



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM


MAY 31 2002

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200  
130 Aspinal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

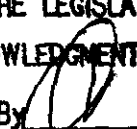
Enclosed please find Bill No. 171 (COR) "AN ACT TO ADD § 4101(c) TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EDUCATIONAL TRAINING TO WORK IN THE GOVERNMENT OF GUAM" which was vetoed and subsequently overridden by the Legislature, I Liheslatura. This legislation is now designated as **Public Law No. 26-87**.

Very truly yours,

  
Carl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

Attachments: original bill for vetoed legislation or  
copy of bill for signed or overridden legislation  
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco  
Speaker

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	11:11
Date	6/3/02

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN  
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

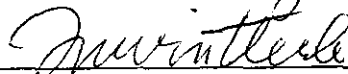
This is to certify that Bill No. 171 (COR), "AN ACT TO ADD § 4101(c) TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EDUCATIONAL TRAINING TO WORK IN THE GOVERNMENT OF GUAM," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 17<sup>TH</sup> day of May, 2002, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of twelve (12) members.

  
LAWRENCE F. KASPERBAUER  
Acting Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 20<sup>th</sup> day of May, 2002,  
at 4:10 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's* Office

Public Law No. 26-87

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

**Bill No. 171 (COR)**  
As amended on the Floor.

Introduced by:

V. C. Pangelinan  
J. T. Won Pat  
J. F. Ada  
T. C. Ada  
F. B. Aguon, Jr.  
J. M.S. Brown  
E. B. Calvo  
F. P. Camacho  
M. C. Charfauros  
Mark Forbes  
L. F. Kasperbauer  
L. A. Leon Guerrero  
K. S. Moylan  
A. L.G. Santos  
A. R. Unpingco

**AN ACT TO ADD § 4101(c) TO TITLE 4 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO  
REQUIRING EDUCATIONAL TRAINING TO WORK  
IN THE GOVERNMENT OF GUAM.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 recognizes the importance of education; that education is what shapes one's  
4 mind, which is necessary for satisfactory job performance.

5           Although *not* all are able to afford a college education, a high school  
6 education is definitely attainable, as it is offered for free by the Department of

1 Education. *However*, others prefer to drop out of high school, ignoring the  
2 benefits of free education.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to require *all* future  
4 employees for any position within the government of Guam to have a high  
5 school diploma or its equivalent, thereby providing satisfactory job  
6 performance enhanced by the greater literacy ability of the workforce.

7 In addition, by requiring all future employees of the government of  
8 Guam to have *at least* a high school diploma or its equivalent, it makes the  
9 government of Guam more efficient as education provides each individual the  
10 knowledge to be more productive and the literacy ability to meet the  
11 changing job challenges of the new economy, thus improving the overall  
12 standards of the government of Guam.

13 **Section 2.** Section 4101(c) of Article 1, Chapter 4 of Title 4 of the Guam  
14 Code Annotated is hereby *added* to read as follows:

15 “(c) All employment in the service of the government of Guam  
16 shall have, as a reasonable measure of job performance, the *minimum*  
17 requirement of a high school diploma or a successful completion of a  
18 General Educational Development (‘GED’) Test, or any equivalent of a  
19 general education high school program, or a successful completion of a  
20 certification program, from a recognized accredited or certified  
21 vocational technical institution, in a specialized field required for the  
22 job.

1           This Section shall *not* be applicable to the Summer Youth  
2           Employment and Training Act and shall *only* apply to individuals hired  
3           *after* the enactment of this Section.”

4           **Section 3. Severability.**   *If* any provision of this Law or its  
5           application to any person or circumstance is found to be invalid or contrary to  
6           law, such invalidity shall *not* affect other provisions or applications of this  
7           Law which can be given effect without the invalid provisions or application,  
8           and to this end the provisions of this Law are severable.

