



Territory of Guam  
Territorio Guam

OFFICE OF THE GOVERNOR  
UFINAN I MAGA'LAHI  
AGANA, GUAM 96910 USA

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 9/28/93  
TIME: 2:00  
RECD BY: *Jam*

SEP 28 1993

The Honorable Joe T. San Agustin  
Speaker, Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

LEGISLATIVE SECRETARY

Dear Mr. Speaker:

Transmitted herewith is Bill No. 486 which I have signed into law this date as  
Public Law 22-39.

Sincerely yours,

JOSEPH F. ADA  
Governor of Guam

220371

Attachment

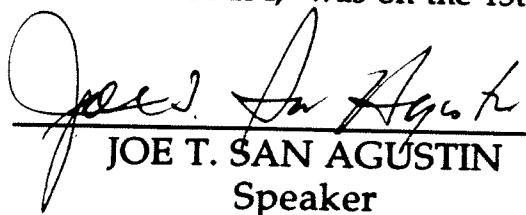


Commonwealth Now!

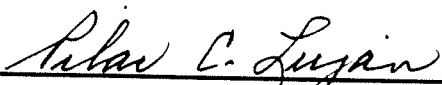
TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

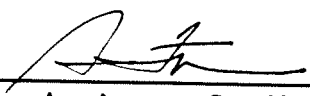
This is to certify that Substitute Bill No. 486 (COR), "AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, TO GIVE THE DEPARTMENT OF EDUCATION AN EXTENSION OF TIME IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, TO ASSIST THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE PUBLIC SCHOOL SYSTEM," was on the 15th day of September, 1993, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

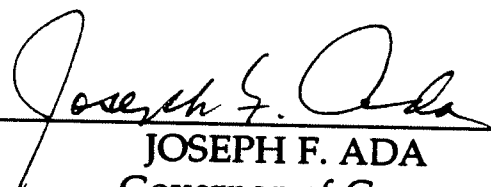
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 17<sup>th</sup> day of September,  
1993, at 10:26 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: September 28, 1993

Public Law No. 22-39

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

**Bill No. 486 (COR)**

As substituted by the Committee  
on Education and as further  
substituted by the Committee  
on Rules.

**Introduced by:**

M. Z. Bordallo  
T. C. Ada  
J. P. Aguon  
E. P. Arriola  
H. D. Dierking  
C. T. C. Gutierrez  
P. C. Lujan  
T. S. Nelson  
V. C. Pangelinan  
D. Parkinson  
E. D. Reyes  
J. T. San Agustin  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
F. P. Camacho  
M. D. A. Manibusan  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, TO GIVE THE DEPARTMENT OF EDUCATION AN EXTENSION OF TIME IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, TO ASSIST THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE PUBLIC SCHOOL SYSTEM.

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

2           **Section 1. Legislative intent.** Over the past few years, the Department  
3 of Education (the "Department") has experienced major difficulties in the  
4 recruitment of school administrators and assistant school administrators.  
5 During school year 1992-1993, the Department assigned a number of its  
6 employees as school administrators and assistant school administrators  
7 under a temporary assignment status. The existing law regarding temporary  
8 assignment of government employees limits such assignments to a period of  
9 one hundred twenty (120) days, not to exceed two hundred forty (240) days  
10 with the approval of the Civil Service Commission. Because of the critical  
11 need for school administrators and assistant school administrators to  
12 effectively manage the many schools within the Guam public school system,  
13 this Act will extend the time period for temporary assignments by the  
14 Department to three hundred sixty (360) days.

15           **Section 2. Extension of time period for temporary assignment of**  
16 **personnel for the Department of Education.** §4117 of Chapter 4, Title 4,  
17 Guam Code Annotated, is hereby repealed and reenacted to read:

18           **"§4117. Temporary assignments.** No employee shall be  
19 temporarily assigned or detailed to a position nor shall the  
20 employee assume the duties and responsibilities of a position  
21 other than the one to which he has been appointed for a period in  
22 excess of one hundred twenty (120) days, unless the appointing  
23 authority obtains an exemption upon written application to the  
24 Civil Service Commission, which exemption shall not extend  
25 beyond an additional one hundred twenty (120) days. No  
26 exemption shall be granted to the one hundred twenty (120) day

1 detail limitation except upon express approval by the Civil  
2 Service Commission Board, and except that the Department of  
3 Education (the "Department") is provided an extended time  
4 period in the temporary assignment of school administrators and  
5 assistant school administrators, as follows: Department  
6 employees temporarily assigned to the position of school  
7 administrator or assistant school administrator shall not assume  
8 the duties and responsibilities of a position other than the one to  
9 which he or she has been appointed for a period in excess of three  
10 hundred sixty (360) days, unless the appointing authority obtains  
11 an exemption upon written application to the Civil Service  
12 Commission, which exemption shall not extend beyond an  
13 additional three hundred sixty (360) days. No exemption shall be  
14 granted to the Department on the three hundred sixty (360) day  
15 limitation except upon approval by the Civil Service Commission;  
16 provided, however, that no further temporary assignment to the  
17 same position shall be allowed beyond a total period of seven  
18 hundred twenty (720) days, unless extraordinary extenuating  
19 circumstances as found by the Civil Service Commission justify  
20 further temporary assignment to such position. In any such  
21 temporary assignments, the assignee shall suffer no loss of pay  
22 while so assigned."

