

GUAM CODE ANNOTATED

TITLE 4

PUBLIC OFFICERS & EMPLOYEES

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**CHAPTER 1
GENERAL**

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§ 1101. Prohibition: Misuse of Working Time.

During office hours all government employees shall devote their time to strictly government business. No clerical, stenographic or typing work of a private nature shall be performed by any employee for any private party during office hours, and if work is performed outside office hours no government typewriter or stationery shall be used for such work.

SOURCE: GC § 3001.

§ 1102. Same: Use of Government Property.

No person is allowed in any of the government offices during office hours except on official business, nor shall any person not an employee be allowed to use government typewriters or stationery at any time.

SOURCE: GC § 3002.

§ 1103. Same: Government Vehicles and Use.

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No government vehicle, whether government-owned, leased or rented shall be used for other than official purposes. No such vehicles shall be used for the transportation of any government officer or employee between his place of abode and place of employment except in connection with official duties for the convenience of the Government subject to the following limitations:

(a) *I Maga'lahaen Guåhan* [The Governor] by Executive Order, *I Liheslaturan Guåhan* [the Legislature] through its Committee on Rules and the Judicial Council by rule, shall prescribe the use of government vehicles assigned respectively to the Executive Branch, Legislative Branch and Judicial Branch, and shall take appropriate action to discipline any member of their respective branches who shall violate this Section. Such action may be, by way of administrative fine, suspension or removal, and in the case of members of the classified service shall be taken pursuant to the Personnel Law. Such action shall not preclude prosecution for any criminal offense.

(b) At the discretion of the head of any department, agency or instrumentality having jurisdiction over peace officers as defined within §5.55 of Chapter 5 of Title 8 of the Guam Code Annotated, may allow government vehicles to be driven directly from duty to the home of a peace officer and directly back to duty as provided:

(i) No government vehicle shall be assigned until *I Maga'lahaen Guåhan* [the Governor] or the Judicial Council approves procedures and corresponding rules in the use of a vehicle specifically because the Peace Officer could not proceed to duty except by using the government vehicle. The implementation of such procedures and corresponding rules shall take effect upon the Speaker of *I Liheslaturan Guåhan* [the Legislature] receiving a copy thereof. Any subsequent modification or changes shall follow as such.

(ii) That a marked Police motorcycle may be driven to and from the home of the Police Officer to which the motorcycle is assigned at the end of the officer's tour of duty.

The authority overseeing such peace officers shall take appropriate action to discipline a member violating this Subsection. Such action may be by way of an administrative fine, suspension or removal, and in the case of members of the

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classified service shall be taken pursuant to the Personnel Law. Such action shall not preclude prosecution for any criminal offense.

(c) The provisions of this Section shall not apply to any vehicle assigned for the use of *I Maga'lahaen Guåhan* [the Governor], *I Segundu na Maga'lahaen Guåhan* [the Lt. Governor], the Speaker of *I Liheslaturan Guåhan* [the Legislature], the Presiding Judge of the Superior Court of Guam, and the Chief Justice of the Supreme Court of Guam.

SOURCE: GC § 3002.1, as amended P.L. 14-68. Repealed/reenacted by P.L. 27-29:V:10.

§ 1103.1. Vehicles Leased by the Government of Guam.

Except as exempted by § 1103, Chapter 1, Title 4 GCA, vehicles leased by the government of Guam shall be clearly identified by either (a) a removable decal or sticker identifying the agency/department to which the vehicle is leased or (b) by a removable decal or sticker stating that the vehicle is leased by the government of Guam; and shall be also identified by the attachment of a government of Guam license plate, notwithstanding § 7120 of Title 16, GCA. The decal or sticker shall be placed in the lower left corner of the rear window of the leased vehicle.

In addition to those vehicles exempted in § 1103 of Title 4 of the Guam Code Annotated, the following vehicles shall also be exempted from the provisions of this Section:

- (a) vehicles transferring Justices or Judges of the Supreme or Superior Courts of Guam;
- (b) vehicles used for security or undercover purposes by instrumentalities of the government of Guam involved in law enforcement activities; and
- (c) vehicles transferring the Lieutenant Governor of Guam.

§ 1103.2. Standard Decals.

A standardized decal or sticker shall be designed and made available by the General Services Agency to all government entities, including the Judiciary and Legislative branches of government.

SOURCE: §§ 1103.1 and 1103.2 added by P.L. 24-52:1.

§ 1103.3. Identification of Agency or Department.

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All vehicles leased or owned by the government of Guam shall display a distinguishing word, letter and symbol indicating to which agency or department the vehicle is assigned. If the vehicle is part of a government-wide motor pool, the identification shall reflect the department or agency operating the motor pool, and that the vehicle is part of the motor pool. This logo shall include the proper name of the agency or department and shall be affixed to the sides of the driver and passenger doors in a fashion that makes it easily visible. The letterings on the signs shall be no less than two (2) inches in height. If an agency or department does not have a logo, the full proper name of the agency in letters will meet the requirements of this provision.

