

**5 GCA GOVERNMENT OPERATIONS  
CH. 11 GOVERNMENT REORGANIZATION**

**CHAPTER 11  
GOVERNMENT REORGANIZATION**

- § 11101. Reorganization: Public Hearing.
- § 11102. Employment Security.
- § 11103. Legislative Approval for Reorganizations;  
Definitions.

**§ 11101. Reorganization: Public Hearing.**

Any Reorganization Plan for a department, agency or instrumentality of the government of Guam which is proposed by the Governor or by a department, agency or instrumentality must have a public hearing at least thirty (30) days prior to the implementation of such plan. Public notice of such hearing, including publication in a newspaper of general circulation within the Territory and including written notice to each employee of the department, agency or instrumentality in which the plan is to be implemented shall be provided at least fourteen (14) calendar days prior to the holding of such hearing. Employees shall have full opportunity to review the proposed reorganization plan prior to the hearing.

**SOURCE:** Added as GC § 5300 by P.L. 17-81:14.

**§ 11102. Employment Security.**

No classified employee at the time a reorganization plan is adopted shall be removed from his or her position or downgraded as a result of any reorganization undertaken pursuant to the plan, except pursuant to reduction in force procedures contained in 4 GCA § 4207, Director of Administration Rules, and Public Law 27-05:IV:19.

**SOURCE:** Added as GC § 5301 by P.L. 17-81:14. Amended by P.L. 27-34:2. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

**§ 11103. Legislative Approval for Reorganizations; Definitions.**

(a) Legislative approval. Any proposed reorganization plan for a department, agency or instrumentality of the government of Guam (collectively ‘agency’) shall require the approval of the Legislature prior to its implementation, and such approval of any reorganization plan that

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increases the number of employees shall be necessary prior to a request to the Legislature to appropriate funds for the additional positions.

(b) Definition. For purposes of this Chapter, *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 functions;

(6) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any function;

(7) The establishment of a new agency to perform the whole or any of the functions of an existing agency or agencies; or

(8) 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.

**SOURCE:** Added as GC § 5302 by P.L. 20-65:12.

**COMMENT:** Compare Organic Act of Guam, 48 U.S.C.A. § 1422c(c), which states:

**(c) Reorganization.** The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and carry out such changes therein as are necessary to the purposes of this chapter and the laws of Guam.

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