6

**TWENTY-SECOND GUAM LEGISLATURE**  
**1993 (FIRST) Regular Session**

Date: 9/15/93

**VOTING SHEET**

Bill No. 486  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
<del>SANTOS, Francisco R.</del>				
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

20



# COMMITTEE ON EDUCATION

## TWENTY-SECOND GUAM LEGISLATURE

KUMITEN IDUKASION

MINA'BENTE DOS NA LIHESLATURA

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

August 25, 1993

*Senators*

*Madeleine Z. Bordallo*  
CHAIRPERSON

COMMITTEE ON  
EDUCATION

Sen. Thomas C. Ada  
Vice-Chairperson

MEMBERS

Vice Speaker John P. Aguon  
Sen. Elizabeth P. Arriola  
Sen. Herminia D. Dierking  
Sen. Carl T.C. Gutierrez  
Sen. Pilar C. Lujan  
Sen. David L.G. Shimizu  
Sen. J. George Bamba  
Sen. Anthony C. Blaz  
Sen. Marilyn D.A. Manibusan  
Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
Ex. Officio

The Honorable Joe T. San Agustin  
Speaker  
Twenty Second Guam Legislature  
155 Hesler Street  
Agaña, Guam 96910

Dear Speaker San Agustin:

The Committee on Education, Twenty Second Guam Legislature, to which was referred Bill No. 486: "AN ACT TO REPEAL AND REENACT §§4117, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE PROVIDING THE DEPARTMENT OF EDUCATION A TIME PERIOD EXTENSION IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, FOR THE PRIMARY PURPOSE OF ASSISTING THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE GUAM PUBLIC SCHOOL SYSTEM." does hereby recommend that Bill No. 486, as substituted by the Committee on Education, be favorably considered and passed by the Twenty-Second Guam Legislature.

Votes of the Committee members are as follows:

To Pass	<u>9</u>
To Not Pass	<u>1</u>
Abstain	<u>0</u>
To Report Out	<u>0</u>
To Place in Inactive File	<u>0</u>
Off-Island	<u>0</u>
Not Available	<u>2</u>

Respectfully Submitted,

*Madeleine Z. Bordallo*  
MADELEINE Z. BORDALLO  
Chairperson

Enclosures



# COMMITTEE ON EDUCATION

## TWENTY-SECOND GUAM LEGISLATURE

KUMITEN IDUKASION

MINA'BENTE DOS NA LIHESLATURA

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

### VOTING SHEET

ON

**BILL NO. 486**

(AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION)

"AN ACT TO REPEAL AND REENACT §§4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE DEPARTMENT OF EDUCATION A TIME PERIOD EXTENSION IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, FOR THE PRIMARY PURPOSE OF ASSISTING THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE GUAM PUBLIC SCHOOL SYSTEM."

*Senator*  
*Madeleine F. Bordallo*  
CHAIRPERSON

COMMITTEE ON  
EDUCATION

Sen. Thomas C. Ada  
Vice-Chairperson

MEMBERS

- Vice Speaker John P. Aguon
- Sen. Elizabeth P. Arriola
- Sen. Herminia D. Dierking
- Sen. Carl T.C. Gutierrez
- Sen. Pilar C. Lujan
- Sen. David L.G. Shimizu
- Sen. J. George Bamba
- Sen. Anthony C. Blaz
- Sen. Marilyn D.A. Manibusan
- Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
Ex. Officio

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>TO PLACE IN I N A C T I V FILE</u>
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<i>Madeleine F. Bordallo</i> MADELEINE Z. BORDALLO Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Thomas C. Ada</i> THOMAS C. ADA Vice Chairperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Joe T. San Agustin</i> SPEAKER JOE T. SAN AGUSTIN (Ex-Officio Member)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Carl T.C. Gutierrez</i> CARL T.C. GUTIERREZ Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>David L. G. Shimizu</i> DAVID L. G. SHIMIZU Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>John P. Aguon</i> JOHN P. AGUON Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



