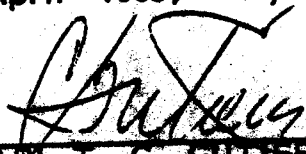


SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 127, "AN ACT AMENDING PUBLIC LAWS 16-13 AND 16-41 RELATIVE TO CLASSIFIED POSITIONS AND FOR OTHER PURPOSES", was on the 12th day of April 1983, duly and regularly passed.



CARL T. C. GUTTERREZ
Speaker

Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 13th day of April
1983, at 3:26 o'clock P.m.


RICARDO J. BORDALLO
Governor of Guam


Assistant Staff Officer
Governor's Office

Date: 4/11/83
3:55 PM

Public Law 17-5

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Bill No. 127

Introduced by:

C.T.C. Gutierrez
J.T. San Agustin
J.P. Aguon

E.P. Arriola
F.J. Gutierrez
P.C. Lujan
T.S. Nelson
D. Parkinson
F.J. Quitugua
E.D. Ramsey

AN ACT TO AMEND PUBLIC LAWS 16-23 AND 16-41
RELATIVE TO CLASSIFIED POSITIONS AND FOR
OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Title 4 Guam Code Annotated, Section 4102(a)(11) is
3 repealed and reenacted to read:
4 "(11) all legislative employees;"
5 Section 2. Title 4 Guam Code Annotated, Section 4102(b) is repealed
6 and reenacted to read:
7 "(b) The classified service shall include all other positions in the
8 government of Guam."
9 Section 3. The opening paragraph of Title 4 Guam Code Annotated
10 Section 4104, is amended to read:
11 "Section 4104. Departmental Personnel Rules. Rules subject to
12 criteria established by this Chapter governing the selection, promotion,
13 performance evaluation, demotion, suspension and other disciplinary action,
14 shall be adopted by the Board of Directors for the Guam Airport Authority,
15 Board of Directors for Guam Economic Development Authority, Board of
16 Directors for Guam Housing Corporation, Board of Commissioners for Guam
17 Housing and Urban Renewal Authority, Judicial Council, the Board of
18 Directors of the Guam Telephone Authority, the Board of Directors of the
19 Port Authority of Guam, the Board of Directors of the Guam Power

1 Authority, the Board of Education, the Board of Regents of the University
2 of Guam, the Guam Community College Board of Trustees and by the Board
3 of Trustees of the Guam Memorial Hospital Authority with respect to
4 personnel matters within their respective branches, agencies or
5 departments, and by the Director of Administration as to all other executive
6 branch employment. Such rules shall, to the extent practicable, provide
7 standard conditions for entry into and other matters concerning the
8 government service. The personnel rules adopted for University of Guam,
9 Guam Airport Authority, Guam Telephone Authority, Port Authority of
10 Guam, Guam Power Authority, Department of Education, Guam Memorial
11 Hospital Authority and by the Director of Administration shall require that
12 all their classified employee appeals be heard by the Civil Service
13 Commission. The personnel rules adopted for the Judiciary Branch by the
14 Judicial Council shall require that all their classified employee appeals
15 be heard by the Council. Personnel rules governing any other Executive
16 Branch entities may require that their classified employee appeals be
17 heard by the Civil Service Commission. Rules concerning the Executive
18 Branch shall take effect upon their approval by the Civil Service
19 Commission, by Executive Order of the Governor and filing with Legislative
20 Secretary. Rules concerning the Judiciary Branch shall take effect upon
21 adoption by the Judicial Council of Guam."

22 Section 4. Title 4 Guam Code Annotated, Section 4134(e)(2) is
23 amended to read:

24 "(2) Every officer or employee who has a direct or indirect
25 interest in any firm, partnership, business or corporation which contracts
26 with the government, at the time of submission of bids or commencement of
27 negotiations as the case may be, shall file a statement under oath with the
28 Director of Administration for Executive Branch employees, and the Court
29 Administrator for Judiciary employees describing such interest. Any such
30 statement shall also be given to the department head of such employee and
31 shall also be a public record for all purposes."

32 Section 5. Title 4 Guam Code Annotated, Section 4134(f) is amended
33 to read:

34 "(f) Failure by an officer or employee to comply with any of the

1 provisions of Subsection (e) of this Section shall be grounds for dismissal
2 from government service and the Director of Administration or Court
3 Administrator, as the case may be, shall order the compensation stopped of
4 any officer or employee found to be in violation."

