

FIRST GUAM LEGISLATURE
1951 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill Number 1-A, "An Act to establish a merit system for filling offices and employments in the Government of Guam; to define the classified service; to establish a Personnel Board and to provide for a Personnel Director; and for other purposes," was on the 24th day of April, 1951, duly and regularly passed.



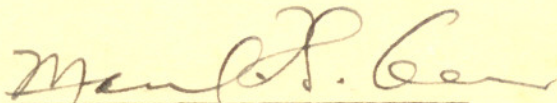
A. B. WON PAT
Speaker

ATTESTED:



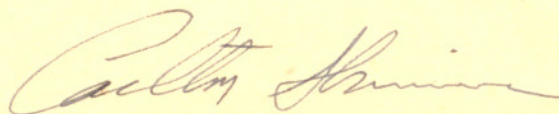
A. S. N. DUENAS
Legislative Secretary

This Act was received by the Governor this 1st day
of May, 1951, at 10:17 o'clock A. M.



R. S. HERMAN
Secretary of Guam

APPROVED:



CARLTON SKINNER
GOVERNOR OF GUAM

Dated: May 7, 1951

FIRST GUAM LEGISLATURE
1951 (FIRST) Regular Session

Bill No. 1-A

Public Law 8

Introduced by *Frank D. Perez*
Frank D. Perez

An Act to establish a merit system for filling offices and employments in the Government of Guam; to define the classified service; to establish a Personnel Board and to provide for a Personnel Director; and for other purposes.

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

2 Sec. 1. Title. This Act shall be known and may be cited as the
3 "Personnel Law".

4 Sec. 2. General. The employment and promotion of persons in the
5 service of the Government of Guam shall be upon the basis of merit and
6 fitness. Positions in the classified service as defined in section 3 of
7 this Act shall be filled as far as practicable by competitive selection
8 methods. Preference in filling positions and all appointments in the
9 Government of Guam shall be in accordance with Section 9 (a) of Public
10 Law 630, 81st Congress, otherwise referred to as the Organic Act of
11 Guam.

12 Sec. 3. Classified and Unclassified Services. All offices and
13 employments in the Government of Guam shall be divided into classified
14 and unclassified services as follows:

15 (a) The unclassified services shall include the positions of:

- 16 1. Members of the Legislature and other elective offi-
17 cials.
18 2. Judges and jurors.
19 3. Personnel specifically exempted by the Organic
20 Act of Guam.
21 4. Heads of executive agencies and instrumentalities
22 appointed by the Governor by and with the advice
23 and consent of the Guam Legislature; and, when

1 authorized by the Governor, not more than one
2 secretary for each such officer.

3 5. Persons employed on a temporary basis for the
4 purpose of furnishing professional or technical
5 services to the Government of Guam or an instru-
6 mentality thereof.

7 6. Members of boards and commissions.

8 7. The Chief Commissioner, Municipal Commissioners
9 and Assistant Municipal Commissioners.

10 8. All offices and employments in the Government
11 of Guam whose appointments are required to be
12 confirmed by the Guam Legislature.

13 (b) The classified service shall include all other positions
14 in the Government of Guam.

15 Sec. 4. Personnel Board. The Governor is authorized to appoint,
16 by and with the advice and consent of the Guam Legislature, a Personnel
17 Board consisting of three members whose terms of office shall be three
18 years, except, of the three members first appointed, one shall be ap-
19 pointed for a term of one year, one for a term of two years and one
20 for a term of three years. The terms of office of the first members
21 so appointed shall be dated from January 1, 1951. Vacancies occurring in
22 the membership of the Board prior to the expiration of a term shall be
23 filled by the Governor, by and with the advice and consent of the Guam
24 Legislature, for the unexpired portion of the term. Members shall not
25 be employees of the Government of Guam nor hold any elective office
26 during their term on said Personnel Board and they shall serve without
27 compensation except that they may be reimbursed for necessary travel
28 expenses. The Governor shall designate one of the members of the Board
29 as Chairman and the Board shall meet not less frequently than bi-monthly.