*H. Dierking*  
HERMINIA D. DIERKING  
Member ✓

*E. Arriola*  
ELIZABETH P. ARRIOLA  
Member ✓

*P. Lujan*  
PILAR C. LUJAN  
Member ✓

*J. George Bamba*  
J. GEORGE BAMBA  
Member ✓

ANTHONY C. BLAZ  
Member

*Marilyn Manibusan*  
MARILYN D.A. MANIBUSAN  
Member ✓ 8/25/93  
ndm

*T. V. C. Tanaka*  
THOMAS V.C. TANAKA  
Member ✓

**COMMITTEE ON EDUCATION  
TWENTY-SECOND GUAM LEGISLATURE**

**SENATOR MADELEINE Z. BORDALLO  
CHAIRPERSON**

**COMMITTEE MEMBERS**

**Senator Thomas C. Ada, Vice-Chairman  
Vice-Speaker John P. Aguon  
Senator Elizabeth P. Arriola  
Senator Herminia D. Dierking  
Senator Carl T. C. Gutierrez  
Senator Pilar C. Lujan  
Senator David L. G. Shimizu  
Senator J. George Bamba  
Senator Anthony C. Blaz  
Senator Marilyn D. A. Manibusan  
Senator Thomas V. C. Tanaka**

**Speaker Joe T. San Agustin  
Ex-Officio Member**

**COMMITTEE REPORT  
ON  
BILL NO. 486**

**(AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION)**

**"AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE DEPARTMENT OF EDUCATION A TIME PERIOD EXTENSION IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, FOR THE PRIMARY PURPOSE OF ASSISTING THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE GUAM PUBLIC SCHOOL SYSTEM."**

A Public Hearing was conducted on Bill No. 486, relative to extending the time period for temporary assignment of Department of Education employees to the positions of school administrators, on Thursday, July 15, 1993, in the Public Hearing Room, Temporary Legislative Building, Agana, Guam.

## **MEMBERS PRESENT**

Senator Madeleine Z. Bordallo, Chairperson  
Speaker Joe T. San Agustin  
Vice-Speaker John P. Aguon  
Senator David L. G. Shimizu  
Senator J. George Bamba

**WITNESSES PRESENT:** Dr. Franklin J. A. Quitugua, Director, Department of Education; Mary A. Gutierrez, President, Guam Parent-Teacher Association Congress; Ron Aguon, Acting Executive Director, Civil Service Commission; William McIntyre, Personnel Administrator, Civil Service Commission.

## **SUMMARY OF TESTIMONY**

Dr. Franklin J. A. Quitugua  
Director, Department of Education

Dr. Franklin J. A. Quitugua, Director of the Department of Education, presented oral and written testimony to the Committee in support of the intent of Bill No. 486. Dr. Quitugua stated that the Department has experienced difficulties over the years in the management of the public schools because of the lack of adequate school administrators in the elementary and secondary divisions. Dr. Quitugua stressed that because of this situation, past school administrators were at times over-worked, which lead to morale problems. Therefore, Dr. Quitugua concluded, the Department supports the passage of Bill No. 486.

Mr. Ron Aguon  
Acting Executive Director, Civil Service Commission

Mr. Ron Aguon, Acting Executive Director of the Civil Service Commission, presented a brief oral testimony to the Committee summarizing the written statements submitted by Mr. Willis S. Cannon, Chairman, Civil Service Commission. Mr. Aguon stated that the Commission supports the endeavors of the Department of Education in trying to address the lack of school administrators and Assistant School Administrators. Mr. Aguon also stated that

because the Department of Education's main concern is with the school administrators the proposed amendment provided in Bill No. 486 should be amended to reflect only school administrators and assistant school administrators. Mr. Aguon further stated that the Commission should continue to retain the authority to grant any extension for temporary assignments within the Department, to prevent abuse of such assignments and to insure that the temporary assignment provisions are not used to progress favorite employees.

In the written testimony by Mr. Willis S. Cannon, Mr. Cannon states that the proposed amendment to the law would allow for a temporary assignment of 360 days, not to exceed a period of two years. Mr. Cannon considers this time period to be excessive, considering the purpose of temporary assignments. Mr. Cannon also states that the proposed length of time conflicts with the principles of job evaluation, and recommended that an amendment allow for one extension of an additional 120 days within any calendar year. Mr. Cannon concluded his written testimony by recommending that a new qualification provision be added to ensure that the temporary appointment of an employee does not compromise the principle of the merit system, and prevents the unfair and biased advancement of a particular employee.

Mrs. Mary A. Gutierrez  
President, Guam Parent-Teacher Association Congress

Mrs. Mary A. Gutierrez, President, Guam Parent-Teacher Association Congress, presented oral testimony on the intent of Bill No. 486. Mrs. Gutierrez stated that parents have expressed their concerns about teachers being pulled out of classrooms to be administrators, who are then replaced with substitute teachers. Mrs. Gutierrez emphasized that the quality of education received by the students from the substitute teachers are not the same as those received from certified teachers. Mrs. Gutierrez concluded her comments by questioning why the Department of Education does not recruit school administrators and assistant school administrators during their off-island recruitment programs.

