

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	PUBLIC LAW NO.	DATE SIGNED	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	38-37	8/18/25	Received: 8/18/25 Mess and Comm. Doc. No. 38GL-25-1048	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speakerblas@guamlegislature.org

38GL-25-1048
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

August 18, 2025

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

AUG 18 2025
Time: 4:30 pm
Received: [Signature]

Re: Bill 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."

Håfa Adai Mr. Speaker,

My administration recognizes that the Organic Act requires employees within the government of Guam to be in the classified service and the hiring done on a merit basis. We have limited the use of unclassified employment to specific situations that are authorized by law. I support greater accountability for agencies that are currently violating the Organic Act by wholesale hiring of employees into the unclassified service for situations not authorized by law. It is critical that the legislature continues to limit the use of unclassified employees within the government. Their use undercuts the public's confidence that the government is hiring the best candidates for a position rather than unqualified family members and friends.

Bill No. 16-38 (COR) requires the agencies to file information that is currently filed quarterly. Each quarter every agency files its staffing pattern that provides the position's title, the pay grade and salary step, plus full cost of benefits. This bill requires the filing of the same information two additional times per year. While the creation of additional bureaucracy is not ideal, this requirement should impose only limited additional work for the agencies while enforcing the Legislatures intent to limit the use of unclassified employees.

For these reasons, I sign Bill No. 16-38 (COR) into law as **Public Law No. 38-37**.

Sensaramento,


JOSHUA F. TENORIO
I Åkto Maga'låhen Guåhan
Acting Governor of Guam



38GL-25-1048
Messages and Communications

RECEIVED
COMMITTEE ON RULES
August 18, 2025

5:54 p.m.

Marie Crisostomo

Enclosure(s): Bill No. 16-38 (COR) nka P.L. 38-37
cc via email: *Honorable* Lourdes A. Leon Guerrero, *Maga'hågan Guåhan*, Governor of Guam
Compiler of Laws

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.



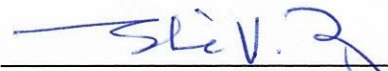
Frank F. Blas, Jr.
Speaker

Attested:



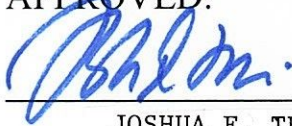
V. Anthony Ada
Acting Legislative Secretary

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

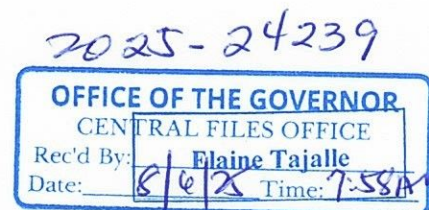
APPROVED:



JOSHUA F. TENORIO
ACTING GOVERNOR OF GUAM

Date: August 18, 2025

Public Law No. 38-37



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."