5 Section 6. Section 1016 of the Government Code is repealed and
6 reenacted to read:

7 "Section 1016. Legislative staff: employment and conditions
8 thereof. (a) The Legislature, in addition to the attaches referred to in
9 Section 1010 of this Chapter, may employ such other employees as it may
10 from time to time require. Notwithstanding the provisions of the Personnel
11 Law and the Compensation Law, the methods of appointment and promotion
12 and the compensation, tenure, leave and other conditions of employment of
13 such employees and attaches shall be such as the Legislature may from time
14 to time fix by its Standing Rules or by resolution.

15 (b) The Committee on Rules shall certify the amount of compen-
16 sation due such employees and attaches in accordance with the said Stan-
17 ding Rules or resolution of the Legislature and the disbursing officer of the
18 Legislature shall thereupon pay the same in accordance with said certi-
19 fication.

20 (c) Notwithstanding any provision of law to the contrary, and to
21 provide for an orderly transition from one Legislature to another, it shall
22 be the duty and obligation of all attaches and employees of the Legislature,
23 to remain at their posts and perform their duties until otherwise relieved or
24 until their services are terminated by an incoming Legislature. The chair-
25 man of the Rules Committee of an outgoing Legislature, within ten (10) days
26 following the declaration of results and issuance of certificates of election
27 under the Election Law, shall account for and effect the orderly turn-over
28 of legislative keys and other property, records and files to the Legislator
29 designated for the purpose by the majority of the incoming Legislators."

30 Section 7. Section 17 of Public Law 16-23 is amended to read:

31 "Section 17. The Civil Service Commission may approve tempo-
32 rary rules and regulations necessary for the implementation of this Act
33 which shall remain in effect no later than June 30, 1982, governing those
34 Executive Branch entities which have not previously adopted personnel

1 rules which were approved by the Commission. The Administrative Adjudi-
2 cation Act shall not govern the adoption of the temporary rules and regu-
3 lations which need not be issued as an Executive Order of the Governor.
4 The existing personnel rules for the Judicial Branch as adopted by the
5 Judicial Council shall continue to govern Judicial Branch classified
6 employees."

7 Section 8. Section 19 of Public Law 16-41 is repealed.

8 Section 9. Section 20 of Public Law 16-41 is repealed.

9 Section 10. Any employee occupying a classified position which
10 becomes an unclassified position by virtue of the provisions of this Act
11 shall become an unclassified employee of the government of Guam.

12 Section 11. Section 16 of Public Law 16-120 is amended to read:

13 "Section 16. The sum of Eight Hundred Sixty-Five Thousand One
14 Hundred Seventy-One Dollars (\$865,171) is appropriated from the General
15 Fund to the Legislative Operations Fund for the personnel services to be
16 rendered by central staff employees of the Legislative Branch during 1983.
17 Positions funded by the appropriation shall not be filled as vacancies occur
18 nor shall the funds be expended for whatever purposes. Any lapse funds
19 as a result of the conversion from classified to unclassified within the
20 Legislative Branch shall revert to the General Fund."

21 Section 12. A new subsection (h) is added to Title 4 Guam Code
22 Annotated, Section 4172:

23 "(h) The provisions of this section shall not apply to the Judi-
24 ciary or Legislature in compliance with the doctrine of separation of powers
25 unless such separate branch opts to make them applicable by submitting to
26 the jurisdiction of the Civil Service Commission. All reference to classified
27 employees will be deemed to mean Classified employees of the Executive
28 Branch including agencies and authorities."

29 Section 13. Section 8 of Public Law 17-4 is amended to read:

30 "Section 8. There shall be no reduction in force by any
31 government of Guam department, bureau, or agency which includes
32 autonomous agencies or other instrumentalities of the Executive Branch of
33 the government of Guam until such time as the particular department,
34 bureau or agency implements a layoff, demotion, or salary reduction

1 procedure, which among other considerations adopted by the Civil Service
2 Commission shall be based upon employee efficiency and seniority. The
3 provisions of this Section shall be effective retroactive to February 1, 1983
4 and any employee laid off or whose salary was reduced shall be reinstated
5 or salary increased to the position or level they occupied or received on
6 February 1, 1983."

7 Section 14. Section 14010(c) of Public Law 13-87 is amended to read:

8 "Section 14010(c). Notwithstanding any other provision of law,
9 the manager, assistant manager, the manager's secretary, the comptroller
10 and assistant comptroller shall be within the unclassified service of
11 the government of Guam and shall be hired, compensated and employed under
12 the terms and conditions fixed by and at the pleasure of the Board."

13 Section 15. Severability. If a part of this Act is invalid, all valid
14 parts that are severable from the invalid part remain in effect. If a part
15 of this Act is invalid in one or more of its applications, the part remains in
16 effect in all valid applications that are severable from the invalid appli-
17 cation.