## COMMITTEE QUESTIONS/COMMENTS

Senator Madeleine Z. Bordallo, Chairperson, then opened the floor for Committee members to pose questions or present comments to the witnesses. Speaker Joe T. San Agustin concurred with the recommendation of the Civil Service Commission that the amendment only be applicable to the positions of school administrator and assistant school administrator within the Department of Education. Speaker San Agustin then concluded his comments by stating that the Commission should continue to maintain its review of any extension on temporary assignments by the Department. Senator J. George Bamba then questioned Dr. Quitugua about how many positions would be affected by the proposed measure. Dr. Quitugua explained that there are 34 public schools, with 34 school administrators and approximately 70 assistant school administrators. Dr. Quitugua then stated that when he first took office, there existed 26 vacant assistant school principal positions within the Department, with several large schools having only one administrator. Dr. Quitugua continued by stating that the vacancies were partially due to the compensation system, which he has been able to partly address through the Civil Service Commission. Senator Bamba then concluded his remarks by stating that the proposed amendment may only be a temporary solution to a permanent problem.

Senator David L. G. Shimizu then asked Dr. Quitugua if there may be positions other than the school administrators which could possibly benefit from the proposed measure. Dr. Quitugua responded that there may be, but that a major concern at this time is the school administrators situation. Senator Bordallo then concluded the discussion by stating that during her first school facility inspection, which was conducted in September, 1991, she discovered that there were 26 vacant assistant school principal positions, at the time; and further emphasized that the temporary assignment provision should assist the Department in addressing this concern in the immediate future.

## COMMITTEE FINDINGS/RECOMMENDATIONS

The Committee on Education finds that the Department of Education has been experiencing difficulty over the past few years in identifying and hiring school administrators and assistant school administrators to properly manage the island's public schools. The Committee also acknowledges that during its initial

public school inspection in September, 1991, it discovered that there existed 26 vacant assistant principal positions throughout the Department of Education. This lack of assistant school administrators was soon thereafter partially addressed by the Director through the temporary assignment of its employees. Because of the ever increasing enrollment in the student population and the increase in student violence within the schools, there exists a tremendous need to insure that the public school system is provided with the necessary number of administrators to effectively administer the smooth operation of each school. Bill No. 486 would assist the Department of Education by extending the time period for the temporary assignment of Department personnel to address the persistent shortage and need for school administrators and assistant school administrators within the Guam public school system. THEREFORE, THE COMMITTEE ON EDUCATION RECOMMENDS THAT BILL NO. 486, AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION, "AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE DEPARTMENT OF EDUCATION A TIME PERIOD EXTENSION IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, FOR THE PRIMARY PURPOSE OF ASSISTING THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE GUAM PUBLIC SCHOOL SYSTEM", BE FAVORABLY CONSIDERED AND PASSED BY THE TWENTY SECOND GUAM LEGISLATURE.

### ATTACHMENTS

1. Voting sheet on Bill No. 486, as substituted by the Committee on Education, Twenty Second Guam Legislature.
2. Bill No. 486, as substituted by the Committee on Education, Twenty Second Guam Legislature.
3. Bill No. 486, as introduced.
4. Written testimony by Dr, Franklin J. A. Quitugua, Director, Department of Education.
5. Written testimony by Mr. Willis S. Cannon, Chairman, Civil Service Commission.
6. Copy of the Public Hearing agenda for Thursday, July 15, 1993.

7. Witness attendance sheet for Bill No. 486, from the Public Hearing conducted on Thursday, July 15, 1993, in the Public Hearing Room, Temporary Legislative Building, Agana.

**TWENTY SECOND GUAM LEGISLATURE  
1993 (FIRST) REGULAR SESSION**

**BILL NO. 486**

**(AS SUBST. BY THE COMMITTEE ON EDUCATION)  
INTRODUCED BY:**

**M. Z. BORDALLO** *M.Z.B.*  
*M.D. Manibusan*  
*E. Parisi*  
*H. Orosario*

**"AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE DEPARTMENT OF EDUCATION A TIME PERIOD EXTENSION IN THE TEMPORARY ASSIGNMENT OF EMPLOYEES TO THE POSITIONS OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS, FOR THE PRIMARY PURPOSE OF ASSISTING THE DEPARTMENT IN ADDRESSING THE CRITICAL SHORTAGE OF ADMINISTRATORS WITHIN THE GUAM PUBLIC SCHOOL SYSTEM."**

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

**Section 1. Legislative Intent.**

Over the past few years, the Department of Education experienced major difficulties in the recruitment of school administrators and assistant school administrators. During school year 1992-1993, the Department assigned numerous employees as school administrators and assistant school administrators on a temporary assignment status. The existing provision regarding temporary assignment of government employees limits such assignments to a period of one hundred twenty days, not to exceed two hundred forty days with the approval of the Civil Service Commission. Because of the critical need for school administrators and assistant school administrators to effectively manage the schools within the public school system, this provision would extend the time period for temporary assignments to three hundred sixty (360) days for the



