

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
91-37 (COR)	Joe S. San Agustin Chris Barnett	AN ACT TO ADD A NEW §9134 OF ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO TEMPORARY EMPLOYMENT OF GUAM DEPARTMENT OF EDUCATION RETIRED FACILITIES AND MAINTENANCE PERSONNEL.	4/6/23 4:26 p.m.						

I MINA 'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 91-37 (COR)

Introduced by:

Joe S. San Agustin
Chris Barnett



**AN ACT TO ADD A NEW §3134 OF ARTICLE 1,
CHAPTER 3, TITLE 17, GUAM CODE
ANNOTATED RELATIVE TO TEMPORARY
EMPLOYMENT OF GUAM DEPARTMENT OF
EDUCATION RETIRED FACILITIES AND
MAINTENANCE PERSONNEL.**

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that the Guam Department of Education
4 lacks facilities and maintenance personnel, which resulted in delapidated and
5 unsafe school environment for Guam's public-school students. During the
6 multiple oversight and public hearings relative to the Guam Department of
7 Education and the March 2023 Emergency Session of the Guam Legislature,
8 Acting Superintendent Judith T. Won Pat stated that GDOE needs facilities and
9 maintenance personnel to repair and maintain facilities and buildings of the
10 institution.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to temporarily hire
12 retired Facilities and Maintenance personnel to provide safe, healthy, and clean
13 school buildings and facilities and to comply with the Every Child is Entitled to an
14 Adequate Public Education Act.

1 **Section 2.** A new §3134 of Article 1, Chapter 3, Title 1, Guam Code Annotated
2 is hereby added to read:

3 “§3134. Temporary Employment of Retired Facilities and Maintenance
4 Personnel.

5 (a) Guam Department of Education (GDOE) may hire retired GDOE facilities
6 and maintenance personnel to support their Facilities and Maintenance
7 Division including but not limited to auto mechanic, building maintenance
8 supervisor, carpenter, clerk typist, electrician, equipment operator, facilities
9 and maintenance manager, maintenance supervisor, painter, plumber,
10 plumber leader, plumber supervisor, program coordinator, refrigerator
11 mechanic, safety administrator, storekeeper, trades helper, warehouse
12 supervisor, and welder; who are not eligible for Medicare Parts A & B, and
13 who shall remain covered under the Government of Guam Group Health
14 Insurance Program as a retired person, if a critical needs arises as a result of
15 military activation of GDOE maintenance employees or absence due to a
16 long-term disability status which has been certified by a medical doctor. The
17 GDOE may exercise this hiring authority provided its authorized budget for
18 personnel is not exceeded. The retiree hired shall fill such a vacant position
19 and shall be terminated when the incumbent returns from military service or
20 absence. Retirees shall be hired at a minimum of Step 1 for the position in
21 question and shall not receive sick and annual leave. Notwithstanding §
22 8121(a) of Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily
23 pursuant to this Section may continue to receive retirement benefits. The
24 Superintendent of GDOE shall submit a report to *I Liheslaturan Guåhan*
25 every July 1 of the year, and again thirty (30) days after the end of the fiscal
26 year, of the number of retired employees hired pursuant to this Section, the

1 positions filled, the length of employment, the cost of said hiring, and the
2 nature of the critical need that was filled.

3 (1) A Certificate of Necessity shall be signed by the
4 Superintendent and posted onto the GDOE Website;
5 confirming that the employment of a retired facilities and
6 maintenance personnel temporarily, is necessary to fill a
7 vacant position in order to comply with the Every Child is
8 Entitled to an adequate Public Education Act.

9 **Section 2. Effective Date.** This Act shall be effective immediately.

10 **Section 3. Severability.** *If* any provision of this Act or its application to any
11 person or circumstances is found to be invalid or contrary to law, such invalidity
12 *shall not* affect other provisions or applications of this Act which can be given effect
13 without the invalid provisions or application, and to this end the provisions of this
14 Act are severable.