5 GCA Government Operations
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CHAPTER 1A
REORGANIZATION


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§ 1A1. Definitions.

For the purposes of this Act:

(a) Abolition means the elimination of any agency of the government.

(b) Absorption means the transfer or consolidation of one (1) or more functions of any one (1) agency of the government to any other agency of the government.
(c) *Availability roster* means a roster of the designated displaced employees in an agency of the government that will be absorbed, outsourced, or privatized.

(d) *Displaced employee* means an employee, in graded and ungraded positions of the classified service of the government, who had been employed by an agency of the government that was outsourced or privatized or whose employment was terminated as a result of the outsourcing or privatization.

(e) *Gaining entity* means any agency to which any function has been transferred by absorption.

(f) *Outsource* means contracting with a private company to accomplish any function that has been or, were it not for the outsourcing, would be provided by any agency of the government.

(g) *Privatization* means the alienation, by sale, lease, or otherwise, of any agency or function of the government.

(h) *Reorganization* means:

1. the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

2. the abolition of all or any part of the functions of any agency;

3. the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

4. the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

5. the authorization of any non-elective officer to appoint any individual to perform any of his/her functions;
§ 1A102. Internal Reorganization.

Internal reorganization of an entity, including reductions in force, shall be accomplished in accordance with the executive order(s) authorized by § 1A105.

§ 1A103. Reorganization of the Executive Branch.

Reorganization of the executive branch shall be accomplished in accordance with this Chapter.

§ 1A103.1. Executive Order: Reorganization of the Executive Branch.

The Governor by executive order(s) may direct the reorganization of the various entities of the executive branch and may implement the Priority Placement Procedure as listed in Appendix C of Chapter 1, Division 1, Title 2, Guam Administrative Rules and Regulations, relative to the Personnel Rules and Regulations of the Department of Administration as the standard policy and uniform guideline to address employees affected by adverse effects such as, but not limited to, consolidation, transfer of functions, lack of work or funds, position classification or reduction in force; or executive branch reorganization, restructuring, reform, modernization, streamlining, innovation or transformation initiatives.

§ 1A103.2. Table 1.

Table 1 sets out three (3) groups of various entities of the executive branch and assigns a priority number (PN) to each entity. Group I, PN 100, et seq., is composed of entities that provide services that are the government’s top priorities: education, health and public safety. Group II, PN 200, et seq., is composed of entities that provide services that are involved in
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support, enforcement, regulation, adjudication or administration. Group III, PN 300, et seq., is composed of other entities. Any entity of the executive branch otherwise not listed in Table 1 is deemed listed in Group III of Table 1.

TABLE 1

GROUP I

PN 100 Education:
101E Guam Department of Education
102E University of Guam
103E Guam Community College
104E Guam Public Library

Health:
101H Guam Memorial Hospital Authority
102H Guam Behavioral Health and Wellness Center
103H Department of Public Health and Social Services

Public Safety:
101S Guam Police Department
102S Guam Fire Department
103S Department of Corrections
104S Department of Law (prosecution division)
105S Customs and Quarantine Agency
106S Department of Youth Affairs (custodial; corrections related)
107S Guam Homeland Security; Office of Civil Defense
108S Public Defender Service Corporation (criminal defense)

GROUP II

PN 200

201 Department of Revenue and Taxation
202 Department of Public Works
203 Department of Labor
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204 Department of Land Management
205 Department of Administration
206 Department of Military Affairs
207 A.B. Won Pat International Airport Authority
208 Government of Guam Retirement Fund
209 Guam Veterans Affairs Office
210 Guam Visitors Bureau
211 J.D. Leon Guerrero Port Authority of Guam
212 Department of Chamorro Affairs

GROUP III

PN 300

301 Agency for Human Resources Development
302 Ancestral Lands Commission
303 Bureau of Budget and Management Research
304 Bureau of Statistics and Plans
305 Civil Service Commission
306 Chamorro Land Trust Commission
307 Commission on Decolonization
308 Department of Agriculture
309 Department of Integrated Services for Individuals with Disabilities (DISID)/Division of Vocational Rehabilitation
310 Department of Parks and Recreation
311 Department of Youth Affairs (non-custodial; non-corrections related)
312 General Services Agency - Department of Administration
313 Guam Council on the Arts and Humanities
314 Guam Commission for Educator Certification
315 Guam Contractors License Board
316 Guam Developmental Disabilities Council
317 Guam Economic Development Authority
318 Guam Educational Telecommunications Corporation (KGTF/PBS Guam)
319 Guam Election Commission
320 Guam Energy Office
321 Guam Environmental Protection Agency
§ 1A103.3. Same: [Executive Order:] Absorption of Functions.