The only vehicles exempt from this provision are those listed in §1103 and §1103.1(a), (b) and (c) of this Chapter.

SOURCE: Added by P.L. 28-090:1 (Dec. 12, 2005), effective. January 1, 2006.

§ 1104. Same: Employees' Acts.

No employee of the government of Guam shall directly or indirectly, either by word of mouth or by physical action, assist in the preparation of any legal document or give any legal advice or assistance to any individual on any matters controversial whatsoever, other than matters pertaining to the employee's duty and in his official capacity.

SOURCE: GC § 3003.

§ 1105. Service Medals: Silver.

A silver medal for faithful service to the government of Guam is granted and will be known as the Twenty-Five Year Service Medal.

This medal may be granted, by the government of Guam, to any person who has faithfully served the government of Guam for a total of at least twenty-five (25) years. Creditable service to the Naval Government of Guam in a civil capacity, or active service in the Guam Militia, shall be counted toward the time necessary to establish eligibility for this medal. Service in a federal capacity shall also be counted, provided such service has been directly in connection with the government of Guam activities.

The Twenty-Five Year Service Medal will be of silver and may be worn by its recipient on occasions of ceremony.

A Five-Year Silver Bar may be granted, by the government of Guam, for each five (5) years of service over the twenty-five (25) year basic period,

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provided the additional service would have been eligible to count toward original award of the medal.

SOURCE: GC § 3004.

§ 1106. Same: Gold.

An award for faithful service to the government of Guam is established and shall be known as the Gold Service Medal.

This medal shall be granted by the government of Guam to any person who has faithfully served the government of Guam not less than thirty-five (35) years. Creditable service to the Naval government of Guam in a civil capacity, or active service in the Guam Militia, shall be counted toward the time necessary to establish eligibility for this medal. Service in a Federal capacity shall also be counted, provided such service has been directly in connection with government of Guam activities.

The Gold Service Medal may be worn by its recipient on occasions of ceremony.

SOURCE: GC § 3005, as amended by P.L. 13-44.

§ 1107. Government of Guam Incentive Awards Program.

There is hereby established the 'Government of Guam Incentive Awards Program' which shall provide for payment of cash awards to, and the honorary recognition of, employees of the government of Guam who by their specific ideas, suggestions, proposals, or inventions contribute to the greater efficiency, economy, an increase in government revenues, or other improvement of government operations as determined by the Department of Administration.

SOURCE: GC § 3006. Repealed and reenacted by P.L. 23-79:2.

§ 1108. Same: General Provisions.

(a) Definitions. In statutes creating the 'Government of Guam Incentive Awards Program' ("the Program"), the terms are defined as follows:

(1) *Agency* shall mean:

- (a) an Executive department or agency;
- (b) an autonomous agency of the government of Guam;
- (c) the administrative office of the Superior Court of Guam and any other court of Guam.

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(2) *Government employee* means any person employed within any agency of the government of Guam in non-supervisory positions as defined by the Civil Service Commission, but does not include independent consultants, persons who require Legislative confirmation, deputy directors, or elected officials.

(b) Cash Awards.

(1) A cash award issued pursuant to the provisions of this Act shall be set at up to ten percent (10%) of the first calendar year's actual net annual savings or increase in revenues resulting to the agency's annual operational expenses from the implementation of the specific idea, suggestion, design, or invention as determined by the Department of Administration. The cash award shall be issued to the employee when the savings are realized by the agency, regardless of whether the person is still employed by the government of Guam or how much time has elapsed since the idea, suggestion, design or invention was originally submitted.

(2) Each specific idea, suggestion, design or invention submitted for the purpose of receiving a cash award shall be considered on a first-submitted basis and is eligible for a one-time cash award only as determined by the Department of Administration.

(3) Each cash award issued pursuant to the provisions of this Act shall be in addition to the regular compensation of the recipient(s) and its acceptance shall constitute an agreement that use by the government of Guam of any specific idea, suggestion, design or invention for which the award is issued shall not form the basis of a further claim of any nature upon the government of Guam by the employee, his heirs or assigns. If necessary, a condition for receiving the award shall be the transfer in full to the government of Guam of all intellectual property rights, including copyright, patent, trademark or trade secret as determined by the Department of Administration.

(c) Eligibility.

(1) Government employees as herein defined are eligible for cash awards in accordance with this subsection.

(2) A group of government employees may submit a specific idea, suggestion, design or invention for consideration of a cash award pursuant to the provisions of this Act. Any cash award issued to a group of government employees shall be divided equally among the

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individuals in the recipient group as determined by the Department of Administration.

