



OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

**Refer to  
Legislative Secretary**

**SEP 17 1997**

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>4:30 pm</u>
Date:	<u>9-17-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 266 (COR), "AN ACT TO AMEND §4402 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE VOTE REQUIREMENTS BY THE CIVIL SERVICE COMMISSION", which was previously vetoed and subsequently overridden by the Legislature.

This legislation is numbered Public Law No. 24-60.

Very truly yours,

*Madeleine Z. Bordallo*  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

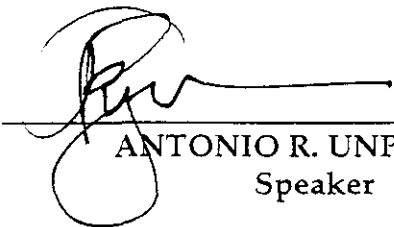
00419

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 9/17/97  
Time: 10:50  
Rec'd by: [Signature]  
Print Name: Charlene Thomas

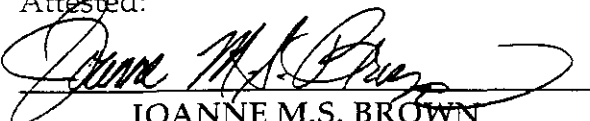
TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 266 (COR), "AN ACT TO AMEND §4402 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE VOTE REQUIREMENTS BY THE CIVIL SERVICE COMMISSION," returned to the Guam Legislature without approval of the Governor, was reconsidered by the Guam Legislature and after such consideration, the Guam Legislature did, on the 12<sup>th</sup> day of September, 1997, agree to pass said bill notwithstanding the veto of the Governor by a vote of fifteen (15) members.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16<sup>th</sup> day of September 1997, at  
1:30 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

**TWENTY-FOURTH GUAM LEGISLATURE**  
**1997 (FIRST) Regular Session**

**Bill No. 266 (COR)**  
As amended on the Floor.

Introduced by:

Felix P. Camacho  
E. J. Cruz  
J. C. Salas  
T. C. Ada  
F. B. Aguon, Jr.  
E. Barrett-Anderson  
A. C. Blaz  
J. M.S. Brown  
Francisco P. Camacho  
M. C. Charfauros  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. Leon Guerrero  
V. C. Pangelinan  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT TO AMEND §4402 OF TITLE 4 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO  
AMENDING THE VOTE REQUIREMENTS BY THE  
CIVIL SERVICE COMMISSION.**

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

1           **Section 1. Legislative Findings and Intent.** It is the finding of this  
2 Legislature that the current regulation that the Civil Service Commission  
3 requires a quorum of four (4) commissioners to conduct board meetings and a  
4 vote of four (4) commissioners for any action often results in a requirement of  
5 an unrealistically high percentage of votes for any action taken by the  
6 Commission to pass.

7           The intent of this legislation is to give the Civil Service Commission the  
8 flexibility to make rulings based on those commissioners who had the  
9 opportunity to hear the case presented. In order to do this, this Legislature  
10 recognizes the need to give those commissioners present at a hearing the  
11 authority to make decisions regarding those cases.

12           **Section 2.** Section 4402 of Title 4 of the Guam Code Annotated is  
13 hereby amended to read:

14                   **"Section 4402. Quorum.** The quorum of the Commission shall be  
15 four (4) members. The vote of a simple majority of the Commission  
16 members present shall be required for any action of the Commission.  
17 The Commission may adopt rules to govern its procedures."



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUL 07 1997

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Unpingco:


**Refer to  
Legislative Secretary**

Enclosed please find Bill No. 266 (COR), "AN ACT TO AMEND §4402 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE VOTE REQUIREMENTS BY THE CIVIL SERVICE COMMISSION", which I have vetoed.

This bill is unnecessary tampering with the merit system. There is currently a full compliment of persons serving on the Civil Service Commission. There are 7 members. Reducing the number of votes necessary to make decisions will only encourage members to miss meetings and will place the fate of public employees in the hands of only 3 people.

I believe that the merit system must be protected, and that changes to the system which disadvantage employees should not be instituted.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 7-7-97

Time: 4pm

Received by: [Signature]

Print name: Monigone

00317

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By: [Signature]

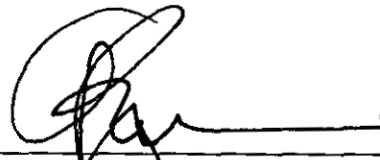
Time: 4:50pm

Date: 7-7-97

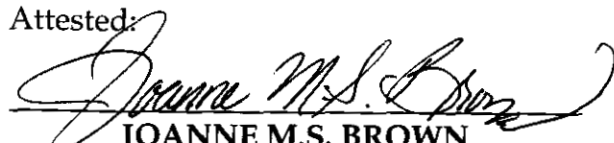
TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 266 (COR), "AN ACT TO AMEND §4402 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE VOTE REQUIREMENTS BY THE CIVIL SERVICE COMMISSION," was on the 30th day of June, 1997, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