Overridden

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/17/02

## VOTING SHEET

Vetoed  
Bill No. 171 (COR)  
Resolution No. \_\_\_\_\_  
Question: \_\_\_\_\_

26-87

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.					✓
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.		✓			
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.					✓
WON PAT, Judith T.	✓				

TOTAL                      12   1   0   0   2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

Overridden  
5/17/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

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As amended on the Floor.

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- F. P. Camacho
- M. C. Charfauros
- Mark Forbes
- L. F. Kasperbauer
- L. A. Leon Guerrero
- K. S. Moylan
- A. L.G. Santos
- A. R. Unpingco

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7           Law which can be given effect without the invalid provisions or application,  
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Voting File  
4/20/07



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	2:20
Date	12/22/01

DEC 22 2001

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200  
130 Aspinal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

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This legislation requires that an individual have a high school diploma in order to be employed in any position within the government of Guam. Although the intent of the legislation may have been to encourage our people to stay in school and graduate before looking for employment, there are positions both in the government and in the private sector that just do not need a high school education in order to perform the job.

There are various reasons why some individuals have not obtained a high school diploma. We should not penalize these individuals from entering the work force, when they are in fact able to do the job. This action may have the undesirable effect of needlessly increasing the welfare roles.

Very truly yours,

Carl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

Attachments: original bill for vetoed legislation or  
copy of bill for signed or overridden legislation  
and legislation enacted without signature

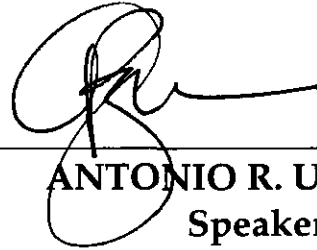
cc: The Honorable Antonio R. Unpingco  
Speaker

0623

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2001 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 171 (COR) "AN ACT TO ADD § 4101(c) TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EDUCATIONAL TRAINING TO WORK IN THE GOVERNMENT OF GUAM," was on the 7<sup>th</sup> day of December, 2001, duly and regularly passed.



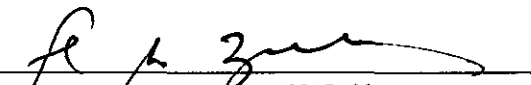
ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

.....  
This Act was received by I Maga'lahaen Guåhan this 12<sup>th</sup> day of December, 2001,  
at 4:47 o'clock P.M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ  
I Maga'lahaen Guåhan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*Voting File*  
*4/26/02*

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

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As amended on the Floor.

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J. T. Won Pat  
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T. C. Ada  
F. B. Aguon, Jr.  
J. M.S. Brown  
E. B. Calvo  
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CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY		
ACKNOWLEDGMENT RECEIPT		
Received By		
Time	2:28	
Date	12	22/01

DEC 22 2001

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200  
130 Aspinal Street  
Hagåtña, Guam 96910

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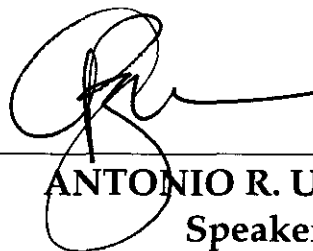
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0623

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2001 (FIRST) Regular Session

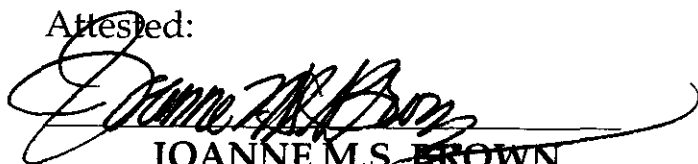
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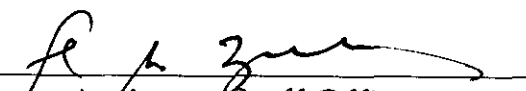
ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

.....  
This Act was received by I Maga'lahaen Guåhan this 12<sup>th</sup> day of December, 2001,  
at 4:47 o'clock P.M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ  
I Maga'lahaen Guåhan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