1 Department of Education.  
2

3 **Section 2. Extension of Time Period for Temporary Assignment of**  
4 **personnel for the Department of Education.**

5 §4117 of Chapter 4, Title 4, Guam Code Annotated, is hereby repealed  
6 and reenacted to read as follows:  
7

8 **"§4117. Temporary Assignments.**

9 No employee shall be temporarily assigned or detailed to a position  
10 nor shall the employee assume the duties and responsibilities of a position other  
11 than the one to which he has been appointed for a period in excess of one  
12 hundred twenty (120) days, unless the appointing authority obtains an exemption  
13 upon written application to the Civil Service Commission, such exemption shall  
14 not extend beyond an additional one hundred twenty (120) days. No exemption  
15 shall be granted to the one hundred twenty (120) day detail limitation except  
16 upon express approval by the Civil Service Commission Board.

17 The Department of Education is hereby provided an extended time period  
18 in the temporary assignment of school administrators and assistant school  
19 administrators, as provided for in this Section. Department of Education  
20 employees temporarily assigned or detailed to the position of school  
21 administrator or assistant school administrator shall not assume the duties and  
22 responsibilities of a position other than the one to which he/she has been  
23 appointed for a period in excess of three hundred sixty (360) days, unless the  
24 appointing authority obtains an exemption upon written application to the Civil  
25 Service Commission, such exemption shall not extend beyond an additional three  
26 hundred sixty (360) days. No exemption shall be granted to the Department of  
27 Education on the three hundred sixty (360) day detail limitation except upon  
28 express approval by the Civil Service Commission Board."

**TWENTY SECOND GUAM LEGISLATURE  
1993 (FIRST) REGULAR SESSION**

**BILL NO. 486**

**INTRODUCED BY:**

**M. Z. BORDALLO** 

**"AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4,  
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING  
THE DEPARTMENT OF EDUCATION AN EXTENSION IN  
THE PROVISION PERTAINING TO TEMPORARY ASSIGNMENT  
OF EMPLOYEES, TO ASSIST THE DEPARTMENT IN  
ADDRESSING THE SERIOUS PROBLEM REGARDING THE LACK  
OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL  
ADMINISTRATORS WITHIN THE PUBLIC SCHOOL SYSTEM."**

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

**Section 1. Legislative Intent.**

Over the past few years, the Department of Education experienced major difficulties in the recruitment of school administrators and assistant school administrators. During school year 1992-1993, the Department assigned numerous employees as school administrators and assistant school administrators on a temporary assignment status. The existing provision regarding temporary assignment of government employees limits such assignments to a period of one hundred twenty days, not to exceed two hundred forty days with the approval of the Civil Service Commission. Because of the critical need for school

1 administrators and assistant school administrators to effectively manage the  
2 schools within the public school system, this provision would extend the time  
3 period for temporary assignments to three hundred sixty (360) days for the  
4 Department of Education.

5  
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7 **personnel for the Department of Education.**

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10 **"§4117. Temporary Assignments.**

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12 nor shall the employee assume the duties and responsibilities of a position other  
13 than the one to which he has been appointed for a period in excess of one  
14 hundred twenty (120) days, unless the appointing authority obtains an exemption  
15 upon written application to the Civil Service Commission, such exemption shall  
16 not extend beyond an additional one hundred twenty (120) days. No exemption  
17 shall be granted to the one hundred twenty (120) day detail limitation except  
18 upon express approval by the Civil Service Commission Board.

19 The Department of Education shall be provided an extended time period  
20 in the temporary assignment of its employees, as provided for in this Section.  
21 No employee of the Department of Education shall be temporarily assigned or  
22 detailed to a position nor shall the employee assume the duties and  
23 responsibilities of a position other than the one to which he has been appointed  
24 for a period in excess of three hundred sixty (360) days, unless the appointing  
25 authority obtains an exemption upon written application to the Civil Service  
26 Commission, such exemption shall not extend beyond an additional three  
27 hundred sixty (360) days. No exemption shall be granted to the Department of  
28 Education on the three hundred sixty (360) day detail limitation except upon  
29 express approval by the Civil Service Commission Board."



