

I Mina'trentai Ocho 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
16-38 (COR)	Sabina Flores Perez Telo T. Taitague Therese M. Terlaje Chris Barnett	AN ACT TO <i>ADD</i> A NEW ARTICLE 2 TO CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO REPORTING REQUIREMENTS ON THE USE OF UNCLASSIFIED EMPLOYMENT.	1/13/25 10:33 a.m.	1/22/25	Committee on Finance and Government Operations.	Request 1/22/25 Waiver 1/29/25	4/9/25 9:00 a.m.	7/7/25	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	7/28/25	AN ACT TO <i>ADD</i> A NEW ARTICLE 2 TO CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPORTING REQUIREMENTS ON THE USE OF UNCLASSIFIED EMPLOYMENT.	7/31/25	8/6/25	8/18/25				



COPY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUAHAN
Thirty-Eighth Guam Legislature

August 5, 2025

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are Bill Nos. 5-38 (COR), 16-38 (COR), 17-38 (COR), 24-38 (COR), 45-38 (COR), 56-38 (COR), 68-38 (COR), 76-38 (COR), 81-38 (COR), 84-38 (COR), 92-38 (COR), 97-38 (LS), 100-38 (COR), 103-38 (COR), 106-38 (COR), 110-38 (COR), 123-38 (COR), 124-38 (COR), 125-38 (COR), 139-38 (COR), 149-38 (LS), 153-38 (COR), 154-38 (COR), and 155-38 (COR), and Substitute Bill Nos. 30-38 (COR) and 48-38 (COR) which were passed by *I Mina'trentai Ocho Na Liheslaturan Guahan* on July 31, 2025.

Sincerely,

Senator V. Anthony Ada
Acting Legislative Secretary

Enclosure (26)



COPY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

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

This is to certify that **Bill No. 16-38 (COR)**, “AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPORTING REQUIREMENTS ON THE USE OF UNCLASSIFIED EMPLOYMENT,” was on the 31st day of July 2025, duly and regularly passed.



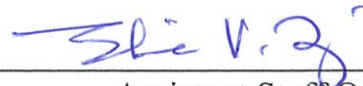
Frank F. Blas, Jr.
Speaker

Attested:



V. Anthony Ada
Acting Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 6th day of August, 2025, at 7:58 o'clock A.M.



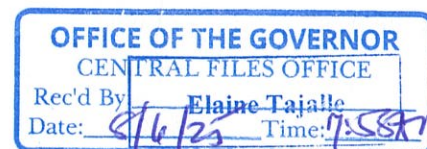
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 16-38 (COR)

Introduced by:

Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje
Chris Barnett
V. Anthony Ada
Frank F. Blas, Jr.
Vincent A.V. Borja
Shelly V. Calvo
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabrina Salas Matanane
Joe S. San Agustin

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 2,
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO
REPORTING REQUIREMENTS ON THE USE OF
UNCLASSIFIED EMPLOYMENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that according to the Organic Act of Guam (48 U.S.C. § 1422c clause 2), “The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system.”

I Liheslatura recognizes that the appointment of the staff of elected and appointed (directors, judges and justices) officials are generally not subject to the merit system and are at-will appointments.

I Liheslatura further finds that at-will (unclassified) appointments have become common place for a variety of factors. These factors may include the

1 following: (a) federally funded positions, where funding is limited by the term of the
2 grant funds, (b) difficult to recruit positions, where above-step recruitment may
3 involve a lengthy process, such as Information Technology (IT) positions, and (c)
4 speedy hiring.

5 *I Liheslatura* further finds that current law already has the tools to apply the merit
6 system to these types of appointments. They include: (a) Limited Term Classified
7 appointments as provided by Public Law 28-187 (§ 4103(g) and (h) all of 4 GCA);
8 (b) Employment lists of qualified applicants (§ 4106 (a) of 4 GCA) where
9 prescreened applicants be expediently hired, and (c) Above-step recruitment for
10 those with exceptional qualifications or whenever recruitment difficulties exist (§
11 6205 of 4 GCA). All employees who are hired pursuant to the merit system in the
12 classified service are required to serve a 9-month probationary period.

13 *I Liheslaturan Guåhan* further finds that other than the immediate
14 subordinates of elected and appointed officials, there remains little justification or
15 lack of practicability to appoint individuals as unclassified employees of the
16 Government of Guam. This is especially true of administrative services fields
17 (accounting, human resources, payroll procurement), Information Technology (IT),
18 maintenance, custodial, education, health care, engineering and law.

19 As the Organic Act stewards of the merit system, it is the intent of *I*
20 *Liheslaturan Guåhan* to require annual reporting by agencies of the Government of
21 Guam on the hiring of unclassified positions and why it was impracticable to appoint
22 such positions in the classified service pursuant to the merit system.

23 **Section 2.** A new Article 2 is *added* to Chapter 2, Title 4, Guam Code
24 Annotated, to read as follows:

25 **“ARTICLE 2**
26 **JUSTIFICATION REPORTING FOR APPOINTMENTS OF**
27 **UNCLASSIFIED EMPLOYEES**

1 **§ 2201. Scope of Article.**

2 The reporting requirements of this Article are applicable to all government of
3 Guam branches, agencies, instrumentalities, autonomous agencies and public
4 corporations. This Article is not applicable to elected officials, appointed officials,
5 including judges and justices, and their immediate subordinates or positions
6 designated as unclassified by Public Law. Administrative (accounting, human
7 resources, payroll, procurement), Information Technology (IT), maintenance,
8 custodial, educational, law enforcement, health care and engineering services
9 positions are not immediate subordinates of elected and appointed officials for
10 purposes of this Section.

11 **§ 2202. Applicable Positions.**

12 The reporting requirements of this Article apply to unclassified positions and
13 classified positions that are occupied by an unclassified incumbent not excluded by
14 § 2201 of this Article.

15 **§ 2203. Information Reporting Requirements.**

16 The reports filed herein, by branches, agencies, autonomous agencies,
17 instrumentalities and public corporations of the Government of Guam, including the
18 Guam Visitors Bureau, pursuant to this Article, shall be submitted to *I Liheslaturan*
19 *Guåhan* twice annually for the periods of October 1st through March 31st and April
20 1st through September 30th based on staffing for each period. The reporting
21 requirements of information on each unclassified position and each classified
22 position occupied by an unclassified employee are as follows:

- 23 (a) the position's title and number (if applicable),
24 (b) the position's pay grade and step,
25 (c) the position's salary, and
26 (d) the reason(s) why it is not practicable to use the merit system
27 (classified employment) for such position."