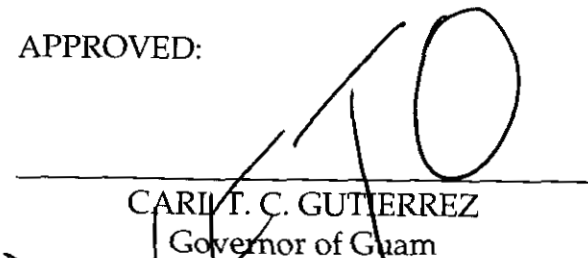
Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 2nd day of July, 1997, at  
1:45 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

PL 24-60



TWENTY • FOURTH  
**GUAM LEGISLATURE**

**Senator Felix P. Camacho**

Committee on Power, Foreign Affairs and General Government Services

155 Hesler Street  
Agana, Guam 96910

Tel: (671)  
472-3505 / 6

Fax: (671)  
472-9747

June 26, 1997

The Honorable  
Antonio R. Unpingco  
Speaker, 24<sup>th</sup> Guam Legislature  
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 266** "An Act to Amend §4402, Title 4, Guam Code Annotated, Relative to Amending the Vote Requirements by the Civil Service Commission" with the recommendation **TO DO PASS**.

Votes of committee members are as follows:

- 9   To Pass
- Not To Pass
- To The Inactive File
- Abstained
- Off-Island
- 5   Not Available

Sincerely,

**Felix P. Camacho**






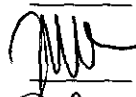



Attachments

**COMMITTEE ON POWER, FOREIGN AFFAIRS  
& GENERAL GOVERNMENT SERVICES  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agana, Guam 96910**

Chairman: Senator Felix P. Camacho    Vice Chairman: Senator Lawrence F. Kasperbauer  
Ex-Officio Member: Speaker Antonio R. Unpingco

**VOTING SHEET ON:**

**BILL NO. 266 "An Act to Amend §4402, Title 4, Guam Code Annotated, Relative to Amending the Vote Requirements by the Civil Service Commission"**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Felix P. Camacho		✓			
Sen. Lawrence F. Kasperbauer					
Sen. Thomas C. Ada		✓			
Sen. Elizabeth Barrett-Anderson		✓			
Sen. Francisco P. Camacho		✓			
Sen. Mark C. Charfauros		✓			
Sen. Edwardo J. Cruz, MD					
Sen. William B. S.M. Flores		✓			
Sen. Carlotta A. Leon Guerrero		✓			
Sen. Alberto A.C. Lamorena V					
Sen. Vicente C. Pangelinan		✓			
Sen. Angel L.G. Santos					
Sen. Francis E. Santos					
Sen. Judith Won Pat-Borja		✓			





T W E N T Y • F O U R T H  
**GUAM LEGISLATURE**

**Senator Felix P. Camacho**

Chairman, Committee on Power, Foreign Affairs and General Government Services

155 Meser Street  
Agana, Guam 96910

Telephone  
472-3505 / 6

Fax  
472-9747

June 26, 1997

**MEMORANDUM**

To: Douglas B. Moylan  
Legislature Legal Counsel

From: Senator Felix P. Camacho

Subject: Bill No. 266, Motion to Add Co-sponsors

As author of Bill No. 266, I hereby request that Senators Edwardo Cruz and John Salas be added as second and third co-sponsors, respectively. This bill will be introduced for consideration this Session beginning June 30, 1997.

If you have any questions about this matter, please return your comments in writing or give me a call.

Senator Felix P. Camacho

Submitted as an attachment to Bill No. 266 Committee Report with the recommendation to do pass.

COMMITTEE ON POWER, FOREIGN AFFAIRS  
& GENERAL GOVERNMENT SERVICES  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agana, Guam 96910

COMMITTEE REPORT

ON

BILL NO. 266

“An Act to Amend §4402, Title 4, Guam Code Annotated, Relative to Amending the  
Vote Requirements by the Civil Service Commission”

COMMITTEE MEMBERS

Chairman: Felix P. Camacho  
Vice Chairman: Senator Lawrence F. Kasperbauer  
Ex-Officio Member: Antonio R. Unpingco

Thomas C. Ada  
Francisco P. Camacho  
Edwardo J. Cruz, MD  
Alberto A.C. Lamorena V  
Vicente C. Pangelinan  
Francis E. Santos

Elizabeth Barrett-Anderson  
Mark C. Charfauros  
William B. S.M. Flores  
Carlotta A. Leon Guerrero  
Angel L.G. Santos  
Judith Won Pat-Borja

COMMITTEE REPORT  
POWER, FOREIGN AFFAIRS & GENERAL GOVERNMENT SERVICES

BILL NO. 266

“An Act to Amend §4402, Title 4, Guam Code Annotated, Relative to Amending the Vote Requirements by the Civil Service Commission”

I. PUBLIC HEARING

The Committee on Power, Foreign Affairs & General Government Services (CPFA&GGS) held a public hearing on Friday June 20, 1997, at 9:00 a.m. to hear testimony on Bill No. 266, “An Act to Amend §4402, Title 4, Guam Code Annotated, Relative to Amending the Vote Requirements by the Civil Service Commission”.