6

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 12/7/01

## VOTING SHEET

Bill No. 171 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

VETO

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	11 ✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	1 ✓				
CHARFAUROS, Mark C.	11	✓			
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.					✓

TOTAL 13 1 0 0 1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

6  
12/7/01

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

**Bill No. 171 (COR)**  
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# MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Rifotma yan Rinueba,  
yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayuråt*

28 NOV 2001

Speaker Antonio R. Unpingco  
I Mina' Bente Sais Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 171, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 171: "An Act To Amend §4101 Of Article 1 Of Chapter 4 Of Title 4, Guam Code Annotated, Relative To Personnel Policy."**

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
TO REPORT OUT	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

  
MARK FORBES

Attachments



# MINA 'ENTE SAIS NA LIHESLATURAN GUAHAN

Kumitchan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,  
yan Asuntón Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gebilu  
Kabisiyon Mayurát*

28 NOV 2001

## MEMORANDUM

**TO:** Committee Members

**FROM:** Chairman

**SUBJECT:** Committee Report- BILL NO. 171: "An Act To Amend §4101 Of Article 1 Of Chapter 4 Of Title 4, Guam Code Annotated, Relative To Personnel Policy."

Transmitted herewith for your information and action is the report on Bill No. 171 from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 171
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

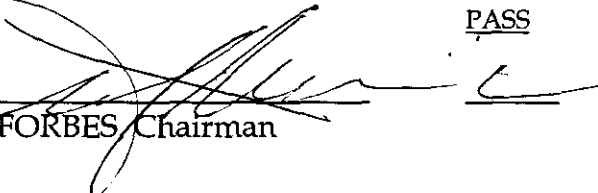
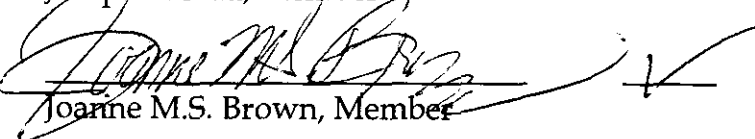
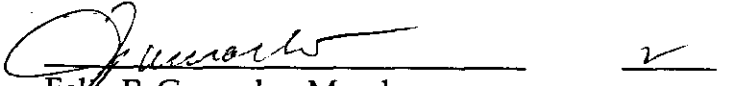
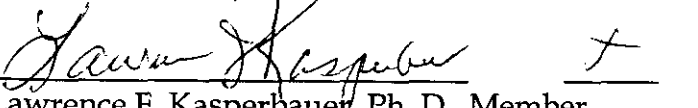

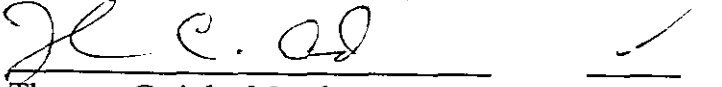
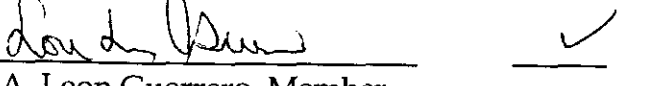
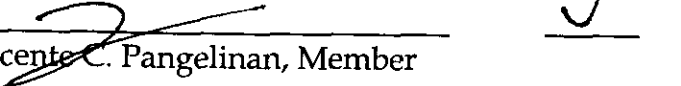
  
MARK FORBES

Attachments

**Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal,  
Foreign and General Affairs**  
**I Mina' Bente Sais Na Liheslaturan Guåhan**

**Voting Record**

BILL NO. 171: "An Act To Amend §4101 Of Article 1 Of Chapter 4 Of Title 4, Guam Code Annotated, Relative To Personnel Policy."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>TO REPORT OUT</u>
 MARK FORBES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph F. Ada, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joanne M.S. Brown, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eddie B. Calvo, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Felix P. Camacho, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lawrence F. Kasperbauer, Ph. D., Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaleo S. Moylan, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Antonio R. Unpingco, Ex-Officio Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Thomas C. Ada, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lou A. Leon Guerrero, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vicente C. Pangelinan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN**

