



Office of the Governor of Guam

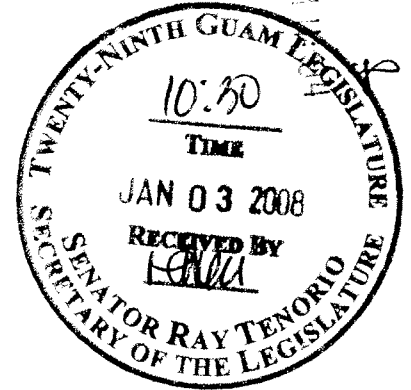
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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

02 JAN 2008

The Honorable Edward J.B. Calvo
Acting Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910



Dear Acting Speaker Calvo:

Transmitted herewith is Bill. No. 111 (EC) entitled "AN ACT TO ADD A NEW PARAGRAPH (f) TO §10103 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE RIGHT OF INSPECTION OF PUBLIC DOCUMENTS TO RESUMES AND APPLICATIONS FILED IN RESPONSE TO GOVERNMENT RECRUITMENT," which I have vetoed.

Federal and local labor statutes protect the privacy of workers and those seeking employment for good reason. First and foremost is the respect employers give to the personal privacy and dignity of applicants and workers. I fully intend to continue respecting these rights.

We also must consider that mandating such personal information will discourage the most qualified applicants. More importantly, such a mandate can discourage employment at all. This is not a policy message our government or our island can afford, especially as we encourage the best and brightest to fill ranks in our government where others retire or resign. This especially can be detrimental to the health, safety and education of our people, as professional positions in these agencies are hardest to fill due to the small pool of applicants often received.

The Department of Administration sent testimony to the Committee on General Governmental Operations and Reorganization conveying serious concerns, which must be addressed. First is the possible violation of federal equal employment opportunity laws and the Americans with Disabilities Act and the high risk of identity theft in which this government will place its applicants. Furthermore, government personnel officers are not protected from lawsuits that could result from such violations of federal law, privacy and identity.

Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIVED
Rcv'd by: Nikole
Print Name & Initial
Time: 9:00
Date: 1-3-08

29-08-0002
Office of the Speaker
MARK FORBES
Date: 01/02/08
Time: 5:42 PM
Rec'd by: EPJ
Print Name: EPJ

1136

Even without the considerations mentioned above, the intention to improve accountability through this bill is flawed by its weakening of the merit system, which works to ensure candidates for employment are considered through a process far removed from personal opinions, bias, political and public pressure. Advertising a candidate's resume with the personal information it contains only invites personal attacks and irrelevant bias that defeats the entire purpose of the merit system. The strict and qualitative process of hiring is the government's commitment to accountability in fair employment practices. Transparency in government operations also is given full attention by my administration.

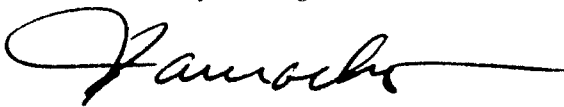
This government is transparent. Every effort is given to provide the media and the people information, whether requested or freely given. I established the Bureau of Information Technology to make access to government information more accessible through the Internet.

The Open Government Law (Chapter 10, 5 GCA) clearly identifies information that can and cannot be disseminated. This law was drafted with extensive community input, especially from journalists in Guam. It rightfully limits public access to personnel files because the employee's work history is a private matter. Those being considered for employment in the government of Guam also provide information about themselves that is a private matter.

We always must be cognizant that candidates for government of Guam employment are citizens who have the same rights as everyone else. Requiring them to do something other citizens are protected from doing does not set a higher standard for them to meet. It actually lowers standards for their decent treatment.

Government of Guam employees are selected by their merit; and, to suggest otherwise is an affront to the high caliber of work and achievement they make under strenuous circumstances.

