

**5 GCA GOVERNMENT OPERATIONS
CH. 1A REORGANIZATION**

**CHAPTER 1A
REORGANIZATION**

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§ 1A101. 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.

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(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;

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(6) the abolition of the whole or any part of any agency which agency or part does not have any function; or

(7) the use of a person under contract to perform functions which regularly are performed or budgeted to be performed by employees appointed under the merit system.

§ 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

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322	Guam Housing and Urban Renewal Authority
323	Guam Housing Corporation
324	Guam Museum
325	Guam Regional Transit Authority
326	Hagåtña Restoration and Redevelopment Authority
327	Office of the Governor
328	Office of Post-Mortem Examinations (Chief Medical Examiner)
329	Office of Technology
330	Professional Engineers, Architects, Land Surveyors (PEALS) Board

§ 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.

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§ 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;

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- (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.

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§ 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.
