



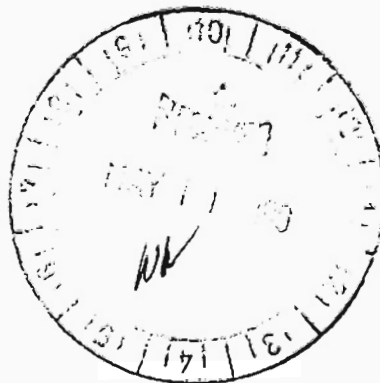
*Territory of Guam
Territorio Guam*

OFFICE OF THE GOVERNOR
YFESINAN I MAGALAHI
AGANA, GUAM 96910 U.S.A.

MAY 10 1990

Reagan

J



The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 579, which I have signed into law this date as
Public Law No. 20-162.

Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor

Attachment

200897

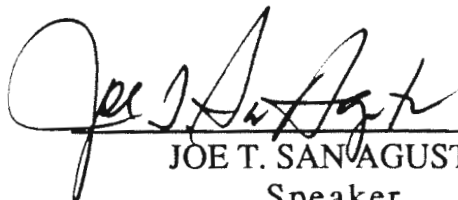


Commonwealth Now!

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

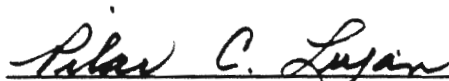
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 579 (LS), "AN ACT TO REPEAL AND REENACT PARAGRAPHS (a) AND (b) OF §56020 OF THE GOVERNMENT CODE TO PROHIBIT DISCRIMINATION IN EMPLOYMENT AGAINST THOSE WHO CANNOT SPEAK A FOREIGN LANGUAGE," was on the 1st day of May, 1990, duly and regularly passed.



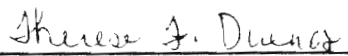
JOE T. SANAGUSTIN
Speaker

Attested:



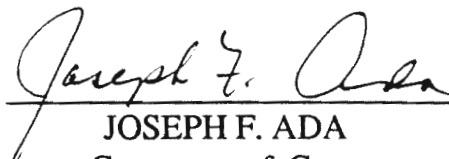
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 7th day of May,
1990, at 4:30 o'clock p.m.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: MAY 10 1990

Public Law No. 20-162

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 579 (LS)

As substituted by the Committee
on Youth, Senior Citizens, Cultural
Affairs and Human Resources and
Committee on General Governmental
Operations

Introduced by:

J. G. Bamba
M. D. A. Manibusan
D. F. Brooks
E. R. Duenas
E. M. Espaldon
M. C. Ruth
A. R. Unpingco
T. V. C. Tanaka
E. P. Arriola
T. S. Nelson
J. P. Aguon
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
D. Parkinson
F. J. A. Quitugua
E. D. Reyes
J. T. San Agustin
F. R. Santos

AN ACT TO REPEAL AND REENACT PARAGRAPHS (a) AND
(b) OF §56020 OF THE GOVERNMENT CODE TO PROHIBIT
DISCRIMINATION IN EMPLOYMENT AGAINST THOSE WHO
CANNOT SPEAK A FOREIGN LANGUAGE.

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

1 Section 1. Paragraphs (a) and (b) of §56020, Government Code of
2 Guam, are repealed and reenacted to read:

3 "(a) For any employer to refuse to hire or employ or to bar or
4 discharge from employment, or otherwise to discriminate against any
5 individual in compensation or in the terms, conditions, or privileges of
6 employment because of race, sex, age, religion, color, ancestry, or
7 inability to speak a language other than the official languages of Guam;

8 (b) For any employment agency to fail or refuse to refer or
9 employ, or to classify or otherwise to discriminate against any
10 individual because of race, sex, age, religion, color, ancestry, or inability
11 to speak a language other than the official languages of Guam."

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

ROLL CALL SHEET

Bill No. 579

Date: 5/1/90

Resolution No. _____

QUESTION: _____

	AYE	NAY	NOT VOTING	ABSENT
J. P. Aguon				✓
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

20

1

APR 10 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 579(LS)

Introduced by:

J.G. BAMBA	<i>JGB</i>
M.D.A. MANIBUSAN	<i>mdm</i>
D.F. BROOKS	<i>DFB</i>
E.R. DUENAS	<i>ERD</i>
E.M. ESPALDON	<i>EME</i>
M.C. RUTH	<i>MCR</i>
A.R. UNPINGCO	<i>AAR</i>
T.V.C. TANAKA	<i>TVC</i>

AN ACT TO REPEAL AND REENACT ITEMS
(a) AND (b) OF GC SECTION 56020
RELATIVE TO UNLAWFUL EMPLOYMENT
PRACTICES AND UNLAWFUL DISCRIMINATION.