**COMMITTEE ON RULES, GENERAL GOVERNMENTAL  
OPERATIONS, REORGANIZATION AND REFORM, AND  
FEDERAL, FOREIGN AND GENERAL AFFAIRS**

**SENATOR MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT  
ON  
BILL NO. 171**

**“AN ACT TO AMEND §4101 OF ARTICLE 1 OF CHAPTER 4 OF  
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO  
PERSONNEL POLICY.”**



## **I. OVERVIEW**

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing at 10 a.m. on November 01, 2001 in the Public Hearing Room, I Liheslaturan Guahan. Public notice was given in the October 27, 2001 edition of the Pacific Daily News.

Senators present at the public hearing were:

Senator Mark Forbes, Chairman  
Senator Larry Kasperbauer, Member  
Senator Lou Leon Guerrero, Member  
Senator Vicente "Ben" Pangelinan, Member  
Senator Frank Aguon, Jr.

## **II. SUMMARY OF TESTIMONY**

Individuals appearing before the Committee to present oral and written testimony on the bill are as follows:

Luis Baza, Executive Director, Civil Service Commission (Oral testimony)  
Julie Quinata, Personnel Service Administrator, Guam Power Authority (Written testimony)

Luis Baza, executive director of the Civil Service Commission, testified before the Committee on Bill No. 171. He said that it's possible that requiring a high school diploma may be discriminating. He suggests we look at the Supreme Court ruling so that we don't discriminate.

Sen. Pangelinan said he's aware of the caution we have to exercise, but said he feels that all jobs require a level of reading and writing.

Julie Quinata, personnel service administrator of the Guam Power Authority, submitted written testimony to the Committee on Bill No. 171. She said that while it is desirable to promote education, it may be discriminatory to require a high school diploma if it isn't a reasonable measure of job performance for a specific position. She said that GovGuam may miss good, capable and highly productive employees if a high school diploma or equivalent is required for all jobs.

## **III. FINDINGS AND RECOMMENDATION**

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 171 requires all new GovGuam hires to have a basic level of education that could help promote literacy and improve high school graduation rates.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 171 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 171**, "An Act To Amend §4101 Of Article 1 Of Chapter 4 Of Title 4, Guam Code Annotated, Relative To Personnel Policy."

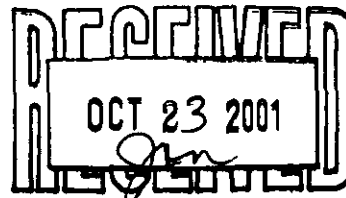


# MINA ' BENTE SAIS NA LIHESLATURAN GUAHAN

Kl. echan Areklamento, Hinanao Gubetnament .inirát, Rifotma yan Rinueba,  
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurát*

23 OCT 2001



## MEMORANDUM

TO: Chairman  
Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs

FROM: Chairman  
Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral - Bill No. 171 (COR)

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment

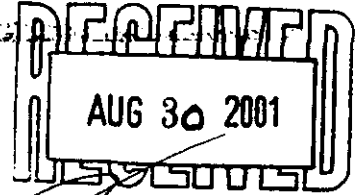
2nd 3rd  
11/27/01 12/4/01

Introduced

AUG 29, 2001

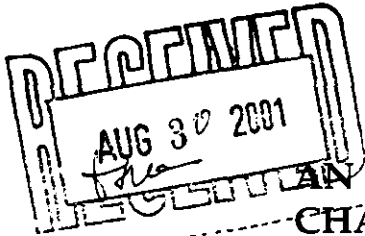
**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
2001 (FIRST) Regular Session

Bill No. 171 (CO2)



Introduced by:

v.c. pangelinan  
J.T. Won Pat



**AN ACT TO AMEND §4101 OF ARTICLE 1 OF  
CHAPTER 4 OF TITLE 4, GUAM CODE  
ANNOTATED, RELATIVE TO PERSONNEL POLICY.**

vop FAI

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

3 recognizes the importance of education; that education is what shapes one's  
4 mind, thus making such individual more productive and better contributor to  
5 the island community.