## OFFICE OF THE DIRECTOR

DEPARTMENT OF EDUCATION  
GOVERNMENT OF GUAM  
P.O. BOX DE  
AGANA, GUAM 96910  
TEL: (671) 472-8901/2/3/4  
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FRANKLIN J.A. QUITUGUA, Ph. D.  
Director of Education

CONRAD STINSON  
Deputy Director

July 15, 1993

The Honorable Madeleine Z. Bordallo  
Chairperson, Committee on Education  
Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Madam Chairperson:

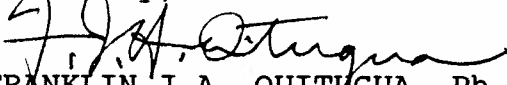
Thank you for inviting the Department of Education to testify on Bill No. 486, "AN ACT TO REPEAL AND RE-ENACT SECTION 4117 OF CHAPTER 4, TITLE 4, GUAM COD ANNOTATED, RELATIVE TO PROVIDING THE DEPARTMENT OF EDUCATION AN EXTENSION IN THE PROVISION PERTAINING TO TEMPORARY ASSIGNMENT OF EMPLOYEES, TO ASSIST THE DEPARTMENT IN ADDRESSING THE SERIOUS PROBLEM REGARDING THE LACK OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL ADMINISTRATORS WITHIN THE PUBLIC SCHOOL SYSTEM."

We commend you for your expeditious response to our request to grant the Department of Education the authority to extend the time allowed for employees on temporary detail assignment to serve.

As the bill so clearly described, the Department of Education was really struggling up to this school year (1992-93) because of the lack of school administrators to fill vacant slots in both elementary and secondary levels. In many cases, school administrators who remained at their posts were over-worked, consequently moral was low and many of these officials were just waiting to find other jobs or satisfy their retirement time to withdraw from service.

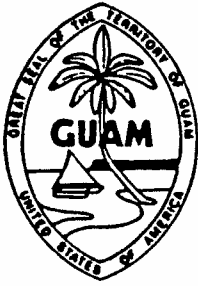
We wholeheartedly support the intent of Bill 486 and again thank you for responding favorably to our need.

Sincerely,

  
FRANKLIN J.A. QUITUGUA, Ph.D.  
Director of Education



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## GOVERNMENT OF GUAM

### CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

Century Plaza, 2nd Floor, Upper Tamuning  
P.O. Box 3156, Agana, Guam 96910

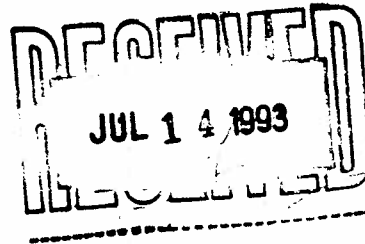
Tel: (671) 649-4272, 649-7955/57 • Fax: (671) 649-1272



**CSC NO. 93-661**

JUL 13 1993

Senator Madeleine Z. Bordallo  
Chairperson  
Committee on Education  
Twenty-Second Guam Legislature  
Agana, Guam 96910



**RE: *Bill No. 486 proposes "to repeal and reenact §4117 of Chapter 4, Title 4, Guam Code Annotated, relative to providing the Department of Education an extension in the provision pertaining to temporary assignment of employees, to assist the Department in addressing the serious problem regarding the lack of school administrators and assistant school administrators within the public school system".***

Dear Senator Bordallo:

Thank you for the opportunity to comment on Bill No. 486. The Commission does not support the specific language of the proposed amendment for two reasons, as follows:

Firstly, the proposed amendment did not specifically cover school administrators and assistant school administrators, but rather DOE employees in general. The preamble of Bill No. 486 mentioned the serious problem regarding the lack of school administrators and assistant school administrators within the public school system. However, the proposed amendment states, in part: *"no employee of the Department of Education shall be temporarily assigned or detailed to a position nor shall the employee . . ."*

Secondly, the proposed amendment is to allow the temporary assignment or detail of any DOE employee to a position within the DOE for a period not to exceed a total of 720 days, which is a period of about two years. The Commission finds this length of time rather excessive considering the real purpose of a temporary appointment, which is to meet the emergency needs of management. Furthermore, the excessive length of time conflicts with the principles of job evaluation.



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The Commission, however, supports an amendment of the law to allow for only one extension at a time of an additional 120 days within any calendar year. The existing law is interpreted to allow a one-time extension of an additional 120 days to a position other than the one to which the employee has been appointed for the career life of the employee. Over time this has proved to be an unreasonable management tool not only for the Department of Education, but other departments and agencies as well. The recommended amendment is as follows:

*No employee shall be temporarily assigned or detailed to a position, nor shall the employee assume the duties and responsibilities of a position other than the one to which he has been appointed for an initial period in excess of one hundred twenty (120) days, unless the appointing authority obtains an exemption upon written application to the Civil Service Commission, such exemption not to extend beyond an additional one hundred twenty (120) days within any calendar year. No exemption shall be granted to the initial one hundred twenty (120) day detail limitation except upon express approval by the Civil Service Commission **Board**.*

In addition, the Commission recommends that a new qualification provision be added to ensure that the temporary appointment of an employee does not compromise the principle of the merit system, nor does it result in an unfair management practice by the unfair and biased grooming of a particular employee for advancement. Opportunities for advancement through a temporary appointment or detail to higher graded positions should ensure that the employee who is temporarily advanced meets the minimum qualification requirements for the position. The Commission recommends the following addition:

The temporary assignment of an employee to a position with a higher grade than the one to which the employee has been appointed for a period beyond the initial 120 days requires that the employee meet the minimum qualification requirements provided in the class standards published by the Civil Service Commission for the position that the employee is temporarily assigned or detailed to. Any employee serving a probationary period or a limited-term/temporary appointment shall not be given a temporary assignment under this provision.