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

2 Section 1. Items (a) and (b) of GC Section 56020 are repealed

3 and reenacted to read:

4 "(a) For any employer to refuse to hire or employ or to bar

5 or discharge from employment, or otherwise to discriminate against any

6 individual in compensation or in the terms, conditions, or privileges

7 of employment because of race, sex, age, religion, color, ancestry, or

8 ability to speak a language other than the official languages of Guam;

9 (b) For any employment agency to fail or refuse to refer for

10 employment, or to classify or otherwise to discriminate against any

11 individual because of race, sex, age, religion, color, ancestry, or

12 ability to speak a language other than the official languages of Guam."



Committee on General Governmental Operations

Twentieth Guam Legislature

TED S. NELSON *Chairman*

MEMBER

- Committee on Rules
- Committee on Economic Development
- Committee on Energy, Utilities & Consumer Protection
- Committee on Federal, Foreign & Legal Affairs
- Committee on Health, Welfare & Ecology
- Committee on Housing and Community Development
- Committee on Judiciary & Criminal Justice
- Committee on Ways and Means
- Committee on Youth, Senior Citizens, Cultural Affairs & Human Development

January 8, 1989

The Honorable Joe T. San Agustin
Speaker
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Via: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on General Governmental Operations to which was referred **Bill No. 579** "An act to repeal and reenact paragraphs (a) and (b) of Section 56020 of the Government Code concerning Unlawful Employment Practices and Unlawful Discrimination" has had the same under consideration, and now wishes to report back the same with the **recommendation to do pass.**

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

Members

Herminia D. Dierking
Vice-Chairperson

Elizabeth P. Arriola

J. George Barba

Madeleine Z. Bordallo

Edward R. Duenas

Carl T. C. Gutierrez

Pilar C. Lujan

Gordon Mallioux

Don Parkinson

Edward D. Reyes

Frank R. Santos

Tommy V. C. Tanaka

Ex-Officio Member

Joe T. San Agustin
Speaker

The Committee votes are as follows:

To do Pass	13
Not to Pass	0
To Report Out	0
To Place in Inactive File	0
Other	1

A copy of the Committee's report and other pertinent documents are enclosed for your perusal.

Sincerely,



TED S. NELSON

Enclosures

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
VOTE SHEET ON BILL NO. 579**

AN ACT TO REPEAL AND REENACT PARAGRAPHS (a) AND (b) OF SECTION 56020 OF THE GOVERNMENT CODE CONCERNING UNLAWFUL EMPLOYMENT PRACTICES AND UNLAWFUL DISCRIMINATION.

RECOMMENDATION TO DO PASS

<u>COMMITTEE MEMBERS:</u>	<u>TO DO PASS:</u>	<u>NOT TO PASS:</u>	<u>INACTIVE FILE:</u>	<u>ABSTAIN:</u>	<u>OTHER:</u>
<i>[Signature]</i> T. S. Nelson, Chairman	✓				
<i>[Signature]</i> H. D. Dierking, Vice-Chairperson	✓				
<i>[Signature]</i> J. T. San Agustin, Speaker & Ex Officio					
E. B. Arriola, Member					
<i>[Signature]</i> M. Z. Bordallo, Member	✓				
<i>[Signature]</i> C. T.C. Gutierrez, Member	✓				
<i>[Signature]</i> P. C. Lujan, Member	✓				
<i>[Signature]</i> G. Mailloux, Member	✓				
D. Parkinson, Member					
<i>[Signature]</i> E. D. Reyes, Member	✓				
<i>[Signature]</i> F. R. Santos, Member	✓				
<i>[Signature]</i> J. G. Bamba, Member	✓				
<i>[Signature]</i> E. B. Duenas, Member	✓				
<i>[Signature]</i> T. V.C. Tanaka, Member	✓				

**REPORT OF THE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
ON BILL NO. 579**

AN ACT TO REPEAL AND REENACT PARAGRAPHS (a) AND (b) OF
SECTION 56020 OF THE GOVERNMENT CODE CONCERNING UNLAWFUL
EMPLOYMENT PRACTICES AND UNLAWFUL DISCRIMINATION.
[Attachment 1]

Introduced by Senators

J. George Bamba, Ted S. Nelson, Marilyn D.A. Manibusan
Doris F. Brooks, Eddie R. Duenas, Ernesto M. Espaldon,
Martha C. Ruth, Antonio R. Unpingco, and Tommy V.C.
Tanaka.

PREFACE:

The Committee on General Governmental Operations, to which was referred Bill No. 579, "An act to repeal and reenact Paragraphs (a) and (b) of Section 56020 of the Government Code concerning unlawful employment practices and unlawful discrimination," conducted a public hearing on Thursday, December 21, 1989, at 10:00 a.m. in the Legislative Session Hall. Committee members present were Senator Ted S. Nelson, Chairman, and Senators J. George Bamba, and Elizabeth P. Arriola. Also present was Senator Doris F. Brooks.

