

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	
34-38 (COR) As amended on the Floor.	V. Anthony Ada Christopher M. Dueñas Frank F. Blas, Jr. Joe S. San Agustin Jesse A. Lujan Chris Barnett Sabina Flores Perez Sabrina Salas Mataname Tina Rose Muña Barnes Shelly V. Calvo William A. Parkinson Eulogio Shawn Gumataotao Telo T. Taitague Therese M. Terlaje Vincent A.V. Borja	AN ACT TO <i>AMEND</i> § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN EMPLOYER'S ANNOUNCEMENT OF DRUG TESTING AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT.	1/21/25 9:46 a.m.	1/28/25	Committee on Finance and Government Operations.	Request: 1/28/25 Waiver: 1/29/25	2/21/25 9:00 a.m.	3/6/25		
			SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
			3/24/25	AN ACT TO <i>AMEND</i> § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN ANNOUNCED OR RANDOM DRUG TESTING, AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT.	3/31/25	4/1/25	4/12/25	38-4	4/12/25	Received: 4/12/25 Mess and Comm. Doc. No. 38GL-25-0456



LOURDES A. LEON GUERRERO
GOVERNOR

OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

JOSHUA F. TENORIO
LT. GOVERNOR

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

received
APR 16 2025
4:27 p.m.

APR 14 2025

Time: 11:45 am

Received: no

38GL-25-0456

Transmitted via Email to: speakerblas@guamlegislature.org

Received 4/12/25
1:33pm

April 12, 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

LIHESLATURAN GUÅHAN
GUAM CONGRESS BLDG.
163 WEST CHALAN SANTO PAPA
HAGATNA GUAM 96910

Small

Re: Bill No. 34-38 (COR), "AN ACT TO AMEND § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN ANNOUNCED OR RANDOM DRUG TESTING, AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT."

Håfa Adai Mr. Speaker,

While I share in the Legislature's objective to create a drug free work place for all Government of Guam employees, unfortunately, Bill No. 34-38 does not further this goal.

Bill No. 34-38 purports to create limitations on reemployment for government employees who resign prior to an announced or random government-sponsored drug testing. As the Bill indicates, Guam law provides for two categories of employee drug testing. Random drug tests may only be administered to employees whose work involves the public's safety, such as police officers, firefighters and bus drivers. Employees in this category do not receive advanced notice of random drug tests, which, by design, are given with no prior warning.

To comply with the requirements of the Constitution, a majority of the Government of Guam are only tested if there is specific probable cause suggesting the individual employee may be under the influence of drugs or alcohol. The probable cause can be as a result of the employee's behavior or a work place accident. However at no time will there be an announcement of random drug testing for a department since such testing would be illegal.

For the individual employees whose work involves the public's safety, such as police officers, firefighters and bus drivers, these individuals are allowed to be subject to random drug testing. These employees at the time of their employment are told they are in a position where they can be tested at any time while they are working. No announcement is given to them prior to any testing. They are informed they are being tested, with no prior warning. However, as written even if

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: April 12, 2025
Re: Bill No. 34-38 (COR)

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unbeknownst to the officer his agency conducts unannounced random drug tests if the officer resigns within thirty days of other officers being randomly tested the resigning officer can be denied his or her re-employment rights. While this does not appear to be a desired consequence of the bill it is a consequence which hopefully will only negatively impact a few of our law enforcement professionals in agencies that conduct unannounced random tests.

For the above discussed reasons, the provision of Bill No. 34-38 will have limited impact on employees of the Government of Guam. However, as I support the intention of strengthening a drug free work place and the amendment does not harm, I am signing Bill No. 34-38 into law as ***Public Law No. 38-4.***

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 34-38 (COR) nka P.L. 38-4

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. 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. 34-38 (COR)**, “AN ACT TO AMEND § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN ANNOUNCED OR RANDOM DRUG TESTING, AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT.” was on the 31st day of March 2025, duly and regularly passed.



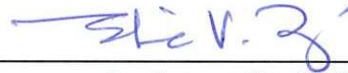
Frank F. Blas, Jr.
Speaker

Attested:



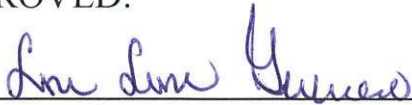
Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of April, 2025, at 4:08 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/12/2025

Public Law No. 38-4

2025-23543

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By: <u>Elaine Tajalle</u>	
Date: <u>4/12/25</u>	Time: <u>4:08p</u>

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

Bill No. 34-38 (COR)

As amended on the Floor.

Introduced by:

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

AN ACT TO *AMEND* § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN ANNOUNCED OR RANDOM DRUG TESTING, AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT.

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

2 **Section 1.** § 2108 of Chapter 2, Title 4, Guam Code Annotated, is *amended*

3 to read as follows:

1 **“§ 2108. Re-Employed Employees.**

2 (a) Former classified employees of the government of Guam
3 who were in good standing at the time of resignation may be hired at
4 not less than the salary they earned at their former position if they apply
5 for the same or comparable job in the same department. This re-
6 employment credit privilege must be exercised within a four (4) year
7 period, and employees must pass drug testing prior to re-employment.
8 The employee may waive the re-employment privilege of this Section.

9 (b) Notwithstanding any other provision of law, or
10 administrative or personnel rules and regulations, any employee who
11 resigns within thirty (30) days of an announced or random government-
12 sponsored drug testing within the employee’s department that would
13 subject the employee to drug testing, shall submit to and pass said drug
14 testing, prior to resignation, or forfeit all re-employment rights.”