the Lieutenant Governor."

25 Section 2. The opening paragraph of Section 4, Government  
26 Code Annotated 4104, is amended to read:

27 "Section 4104. Departmental Personnel Rules. Rules  
28 subject to criteria established by this Chapter governing  
29 the selection, promotion, performance evaluation, demotion,

1 suspension and other disciplinary action, shall be adopted  
2 by the Board of Directors for the Guam Airport Authority,  
3 Board of Directors for Guam Economic Development Authority,  
4 Board of Directors for Guam Housing Corporation, Board of  
5 Commissioners for Guam Housing and Urban Renewal Authority,  
6 Legislature, Judicial Council, the Board of Directors of  
7 the Guam Telephone Authority, the Board of Directors of  
8 the Port Authority of Guam, the Board of Directors of the  
9 Guam Power Authority, the Board of Education, the Board of  
10 Regents of the University of Guam, the Guam Community  
11 College Board of Trustees and by the Board of Trustees of  
12 the Guam Memorial Hospital Authority with respect to per-  
13 sonnel matters within their respective branches, agencies  
14 or departments, and by the Director of Administration as to  
15 all other executive branch employment. Such rules shall,  
16 to the extent practicable, provide standard conditions for  
17 entry into and other matters concerning the government  
18 service. The personnel rules adopted for University of  
19 Guam, Guam Airport Authority, Guam Telephone Authority,  
20 Port Authority of Guam, Guam Power Authority, Department of  
21 Education, Guam Memorial Hospital Authority, the Judiciary  
22 and by the Director of Administration shall require that all  
23 their classified employee appeals be heard by the Civil  
24 Service Commission. Personnel rules governing the Legisla-  
25 ture and other executive branch entities may require that  
26 their classified employee appeals be heard by the Civil  
27 Service Commission. Rules concerning the executive branch  
28 shall take effect upon their approval by the Civil Service  
29 Commission, by Executive Order of the Governor and filing

1 with Legislative Secretary. Rules concerning the legisla-  
2 tive and judicial branches shall take effect upon filing  
3 with the Civil Service Commission."

4 Section 3. The first paragraph of Section 4, Government  
5 Code Annotated 4175, is amended to read:

6 "An employee who is dismissed, demoted, or suspended  
7 shall be given immediate notice of the action, together  
8 with a specific statement of the charges upon which such  
9 action is based, in the manner required by Article I of  
10 this Chapter. Copies thereof shall be filed with the Civil  
11 Service Commission and, if applicable, with the government  
12 entity charged with hearing his appeal under the personnel  
13 rules governing his employment not later than the working  
14 day next following the effective date of the action."

15 Section 4. Section 11842 of the Government Code is amended  
16 to read:

17 "Section 11842. Non-Academic Personnel. Notwith-  
18 standing any law, rule or regulations to the contrary, all  
19 non-academic personnel shall be classified and matters  
20 relating to employment of non-academic personnel shall be  
21 governed by and in accordance with Title 4 of the Guam Code  
22 Annotated and other personnel laws.

23 All employees of the University of Guam who have  
24 acquired government of Guam civil service tenure on the  
25 date of enactment of this Act and who are transferred to  
26 the corporate university in accordance with Section 11845  
27 of this Act shall retain their tenure and status as  
28 employees of the government of Guam."

1 Section 5. Section 13 of Public Law 16-23 is repealed and  
2 reenacted to read:

3 "Section 13. Subsection (b) of Section 49007 of the  
4 Government Code is amended to read:

5 '(b) All employees of the hospital, except  
6 physicians and health care administrators, shall be  
7 members of the classified service of the government."

8 Section 5. Section 16 of Public Law 16-23 is amended to  
9 read:

10 "Section 16. The provisions of this Act shall take  
11 effect on January 1, 1982."

12 Section 7. New Sections 17, 18, 19 and 20 are added to  
13 Public Law 16-23 to read:

14 "Section 17. The Civil Service Commission may approve  
15 temporary rules and regulations necessary for the implemen-  
16 tation of this Act which shall remain in effect no later  
17 than June 30, 1982 governing those executive branch entities  
18 which have not previously adopted personnel rules which  
19 were approved by the Commission. The Administrative  
20 Adjudication Act shall not govern the adoption of the  
21 temporary rules and regulations which need not be issued  
22 as an Executive Order of the Governor. The existing  
23 personnel rules for the judicial branch as adopted by the  
24 Judicial Council shall govern judicial branch classified  
25 employees and shall remain in effect no later than June  
26 30, 1982. The Standing Rules of the Sixteenth Guam Legisla-  
27 ture shall govern legislative branch classified employees  
28 and shall remain in effect no later than June 30, 1982.

1           Section 18. Severability. If any provision of this  
2 Act or its application to any person or circumstance is  
3 held invalid, the invalidity does not affect other pro-  
4 visions or applications of the Act which can be given effect  
5 without the invalid provision or application, and to this  
6 end the provisions of this Act are severable.

7           Section 19. Any employee occupying an unclassified  
8 position which becomes a classified position by virtue of  
9 the provisions of this Act, shall:

10           (a) remain in his position if he meets the  
11 qualification requirements of the established position  
12 classification standards and shall retain his salary  
13 if it is higher than the appropriate salary set for  
14 the position until he vacates the position or until  
15 January 1, 1984, whichever first occurs; or

16           (b) resign or be removed from his position no  
17 later than January 31, 1983 if he does not meet the  
18 qualification requirements of the established position  
19 classification standards. A removal under this sub-  
20 section shall be deemed an adverse action entitling the  
21 employee to an appeal to the appropriate entity under  
22 the provisions of this Act.

23           Section 20. Any employee occupying a classified  
24 position which becomes an unclassified position by virtue  
25 of the provisions of this Act, shall remain in his position  
26 if the appointing authority notified him in writing that  
27 his service shall continue or be removed from his position  
28 no earlier than June 30, 1982."

29           Section 8. The provisions of Sections 1, 2, 3, 4 and 7 of  
30 this Act shall take effect on January 1, 1982 at the same time  
31 Public Law 16-23 takes effect.