NOTIFICATION:

Letters of notification were sent to the Governor; the Attorney General; the Director of Administration; the President of the Mayors' Council; the Committee members; the news media; and the general public.

TESTIMONY:

Testifying in favor of Bill 579 was Ms. Donna McKnight from the Advocacy Office. [Attachment 2]. Also present was Mr. John Salas representing the Department of Administration. [Attachment 3] Mr. Salas informed the Committee that the Department does not recommend passage of Bill 579. When queried by Senator Bamba, Mr. Salas responded saying that a basic understanding of the English language is essential to the successful performance of government jobs.

At this time, Senator Bamba informed Mr. Salas that the Department did not comprehend the intent of the legislation. The Senator went on to say that the legislation was to remove the language requirements barriers for employment. He elaborated saying "the people of Guam should not be penalized or discriminated against because they do not speak Japanese or other languages aside from the official languages of Guam."

At this time, Senator Bamba asked Mr. Salas whether the statement submitted by the Department is representative of the Executive Branch. At this time, the Senator informed Mr. Salas that the Executive Branch is supporting the passage and enactment of Bill 579. [Attachment 4] Based on this information, Senator Bamba requested the Administration to reconsider their position on Bill 579.

There being no further questions, the Chairman adjourned the hearing on Bill No. 579.

COMMITTEE FINDINGS:

The Committee on General Governmental Operations to which was referred Bill No. 579, finds that:

1. Bill No. 579 specifically provides that an employer cannot discriminate against an individual, because of his inability to speak a language other than the official languages of Guam.
2. Section 706, 1 GCA, provides that the official languages of Guam are English and Chamorro.
3. The bill further provides that employers cannot discriminate against a person who does not speak a language other than the official languages, as a condition for employment.
4. It is the Legislature's responsibility to extend legislation to protect the people of Guam from discrimination, and requiring employers to train employees in languages would be consistent with the economic expansion policies of the Territory.
5. The Committee further finds that the inclusion of foreign language requirements in job announcements is a subtle and easy way to discriminate against the local people. Furthermore, it is the Committee's objective to provide full employment in the best possible way to the people of Guam.

RECOMMENDATION:

The Committee on General Governmental Operations, to which was referred Bill No. 579, "An act to repeal and reenact Paragraphs (a) and (b) of Section 56020 of the Government Code concerning unlawful employment practices and unlawful discrimination," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

PROFILE ON BILL NO. 579

Brief Title: "Unlawful Employment Practices."

Main Sponsors: Senators J. George Bamba, Ted S. Nelson, and Marilyn D.A. Manibusan.

Date Introduced: Monday, April 10, 1989.

Assigned Committee: Referred to the Committee on General Governmental Operations on Friday, April 14, 1989.

Public Hearing: Thursday, December 21, 1989 at 10:00 a.m. in the Legislative Session Hall.

Official Title: "An Act to Repeal and Reenact Paragraphs (a) and (b) of Section 56020 of the Government Code Concerning Unlawful Employment Practices and Unlawful Discrimination."

Co-Sponsors: Senators Doris F. Brooks, Eddie R. Duenas, Ernesto M. Espaldon, Martha C. Ruth, Antonio R. Unpingco, and Tommy V.C. Tanaka.

Recommendation: To do pass.

BILL DIGEST AND INTENT

The intent of the legislation is to insure that employers do not discriminate against a person who does not speak a language other than English and Chamorro. Simply put, an employer cannot put as a condition of employment a requirement that the applicant speak Japanese or Tagalog, and not the official languages of Guam.

Furthermore, it is the responsibility of the Legislature to respond to its constituency by protecting them from discriminatory employment practices. More importantly, it forces the employers to provide basic training to its employees, enactment of this policy will be consistent with the economic expansion of our Territory.

It is the opinion of this Committee that the inclusion of foreign language requirements in job announcements is a subtle and easy way to discriminate against our people. Furthermore, it is this Committee's objective to provide full employment in the best possible jobs to our people.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 579

Introduced by:

J. G. Bamba ✓
T. S. Nelson
M. D.A. Manibusan

D. F. Brooks
E. R. Duenas
E. M. Espaldon
M. C. Ruth
A. R. Unpingco
T. W.C. Tanaka



AN ACT TO REPEAL AND REENACT PARAGRAPHS
(a) AND (b) OF SECTION 56020 OF THE GOVERNMENT
CODE CONCERNING UNLAWFUL EMPLOYMENT PRACTICES
AND UNLAWFUL DISCRIMINATION.