Sinseru yan Magåhet,



FELIX P. CAMACHO

I Maga'låhen Guåhan
Governor of Guam

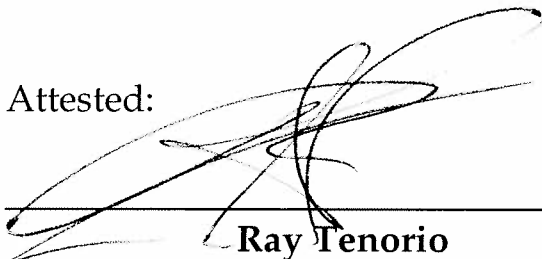
cc: The Honorable Ray Tenorio
Senator and Legislative Secretary

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

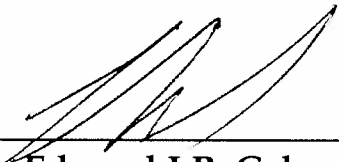
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 111 (EC), "AN ACT TO ADD A NEW PARAGRAPH (f) TO §10103 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE RIGHT OF INSPECTION OF PUBLIC DOCUMENTS TO RESUMES AND APPLICATIONS FILED IN RESPONSE TO GOVERNMENT RECRUITMENT," was on the 20th day of December, 2007, duly and regularly passed.

Attested:



Ray Tenorio
Senator and Secretary of the Legislature

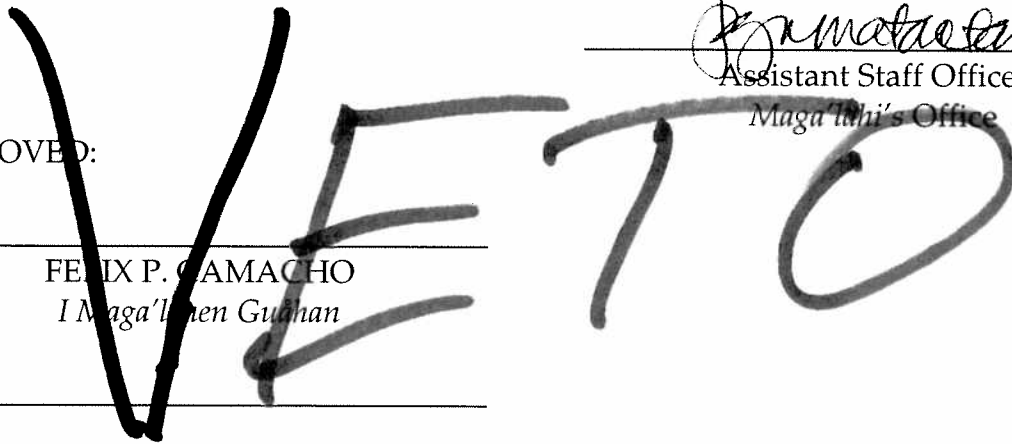


Edward J.B. Calvo
Acting Speaker

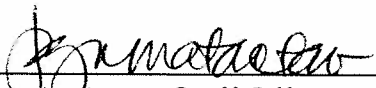
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This Act was received by *I Maga'lahaen Guåhan* this 21 day of Dec., 2007, at 1150 o'clock 9.M.

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan



Assistant Staff Officer
Maga'lahaen's Office

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2007 (FIRST) Regular Session

Bill No. 111 (EC)

As amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW PARAGRAPH (f) TO §10103 OF
TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO
EXTENDING THE RIGHT OF INSPECTION OF PUBLIC
DOCUMENTS TO RESUMES AND APPLICATIONS FILED IN
RESPONSE TO GOVERNMENT RECRUITMENT.**

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

2 **Section 1.** A new Paragraph (f) is *added* to §10103 of Title 5 Guam Code
3 Annotated to read:

4 “(f) While §10104 (a)(2) and §10108(c) of this Title recognize the
5 confidentiality of personnel files, application materials from persons seeking
6 employment are *not* personnel files, but are submitted to public offices for
7 consideration on their merits. There is a public interest in ensuring
8 transparency and accountability in the competitive selection process for
9 qualified pubic servants, whether to fill positions not subject to the merit

1 process in the unclassified service *or* executive positions for which
2 educational, technical and/or professional experience qualifications are
3 specified, and, upon appointment, directly *or* indirectly by *I Maga'lahi* (the
4 Governor) *or* directly by a Board *or* Commission. Applicant resumes and
5 completed standard application forms tendered for consideration to fill
6 government positions are hereby deemed public records, and all information
7 on applicant qualifications *shall* be made available for public inspection
8 during the period prior to the actual selection. Personal information
9 normally exempted from disclosure, such as social security and telephone
10 numbers, *shall* be redacted prior to release. Names may be redacted when
11 the applicant affirmatively indicates on the form that his current employer
12 may *not* be contacted.”