

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 50 -33 (COR)

Introduced by:

Rory J. Respicio 

**AN ACT TO AMEND §8121 OF CHAPTER 8 OF TITLE 4 OF
THE GUAM CODE ANNOTATED RELATIVE TO THE
ANNUITY PAYMENTS OF CERTIFIED, REGISTERED OR
LICENSED HEALTHCARE PROFESSIONAL, OR
ANCILLARY SERVICE PERSONNEL EMPLOYED BY THE
JUDICIARY OF GUAM**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Intent.** The Judiciary of Guam Client Services &
2 Family Counseling Division provides a variety of direct therapeutic, psychological,
3 evaluative, consultative, and educational services to the court, its clientele, and the
4 community. These services include forensic and psychological evaluations;
5 individual, couples/conciliation, and family counseling; group counseling; and in-
6 house consultation and counseling. To address the continued availability of these
7 services, it is the intent of *I Liheslaturan Guåhan* to provide the Judiciary of Guam
8 with the same exemption to the provisions of 4 GCA §8121 that allow certified,
9 registered, or licensed health care professionals, or ancillary service personnel,
10 employed by the Guam Memorial Hospital Authority, the Guam Behavioral Health

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1 and Wellness Center, and the Department of Public Health and Social Services, to
2 receive annuity payments if they are employed by the courts for any period of time.

3 This provision will allow the Judiciary of Guam to introduce evidenced
4 based practices to improve probation services, update and improve the
5 effectiveness of the Alternative Sentencing Office and its programs, adopt and
6 implement risk and needs assessment tools to develop case management plans, and
7 improve the responsiveness of referral services for behavioral health, substance
8 abuse and developmental disabilities.

9 **Section 2.** §8121 of Chapter 8 of Title 4 of the Guam Code Annotated is
10 hereby amended as follows:

11 **“§ 8121. Same. Suspension of Annuity Payment.** (a) A retired
12 member who subsequently becomes an employee eligible for membership
13 under § 8106 of this Title prior to January 1, 1999, shall, upon becoming so
14 employed, have that member’s right to receive payment of that member’s
15 annuity suspended for the duration of that member’s employment, but all
16 other rights pertaining to that member’s annuity provided by this Article,
17 including automatic increases therein, shall be retained by that member. The
18 provisions of this Section shall not be applicable to any retired Judge or
19 Justice designated and assigned by the Chief Justice to perform judicial
20 duties in the courts of Guam as provided for in § 6115 of Title 7 GCA, or

1 any person employed by the Department of Education in Guam schools, as a
2 substitute teacher or as a Certified Augmentation Teaching Service (CATS)
3 employee as that term is defined by Title 17 GCA § 3127(b). Such
4 employment shall be subject to the provisions of Subsection (d) of this
5 Section.

6 The provisions of this Section shall not be applicable to any certified,
7 registered or licensed health care professional, or ancillary service personnel,
8 employed by the Guam Memorial Hospital Authority, the Department of
9 Mental Health and Substance Abuse, the Department of Public Health and
10 Social Services, and the Judiciary of Guam; academic faculty positions at
11 the University of Guam and the Guam Community College; a limited term
12 police officer employed by the Guam Police Department, to include Police
13 Officers I, II, III and Sergeant I & II, performing duties such as patrol
14 officers, narcotic officers, criminal investigators and school resource
15 officers; or limited term school bus drivers or automotive mechanics
16 employed by the Department of Public Works; provided, that such person(s)
17 occupies such positions for which no other qualified/certified applicants was
18 available, and that such employment shall be on a fiscal year basis; subject
19 to the provisions of Subsection (d) of this Section.

1 The provisions of this Section shall not be applicable to employee(s)
2 of the Office of the Governor, employee(s) of the Office of the Lieutenant
3 Governor, unclassified employee(s) appointed by the Governor of Guam,
4 and heads of autonomous agencies appointed by a governing board. An
5 employee of the Governor or Lieutenant Governor’s office or unclassified
6 employee appointed by the Governor of Guam and heads of autonomous
7 agencies appointed by a governing board who has previously retired shall
8 become a member of the Defined Contribution Retirement System.”