I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 272-34 (COR)	**Speaker Antonio R. Unpingco Legislative Session Hall October 4, 2018**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator Thomas C. **ADA**	✓					
Senator FRANK B. **AGUON, JR.**					✓	✓
Senator William M. **CASTRO**	✓					
Senator James V. **ESPALDON**	✓					
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**	✓					
Senator Louise B. **MUÑA**	✓					
Senator Telena Cruz **NELSON**	✓					
Senator Dennis G. **RODRIGUEZ, Jr.**	✓					
Senator Joe S. San **AGUSTIN**	✓					
Senator Michael F.Q. **SAN NICOLAS**					✓	✓
Acting Speaker Therese M. **TERLAJE**	✓					
Senator Mary Camacho **TORRES**					✓	✓
TOTAL:	**11**				**3**	**3**
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 272-34 (COR)

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Introduced by: Telena Cruz Nelson

AN ACT TO *ADD* A NEW § 6303(e) TO ARTICLE 3 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REPORTING OF AMENDED GOVERNMENT POSITIONS AND DEFERRING THE FILLING OF AMENDED POSITIONS.

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds and recognizes that job positions may require amendments thereto in order to select the candidates most qualified for a civil government job or a promotion. However, amendments to such positions may cause an otherwise qualified candidate to lose the job or promotion opportunity. No candidate who was initially qualified prior to an amendment should be impacted by such amendment if they were not given ample time to comply with the amendment.

I Liheslaturan Guåhan, therefore, intends that amendments to a job position go through the same approval process as that set out for the creation of jobs, and that the filing of those newly amended jobs must be updated with the Department of Administration and the Legislative Secretary of *I Liheslaturan Guåhan* for transparency of the recruitment process for all government agencies.

Section 2. A new § 6303(e) is hereby *added* to Article 3 of Chapter 6, Title 4, Guam Code Annotated, to read:

"(e) (1) If a position created pursuant to § 6303 is amended in pay range, position description, or qualifications, the amendment *shall* be subject to a petition of the head of a line agency, department, autonomous agency, or public corporation (or, in the case of the Judiciary, the Administrator of the Courts) listed in 4 GCA § 4105(a). Said petition *shall* include:

(A) the justification for the amendment of the position;

(B) the essential details concerning the amendment of the position;

(C) the amended pay range and position description; and

(D) any other pertinent information.

(2) The petition for the amendment *shall* be posted on the line agency, department, autonomous agency, or public corporation's website (or, in the case of the Judiciary, the Judiciary's website) for ten (10) days (Saturdays, Sundays, and government of Guam holidays excepted), and must comply with § 6303.1(a) of this Article.

(A) The Judiciary. The Administrator of the Courts *shall* submit to the Judicial Council the petition, who, if it approves the petition, *shall* do so by resolution. The Judicial Council *shall* file the approved petition and resolution for record with the Legislative Secretary.

(B) Line Agencies and Departments. The petition of the head of a line agency or department (department head) and the Director of Administration *shall* post the petition on their respective websites for ten (10) days (Saturdays, Sundays ,and government of Guam holidays excepted). After the posting, the Director of Administration *shall* forward the petition with his recommendation to *I Maga'låhi* who, if

he approves the same, *shall* so indicate and file it for record with the Director of Administration and the Legislative Secretary.

(C) Autonomous Agencies and Public Corporations. The head of an autonomous agency or public corporation *shall* forward the petition, along with evidence of his compliance with § 6303.1(a), to the governing board or commission, who, if it approves the same, *shall* approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.

(3) No amended position may be filled until after compliance with the provisions of this Section, and one hundred eighty (180) days have elapsed from the date of filing with the Legislative Secretary.

(4) If a position's qualifications were amended and the position must be filled prior to the one hundred eighty (180) day period, the last approved position qualification *shall* be used for selection. No penalty shall be applied to any applicant who does not meet requirements from an amended position description that did not complete the one hundred eighty (180) day period."