(3) Cash awards may be issued to former government employees notwithstanding the death or separation from service of the government employee concerned if the specific idea, suggestion, design or invention was submitted for consideration while the recipient was an employee of the government of Guam as defined by this Act.

SOURCE: GC § 3007. Repealed and reenacted by P.L. 23-79:3.

§ 1109. Funding Source.

(a) Each department shall develop a methodology to monitor the savings realized throughout the year as a result of the implementation of the employee's suggestion, idea, invention or design.

(b) The department shall report to the Director of Administration, on a quarterly basis, the status of the implementation of the suggestion and the actual amount saved during the quarter.

(c) A cash award of up to ten percent (10%) of the total savings generated by the suggestion, idea, invention or design, shall be granted to the suggestor within one (1) year of the implementation date.

(d) If the suggestion, idea, invention or design is implemented by two (2) or more departments, then the cooperative efforts of all affected departments shall monitor the savings and report their individual results, on a quarterly basis, to the Director of Administration.

SOURCE: GC § 3008. Repealed and reenacted by P.L. 23-79:4. Amended by P.L. 24-114:2.

NOTE: All reference to Director of Finance and Department of Finance have been changed to Director of Administration and Department of Administration by authority of P.L. 9-239.

All references to Department of Labor and Personnel and Director of the Department of Labor and Personnel have been changed to Department of Administration and Director of the Department of Administration by the authority of P.L. 9-239.

§ 1110. Protection of Employee's Suggestion, Idea, Invention or Design.

(a) All suggestions, ideas, inventions or designs will be certified upon receipt, reviewed for originality and assigned an identification number. Suggestions, ideas, inventions or designs which have been previously implemented or suggested at other localities, agencies, private or public

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sectors, are not considered original ideas and shall not be eligible for cash awards, even though the suggestion, idea, invention or design has never been submitted or implemented in the government of Guam.

(b) Suggestions, ideas, inventions or designs previously implemented or suggested at other localities, agencies, private or public, but, with major modification by the suggestor to suit a government of Guam operation resulting in savings to the government of Guam, may warrant a cash award of not more than three percent (3%) of the total savings to the government.

(c) An audit shall be conducted by the Chief Public Auditor for regulatory compliance, fairness in awards, and for any other appropriate reason, at least once every two (2) years or upon request by the Director of Administration.

SOURCE: GC § 3009. Added by P.L. 24-114:3.

§ 1111. Liability.

Suggestions, ideas, inventions or designs submitted by an employee or employees and determined by the appointing authority or other experts, to be, or possibly be, a safety hazard, shall not be implemented. The appointing authority, or the expert's appointing authority, will be held liable for any injury to the employee or others, or any damage to government property, if authority is granted for implementation of the suggestion, idea, invention or design, even if only on a trial basis."

SOURCE: Added by P.L. 24-114:4.

§ 1112. Incentive Awards Board.

(a) An Incentive Awards Board ('Board') shall be established to serve as the approving authority for all suggestions, ideas, inventions or designs submitted by employees. The Board shall consist of five (5) members appointed by the Governor of Guam, whose terms will be staggered to ensure continuity of members. Each member shall serve a term of two (2) years, except for the first appointed members, in which three (3) shall be appointed to serve a three (3) year term, and two (2) shall serve a two (2) year term.

(b) The majority of the Board shall be three (3) members. The vote of three (3) members shall be required for any action by the Board. The Board may adopt administrative policies to govern its procedures."

SOURCE: Added by P.L. 24-114:5.

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§ 1113. Appeal for Rejected or Stolen Suggestions, Ideas, Inventions or Designs.

An employee who feels cheated on his/her original suggestion, idea, invention or design, or whose suggestion, idea, invention or design was rejected, may appeal to the Director of Administration who will appoint an ad hoc Board of Review, approved by the Incentive Awards Board. This Board of Review shall be constituted by two (2) members outside the government of Guam, designated by the Director of Administration, and two (2) members from the present Incentive Awards Board, and an expert in the area relating to the suggestion, idea, invention or design.

SOURCE: Added by P.L. 24-114:6.

§ 1114. Administration.

(a) Rules and Regulations. Maintain and from time to time modify rules and regulations for the administration of the program in accordance with the Administrative Adjudication Law. In order to provide for the fair and efficient administration of the Program, such rules and regulations shall provide specific controls to safeguard against the possibility of collusion or manipulation. The rules and regulations for the Incentive Award Program must also include methods for protecting the rights and benefits of the person generating and submitting an idea.

(b) Awareness Program. The Director of Administration, the heads of the autonomous agencies, and the Supreme Court of Guam shall maintain and from time to time modify a “Government of Guam Incentives Awards Program” providing information about the objectives and procedures of the Program and to encourage participation from all government of Guam employees.

SOURCE: Added by P.L. 24-114:7. Amended by P.L. 28-68:IV:32 (Sept. 30, 2005) with effective date January 1, 2006.