6 Although not all are able to afford a college education, a high school  
7 education is definitely attainable as it is offered for free by the Department of  
8 Education. However, others prefer to dropout of high school, ignoring the  
9 benefits of free education.

10 Further, *I Liheslaturan Guåhan* finds that one way to convey the significance  
11 of education is to have the government of Guam employees act as a role  
12 model for the people of Guam.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to require all future  
14 employees for any position within the government of Guam to have a high

**I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**  
**Bill No. 171**

**Senator Proposing Amendment:** vcp

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

Sections 1 and 2 of Bill 171 is hereby replaced with the following sections:

**"Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

recognizes the importance of education; that education is what shapes one's mind, which is necessary for satisfactory job performance.

Although not all are able to afford a college education, a high school education is definitely attainable as it is offered for free by the Department of Education. However, others prefer to dropout of high school, ignoring the benefits of free education.

Therefore, it is the intent of *I Liheslaturan Guåhan* to require all future employees for any position within the government of Guam to have a high school diploma or its equivalent, thereby providing satisfactory job performance enhanced by the greater literacy ability of the work force.

In addition, by requiring all future employees of the government of Guam to have at least a high school diploma or its equivalent, it makes the government of Guam more efficient as education provides each individual the knowledge to be more productive and the literacy ability to meet the changing job challenges of the new economy, thus improving the overall standards of the government of Guam.

**Section 2.** A new Subsection (c) of §4101 of Article 1 of Chapter 4 of Title 4, Guam Code Annotated is hereby added to read as follows:

Passed FA No. \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

“(c) All employment in the service of the government of Guam shall have as a reasonable measure of job performance the minimum requirement of a high school diploma or a successful completion of a General Educational Development (GED) Test or any equivalent of a general education high school program, or a successful completion of a certification program, from a recognized accredited or certified vocational technical institution, in a specialized field required for the job.”

-----  
(Below only for Clerk of Legislature's use and processing)

Date: ~~November 30, 2001~~ 12/4/01

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
AUTHOR OF AMENDMENT

Concur (*initial*)

  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_ Ass't. Amend. Clerk

\_\_\_\_ Engrossment Staff

1 school diploma or its equivalent, thereby setting an example for the youths of  
2 Guam that at least high school education is needed for an employment.

3 In addition, by requiring all future employees of the government of Guam  
4 to have at least a high school diploma or its equivalent, it makes the  
5 government of Guam more efficient as education provides each individual the  
6 knowledge to be more productive, thus improving the overall standards of  
7 the government of Guam.]

8 [Section 2. §4101 of Article 1 of Chapter 4 of Title 4, Guam Code  
9 Annotated is hereby amended to read as follows:

10 "§4101. Personnel Policy. (a) Employment in the service of the  
11 government of Guam shall be based upon merit, and selection of  
12 employees shall be free of personal or political consideration.

13 No person shall be discriminated against in an application for  
14 employment or dismissed from employment on account of race, color,  
15 age, religion, sex, national origin or physical or mental impairment. All  
16 personnel actions, including appointments and promotions, shall be  
17 based, insofar as practicable, on competitive practical tests and  
18 evaluations. Continuity of employment shall be dependent upon good  
19 behavior, satisfactory performance of work and availability of funds.

20 (b) The Government shall initiate an Affirmative Action Program to  
21 assure that physically and mentally handicapped persons shall have an  
22 opportunity to obtain government employment. The affirmative action  
23 program shall include job training programs for the handicapped and a  
24 continuing review of job and work requirements by the personnel

1 agencies and the Civil Service Commission to assure no artificial  
2 impediments or discriminatory physical or mental requirements to  
3 thwart job applications submitted by handicapped persons.]

