

I MINA'TRENTA NA LIHESLATURÁN GUÁHAN
2009 (FIRST) Regular Session

Bill No. B208-30(LS)

Introduced by:

A. B. Palacios, Sr.

F. B. Aguon, Jr.

T. Taitague

T. C. Ada

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AN ACT RELATIVE TO CLARIFYING THE RESTRICTIONS ESTABLISHED ON THE RECRUITMENT OR COMPENSATION OF GOVERNMENT OF GUAM PERSONNEL ABOVE STEP 10 OF THE COMPENSATION SCHEDULE; THROUGH AMENDING SECTION 6205.2 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the reasoning and rationale behind the restrictions *I Liheslaturan Guåhan* imposed on the
4 recruitment and compensation of Government of Guam Personnel above Step 10 via the
5 enactment of 4 G.C.A. §6205.2 is sound. Further, the aforementioned statute was upheld
6 in *Office of the Public Auditor v. Lourdes M. Perez, in Her Capacity as Director,*
7 *Department of Administration, Government of Guam, et.al,* SP0192-07, Amended
8 Decision and Order dated November 12, 2008 (Superior Court of Guam). However, *I*
9 *Liheslaturan Guåhan* finds that at the time 4 G.C.A. §6205.2 was enacted, only two (2)
10 Office of Public Accountability employees were adversely affected by its mandate that
11 the Director of Administration shall adjust the compensation of an unclassified employee
12 who was hired above Step 10 prior to the effective date of the said statute, which was
13 October 1, 2007. *I Liheslaturan Guåhan* finds that a disparity exists between the two (2)

1 Office of Public Accountability employees and unclassified employees of the Office of *I*
2 *Maga'lahaen Guåhan*, the Office of *I Segundo Na Maga'lahaen Guåhan*, the Guam State
3 Clearinghouse, *I Liheslaturan Guåhan*, and any agency whose governing board has
4 exclusive authority over compensation, because these entities are exempt from the
5 aforementioned mandate and the Public Auditor does not have exclusive authority over
6 the compensation of her employees. *I Liheslaturan Guåhan* finds that it was not its
7 intention to create such a disparity and that this disparity must be remedied to avoid
8 inequity and hardship on the two (2) unclassified employees affected by the salary
9 adjustment mandate.

10 **Section 2. Subsection (b) of Section 6205.2 of 4 Guam Code Annotated, is**
11 **hereby amended to read:**

12 “(b) Notwithstanding any other provision of law, the Director of Administration
13 *shall* adjust the compensation of an unclassified employee who was hired above Step 10
14 ~~before the enactment hereof effective the date this enactment~~ after October 1, 2007.
15 Failure to comply with this Section *shall* result in the de-appropriation of the total amount
16 of compensation paid in violation hereof from the budget of the non-compliant agency.”

17 **Section 3. Effective Date.** The provision contained herein shall be effective as of
18 the date upon which the original provision through the passage of the fiscal year 2008
19 budget took effect.

20 **Section 4. Severability.** If any provisions of this Act or its application to any
21 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*
22 affect other provisions or applications of this Act which can be given effect without the
23 invalid provisions or applications, and to this end the provisions of this Act are severable.