

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2023 (FIRST) Regular Session

VOTING RECORD

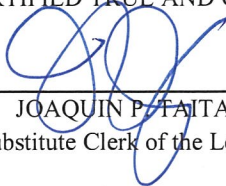
Bill No. 91-37 (COR) As amended by the Committee on Education, Public Safety and the Arts; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building August 3, 2023
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson					✓	✓
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

14	0		1	1
Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
 Substitute Clerk of the Legislature

I = Pass

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

Bill No. 91-37 (COR)

As amended by the Committee on
Education, Public Safety and the Arts

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.**

BE IT ENACTED BY THE PEOPLE OF GUAM.

Section 1. Legislative Findings and Intent.

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

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

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

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

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

1 ~~end of the fiscal year, of the number of retired employees hired~~
2 ~~pursuant to this Section, the positions filled, the length of~~
3 ~~employment, the cost of said hiring, and the nature of the critical need~~
4 ~~that was filled.~~

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

11 **Section 2.** § 8121(a)(1) of Chapter 8, Title 4 Guam Code Annotated is
12 *amended* to read as follows:

13 “(a) (1) A retired member who subsequently becomes an
14 employee eligible for membership under § 8106 of this Title prior to
15 January 1, 1999, shall, upon becoming so employed, have that
16 member’s right to receive payment of that member’s annuity suspended
17 for the duration of that member’s employment, but all other rights
18 pertaining to that member’s annuity provided by this Article, including
19 automatic increases therein, shall be retained by that member. The
20 provisions of this Section shall not be applicable to any retired Judge or
21 Justice designated and assigned by the Chief Justice to perform judicial
22 duties in the courts of Guam as provided for in § 6115 of Title 7 GCA,
23 or any person employed by the Department of Education in Guam
24 schools, as a substitute teacher, maintenance, construction, plumbing,
25 electrical, mechanical or related trades and vocations, inclusive of
26 trades helpers and assistants; or as a Certified Augmentation Teaching

1 Service (CATS) employee as that term is defined by Title 17 GCA §
2 3127(b), regardless of which government agency the employee retired
3 from. Such employment shall be subject to the provisions of Subsection
4 (d) of this Section. Notwithstanding the provisions of 4 GCA, the
5 Guam Education Board shall determine, by board policy, the terms and
6 conditions for the re-employment of Government of Guam retirees to
7 include whether the employee is paid over nine (9) or twelve (12)
8 months or on a part-time basis and must comply with all Equal
9 Employment Opportunity laws and the United States and Guam Labor
10 laws.”

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

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