30 Sec. 5. Duties of the Personnel Board. In addition to the duties

1 elsewhere prescribed in this Act, or in the rules adopted thereunder,
2 the Personnel Board shall:

3 1. (a) Aid the Governor, as he may request, in preparing
4 suitable rules for carrying out this Act, and when
5 said rules shall have been promulgated it shall be
6 the duty of all officers of the Government of Guam
7 in the departments and offices to which any such
8 rules may relate to comply with said rules, and any
9 modification thereof.

10 (b) Among other things, said rules shall provide and
11 declare as nearly as the conditions of good ad-
12 ministration will warrant, as follows:

13 (1) The competitive selection methods to be
14 followed in filling any future vacancy
15 in the Government of Guam.

16 (2) That there shall be a period of probation
17 before any absolute appointment or employ-
18 ment can be made.

19 (3) That no person in the public service is for
20 that reason under any obligations to contri-
21 bute to any political fund, or to render any
22 political service, and that he will not be
23 removed or otherwise prejudiced for refusing
24 to do so.

25 (4) No person in said service has any right to
26 use his official authority or influence to
27 coerce the political action of any person or
28 body.

29 2. The Board shall have power and authority to make such in-
30 quiries and investigations into the personnel administration

1 in the classified service as it may deem desirable.

2 3. The Board shall make annual report to the Governor for trans-
3 mission to the Legislature, showing its own action, the rules
4 and regulations and the exceptions thereto in force, the
5 practical effects thereof, and any suggestions it may approve
6 for the more effectual accomplishment of the purposes of
7 this Act.

8 4. Members of the Personnel Board shall have the power to adminis-
9 ter oaths to witnesses in any matter pending before said board.

10 Sec. 6. Personnel Director. The Governor is authorized to appoint,
11 with the advice and consent of the Guam Legislature, a Personnel Direc-
12 tor. The Governor may in his discretion combine the duties of Personnel
13 Director, with those of other offices or employments in the Government
14 service. The Personnel Director shall be a person experienced in pro-
15 gressive methods of personnel management.

16 Sec. 7. Duties of the Personnel Director: In addition to those
17 duties assigned elsewhere in this Act or in the rules adopted thereunder,
18 it shall be the duty of the Personnel Director:

19 (a) To direct the administration of a progressive program
20 of personnel administration in the classified service
21 in accordance with the Personnel rules and amendments
22 thereto.

23 (b) To prepare annual and such other reports and to perform
24 such other acts as may be necessary or desirable in the
25 interest of sound personnel administration in the classi-
26 fied service.

27 (c) To serve ex-officio, as Secretary to the Personnel Board.

28 Sec. 8. Personnel Rules. The Personnel Director shall prepare
29 for the Board personnel rules and, as necessary, amendments thereto.
30 Such rules shall extend to recruitment, selection, promotion, proba-

1 tionary service, in-service training, hours of work, overtime compen-
2 sation, allowances of leave without pay, performance, evaluation, de-
3 motions, suspensions, dismissals and other disciplinary actions, and
4 such other matters as are essential to the administration, of a merit
5 system of personnel administration, including the status of employees in
6 the classified service on the effective date of this Act. The Personnel
7 Board shall submit proposed personnel rules and amendments thereto to
8 the Governor for his consideration. The personnel rules and amendments
9 thereto shall become effective upon approval of the Governor. In res-
10 spect to recruitment and selection, the rules may provide for selection
11 methods involving the use of oral or written examination, evaluation
12 of training and experience, performance tests, test of physical fitness,
13 character investigation, or any combination of these and with the res-
14 pect to unskilled laboring and custodial positions, the rules may pro-
15 vide for selection upon the basis of test of physical fitness and the
16 order in which application for employment are received. The personnel
17 rules may provide selection methods appropriate to the recruitment of
18 teachers, technicians, and specialists from outside of Guam. The per-
19 sonnel rules may provide for recognition of the competitive selection
20 procedures of personnel agencies of the federal, states, and local
21 governments within the United States and of the territories of the
22 United States.

