

4 GCA PUBLIC OFFICERS & EMPLOYEES  
CH. 9 STRIKES AGAINST GOVERNMENT

**CHAPTER 9**  
**STRIKES AGAINST GOVERNMENT**

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**§ 9101. Definitions.**

As used in this Chapter, unless otherwise indicated by the context:

*Government* means the government of Guam, its political subdivisions and any officer, board, commission or other agency of the government of Guam or a political subdivision thereof, whether performing or engaged in governmental or proprietary operations or functions, including the Commercial Port of Guam, the Department of Education and the Guam Memorial Hospital.

*Government employee* means one employed by the Government, including the holder of an appointive office.

*Strike* means the temporary stoppage of work, slowdown or retarding work or services by the concerted action of employees.

**SOURCE:** GC § 4375.

**2009 NOTE:** P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education..

**§ 9102. Acts, Activities and Conduct Prohibited.**

It shall be unlawful:

(a) For any government employee to participate in any strike against the Government.

(b) For any person, by picketing or otherwise, to instigate, induce, procure, order, direct, coerce or incite any violation of this Chapter or to undertake to concert with another to violate this Chapter.

**SOURCE:** GC § 4376.

**COURT DECISIONS:** SUPER.CT. 1981 From the facts presented, it is determined that the government of Guam “was struck by agents and members of the Guam Federa-

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tion of Teachers” on January 12, 1981. Therefore, an injunction is ordered against the Guam Federation of Teachers, and those acting in concert therewith, ordering them to cease from strike activity and ordering the union to cease from encouraging strike activity.

Concerted action to withhold services or to retard services in violation of directions of the Director of Education constitute a strike under § 9102. *People v. GFT*, D.C.Guam App.Div. 1978), 2 Guam R. 203.

**§ 9103. Dismissal, etc.**

Any individual employed by the Government who violates any provision of this Chapter may be dismissed, suspended or reduced in rank or compensation.

**SOURCE:** GC § 4377.

**§ 9104. Enforcement.**

The provisions of this Chapter shall be enforceable by injunction proceedings as provided in this Section. The Attorney General, at his own instance or at the request of the Governor or any other officer, board, commission or other agency of the Government, in the event any person shall be violating any provision of this Chapter, or there shall be reasonable cause to believe that such person is about to violate any provision of this Chapter, shall institute appropriate proceedings to enjoin any acts, activities or conduct forbidden by this Chapter. Jurisdiction to hear and dispose of all actions under this Chapter is hereby conferred upon each Superior Court of Guam judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory or otherwise, as may be appropriate to enforce the provisions of this Chapter. All such actions shall be brought in the name of the People of the territory of Guam by the Attorney General and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee, agent or representative of such association or labor organization or otherwise as provided by law and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of, or failure to comply with any such order of the court, compensatory or punitive damages may be awarded to the Government or such other proceedings may be had as the court may deem proper. This Section shall not be construed as precluding the Attorney General from resorting to any other remedies or proceedings which may be appropriate, the Attorney General being hereby authorized to represent the Government in all such

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matters and to resort to any or all of the applicable remedies and proceedings, according to his best judgment.

**SOURCE:** GC § 4378.

**§ 9105. Construction.**

Nothing in this Chapter shall be construed to require an individual employee to perform work or services without his consent, nor shall anything in this Chapter be construed to make the quitting of government employment by an individual employee an illegal act.

**SOURCE:** GC § 4379.

**§ 9106. Severability.**

If part of this Chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Chapter is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**SOURCE:** GC § 4380.

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