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NINTH GUAM LEGISLATURE
1967 (FIRST) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 206, "An Act to amend Sections 4000.1, 4000.2, 4012, 11106.1, and 49006 of the Government Code of Guam to provide that employees of the Guam Memorial Hospital and of the Department of Education may appeal dismissals to the Personnel Board", which was heretofore passed and thereafter on July 10, 1967, returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration the Legislature did on the 10th day of July, 1967, agree to pass said bill notwithstanding the objections of the Governor by a vote of more than two-thirds of all of the members thereof, to wit: by a vote of 15 members.



J. C. ARRIOLA
Speaker

ATTESTED:




E. S. TERIASÉ
Acting Legislative Secretary

This Act was received by the Governor this 14th day
of July, 1967 at 4:58 o'clock 7 . P. M.

/s/ Rudolph G. Sablan

RUDOLPH G. SABLÁN
Acting Secretary of Guam

APPROVED:



MANUEL F. L. GUERRERO
Governor of Guam

DATE: _____

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Public Law 9-75

NINTH GUAM LEGISLATURE
1967 (FIRST) Regular Session

Bill No. 206

Introduced by

J. M. Acfalle
J. C. Arriola
G. M. Bamba
E. C. Conway
A. C. Cruz
O. L. Delfin
A. S. N. Flores
W. D. L. Flores
F. G. Iujan
I. P. Quitugua
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R. C. Sgambelluri
R. F. Taitano
E. S. Terlaje
J. W. Torres

AN ACT TO AMEND SECTIONS 4000.1, 4000.2, 4012,
11108.1, AND 49006 OF THE GOVERNMENT CODE OF
GUAM TO PROVIDE THAT EMPLOYEES OF THE GUAM
MEMORIAL HOSPITAL AND OF THE DEPARTMENT OF
EDUCATION MAY APPEAL DISMISSALS TO THE PER-
SONNEL BOARD.

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

2 Section 1. Section 4000.1 of the Government Code of Guam is hereby
3 amended to read as follows:

4 "Section 4000.1. Inapplicability. Sections 4001, 4004,
5 4005, 4006, 4006.1, 4007, 4009, 4010, 4012, 4110.5, 4111(b),
6 4111(c), and 4111(d) of this Code and the personnel rules of the
7 Personnel Board shall not apply to appointment, employment, promo-
8 tion, or other personnel policies for the Guam Memorial Hospital;
9 provided, however, that any employee of the Guam Memorial Hospital
10 who is suspended without pay, or dismissed by the Board of Trustees
11 of the Guam Memorial Hospital shall have the right to appeal such
12 decision ordering such suspension or dismissal to the Personnel
13 Board within fifteen (15) days after notice thereof which shall
14 have the right to review such action de novo. Within forty-five
15 calendar days of the receipt of the appeal, the Personnel Board
16 shall conduct a hearing, without regard for the formal rules of
17 evidence, and such other inquiries and investigations as it deems

1 appropriate. At any such hearing the dismissed employee shall be
2 entitled to be present, and to testify in his own behalf. If
3 the Personnel Board finds in favor of the employees, its decision
4 shall be final. If the Board finds against the employee, the
5 employee shall have the right of further appeal to the Governor
6 whose decision shall be final."

7 Section 2. Section 4000.2 of the Government Code of Guam is hereby
8 amended to read as follows:

9 "Section 4000.2. Same. Sections 4001, 4004, 4005, 4006,
10 4006.1, 4007, 4009, 4010, 4012, 4110.3, 4111(b), 4111(c), and
11 4111(d) of this Code and the personnel rules of the Personnel
12 Board shall not apply to appointment, employment, promotion, or
13 other personnel policies for the Department of Education;
14 provided, however, that any employee of the Department of
15 Education who is suspended without pay, or dismissed by the Board
16 of Education shall have the right to appeal such decision ordering
17 such suspension or dismissal to the Personnel Board within fifteen
18 (15) days after notice thereof which shall have the right to
19 review such action de novo. Within forty-five calendar days
20 of the receipt of the appeal, the Personnel Board shall conduct
21 a hearing, without regard for the formal rules of evidence, and
22 such other inquiries and investigations as it deems appropriate.
23 At any such hearing the dismissed employee shall be entitled to
24 be present, and to testify in his own behalf. If the Personnel
25 Board finds in favor of the employee, its decision shall be final.
26 If the Board finds against the employee, the employee shall have
27 the right of further appeal to the Governor whose decision shall
28 be final."

29 Section 3. Section 11106.1 of the Government Code of Guam is hereby
30 amended to read as follows:

31 "Section 11106.1. Same: Personnel. (a) Appointment,
32 employment, promotion, and other personnel policies for the

1 Department of Education shall be established by the Board.

2 (b) Sections 4001, 4004, 4005, 4006, 4006.1, 4007, 4009,
3 4010, 4012, 4110.3, 4111(b), 4111(c), and 4111(d), of this Code
4 and the personnel rules of the Personnel Board shall not apply to
5 appointment, employment, promotion, or other personnel policies
6 for the Department of Education, except as set forth in Section
7 4000.2 of the Government Code of Guam relating to the right of
8 appeal of the Department of Education employees to the Personnel
9 Board."

10 Section 4. Section 49006 of the Government Code of Guam is hereby
11 amended to read as follows:

12 "Section 49006. Personnel. (a) Appointment, employment,
13 promotion, and other personnel policies for the Guam Memorial
14 Hospital shall be established by the Administrator of the Guam
15 Memorial Hospital with the approval of the Board.

16 (b) Sections 4001, 4004, 4005, 4006, 4006.1, 4007, 4009,
17 4010, 4012, 4110.3, 4111(b), 4111(c), and 4111(d) of this Code
18 and the personnel rules of the Personnel Board shall not apply to
19 appointment, employment, promotion, or other personnel policies
20 for the Guam Memorial Hospital, except as set forth in Section
21 4000.1 of the Government Code of Guam relating to the right of
22 appeal of Guam Memorial Hospital employees to the Personnel
23 Board."

24 Section 5. Section 4012 of the Government Code of Guam is hereby
25 amended to read as follows:

26 "Section 4012. Appeals. In the event of the dismissal,
27 demotion, fine or suspension of any permanent employee of the
28 Government of Guam, including independent agencies and public
29 corporations, the appointing authority shall, no later than the
30 working day next following the effective date of the action,
31 report such action to the Director of Labor and Personnel with
32 a statement of the reason for the action, and the appointing

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

Section 6. This Act is an urgency measure.