4 [(c) All employment in the service of the government of Guam shall  
5 have a minimum requirement of a high school diploma or a successful  
6 completion of a General Educational Development (GED) Test or any  
7 equivalent of a general education high school program, or a successful  
8 completion of a certification program, from a recognized accredited or  
9 certified vocational institution, in a specialized field required for the job.]

10 "

11 **Section 3.** Subsection (c) of §4101 of Article 1 of Chapter 4 of Title 4,  
12 Guam Code Annotated, shall not be applicable to the Summer Youth  
13 Employment and Training Act.

14 **Section 4.** Subsection (c) of §4101 of Article 1 of Chapter 4 of Title 4,  
15 Guam Code Annotated, shall only apply to individuals hired after the  
16 enactment of this law.

17 **Section 5. Severability.** *If* any provision of this Law or its  
18 application to any person or circumstance is found to be invalid or contrary to  
19 law, such invalidity shall *not* affect other provisions or applications of this  
20 Law which can be given effect without the invalid provisions or application,  
21 and to this end the provisions of this Law are severable.

**I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**  
**Bill No. 171**

**Senator Proposing Amendment: F. Aguon**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

**Section 2 of Bill 171 is hereby amended to read:**

**"Section 2.** A new Subsection (c) of §4101 of Article 1 of Chapter 4 of Title 4, Guam Code Annotated is hereby added to read as follows:

"(c) All employment in the service of the government of Guam shall have as a reasonable measure of job performance the minimum requirement of a high school diploma or a successful completion of a General Educational Development (GED) Test or any equivalent of a general education high school program, or a successful completion of a certification program, from a recognized accredited or certified vocational technical institution, in a specialized field required for the job, or a minimum of five (5) years of full time gainful employment."

*(Below only for Clerk of Legislature's use and processing)*

Date: ~~November 30, 2001~~ 12/4/01  
Floor Amendment No. 1a *To VEPS FA 1* of a total of \_\_\_\_\_ changes on above Bill.  
Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** \_\_\_\_\_

Amendment Failed: ✓  
Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

*ms*  
AUTHOR OF AMENDMENT

Concur *(initial)*









# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O. BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977

November 1, 2001

**Senator Mark Forbes, Chairman  
Committee on Rules, General Governmental  
Operations, Reorganization and Reform, and  
Federal, Foreign and General Affairs**

Hafa Adai Senadot Forbes! Thank you for the opportunity to present testimony regarding Bill No. 171, An Act to Amend Section 4101 of Article 1 of Chapter 4 of Title 4, Guam Code Annotated, Relative to Personnel Policy.

It is desirable that education be of utmost importance and a priority throughout our island community. It is also agreeable a high school education is attainable through government services and that, young adults seventeen and above may choose to dropout of high school. However, it can be arguable that those who dropout of high school ignore the benefits of free education.

For some, leaving high school may have been a decision that was made out of economic necessity for survival. An example, John Jr. had recently lost his father to a fatal vehicular accident, his mother has taken ill and could not support two other younger siblings. Being the eldest of three children, John Jr. at seventeen did what he thought was the most honorable thing to do. His obligation as man of the house, John Jr. quit school and took on a full-time labor job to help with the expenses and to put food on the table. John Jr. was an average student and was involved in many school activities. For many, this may be far from reality. But we cannot rule out the fact that situations like this do happen when we least expect it. It's a harsh reality.

For people like John Jr. who place value in their obligations to support their families, the minimum requirement of a high school diploma to get a job within the government of Guam may be discriminatory based on non-merit factors. Non-possession of a high school diploma or the equivalent may not be enough to prove that John Jr. is of less intelligence or less productive than a person who possesses a high school diploma. John Jr. may possess the drive and motivation to satisfy every employer's dream of the perfect employee in terms of high performance, production and quality service. But the Government of Guam will never know that unless he is provided the opportunity to compete for a job.

