



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

01 FEB 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

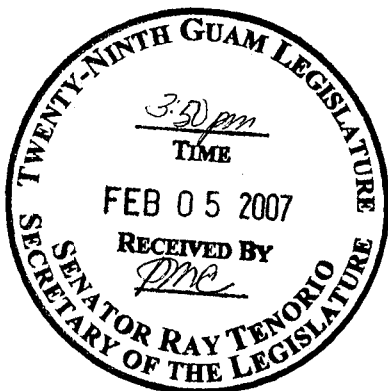
Transmitted herewith is Bill No. 323(LS), "AN ACT TO ADD NEW SUBSECTIONS (g) & (h) TO §4103, TO AMEND ITEM (8) OF §4106, AND TO AMEND SUBSECTION (c) OF §4202 ALL OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT OF GUAM TO HIRE CLASSIFIED EMPLOYEES FOR A SPECIFIED LIMITED TERM" which I signed into law on January 29, 2007, as **Public Law 28-187**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Ray Tenorio
Senator and Secretary of the Legislature



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Office of the Speaker
MARK FORBES

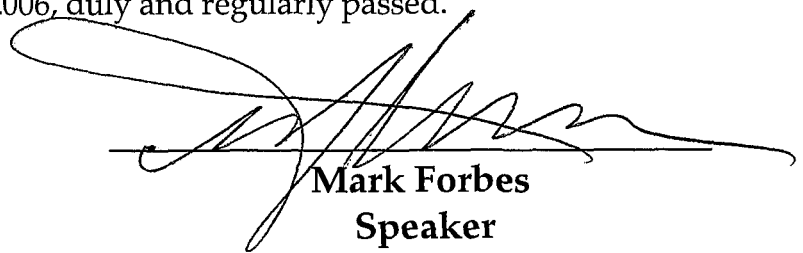
Date: 2/3/07
Time: 11:20
Rec'd by: [Signature]
Print Name: Mark Forbes

29-07-0139

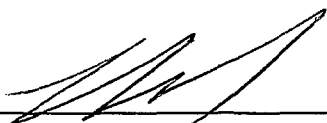
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

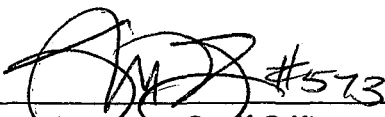
This is to certify that Bill No. 323 (LS), "AN ACT TO ADD NEW SUBSECTIONS (g) & (h) TO §4103, TO AMEND ITEM (8) OF §4106, AND TO AMEND SUBSECTION (c) OF §4202, ALL OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT OF GUAM TO HIRE CLASSIFIED EMPLOYEES FOR A SPECIFIED LIMITED TERM," as amended, was on the 20th day of December, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at
1:30 o'clock p.M.

 #573
Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan
29 JAN 2007

Date: _____

Public Law No. 28-187

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 323 (LS)

As amended on the Floor.

Introduced by:

L. F. Kasperbauer
Ray Tenorio
R. Klitzkie
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
J. A. Lujan
A. B. Palacios, Sr.
R. J. Respicio
A. R. Unpingco
J. T. Won Pat

AN ACT TO *ADD* NEW SUBSECTIONS (g) & (h) TO §4103, TO *AMEND* ITEM (8) OF §4106, AND TO *AMEND* SUBSECTION (c) OF §4202, ALL OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT OF GUAM TO HIRE CLASSIFIED EMPLOYEES FOR A SPECIFIED LIMITED TERM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the merit system is the best means to hire qualified applicants for
4 government of Guam jobs including those positions that are federally

1 funded or for a specific project of limited duration. The merit system,
2 however, makes it difficult to terminate federally funded employees and
3 project specific employees when the federal funding expires or the project is
4 completed.

5 *I Liheslatura* further finds that the practice of filling federally funded
6 positions and project specific positions with unclassified employees (1) will
7 *not* necessarily result in the hiring of the best qualified applicants and (2) if
8 a highly qualified applicant is hired, he has *no* job protection rights during
9 the term of employment.

10 *I Liheslatura* intends to authorize use of the merit system to fill
11 federally funded positions, grant specific positions and project specific
12 positions for specific periods of time that are commensurate with the
13 funding sources or the project's duration.

14 **Section 2.** A new Subsection (g) is hereby *added* to Title 4 G.C.A.
15 §4103 to read as follows:

16 “(g) A person may be employed in the classified service
17 contingent upon the availability of a grant, federal program or
18 federal funds. An appointment in the classified service may be
19 commensurate with the duration of a grant, federal grant,
20 federal program or federal funds including renewals and
21 extensions thereof.”

22 **Section 3.** A new Subsection (h) is hereby *added* to Title 4 G.C.A.
23 §4103 to read as follows:

24 “(h) A person may be employed in a professional level
25 position in the classified service for a specific project or
26 program. An appointment in the classified service may be

1 commensurate with the duration of a specific project or
2 program.”

3 **Section 4.** Item (8) of §4106 of Title 4 G.C.A. is hereby *amended* to
4 read as follows:

5 “(8) Separation from the service of employees by
6 resignation, layoff, suspension, dismissal, termination or
7 completion of a grant, federal grant, source of federal funds,
8 specific program or project and for incapacity to perform
9 required duties, *provided* that the rules shall provide a system
10 for the employee to seek reconsideration of suspension,
11 dismissal and removal for incapacity to perform by answering
12 any charges within ten (10) days in having a conference with
13 the administrative head.”

14 **Section 5.** Subsection (c) of §4202 of Title 4 G.C.A. is hereby
15 *amended* to read as follows:

16 “(c) Subsection (b) of this Section shall *not* apply to a
17 person whose employment is terminated for cause, provided,
18 however, that this exclusion shall *not* impair an employee's
19 right to challenge such termination under applicable personnel
20 rules; nor shall Subsection (b) apply to an employee whose
21 employment is terminated because of the conclusion of a grant,
22 federal grant, source of federal funds, specific program or
23 project.”