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

2 Section 1. Paragraphs (a) and (b) of Section 56020 of
3 the Government Code are hereby repealed and reenacted to read:

4 "(a) For any employer to refuse to hire or employ
5 or to bar or discharge from employment, or otherwise to
6 discriminate against any individual in compensation or
7 in terms, conditions, or privileges of employment because
8 of race, sex, age, religion, color, ancestry, or inability
9 to speak a language other than the official languages of
10 Guam;

11 (b) For any employment agency to fail or refuse to
12 refer for employment, or to classify or otherwise to
13 discriminate against any individual because of race, sex,
14 age, religion, color, ancestry, or inability to speak a
15 language other than the official languages of Guam."

Introduced

APR 10 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 579 (LS)

Introduced by:

J.G. BAMBA *JGB*
 M.D.A. MANIBUSAN *mdm*
 D.F. BROOKS *DFB*
 E.R. DUENAS *ERD*
 E.M. ESPALDON *EME*
 M.C. RUTH *MCR*
 A.R. UNPINGCO *ARU*
 T.V.C. TANAKA *TVC*

600
4-

AN ACT TO REPEAL AND REENACT ITEMS
(a) AND (b) OF GC SECTION 56020
RELATIVE TO UNLAWFUL EMPLOYMENT
PRACTICES AND UNLAWFUL DISCRIMINATION.

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

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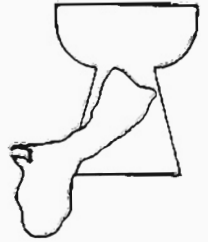
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7 of employment because of race, sex, age, religion, color, ancestry, or
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9 (b) For any employment agency to fail or refuse to refer for
10 employment, or to classify or otherwise to discriminate against any
11 individual because of race, sex, age, religion, color, ancestry, or
12 ability to speak a language other than the official languages of Guam."



SENATOR

HERMINIA D. DIERKING
TWENTIETH GUAM LEGISLATURE



April 14, 1989

COMMITTEES:

CHAIRPERSON
Rules

VICE-CHAIRPERSON
Ways & Means
Energy, Utilities &
Consumer Protection

MEMBER:

Economic Development

Federal, Foreign &
Legal Affairs

Health, Welfare &
Housing

Judiciary & Criminal
Justice

Education

Law, Jurisprudence & Transportation

Youth, Senior Citizens,
Cultural Affairs &
Human Resources

General Governmental
Operations

MEMORANDUM

TO: Chairperson, Committee on General Governmental
Operations
Committee on Youth, Human
Resources, Senior Citizens &
Cultural Affairs

FROM: Chairperson, Committee on Rules

SUBJECT: Referrals - Bill Nos. 571 & 579

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting.

It is recommended that a joint hearing be coordinated with the Committees involved.

Herminia D. Dierking
HERMINIA D. DIERKING

Enclosures

RECEIVED APR 18 1989

File 8:52



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED
PROTECTION AND ADVOCACY FOR THE MENTALLY ILL INDIVIDUAL
CLIENT ASSISTANCE PROGRAM

Post Office Box 8830, Tamuning, Guam 96911
Telephone: (671) 646-9026 or 646-9027 or 646-6204
Fax: (671) 649-4390



12/21/89

To: Senator J.G. Bamba

RE: Bill No. 579

Dear Senator Bamba,

Thank you for the opportunity to comment on bill no. 579.

Discrimination in any form is unjust. We feel that diverse languages should not be a handicapp.

We support and applaud you in your efforts to free the people of our Island from discrimination.

Sincerely Yours
Dr Eddie Del Rosario

Dr Eddie Del Rosario
By Donna McKnight



GOVERNMENT OF GUAM
AGANA GUAM 96910
DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
(UFISINAN DIREKTOT)

Post Office Box 884 * Agana, Guam 96910
TEL: (671) 472-8481/2 - FAX: (671) 477-6788

DEC 21 1989

Senator, Ted S. Nelson
Chairperson, Committee on General
Governmental Operations
Twentieth Guam Legislature
P. O. Box CB-1
Agana, Guam 96910

RE: Comment on Bill Nos. 579, 1005 and
1023

Dear Senator Nelson:

Bill No. 579, proposes to repeal and reenact items (a) and (b) of Government Code 56020, relative to unlawful employment practices and unlawful discrimination.

Specifically, if enacted, Bill No. 579 would amend items (a) and (b) to prohibit discrimination in employment against individuals who speak a language other than the official language of Guam.

The Department of Administration does not recommend the passage of Bill No. 579 for reasons that a basic understanding of the English language is essential to the successful performance of nearly all government jobs. Case law has demonstrated that the ability to speak English as a job requirement is not discriminatory and does not violate the Fourteenth Amendment rights or civil rights under 42 USC Sections 1981, 1983 and 1985. In "Frontera v. Sindell" the Sixth Circuit Court ruled that a pre-employment test administered in English was job related and that the degree of fluency in English required is necessary to the performance of the employee's duties and thus, constitutes business necessity. Furthermore, the court added: "It would be gainsaid that the common, national language of the United States is English. Our laws are printed in English and our legislatures conduct their business in English. Some states even designate English as the official language of the state. Our national interest in English as the common language is exemplified by 8 U.S.C. Section 1423 which requires, in general, English language literacy as a condition to naturalization as a United States citizen."