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CSC NO. 93-661  
Senator M.Z.Bordallo

The Commission appreciates being given the opportunity to provide this testimonial.

Sincerely,

*Willis Cannon*  
**WILLIS S. CANNON**  
Chairman



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# COMMITTEE ON EDUCATION

## TWENTY-SECOND GUAM LEGISLATURE

### KUMITEN IDUKASION

### MINA'BENTE DOS NA LIHESLATURA

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

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*Maddelaine F. Bordallo*  
CHAIRPERSON

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Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
Ex. Officio

**PUBLIC HEARING**  
**Thursday, July 15, 1993**  
**Public Hearing Room**  
**Legislative Building, Agaña**  
**9:00 a.m.**

### AGENDA

#### CONFIRMATIONS:

- I. "REAPPOINTMENT OF MRS. BERNADETTE T. TAITAGUE TO SERVE AS A MEMBER OF THE TERRITORIAL BOARD OF EDUCATION, TO EXPIRE ON 5/14/96."

#### BILLS:

- I. **BILL NO. 486**  
"AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE DEPARTMENT OF EDUCATION WITH EXTENSION IN THE PROVISION PERTAINING TO TEMPORARY ASSIGNMENT OF EMPLOYEES, TO ASSIST THE DEPARTMENT IN ADDRESSING THE SERIOUS PROBLEM REGARDING THE LACK OF SCHOOL ADMINISTRATORS WITHIN THE PUBLIC SCHOOL SYSTEM."
- II. **BILL NO. 471**  
"AN ACT RELATIVE TO PROVIDING FOR ANNUAL PERFORMANCE EVALUATIONS OF THE DIRECTOR, DEPUTY DIRECTOR, SCHOOL ADMINISTRATORS AND DEPUTY SCHOOL ADMINISTRATORS, AND TEACHERS IN THE GUAM PUBLIC SCHOOL SYSTEM."
- III. **BILL NO. 485**  
"AN ACT TO REQUIRE THE DEPARTMENT OF EDUCATION TO PROVIDE DRIVER EDUCATION INSTRUCTION AND TO REQUIRE DRIVERS UNDER THE AGE OF 18 WHO HAVE SUCCESSFULLY COMPLETED A DRIVERS EDUCATION COURSE BEFORE THEY MAY RECEIVE A DRIVERS LICENSE."
- IV. **BILL NO. 502**  
"AN ACT RELATIVE TO ADDRESSING THE OVERCROWDING SITUATION WITHIN GUAM'S PUBLIC SCHOOL SYSTEM, PROVIDING FOR BETTER UTILIZATION OF SCHOOL FACILITIES, AND REDUCING THE NUMBER OF GANG-RELATED AND STUDENT-RELATED VIOLENCE OCCURRING WITHIN THE SCHOOLS; THROUGH TASKING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY AND POSSIBLE IMPLEMENTATION OF A DOUBLE SESSION SCHOOL PROGRAM FOR GUAM'S PUBLIC SCHOOLS."
- V. **BILL NO. 416**  
"AN ACT TO DIRECT THE BOARD OF EDUCATION TO ESTABLISH AND IMPLEMENT AN ALTERNATIVE SCHOOL SESSION."
- VI. **BILL NO. 377**  
"AN ACT TO IMMEDIATELY AIR-CONDITION HARMON LOOP ELEMENTARY SCHOOL AND FOR GUAM POWER AUTHORITY TO RELOCATE THE MACHECHE GENERATOR."
- VII. **BILL NO. 475**  
"AN ACT TO REPEAL CHAPTER XV OF THE GOVERNMENT CODE OF GUAM RELATIVE TO THE GUAM PLACE NAME COMMISSION; AND TO ADD A NEW §§11956, 11956.1, 11956.2, 11956.3, 11956.4, 11956.5, 11956.6 TO CHAPTER XIII OF THE GOVERNMENT CODE OF GUAM RELATIVE TO PROVIDING THE CHAMORRO LANGUAGE COMMISSION WITH THE RESPONSIBILITY OF NAMING PLACES WITHIN THE JURISDICTION OF THE TERRITORY OF GUAM."



