

I Mina'trentai Siete Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
311-37 (COR)	Therese M. Terlaje	AN ACT TO AMEND §2103.12 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ENSURING TRANSPARENCY IN APPOINTMENTS TO ACTING DIRECTORS AND ACTING DEPUTY DIRECTORS POSITIONS THROUGH MANDATORY NOTIFICATION.	5/23/24 4:49 p.m.						

I MINA TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 311-37 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO AMEND §2103.12 OF CHAPTER 2, TITLE 4,
GUAM CODE ANNOTATED RELATIVE TO ENSURING
TRANSPARENCY IN APPOINTMENTS TO ACTING
DIRECTORS AND ACTING DEPUTY DIRECTORS
POSITIONS THROUGH MANDATORY NOTIFICATION**

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. §2103.12 of Chapter 2, Title 4, Guam Code Annotated is
hereby *amended* to read:**

“§ 2103.12. Acting Capacity.

(a) No person who shall be appointed to a position which requires advice and consent of I Liheslatura may serve in an acting capacity as head or director of a department, agency or instrumentality for a period in excess of ninety (90) days. Any employee so appointed shall have the right to return to the position the employee held immediately before the appointment to serve in an acting capacity after the ninety (90) day period is exhausted. The time limitation of this Section may not be circumvented by an interruption in the appointment to an acting capacity or by transfer back to the position the employee held immediately before the appointment for a period of less than three hundred sixty (360) days or by a temporary transfer to any other position for a period of less than three hundred sixty (360) days.

1 (b) Extended Absence Due to Military Deployment.

2 (1) In the event the legislatively confirmed head or director of a
3 department, agency or instrumentality is a member of the Department of
4 Defense or the Department of Transportation Reserve Component, including,
5 but not limited to, the United States Navy, Army, Marine Corps, Air Force,
6 the Coast Guard, or the Guam National Guard, and the individual's Unit of
7 Assignment receives a Unit call to active military duty for a period in excess
8 of ninety (90) days, the appointing authority may appoint in an acting capacity
9 a person who meets the qualification requirements for the position and is a
10 classified employee of the same department, agency or instrumentality, for a
11 period of up to fourteen (14) months, or the duration of the confirmed
12 director's active military duty, whichever is shorter.

13 (2) Information specified in § 2103.5, Chapter 2, Title 4 GCA shall be
14 transmitted to the Speaker of I Liheslaturan Guåhan (the Guam Legislature)
15 within ten (10) days of making the appointment to serve in an acting capacity.
16 Said appointment to acting capacity shall become effective five (5) working
17 days from the date of receipt of the background information by the Speaker.

18 (3) Any employee so appointed shall have the right to return to the
19 position the employee held immediately before the appointment to serve in an
20 acting capacity after the time limit is exhausted, or at the request of the
21 employee.

22 (4) The time limitation of this Section may not be circumvented by an
23 interruption in the appointment to an acting capacity or by transfer back to the
24 position the employee held immediately before the appointment for a period
25 of less than three hundred sixty (360) days or by a temporary transfer to any
26 other position for a period of less than three hundred sixty (360) days.

1 (5) The compensation of the employee shall not be made to suffer as a
2 result of the appointment to acting capacity, but instead shall be maintained at
3 the average of the preceding twelve (12) months earnings.

4 (c) Notification of Acting Director or Deputy Director Appointments

5 (1) An appointing authority, as defined in § 2103.4 of this chapter, shall
6 issue written notifications regarding any appointments or detail to the
7 positions of Acting Director or Acting Deputy Director. These notifications
8 shall be delivered to the Speaker of *I Liheslaturan Guåhan*, the Attorney
9 General of Guam, and the Office of Public Accountability.

10 (2) The notice shall be sent within twenty-four (24) hours of the
11 appointment date and should include the appointed individual’s name, the
12 start date of their acting tenure, and the anticipated duration of their
13 appointment.

14 (3) Notifications shall be transmitted electronically, or hand delivered
15 with confirmation of receipt required to ensure proper documentation and
16 compliance with this section.”

17 **Section 3. Effective Date.** This Act shall become effective upon enactment.