In *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), a class action suit under Title VII of the Civil Rights Act of 1964 was brought before the U. S. Supreme Court alleging that the Duke Power Company's requirement of a high school diploma and passing

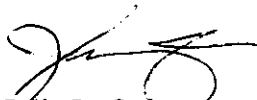
intelligence tests as conditions of employment and promotion constitute discrimination. The Supreme Court held that the use of tests or other measuring procedures is a business necessity only when they are shown to be a reasonable measure of job performance. The evidence in this case did not show that a high school requirement or a general intelligence test bore a demonstrable relationship to successful performance of the job for which it was used. Therefore, the case could not be upheld.

With this, I ask the Committee's consideration in not selling the Government of Guam short of good, capable and highly productive employees by making a high school diploma or equivalent the minimum requirement of government jobs.

Education is very important. I highly recommend that everyone should get as much education as they possibly can. Today, the Government of Guam appropriates monies for its classified employees to receive higher education from the University of Guam through the Doc Sanchez Scholarship Program. Can we give the same incentive and encouragement to its classified employees to return to school and receive a high school education or equivalent as well?

The desirable success of a great concept, the Welfare-to-Work program may prove to be an unworthy endeavor by closing the doors of opportunity for clients of these programs to work within the Government of Guam. The Guam Power Authority has been successful in its mission to provide reliable power services even with employees who lack a high school diploma with proper guidance and training. The Authority was also successful in hiring personnel from the Welfare-to-Work programs, i.e. C-WEP. Mind you, GPA has taken advantage of these programs and will continue to support them as candidates become available.

Si Yu'os Ma'ase,



Julie L. Quinata  
Personnel Services Administrator

Concurred by:



T. ANN AGUON PEREZ  
General Manager



# MINA 'ENTE SAIS NA LIHES' ATURAN GUAHAN

Kumitchan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,  
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurát*

## WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 171 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 171.

MARK FORBES

Chairman,  
Committee on Rules, General Governmental Operations,  
Reorganization and Reform, and Federal, Foreign  
and General Operations

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**Notice of Public Hearing**

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs  
Senator Mark Forbes, Chairman

**10 A.M. THURSDAY, NOVEMBER 1, 2001**

The following Bills will be on the Agenda:

- Bill No. 134: Relative to transferring the Office of the Compiler of Laws to the Legislative branch of government.
- Bill No. 161: Relative to establishing a means for Education facilities construction.
- Bill No. 166: Relative to forced or involuntary resignation of employee by management.
- Bill No. 167: Relative to providing indemnity for licenses, leases, easements, and other real estate agreements of the Government of Guam with the Federal government.
- Bill No. 169: Relative to privacy of consumer financial and health information.
- Bill No. 171: An Act to amend Section 4101 of Chapter 4 of Title 4, relative to personnel policy.
- Bill No. 173: Relative to personnel policy and the Civil Service Commission & relative to forced /involuntary resignation of employee by management.
- Bill No. 180: Relative to naming the new Department of Agriculture building as the Francisco M. Isezaki Building.
- Bill No. 186: An Act to approve the lease for the Veterans of Foreign War Post 1509.
- Bill No. 212: An Act to establish a task force on workplace violence to study the most effective means to prevent violence in the workplace.

**PLEASE TAKE NOTE THAT THERE WILL BE NO APPOINTMENTS HEARD ON THIS DAY.**

Hearing will take place in the Public Hearing Room I Libeslaturan Guahan, Hagatna, Guam  
The Public is Invited to Participate  
Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Sen. Forbes at 472-3512.

**CONSTRUCTION BLACK CORPORATION**

**PUBLIC NOTICE**

Black Construction Corporation hereby gives notice to the General Public of the construction work which will take place **October 28, 2001 (6:00 a.m. - 4:00 p.m.)**.