We, therefore, urge your consideration of the business necessity of proficiency in English in employment.

Bill No. 1005, proposes to abolish the practice of compensatory time off and to permit the conversion of CTO to retirement time.

Although the bill's intent is commendable and certainly advantageous to our employees, the Department of Administration does not recommend the passage of Bill No. 1005 for the following reasons:

1. It appears Bill No. 1005, if enacted, would reverse the very intent of Public Law 99-150, the Fair Labor Standards Act Amendments of 1985, enacted by the United States Congress in November, 1985. Public Law 99-150 was enacted to address and resolve the enormous financial and managerial burdens imposed by the Supreme Court's decision in Garcia v. San Antonio Metropolitan Transit Authority. Congress amended the Fair Labor Standards Act to alleviate the effects of the Supreme Court's decision. Included among the amendments was the authorization for employees to provide for compensatory time off in lieu of overtime pay in order that employees may continue to manage their operations effectively as the need for overtime work arises.
2. Bill No. 1005 will require the compensation of overtime work at a rate of time and a half for all hours exceeding forty hours in any work week. However, the established work periods for law enforcement positions may be either 212 or 171 hours, consistent with the Fair Labor Standards Act. No mention is made in the bill of overtime pay for law enforcement positions.
3. Section 3 of the bill requires departments to compensate an employee who is made to work overtime with only a promise of CTO by an amount equal to triple the time and a half pay the employee would have received. This section contradicts Section 1 which prohibits overtime work without compensation other than compensatory time off (CTO).
4. No mention is made in the bill as to the funding source by which departments and agencies are to meet this financial obligation.

Bill No. 1023 is an "Act to add a new subsection 4302.1 to Title 4, GCA to offer catastrophic health insurance to government employees, retirees and their dependents at no cost to the employees."

This bill is an attempt to provide catastrophic health care to GovGuam active employees, retirees and survivors of retirees. The intent of the bill is to provide supplemental health care coverage for employees, retirees and survivors of retirees whose medical bills are in excess of the established maximum limit under a standard benefit design. In addition, the bill calls for full payment of the premium by the government for insurance coverage for medical bills in excess of the maximum limit under

the standard benefit plan design.

I. Section 4302.1(a): The term "Group Catastrophic Health Insurance" is not defined. We reviewed the Medicare Catastrophic Coverage Act of 1988 to compare whether the term "catastrophic health insurance" as used in Bill No. 1063 has any relationship with the term "catastrophic coverage" used in the Medicare Catastrophic Coverage Act of 1988. The term "catastrophic coverage" as used in the act appears to be similar to the term used in the bill. The intent of Bill 1063, however, is to provide an expanded health care coverage over and above a standard plan design or a floor of covered benefits.

II. Section (d): This section sets the catastrophic deductible amount which is the highest benefit in each category of coverage offered in health insurance of employees by the Government of Guam provider of primary health care coverage which will be designated by the Director of Administration as the provider offering the highest coverage for employees. Accordingly, the deductible amount to be established under this section is under the purview of the Director of Administration subject to the AAA.

The term "provider of primary health care coverage" is not clearly defined. Does "primary health care provider" mean a health care provider which the Director of Administration has determined as the model for purposes of the deductible amount? It appears that the term "primary health care provider" is being used out of context. The term is confusing and indeterminate.

III. Section (e): It is difficult to determine what exactly is being proposed under this section. The bill provides in part: The deductible to be paid by an employee claiming under this section shall not be greater than the amount of the catastrophic deductible amount.... Unless the word deductible is defined, we should be able to determine the scope and intent of this section.

In the absence of specific conditions under which the catastrophic insurance program is to reimburse for covered charges, there is a potential for an insurance carrier participating in the GovGuam program to set up a scheme to take advantage of the countless loopholes of this section. It is too easy for a participating carrier to set up a classification system which will enable it to satisfy the catastrophic deductible amount

and claim against the catastrophic insurance program.

- IV. The objective of this bill is to provide for coverage for employees whose medical bills are in excess of the deductible amount established by section (d) of the bill. This means that only a few of the employees will be affected by the catastrophic insurance program. We are unable to determine the number of employees that will be affected. However, with the assistance of an actuary, reasonable estimates can be calculated.
- V. The concept and objectives of the proposal of the bill are complicated subjects. Therefore, the bill should include a provision appropriating funds for actuarial consulting services. Since the bulk of the responsibilities being sought in the bill falls under the Department of Administration, it is necessary to provide funds to DOA to carry out its mandate in the bill.

