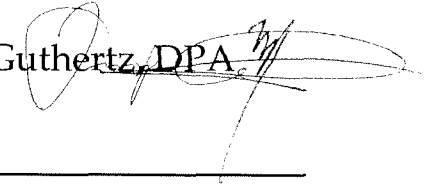


I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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EJW

Bill No. 338 -31(COR)

Introduced by:

Judith P. Guthertz, DPA. 

AN ACT TO AMEND THE TITLE AND SUB SECTIONS 4601, 4601(E), 4602, 4603, AND 4605 AND TO ADD SUB SECTION 4601(F)(G) AND A NEW SUB SECTION 4611 TO ARTICLE 6 OF CHAPTER 4, TITLE 4 GUAM CODE ANNOTATED RELATIVE TO EXPANDING THE ELIGIBILITY FOR INCLUSION IN THE ENHANCED PLACEMENT PROGRAM FOR PUBLIC EMPLOYEES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Article 6 of Chapter 4, Title 4 Guam Code Annotated, is
3 hereby amended to read:

4 "ARTICLE 6

5 ENHANCED PLACEMENT FOR PUBLIC EMPLOYEES DISPLACED DUE
6 TO OUTSOURCING, GOVERNMENT REORGANIZATION EFFORTS OR
7 REDUCTION IN FORCE INITIATIVES.

8 "§ 4611. Establishment of Vacancy Pool for Enhanced Placement.

9 § 4601. Definitions.

10 In this Article:

1 (e) *Separated* means termination or discharged as a result of
2 privatization, government reorganization, or as a result of reduction in
3 force initiatives.

4 (f) Reorganization means any proposed reorganization plan for a
5 department, agency or instrumentality of the government of Guam
6 wherein layoffs may off occur using derivatives of words such as
7 reorganization, restructuring, reform, modernization, streamlining, innovation or
8 transformation.

9 (g) Reduction in force the definition shall be pursuant to reduction
10 in force procedures contained in 4 GCA § 4207, and Public Law 27-05:IV:19.

11 **§ 4602. Eligibility.**

12 Any classified employee of a government of Guam agency or
13 department which is undergoing a process of ~~complete~~ privatization,
14 reorganization, or implementing any reduction in force initiatives and who
15 will be separated from government service as a result of such, *shall* be
16 eligible for enhanced placement. Classified employees still under probation
17 *shall not* be eligible for enhanced placement.

18 **§ 4603. Enhanced Placement.**

19 Classified employees eligible, as a result of privatization,
20 reorganization, or as a result of reduction in force initiatives, and properly
21 registered for enhanced placement *shall* be granted by a government of
22 Guam agency or department, or instrumentality of the government of
23 Guam, the right of first refusal for an opened and vacant government of

1 Guam classified position provided that such classified employee *shall* meet
2 all qualifications for such position and further provided that such position
3 is vacant and has been opened for recruitment for *bona fide* reasons with an
4 actual intent to fill such position under the merit system. ~~Enhanced~~
5 ~~placement is not available when a classified position has been opened~~
6 ~~government wide or for the purpose of promotion.~~ When more than one
7 (1) person eligible for enhanced placement applies for a vacant and opened
8 classified position subject to the provisions of this Article, the process of
9 selection between such persons eligible for enhanced placement shall be
10 competitive as would normally be the case under the provisions of the
11 merit system. This right of first refusal shall supersede any previously
12 passed Law which gives preferential hire treatment (e.g. Title 4, Guam
13 Code Annotated, §4104.1 Preferences for Scholarship Recipients.).

14 **§ 4605. Period of Eligibility.**

15 A classified employee eligible to participate in enhanced placement,
16 as detailed in this Article, *shall* acquire such eligibility upon the final
17 ~~approval~~ implementation and notice of the relevant privatization,
18 reorganization, or reduction in force initiative directly affecting such
19 employee ~~by I Liheslaturan Guåhan or in the absence of a legislative~~
20 ~~approval process~~ upon the date with such instruments as *shall* mandate the
21 relevant privatization, reorganization, or reduction in force initiatives are
22 ~~enacted~~ effectuated. Such eligibility *shall* remain in effect for a period of *no*
23 *more than* two (2) years.

1 Registrants that decline a job offer (either voluntary *or* involuntary)
2 *shall* be permanently removed as an enhanced placement registrant.

3 Funding for the placement of former employees under the Enhanced
4 Placement Program as a result of privatization *shall* come from the sale of
5 the affected government of Guam function *or* entity *or* any previous sale.

6 Funding for the placement of former employees under the Enhanced
7 Placement Program as a result of reorganization or reduction in force
8 initiatives shall come from the allotted budget of the respective entity in
9 which the vacancy exists.

10 **Section 2. A new sub section 4611 is hereby added to Article 6,**
11 **Chapter 4, Title 4 Guam Code Annotated**

12 **“§ 4611. Establishment of Vacancy Pool for Enhanced Placement.**
13 Upon enactment of provisions contained herein and upon determining that
14 a classified position is vacant and is to be opened for recruitment with an
15 intent to fill, the Department of Administration shall, prior to the entity’s
16 public notice of recruitment, be notified by respective government of
17 Guam agencies, departments, or instrumentalities which posses such
18 classified position/s. All open positions shall be held to provisions herein
19 affording the right of first refusal to those eligible and registered for
20 enhanced placement provided that such registrant shall meet all
21 qualifications for such position.

22 The Department of Administration shall develop a methodology to
23 ensure all vacant classified positions opened for recruitment and intended

1 to be filled by respective government of Guam agencies, departments, or
2 instrumentalities, including the Guam International Airport Authority, the
3 Port Authority of Guam, The Guam Power Authority and the Guam
4 Waterworks Authority; are recorded and offered to registrants that qualify
5 for Enhanced Placement.

6 **Section 3. Effective Date:** Provisions of this Act shall take effect upon
7 enactment into law.

8 a) the Department of Administration personnel services (or
9 applicable independent personnel agency office) shall, within ten (10)
10 working days, notify all individuals whom were separated from the
11 government of Guam as a result of any reorganization or reduction in force
12 initiative prior to the enactment of this provision of their new eligibility to
13 register under the Enhanced Placement program. The newly eligible
14 individual shall be notified via telephone, however, should the Department
15 of Administration personnel services (or applicable independent personnel
16 agency office) fail to make telephone contact with the individual, then
17 notification shall be made by certified mail to eligible persons;

18 b) Persons that fail to register within twenty (20) calendar days
19 under for Enhanced Placement, after being informed of their eligibility via
20 telephone, or in instances when persons were not available via telephone,
21 from the postmarked date of their written notification shall no longer be
22 eligible to be registered or qualified for Enhanced Placement.

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