23 Sec. 9. Classification and Pay Plan. The Personnel Director shall
24 develop, maintain and keep current a position classification plan for
25 all positions in the classified service on the basis of the actual duties,
26 responsibilities and qualification requirements of those positions not
27 in conflict with Division 2 of the Compensation Law, and in connection
28 therewith the Personnel Director shall have authority to allocate and
29 reallocate positions to classes, as provided for in Section 9 of Division
30 I of Compensation Law. The Personnel Director shall study prevailing

1 rates of pay for private and other public employment in the territory
2 of Guam and elsewhere as desirable, living costs, and recruitment needs,
3 and on the basis of such studies shall submit at least annually through
4 the Personnel Board to the Governor for recommendation to the Legisla-
5 ture a report setting forth such change in the Compensation Law as may
6 be desirable.

7 Sec. 10. No person habitually using intoxicating beverages to
8 excess shall be appointed to, or retained in, any office, appointment,
9 or employment under the Government of Guam.

10 Sec. 11. Whenever there are already two or more members of an
11 immediate family in the public service under the same department of
12 any branch of the Government of Guam, to which this Act is applicable,
13 no other member of such family shall be eligible to appointment to
14 any such department.

15 Sec. 12. No person in the classified service of the Government of
16 Guam shall be removed therefrom except for such cause as will promote
17 the efficiency of said service and for reasons given in writing, and the
18 person whose removal is sought shall have notice of the same and of any
19 charges preferred against him, and be furnished with a copy thereof, and
20 also be allowed a reasonable time for personally answering the same in
21 writing and affidavits in support thereof.

22 Sec. 13. The right of persons employed in the public service of
23 the Government of Guam, either individually or collectively, to petition
24 to the Legislature, or to any committee or member thereof, shall not be
25 denied or interfered with.

26 Sec. 14. Appeals. In the event of the dismissal, demotion, fine
27 or suspension of any permanent employee in the classified service, the
28 appointing authority shall, no later than the working day next follow-
29 ing the effective date of the action, report such action to the Person-
30 nel Director with a statement of the reasons for the action, and the

1 appointing authority shall immediately give to the dismissed employee
2 a statement of the reason for the action. Within fifteen calendar
3 days after receipt of such statement of action the dismissed employee
4 may appeal to the Personnel Board. Within forty-five calendar days
5 of the receipt of the appeal, the Personnel Board shall conduct a hear-
6 ing, without regard for the formal rules of evidence, and such other
7 inquiries and investigations as it deems appropriate. At any such
8 hearing the dismissed employee shall be entitled to be present, and to
9 testify in his own behalf. If the Personnel Board finds in favor of
10 the employee, its decision shall be final. If the Board finds against
11 the employee, the employee shall have the right of further appeal to
12 the Governor whose decision shall be final.

13 Sec. 15. Prohibitions. (a) Preferences, conditions, and prohi-
14 bitions concerning employment in the Government service shall conform
15 with the provisions of the Organic Act of Guam. No person shall be
16 discriminated against in connection with any of the processes provided
17 for by this Act or in the rules adopted thereunder because of race,
18 color, political opinions or religious opinions or affiliations.

19 (b) Any person who uses or attempts to use political influence
20 or promises any advantage in connection with the selection or promotion
21 of any employee in the classified service; or while in the classified
22 service solicits contributions for political purposes; or solicits dur-
23 ing office hours or at any time makes demands upon employees in the
24 classified service for such contributions shall be guilty of a misde-
25 meanor.

26 (c) Any person who willfully makes any false or misleading state-
27 ment in order to secure employment, advancement, or other benefits under
28 this Act or the rules adopted thereunder shall be guilty of a misde-
29 meanor.

30 (d) No person who advocates, or who aids or belongs to any party,

1 organization, or association which advocates the overthrow by force or
2 violence of the Government of Guam or of the United States shall be
3 qualified to hold a position under the Government of Guam.

4 (e) No official or employee of the Government of Guam shall con-
5 duct or engage in any business or trade which, in its best judgment,
6 the Personnel Board may find prejudicial to the best interest of the
7 public.

8 Sec. 16. Penalties. Any violation of the provisions of this Act
9 or of the rules adopted thereunder is declared to be a misdemeanor and
10 is punishable by a fine not exceeding \$500.00 or by imprisonment not
11 exceeding six months, or by both such fine and imprisonment.

12 Sec. 17. Separability of Provisions. If any provision of this
13 Act is declared to be invalid such decision shall not affect the validity
14 of the remaining provisions.

15 Sec. 18. Effective date. This Act shall become effective upon
16 approval by the Governor.