



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2008 JUL 31 AM 11:44
20 JUL 2008

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 284(EC), "AN ACT TO AMEND SUBSECTION (c) OF §4101, ARTICLE 1, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT OF GUAM EMPLOYMENT EDUCATION REQUIREMENTS" which I signed into law on July 22, 2008 as Public Law 29-100.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

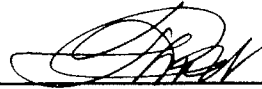
cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

29-08-0560
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 7/29/08
Time 4:10
Received by [Signature]

I MINA BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

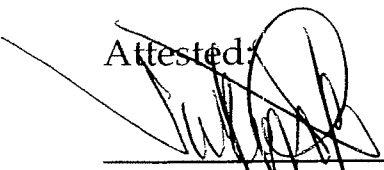
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 284(EC)**, "AN ACT TO *AMEND* SUBSECTION (c) OF §4101, ARTICLE 1, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT OF GUAM EMPLOYMENT EDUCATION REQUIREMENTS", was on the 9th day of July, 2008, duly and regularly passed.



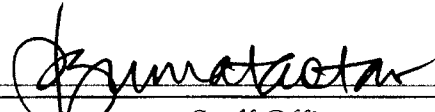
Judith T. Won Pat, Ed. D.
Speaker

Attested:



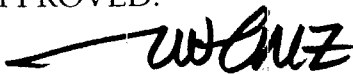
Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 10 day of July, 2008, at
3:16 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 22 JULY '08

Public Law No. 29-100

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 284 (EC)

As amended on the Floor.

Introduced by:

v. c. pangelinan
Dr. David L.G. Shimizu
R. J. Respicio
Tina Rose Muña Barnes
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
Ray Tenorio
J. T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (c) OF §4101, ARTICLE 1,
CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO GOVERNMENT OF GUAM EMPLOYMENT
EDUCATION REQUIREMENTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the minimum requirement of a high school diploma *or* a successful completion
4 of a General Educational Development (GED) test as a prerequisite for government
5 of Guam employment has created hiring obstacles for individuals applying for non-
6 technical and non-administrative positions. There are many in our community that
7 must seek gainful employment to support their families but for numerous reasons

1 are unable to *or* have yet to obtain a high school diploma *or* a GED thereby
2 restricting them from employment with the government of Guam. However, these
3 individuals are fully capable of performing tasks when given clear direction,
4 guidance and supervision.

5 *I Liheslaturan Guåhan* finds that the current statute may be discriminatory in
6 excluding an employable segment of the population. In the case of *Griggs v. Duke*
7 *Power Co.* 401 U.S. 424 (1971), the Supreme Court examined the policy of a
8 company requiring a high school diploma *or* its equivalent of its employees and
9 ruled “*if* a law was non-discriminatory on its face, but discriminatory in its impact,
10 then the law is unenforceable.”

11 *I Liheslaturan Guåhan* further finds in applying the Griggs Test, requiring a
12 high school diploma *or* a GED equivalent for non-technical and non-administrative
13 positions within the government of Guam does *not* have a direct rational
14 relationship with the job skills.

15 It is, therefore, the intent of *I Liheslaturan Guåhan* to ensure that non-
16 technical and non-administrative positions within the government of Guam are
17 based on job qualifications related to job performance and job skills and does *not*
18 discriminate based on the absence of a high school diploma *or* the successful
19 completion of a GED test.

20 **Section 2.** Subsection (c) of §4101, Article 1, Chapter 4 of Title 4, Guam
21 Code Annotated, is hereby *amended* to read:

22 “(c) All employment in the service of the government of Guam,
23 with the exception of non-technical and non-administrative positions as
24 determined by the Department of Administration, *shall* have, as a reasonable
25 measure of job performance, the minimum requirement of a high school
26 diploma *or* a successful completion of a General Educational Development

1 (GED) Test *or* any equivalent of a general education high school program,
2 *or* a successful completion of a certification program, from a recognized
3 accredited *or* certified vocational technical institution, in a specialized field
4 required for the job.

5 This subsection *shall* not be applicable to the Summer Youth
6 Employment and Training Act, a person with a disability which would
7 prevent him *or* her from complying with this Section, *or* a person born on
8 Guam whose eighteenth (18th) birthday was prior to August 1, 1950, and
9 shall *only* apply to individuals hired after May 17, 2002.”

10 **Section 3. Severability.** *If* any of the provisions of this Act or the
11 application thereof to any person or circumstance is held invalid, such invalidity
12 shall *not* affect any other provision or application of this Act which can be given
13 effect without the invalid provision or application, and to this end the provisions of
14 this Act are severable.