In view of the above discussion, we therefore recommend that Bill No. 1023 be withdrawn or modified to mandate the Department of Administration to seek expert advice from an actuary in developing this concept. If a study is conducted in the near future, we should be able to produce the results of the study for the Legislature to consider. This suggestion is being made as a precautionary measure to protect the action of the government.

Thank you for your consideration of our comments and the opportunity to offer our inputs to the above-mentioned bills.

Sincerely yours,


WILFRED G. AFLAGUE
Director of Administration



Territory of Guam

Territorio de Guam

OFFICE OF THE GOVERNOR
OFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

DEC 24 1989

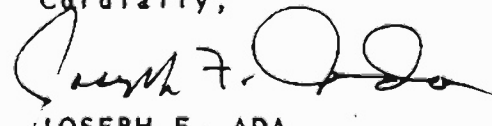
The Honorable Ted S. Nelson
Chairman
Committee on General Governmental
Operations
Twentieth Guam Legislature
Agana, Guam 96910

Dear Mr. Chairman:

Senator George Bamba, the author of Bill 579 has discussed the measure with me at length. Apparently there was either a typographical or technical error in the bill as introduced and heard. Senator Bamba has told me that the purpose of the measure is to prohibit discrimination in employment of persons able to speak English or Chamorro, the official languages of Guam. However, when the Director of Administration and others read the bill they interpreted it to mean that discrimination was prohibited against those unable to speak English or Chamorro.

I understand that either an amended or substituted bill will be before the Committee for its consideration making the needed technical corrections. I concur with the sponsors of this measure that employment opportunities should not be restricted based on the inability of a person to speak a foreign language.

Cordially,


JOSEPH F. ADA





Twentieth Guam Legislature

163 Chalan Santo Papa Street

Agana, Guam H.S.A. 96910

GEORGE BAMBA
SENATOR
MINORITY LEADER

TELEPHONES:
(671) 472-3432/33

FAX NO.
(671) 477-8648

December 26, 1989

The Honorable Ted S. Nelson
Chairman
Committee on General Governmental Operations
Twentieth Guam Legislature
163 Chalan Santo Papa St.
Agana, Guam 96910

Re: Bill No. 579

Dear Senator Nelson:

In reviewing the written testimony by Wilfred G. Aflague, Director of Administration, on Bill 579, I realize that the Director does not understand the thrust of the bill.

Mr. Aflague says in his testimony that, "...a basic understanding of the English language is essential to the successful performance of nearly all government jobs." Bill 579 specifically provides that an employer cannot discriminate against an individual, because of his "ability" to speak a language other than the official languages of Guam. 1 GCA section 706 provides that English and Chamorro are the official languages of Guam. Thus, the bill provides that you cannot discriminate against a person who does not speak a language other than English and Chamorro. In other words, as a condition of employment, you cannot discriminate against a prospective employee who speaks English or Chamorro, but not another language.

Legislative responsibility to our constituents extends to not only protecting them from employment discrimination, but from a positive standpoint to pass measures that opens more opportunity for employment. Requiring employers to train employees in languages is consistent with the economic expansion policies of Guam. If language discrimination is allowed, our citizens will be standing by while foreign workers are imported

The Honorable Ted S. Nelson
December 26, 1989
Page 2

to take jobs which our constituents could fill. The inclusion of foreign language requirements in job advertising is a subtle and easy way to discriminate against our people. Our objective is for full employment in the best possible jobs. If our people need to be trained, it is up to the employer or the government to see that language education is available.

Respectfully submitted,


J. GEORGE BAMBA

cc: Governor J. Ada

SENATOR ELIZABETH P. ARRIOLA

Chairperson

Committee on Youth, Senior Citizens,
Cultural Affairs and Human Resources



Twentieth
Guam Legislature

February 26, 1990

The Honorable Joe T. San Agustin
Speaker
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources to which was referred Bill No. 579 (COR), "AN ACT TO REPEAL AND REENACT ITEMS (a) AND (b) OF GC SECTION 56020 RELATIVE TO UNLAWFUL EMPLOYMENT PRACTICES AND UNLAWFUL DISCRIMINATION", has had the same under consideration and now wishes to report back its recommendation.

Committee votes received:

<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>REPORT OUT</u>	<u>OTHER</u>
-11-	-0-	-0-	-2-

Attached herewith are the Committee Report and other pertinent documents for your perusal.