(a) The Governor by executive order(s) may direct the absorption of any or all of the functions of any one (1) agency of the government listed in Table 1 with a Priority Number (PN) of 201 or higher by any agency(ies) of the government with a lower priority number.

(b) (1) Any agency in Group I may absorb any of the functions of any other agencies in Groups II and III, and

(2) any agencies within Groups II and III may absorb the functions of any other agencies within Group II or Group III.

§ 1A103.4. Same: [Executive Order:] Abolition of Government Entities.

The Governor by executive order(s) may abolish any agency of the government listed in Table 1 with a PN of 301 or higher.

§ 1A104. Transfer Authority.

The Governor is authorized to transfer the appropriation, and any cost savings, unspent appropriation, or excess spending authority, of any agency of the government which is abolished or any function which is absorbed to any other agency(ies) of the government with a PN of 101E-108S.
§ 1A104.1. Same. Outsourcing and Privatization.

No more than ninety percent (90%) of the appropriation for personnel services for a function that is outsourced or privatized may be transferred by the Governor to the contractual category to fund the contract arising from the outsourcing or privatization.

§ 1A105. Executive Order(s).

(a) The reorganization(s) directed by executive order(s) authorized by § 1A106 shall be accomplished in accordance with the procedures for promulgating rules set out in 5 GCA §§ 9301 and 9303.

(b) The rules promulgated by executive order(s) authorized by § 1A106 shall be promulgated in accordance with 5 GCA §§ 9301, 9303 and 9304.

(c) The executive order(s) shall recognize, where applicable, employees’ rights of representation in accordance with 4 GCA § 10106.

(d) Nothing contained herein shall be construed to prevent the Attorney General from approving such executive order(s) as to form, content and compliance with law.

§ 1A105.1. Same: Availability Roster.

(a) When executive orders authorized by § 1A106 issue, the person in charge of the entities to be abolished or the functions of which are to be absorbed shall submit an availability roster to the gaining entity, if any.

(b) The person in charge of the gaining entity may, in accordance with the applicable executive order, employ those employees on the availability roster in such number, if any, as required to accomplish the function(s) of the gaining agency if necessary.

§ 1A106. Implementing Executive Order.

The Governor shall by executive order(s) promulgate rules to accomplish the following:

(a) prioritization in force;
(b) outsourcing;
(c) absorption;
(d) abolition;
(e) reorganization;
(f) availability rosters;
(g) the designation of functions to be absorbed; or
(h) the designation of entities to be abolished.

§ 1A107. [Furloughs and Layoffs.]
Furloughs and layoffs shall be conducted pursuant to existing Personnel Rules and Regulations.

§ 1A108. Transition - Files and Equipment.

(a) All files and reports held by an abolished entity shall be transmitted by the person in charge of such entity to such custodian as is designated by the Governor within sixty (60) days following the designation of the entity as an abolished entity.

(b) All property of the abolished entity, or property leased by it, when the lease cannot be cancelled or will not expire upon the abolition of the entity, shall be turned over to the custodian designated by the Governor within sixty (60) days following the designation of the entity as an abolished entity.

§ 1A109. Abolished Entity.
An abolished entity shall be closed and all remaining personnel terminated within sixty (60) days of the date of implementation of the executive order effectuating the abolition.

§ 1A109.1. Same: Boards and Commissions of Entities Listed in Group III.

Boards and Commissions of entities listed in Group III may be assigned for logistical support to entities in Groups I and II when the entity supported or directed by the Board or Commission is abolished.
§ 1A110. Special Provision for Elected Officials.

The provisions of §§ 1A102, 1A103, 1A103.3, 1A103.4, 1A108, or 1A109 shall not apply to an office or department under the supervision of an elected official.

§ 1A111. Special Provision for the University of Guam and the Guam Community College.

The provisions of § 1A102 shall not apply to the University of Guam and the Guam Community College.