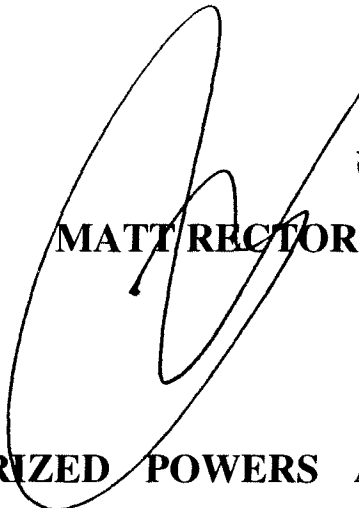


**I MINA' TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session**

2009 APR - 6 PM 2:43
MUM

Bill No. 91(Cor)

Introduced by:



MATT RECTOR

AN ACT TO RESTORE THE AUTHORIZED POWERS AND PERSONNEL OF THE CIVIL SERVICE COMMISSION AND JUDICIAL COUNCIL, BY REPEALING SUBSECTION 2(C) OF CHAPTER 11, PUBLIC LAW 28-68 AND SECTIONS 31 THROUGH 48, INCLUSIVE, OF CHAPTER IV OF PUBLIC LAW 28-68 THE GENERAL APPROPRIATIONS ACT OF FISCAL YEAR 2006 AND AMENDING 7 GCA § 5102 SECTION (F) AND ADDING A NEW SECTION (i) TO 4 GCA §4403 DUTIES OF THE COMMISSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that during late September working meetings to finalize the fiscal year 2006
4 budget, sections were added as miscellaneous provisions to transfer non-
5 adjudicatory functions and duties from the Civil Service Commission to the
6 Department of Administration. *I Liheslatura* finds that this transfer of powers
7 and full time employees from the independent commission to a line agency
8 had not been previously announced or otherwise made available for public

1 comment. *I Liheslatura* finds that regardless of the merits of these or any
2 other possible measures to address historical problems, the process limited
3 public discussion and input by which lawmakers could become fully
4 informed on the proposal prior to a vote. Government personnel
5 administration experts were not summoned to assist the Committee of the
6 Whole, although they were available. Sweeping public policy changes were
7 accomplished without a public hearing by attaching them in working
8 meetings to a time-sensitive bill. Additionally, the Superior Court of Guam
9 has ruled that the Civil Service Commission lacks jurisdiction to hear
10 classified employee grievance appeals pertaining to Collective Bargaining
11 Agreements and that the Superior Court of Guam lacks jurisdiction to hear
12 grievance appeals of Classified Employees.

13 It is therefore the intent of *I Liheslatura* to insure that classified public
14 employees have adequate due process for the redress of grievances in the
15 Civil Service Commission and the Courts of Guam by repealing Subsection 2
16 (c) of Chapter 11, and Sections 31 through 48, inclusive, of Chapter IV of
17 Public Law 28-68, and enacting a new subsection (i) of 4 GCA § 4403 and
18 repealing and reenacting 7 GCA § 5102 Subsection (f).

19

20 **Section 2.** Subsection 2(c) of Chapter 11, Public Law 28-68, is hereby
21 repealed.

22

23 **Section 3.** Sections 31 through 48, inclusive, of Chapter IV of Public Law
24 28-68, are hereby repealed.

25

1 **Section 4.** subsection (i) is hereby added to 4 GCA § 4403. Duties of the
2 Commission.

3 (i) To establish rules and regulations for appeals and grievances
4 brought upon by classified employees who have exhausted
5 administrative remedies to hear and decide personnel matters
6 including but not limited to; disciplinary appeals, evaluation
7 appeals, grievances pertaining to laws, rules and collective
8 bargaining agreements, unfair labor practices, safety concerns,
9 personnel actions, promotions, EEO complaints of discrimination
10 and Complaints of Retaliation. Any decision of the Civil Service
11 Commission for matters covered under this section shall be final but
12 subject to judicial review in the Superior Court of Guam.

13
14 **Section 5.** 7 GCA § 5102 Subsection (f) is hereby repealed and reenacted as
15 follows:

16 (f) To establish rules and regulations for appeals and grievances brought
17 upon by classified employees of the Courts, who have exhausted
18 administrative remedies. The Council is authorized to designate and
19 delegate a hearing officer, to hear and decide personnel matters
20 including but not limited to; disciplinary appeals, evaluation
21 appeals, grievances pertaining to laws, rules and collective
22 bargaining agreements, unfair labor practices, adverse actions, safety
23 concerns, personnel actions, and promotions. The decision of the
24 hearing officer shall be final, but subject to judicial review in the
25 Superior Court of Guam.