VIII. BILL NO. 482

"AN ACT TO ADD A NEW SUBSECTION 46104.1 TO TITLE 17 GCA, SECTION 461 TO AUTHORIZE THE CHAMORRO LANGUAGE COMMISSION FUND TO CONDU FUNDRAISING ACTIVITIES THROUGH THE INSTITUTE OF CHAMORRO LANGUAGE / CULTURE PROGRAM AND GUAM PLACE NAME COMMISSION."

IX. BILL NO. 512

"AN ACT RELATIVE TO AUTHORIZING THE GUAM PUBLIC LIBRARY TO SOLICIT PURCHASE BOOKS AND WRITING MATERIALS AUTHORED BY LOCAL RESIDEN CONTAINING SIGNIFICANT INFORMATION OF VALUE TO THE PEOPLE OF GUAM; AUTHORIZING THE LIBRARY TO REQUEST FUNDING FOR THE IMPLEMENTATION THIS ACT."

X. BILL NO. 474

"AN ACT TO REPEAL AND REENACT SECTIONS 42012 OF TITLE XXVIII OF T GOVERNMENT CODE OF GUAM RELATIVE TO REQUIRING THE APPOINTMENT OF T DIRECTOR OF THE GUAM PUBLIC LIBRARY; TO AMEND SECTIONS 42008, 4200 42014 AND 42015, RELATIVE TO THE DELETION OF REFERENCES PERTAINING THE GUAM MUSEUM FROM SUCH PROVISIONS."

OVERSIGHT HEARING  
ON THE  
UNIVERSITY OF GUAM  
3:00 p.m.

AGENDA

- I. STUDENT FINANCIAL ASSISTANCE PROGRAMS.
- II. STUDENT ENROLLMENT FOR ACADEMIC YEAR 1993-1994.
- III. GENERAL CONCERNS.

**THE GENERAL PUBLIC IS INVITED TO ATTEND  
AND EXPRESS ITS VIEWS.**



JUN 1 '93

TWENTY SECOND GUAM LEGISLATURE  
1993 (FIRST) REGULAR SESSION

BILL NO. 486 (COR)

INTRODUCED BY:

M. Z. BORDALLO 

"AN ACT TO REPEAL AND REENACT §4117 OF CHAPTER 4,  
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING  
THE DEPARTMENT OF EDUCATION AN EXTENSION IN  
THE PROVISION PERTAINING TO TEMPORARY ASSIGNMENT  
OF EMPLOYEES, TO ASSIST THE DEPARTMENT IN  
ADDRESSING THE SERIOUS PROBLEM REGARDING THE LACK  
OF SCHOOL ADMINISTRATORS AND ASSISTANT SCHOOL  
ADMINISTRATORS WITHIN THE PUBLIC SCHOOL SYSTEM."

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

3  
4 Section 1. Legislative Intent.

5 Over the past few years, the Department of Education experienced  
6 major difficulties in the recruitment of school administrators and assistant school  
7 administrators. During school year 1992-1993, the Department assigned  
8 numerous employees as school administrators and assistant school administrators  
9 on a temporary assignment status. The existing provision regarding temporary  
10 assignment of government employees limits such assignments to a period of one  
11 hundred twenty days, not to exceed two hundred forty days with the approval  
12 of the Civil Service Commission. Because of the critical need for school

1 administrators and assistant school administrators to effectively manage the  
2 schools within the public school system, this provision would extend the time  
3 period for temporary assignments to three hundred sixty (360) days for the  
4 Department of Education.

5  
6 **Section 2. Extension of Time Period for Temporary Assignment of**  
7 **personnel for the Department of Education.**

8 §4117 of Chapter 4, Title 4, Guam Code Annotated, is hereby repealed  
9 and reenacted to read as follows:

10 **"§4117. Temporary Assignments.**

11 No employee shall be temporarily assigned or detailed to a position  
12 nor shall the employee assume the duties and responsibilities of a position other  
13 than the one to which he has been appointed for a period in excess of one  
14 hundred twenty (120) days, unless the appointing authority obtains an exemption  
15 upon written application to the Civil Service Commission, such exemption shall  
16 not extend beyond an additional one hundred twenty (120) days. No exemption  
17 shall be granted to the one hundred twenty (120) day detail limitation except  
18 upon express approval by the Civil Service Commission Board.

19 The Department of Education shall be provided an extended time period  
20 in the temporary assignment of its employees, as provided for in this Section.  
21 No employee of the Department of Education shall be temporarily assigned or  
22 detailed to a position nor shall the employee assume the duties and  
23 responsibilities of a position other than the one to which he has been appointed  
24 for a period in excess of three hundred sixty (360) days, unless the appointing  
25 authority obtains an exemption upon written application to the Civil Service  
26 Commission, such exemption shall not extend beyond an additional three  
27 hundred sixty (360) days. No exemption shall be granted to the Department of  
28 Education on the three hundred sixty (360) day detail limitation except upon  
29 express approval by the Civil Service Commission Board."