The hearing was called to order by Senator Felix P. Camacho, Chairman of CPFA&GGS. Members present included Senators Elizabeth Barrett-Anderson, Eduardo Cruz, Francisco P. Camacho, Vicente Pangelinan, Tom Ada and Senator Lou Leon Guerrero, as guest.

Present to testify were Ms. Maria Sudo, Acting Executive Director of the CSC, Mr. Richard Untalan, Chairman of the CSC, and Mr. Luis Baza, CSC staff.

II. BACKGROUND

The Guam Civil Service Commission, as an advocate of the merit system for classified employees within the Government of Guam, is charged with ruling on employee related adverse action initiatives. The CSC finds while four members are required to set a quorum, not all same four members appear to hear each case from start to finish and take action on the matter beforehand. One or more members may elect to abstain from voting in such cases and impede its timely resolution.

III. TESTIMONY

**Ms. Maria Sudo**, Acting Executive Director of the Guam Civil Service Commission, who has offered written testimony states her testimony defends the need to change the law to require a majority vote of members present to take action on matters before the commission instead of the current rule of four. This bill facilitates the voting process and is beneficial to the appellant in adverse action cases.

Mr. Richard Untalan and Mr. Luis Baza were present to assist Ms. Sudo in her presentation. In a follow up call to CSC, Mr. Baza maintains that the Chairman establishes whether a quorum exists prior to hearing a case. As an example, if four members attended a meeting and one member excused himself due to a conflict of interest a quorum would no longer exist.

**Senator Felix P. Camacho**, Chairman, stated he introduced this bill to facilitate the voting process of the Commission. The Senator also says the simple majority guarantees three votes are required before any action is taken by the CSC with only four members present.

**Senator Tom Ada** objected to the simple majority concept on the bill and asked whether it would be best to require at least three votes for action to be taken by the Commission. Senator Ada suggested language be inserted that governs the vote requirement when a quorum of four exists and a member is absent at the time for voting.

**Senator Pangelinan** wanted to know how many cases could be cited that the CSC could show it benefited the appellant if this bill was passed years ago. The CSC states that there have been no problems securing four votes no matter how many members were present at meetings.

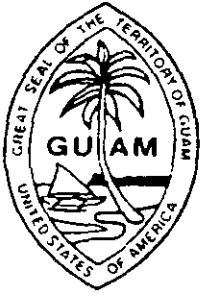
**BBMR** granted a June 18, 1997, waiver of fiscal note because Bill No. 266 is administrative in nature.

#### **IV. FINDINGS**

The Committee finds that Bill No. 266 can be reported out without changes.

#### **V. RECOMMENDATION**

The Committee on Power, Foreign Affairs & General Government Services hereby reports out Bill No. 266 with the recommendation **TO DO PASS**.



## GOVERNMENT OF GUAM

### CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

490 Chalan Palasyo, Agana Heights  
P.O. Box 3156 Agana, Guam 96910  
Tel: 475-1300/01 Fax: 477-3301



18 JUNE 1997

CSC NO. 97-375

**SENATOR FELIX PEREZ CAMACHO**

Chairperson

Committee on Power, Foreign Affairs and

General Government Services

Twenty-Fourth Guam Legislature

Agana, Guam 96910

**RE: BILL NO. 266 - AN ACT TO AMEND §4402, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE VOTE REQUIREMENTS BY THE CIVIL SERVICE COMMISSION.**

Dear Senator Camacho:

The Civil Service Commission thanks you for the opportunity to provide written testimony on Bill No. 266.

The Commission supports the change of requiring a majority vote of the quorum for any action of the Commission instead of the rule of four. [The Rule of Four (4) is beneficial to the Appellant in adverse action cases and to Management in grievances and EEO cases.] The majority vote of the quorum will better serve the decision-making process by making it easier to obtain votes. This is especially true in adverse action appeals, grievances, and other adjudication cases. Depending on the nature of the proceeding, it is difficult for either party to secure favorable decisions with the requirement of four (4) concurring votes. The majority vote of the quorum will facilitate voting. Therefore, the Commission supports the amendment of 4 GCA §4402.

The Civil Service Commission supports any endeavor that better serves the Government of Guam and its employees. Our office appreciates the opportunity to present comments before your committee.

Again, Thank you and Si Yuus Maase!



Commonwealth Now!

*Maria C. R. Sudo*  
MARIA C. R. SUDO  
Executive Director, Acting



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Agaña, Guam 96910

**CARL T.C. GUTIERREZ**  
GOVERNOR

**MADELEINE Z. BORDALLO**  
LT. GOVERNOR

**JOSEPH E. RIVERA**  
DIRECTOR

**FRANCES J. BALAJADIA**  
DEPUTY DIRECTOR

**JUN 18 1997**

The Bureau requests that Bill No(s) 266 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Bill No. 266 proposes to amend Title 4 of Guam Code Annotated, Section 4402 relative to amending the vote requirements by the Civil Service Commission. It should be noted that the intent of the proposed legislation is administrative in nature and poses no fiscal impact on the General Fund at this time.

*Frances J. Balajadia*  
JOSEPH E. RIVERA  
Acting

*6/13 dr 4/17*