Sincerely,


ELIZABETH P. ARRIOLA

Attachments

VOTE SHEET

THE COMMITTEE ON YOUTH, SENIOR CITIZENS, CULTURAL AFFAIRS AND HUMAN RESOURCES

On Bill No. 579 (LS) - *as substituted by the Committee*

**"AN ACT TO REPEAL AND REENACT ITEMS (a) AND (b) OF GC SECTION 56020
RELATIVE TO UNLAWFUL EMPLOYMENT PRACTICES AND UNLAWFUL
DISCRIMINATION."**

Chairperson:	To Pass	Not To Pass	Report Out	Inactive File
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E. P. Arriola
Elizabeth P. Arriola

✓

Members:

Frank R. Santos
Frank R. Santos

✓

J. George Bamba
J. George Bamba

off island 2/26/90

✓

Madeleine Bordallo
Madeleine Bordallo

Herminia Dierking
Herminia Dierking

Edward Duenas
Edward Duenas

Ernesto Espaldon
Ernesto Espaldon

Pilar C. Lujan
Pilar C. Lujan

Gordon Mailoux
Gordon Mailoux

Ted S. Nelson
Ted S. Nelson

Edward D. Reyes
Edward D. Reyes

Martha C. Ruth
Martha C. Ruth

Joe F. San Agustin
Joe F. San Agustin

✓

✓

✓

✓

✓

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✓
2/15/90

✓

**COMMITTEE REPORT
OF THE
COMMITTEE ON YOUTH, SENIOR CITIZENS, CULTURAL
AFFAIRS AND HUMAN RESOURCES
AND
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
ON BILL NO. 579 (LS)**

**Bill No. 579 - AN ACT TO REPEAL AND
REENACT ITEMS (a) AND (b) OF GC
SECTION 56020 RELATIVE TO UNLAWFUL
EMPLOYMENT PRACTICES AND
UNLAWFUL DISCRIMINATION.**

PREFACE

The Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources and General Governmental Operations held a public hearing in the Legislative Session Hall on January 23, 1990, to receive testimony on **Bill No. 579 (LS)**. The hearing was conducted by Committee Chairperson, Senator Elizabeth P. Arriola and attended by Senators Ted S. Nelson, Pilar C. Lujan, J. George Bamba, Ernesto Espaldon, Doris Brooks and Martha C. Ruth.

TESTIMONY

Although the Attorney General, Director of Labor and the Civil Service Commission were invited to attend the public hearing, no one appeared to testify nor was any written testimony submitted.

Senator J. George Bamba, main sponsor of Bill No. 579, submitted testimony in the Bill's favor. He wrote, "the bill provides that you cannot discriminate against a person who does not speak a language other than English or Chamorro. In other words, as a condition of employment, you cannot discriminate against a prospective employee who speaks English or Chamorro, but not another language... Legislative responsibility to our constituents extends to not only protecting them from employment discrimination, but from a positive standpoint to pass measures that opens more opportunity for employment".

JOINT COMMITTEE RECOMMENDATION

The Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources jointly with the Committee on General Governmental Operations, to which was referred **Bill No. 579 (LS)**, "**AN ACT TO REPEAL AND REENACT ITEMS (a) AND (b) OF GC SECTION 56020 RELATIVE TO UNLAWFUL EMPLOYMENT PRACTICES AND UNLAWFUL DISCRIMINATION**", as substituted, has had the same under consideration, and now wishes to report back the same with the recommendation of the Committee members, **TO DO PASS** by the Twentieth Guam Legislature.

ATTACHMENTS

1. Letter from the Honorable Joseph F. Ada, Governor of Guam, dated January 19, 1990.
2. Letter from the Honorable J. George Bamba, Senator, Twentieth Guam Legislature, dated January 23, 1990.

Twentieth Guam Legislature
1989 (FIRST) REGULAR SESSION

Bill No. 579 (LS)

As substituted by the

Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources and Committee on General Governmental Operations

Introduced by:

J. G. Bamba
M. D. A. Manibusan
D. F. Brooks
E. R. Duenas
E. M. Espaldon
M. C. Ruth
A. R. Unpingco
T. V. C. Tanaka
E. P. Arriola



**AN ACT TO REPEAL AND REENACT ITEMS (a) AND (b)
OF GC SECTION 56020 RELATIVE TO UNLAWFUL
EMPLOYMENT AND UNLAWFUL DISCRIMINATION.**

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

Section 1. Items (a) and (b) of GC Section 56020 are repealed and reenacted to read:

"(a) For any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment because of race, sex, age, religion, color, ancestry, or inability to speak a language other than the official language of Guam;

(b) For any employment agency to fail or refuse to refer or employ, or to classify or otherwise to discriminate against any individual because of race, sex, age, religion, color, ancestry, or inability to speak a language other than the official language of Guam."

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APR 10 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 579 (KS)

Introduced by:

J.G. BAMBA *JGB*
M.D.A. MANIBUSAN *mdm*
D.F. BROOKS *DFB*
E.R. DUENAS *ERD*
E.M. ESPALDON *EME*
M.C. RUTH *MCR*
A.R. UNPINGCO *ARU*
T.V.C. TANAKA *TVC*

*390
41*

AN ACT TO REPEAL AND REENACT ITEMS
(a) AND (b) OF GC SECTION 56020
RELATIVE TO UNLAWFUL EMPLOYMENT
PRACTICES AND UNLAWFUL DISCRIMINATION.

