

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to speaker@guamlegislature.org

August 5, 2023

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

~~08~~ 05 2023

Time: 1:19 PM
Received: _____

Re: **Bill No. 91-37 (COR) - AN ACT TO AMEND § 8121(a)(1) OF ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE TEMPORARY EMPLOYMENT OF GOVERNMENT OF GUAM RETIRED FACILITIES AND MAINTENANCE PERSONNEL**

Håfa Adai Madame Speaker,

Bill No. 91-37 (COR) seeks to address the challenges the Guam Department of Education (“GDOE”) is facing in recruiting facilities and maintenance personnel and creates an exemption for retired government of Guam employees, regardless of what agency they retired from, to continue to receive retirement annuities if employed by DOE’s facilities and maintenance division.

GDOE currently operates over forty schools. GDOE has the considerable task of maintaining large facilities, many of which are aging. Older schools require more upkeep, and if not consistently maintained, these facilities become all the more vulnerable to deterioration. Many of GDOE’s facilities now require more than the usual maintenance response, as many schools have experienced some level of damage as a result of Typhoon Mawar, and certain schools served as shelters.

GDOE Superintendent Dr. Kenneth Swanson provided testimony in support of Bill No. 91-37, noting that the facilities and maintenance division is authorized sixty-six (66) full-time positions, 20 to 30 percent of which are vacant. He further noted that the need to fill and retain maintenance positions is all the more pressing due to the new regulatory requirements imposed upon GDOE.

To: Therese M. Terlaje, *Speaker*, 37th Guam Legislature
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*
Date: August 5, 2023
Re: Bill No. 91-37 (COR) nka P.L. 37-34

Our Administration fully supports Bill No. 91-37, which seeks to attract much-needed facilities and maintenance personnel, such as maintenance, construction, plumbing, electrical, mechanical, or related trades or vocations. The hope is that this bill will incentivize government retirees to return to public service with GDOE as their agency of choice. By crafting solutions to GDOE's personnel challenges, we are all working to ensure the health and safety of our children and GDOE personnel and a conducive setting for learning. For these reasons, I sign Bill No. 91-37 (COR) into law as **Public Law No. 37-34**.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

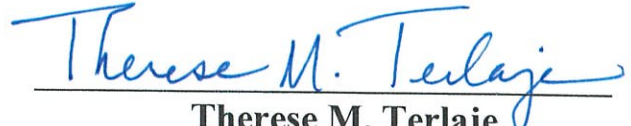
Enclosure: Bill No. 91-37 (COR), nka P.L. 37-34

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws


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

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

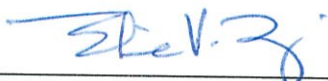
This is to certify that **Bill No. 91-37 (COR)**, "AN ACT TO AMEND § 8121(a)(1) OF ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE TEMPORARY EMPLOYMENT OF GOVERNMENT OF GUAM RETIRED FACILITIES AND MAINTENANCE PERSONNEL," was on the 3rd day of August 2023, duly and regularly passed.


Therese M. Terlaje
Speaker

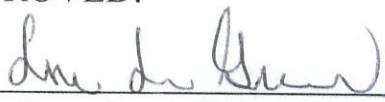
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of AUGUST, 2023, at 4:33 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 8/5/2023

Public Law No. 37-34

2023 - 19681
RCVD AT CENTRAL FILES
AUG 8 '23 PM 4:33

Elaine Tajalle

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

Bill No. 91-37 (COR)

As amended by the Committee on
Education, Public Safety, and the Arts;
and further amended on the Floor.

Introduced by:

Joe S. San Agustin
Chris Barnett
Tina Rose Muña Barnes
Roy A.B. Quinata
Dwayne T.D. San Nicolas
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
William A. Parkinson
Sabina Flores Perez
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *AMEND* § 8121(a)(1) OF ARTICLE 1,
CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO THE TEMPORARY EMPLOYMENT OF
GOVERNMENT OF GUAM RETIRED FACILITIES AND
MAINTENANCE PERSONNEL.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Department of Education lacks facilities and maintenance personnel,
4 which has resulted in a delapidated and unsafe school environment for Guam's
5 public school students. During the multiple oversight and public hearings relative to

1 the Guam Department of Education and the March 2023 Emergency Session of the
2 Guam Legislature, Acting Superintendent Judith T. Won Pat stated that GDOE
3 needs facilities and maintenance personnel to repair and maintain facilities and
4 buildings of the GDOE institutions.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to temporarily hire retired
6 facilities and maintenance personnel to provide safe, healthy, and clean school
7 buildings and facilities, and to comply with the “Every Child is Entitled to an
8 Adequate Public Education Act.”

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

11 “(a) (1) A retired member who subsequently becomes an
12 employee eligible for membership under § 8106 of this Title prior to January
13 1, 1999, shall, upon becoming so employed, have that member’s right to
14 receive payment of that member’s annuity suspended for the duration of that
15 member’s employment, but all other rights pertaining to that member’s
16 annuity provided by this Article, including automatic increases therein, shall
17 be retained by that member. The provisions of this Section shall not be
18 applicable to any retired Judge or Justice designated and assigned by the Chief
19 Justice to perform judicial duties in the courts of Guam as provided for in §
20 6115 of Title 7 GCA, or any person employed by the Department of Education
21 in Guam schools as a substitute teacher, facilities and maintenance personnel,
22 such as maintenance, construction, plumbing, electrical, mechanical, or
23 related trades and vocations, inclusive of trades helpers and assistants, or as a
24 Certified Augmentation Teaching Service (CATS) employee as that term is
25 defined by Title 17 GCA § 3127(b), regardless of which government agency
26 the employee retired from. Such employment shall be subject to the provisions
27 of Subsection (d) of this Section. Notwithstanding the provisions of 4 GCA,

1 the Guam Education Board shall determine, by board policy, the terms and
2 conditions for the re-employment of government of Guam retirees to include
3 whether the employee is paid over nine (9) or twelve (12) months or on a part-
4 time basis, and must comply with all equal employment opportunity laws and
5 the United States and Guam labor laws.”

6 **Section 3. Effective Date.** This Act shall be effective upon enactment.

7 **Section 4. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or inorganic, such invalidity shall not
9 affect other provisions or applications of this Act that can be given effect without
10 the invalid provision or application, and to this end the provisions of this Act are
11 severable.