Please expect road detours at the **ITC Building Intersection** as work on the traffic signalization is conducted. We apologize for the inconvenience.

**PLEASE OBSERVE ALL TRAFFIC SIGNS AND EXERCISE CAUTION WHILE DRIVING IN THIS AREA.**

Si Yu'us Ma'ase

**MDA**

**ATTN: SCUBA DIVERS**

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MDA, Piti

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**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

Bill No. 171 (102)

Introduced by:

v.c. pangelinan  
J.T. Won Pat 

---

**AN ACT TO AMEND §4101 OF ARTICLE 1 OF  
CHAPTER 4 OF TITLE 4, GUAM CODE  
ANNOTATED, RELATIVE TO PERSONNEL POLICY.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 recognizes the importance of education; that education is what shapes one's  
4 mind, thus making such individual more productive and better contributor to  
5 the island community.

6           Although not all are able to afford a college education, a high school  
7 education is definitely attainable as it is offered for free by the Department of  
8 Education. However, others prefer to dropout of high school, ignoring the  
9 benefits of free education.

10           Further, *I Liheslaturan Guåhan* finds that one way to convey the significance  
11 of education is to have the government of Guam employees act as a role  
12 model for the people of Guam.

13           Therefore, it is the intent of *I Liheslaturan Guåhan* to require all future  
14 employees for any position within the government of Guam to have a high

1 school diploma or its equivalent, thereby setting an example for the youths of  
2 Guam that at least high school education is needed for an employment.

3 In addition, by requiring all future employees of the government of Guam  
4 to have at least a high school diploma or its equivalent, it makes the  
5 government of Guam more efficient as education provides each individual the  
6 knowledge to be more productive, thus improving the overall standards of  
7 the government of Guam.

8 **Section 2.** §4101 of Article 1 of Chapter 4 of Title 4, Guam Code  
9 Annotated is hereby amended to read as follows:

10 **“§4101. Personnel Policy.** (a) Employment in the service of the  
11 government of Guam shall be based upon merit, and selection of  
12 employees shall be free of personal or political consideration.

13 No person shall be discriminated against in an application for  
14 employment or dismissed from employment on account of race, color,  
15 age, religion, sex, national origin or physical or mental impairment. All  
16 personnel actions, including appointments and promotions, shall be  
17 based, insofar as practicable, on competitive practical tests and  
18 evaluations. Continuity of employment shall be dependent upon good  
19 behavior, satisfactory performance of work and availability of funds.

20 (b) The Government shall initiate an Affirmative Action Program to  
21 assure that physically and mentally handicapped persons shall have an  
22 opportunity to obtain government employment. The affirmative action  
23 program shall include job training programs for the handicapped and a  
24 continuing review of job and work requirements by the personnel



1 agencies and the Civil Service Commission to assure no artificial  
2 impediments or discriminatory physical or mental requirements to  
3 thwart job applications submitted by handicapped persons.

4 (c) All employment in the service of the government of Guam shall  
5 have a minimum requirement of a high school diploma or a successful  
6 completion of a General Educational Development (GED) Test or any  
7 equivalent of a general education high school program, or a successful  
8 completion of a certification program, from a recognized accredited or  
9 certified vocational institution, in a specialized field required for the job.

10 ”

11 **Section 3.** Subsection (c) of §4101 of Article 1 of Chapter 4 of Title 4,  
12 Guam Code Annotated, shall not be applicable to the Summer Youth  
13 Employment and Training Act.

14 **Section 4.** Subsection (c) of §4101 of Article 1 of Chapter 4 of Title 4,  
15 Guam Code Annotated, shall only apply to individuals hired after the  
16 enactment of this law.

17 **Section 5. Severability.** *If* any provision of this Law or its  
18 application to any person or circumstance is found to be invalid or contrary to  
19 law, such invalidity shall *not* affect other provisions or applications of this  
20 Law which can be given effect without the invalid provisions or application,  
21 and to this end the provisions of this Law are severable.