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7 of employment because of race, sex, age, religion, color, ancestry, or
8 ability to speak a language other than the official languages of Guam;

9 (b) For any employment agency to fail or refuse to refer for
10 employment, or to classify or otherwise to discriminate against any
11 individual because of race, sex, age, religion, color, ancestry, or
12 ability to speak a language other than the official languages of Guam."



SENATOR

RECEIVED
4-18-89



HERMINIA D. DIERKING
TWENTIETH GUAM LEGISLATURE

for scheduling
4/19
V:

April 14, 1989

COMMITTEES:

CHAIRPERSON
Rules

VICE CHAIRPERSON
Ways & Means
Energy, Utilities &
Consumer Protection

MEMBER:

Economic Development

Federal, Foreign &
Legal Affairs

Health, Welfare &
Ecology

Judiciary & Criminal
Justice

Education

Tourism & Transportation

Youth, Senior Citizens,
Cultural Affairs &
Human Resources

General Governmental
Operations

MEMORANDUM

TO: Chairperson, Committee on General Governmental
Operations
Committee on Youth, Human
Resources, Senior Citizens &
Cultural Affairs

FROM: Chairperson, Committee on Rules

SUBJECT: Referrals - Bill Nos. 571 & 579

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting.

It is recommended that a joint hearing be coordinated with the Committees involved.

H. Dierking
HERMINIA D. DIERKING

Enclosures



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
OFISINAN I MAGA'LAMI
AGANA, GUAM 96910

JAN 19 1990

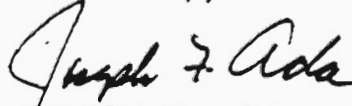
The Honorable Elizabeth P. Arriola
Chairperson
Committee on Youth, Senior Citizens,
Cultural Affairs & Human Resources
Twentieth Guam Legislature
Agana, Guam 96910

Dear Madam Chairperson:

Senator George Bamba, the author of Bill 579 has discussed the measure with me at length. Apparently there was either a typographical or technical error in the bill as introduced and heard. Senator Bamba has told me that the purpose of the measure is to prohibit discrimination in employment of persons able to speak English or Chamorro, the official languages of Guam. However, in testimony before the Committee on General Governmental Operations, the Director of Administration and others interpreted it to mean that discrimination was prohibited against those unable to speak English or Chamorro.

I understand that either an amended or substituted bill will be before the Committee for its consideration making the needed technical corrections. I concur with the sponsors of this measure that employment opportunities should not be restricted based on the inability of a person to speak a foreign language.

Cordially,


JOSEPH F. ADA



Commonwealth Now!



Twentieth Guam Legislature

163 Chalan Santo Papa Street

Agana, Guam U.S.A. 96910

GEORGE BAMBA
SENATOR
MINORITY LEADER

TELEPHONES:
(671) 472-3432/33

FAX NO.
(671) 477-8648

January 23, 1990

The Honorable Elizabeth P. Arriola
Chairman
Committee on Youth, Senior Citizens,
Cultural Affairs, and Human Resources
Twentieth Guam Legislature
163 Chalan Santo Papa St.
Agana, Guam 96910

Re: Bill No. 579

Dear Senator Arriola:

Enclosed, please find copies of two letters which have been submitted to the Committee on General Governmental Operations as part of the hearing record on Bill 579. I would also like to have these letters submitted to the Committee on Youth, Senior Citizens, Cultural Affairs, and Human Resources for its hearing record on Bill 579.

Respectfully submitted,


J. GEORGE BAMBA

enclosures



Territory of Guam
Frederico Guaman

OFFICE OF THE GOVERNOR
LUPRAN I MAGA-LANI
AGANA, GUAM 96910

DEC 28 1989

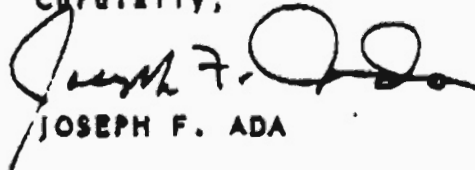
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Chairman
Committee on General Governmental
Operations
Twentieth Guam Legislature
Agana, Guam 96910

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JOSEPH F. ADA



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam H.S.A. 96910

Rec'd
12.27.89
4:28
wt

GEORGE BAMBA
SENATOR
MINORITY LEADER

TELEPHONE
(671) 472-3432

FAX NO.
(671) 477-46

December 26, 1989

OFFICE OF THE GOVERNOR

DEC 27 1989

The Honorable Ted S. Nelson
Chairman
Committee on General Governmental Operations
Twentieth Guam Legislature
163 Chalan Santo Papa St.
Agana, Guam 96910

Re: Bill No. 579

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The Honorable Ted S. Nelson
December 26, 1989
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Respectfully submitted.


J. GEORGE BAMBA

cc: Governor J. Ada