



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

01 FEB 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910



Dear Mr. Speaker:

Transmitted herewith is Bill No. 375(EC), "AN ACT TO AMEND 4 G.C.A., §8121(a), RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENTS AND EXCEPTING CERTIFIED AUGMENTATION TEACHING SERVICE EMPLOYEES (CATS) FROM THE SUSPENSION; TO ADD A NEW 17 G.C.A., §3103(q) RELATIVE TO PROMULGATING RULES & REGULATIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. §3127, RELATIVE TO ESTABLISHING DEFINITIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. §3128, RELATIVE TO ELIGIBILITY CRITERIA FOR CERTIFIED TEMPORARY EMPLOYEE STATUS; TO ADD A NEW 17 G.C.A. §3129, RELATIVE TO THE CERTIFICATE OF NECESSITY FOR THE EMPLOYMENT OF CATS; TO STATE A FINDING OF THE IMPRACTICABILITY OF ALLOWING CATS TO BE EMPLOYED AS CLASSIFIED EMPLOYEES; TO ADD A NEW 17 G.C.A. §3130, RELATIVE TO THE MAINTENANCE OF AN EMPLOYMENT ROSTER BY THE SUPERINTENDENT; TO ADD A NEW 17 G.C.A. §3131, RELATIVE TO THE REPLACEMENT OF CATS BY CERTIFIED APPLICANTS; TO ADD A SUNSET PROVISION EFFECTIVE JULY 1, 2010; TO ENACT THE CERTIFIED AUGMENTATION TEACHER SERVICE (CATS) ACT" which I signed into law on January 29, 2007, as **Public Law 28-183**.

Sinsiru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Ray Tenorio
Senator and Secretary of the Legislature

Office of the Speaker
MARK FORBES

Date: 2/2/07
Time: 11:15
Rec'd by: [Signature]
Print Name: R. J. [Signature]

29-07-0135

135

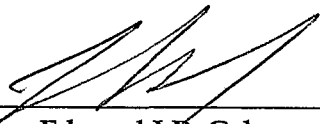
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5:04 PM
2/5/07

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

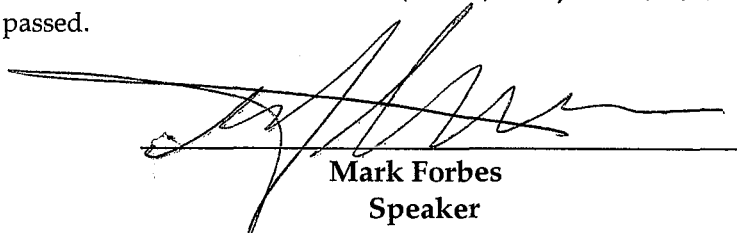
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 375 (EC), "AN ACT TO AMEND 4 G.C.A., §8121(a), RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENTS AND EXCEPTING CERTIFIED AUGMENTATION TEACHING SERVICE EMPLOYEES (CATS) FROM THE SUSPENSION; TO ADD A NEW 17 G.C.A., §3103(q), RELATIVE TO PROMULGATING RULES & REGULATIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. §3127, RELATIVE TO ESTABLISHING DEFINITIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. §3128, RELATIVE TO ELIGIBILITY CRITERIA FOR CERTIFIED TEMPORARY EMPLOYEE STATUS; TO ADD A NEW 17 G.C.A. §3129, RELATIVE TO THE CERTIFICATE OF NECESSITY FOR THE EMPLOYMENT OF CATS; TO STATE A FINDING OF THE IMPRACTICABILITY OF ALLOWING CATS TO BE EMPLOYED AS CLASSIFIED EMPLOYEES; TO ADD A NEW 17 G.C.A. §3130, RELATIVE TO THE MAINTENANCE OF AN EMPLOYMENT ROSTER BY THE SUPERINTENDENT; TO ADD A NEW 17 G.C.A. §3131, RELATIVE TO THE REPLACEMENT OF CATS BY CERTIFIED APPLICANTS; TO ADD A SUNSET PROVISION EFFECTIVE JULY 1, 2010; TO ENACT THE CERTIFIED AUGMENTATION TEACHING SERVICE (CATS) ACT," was on the 27th day of December, 2006, duly and regularly passed.

Attested:

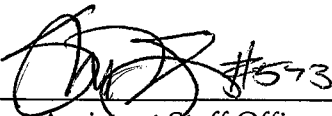


Edward J.B. Calvo
Senator and Secretary of the Legislature



Mark Forbes
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at
1:30 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 29 JAN 2007

Public Law No. 28-183

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session

Bill No. 375 (EC)

As amended.

Introduced by:

R. Klitzkie
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
L. F. Kasperbauer
J. A. Lujan
A. B. Palacios, Sr.
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO *AMEND* 4 G.C.A., §8121(a), RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENTS AND EXCEPTING CERTIFIED AUGMENTATION TEACHING SERVICE EMPLOYEES (CATS) FROM THE SUSPENSION; TO *ADD* A NEW 17 G.C.A., §3103(q), RELATIVE TO PROMULGATING RULES & REGULATIONS FOR THE CATS ACT; TO *ADD* A NEW 17 G.C.A. §3127, RELATIVE TO ESTABLISHING DEFINITIONS FOR THE CATS ACT; TO *ADD* A NEW 17 G.C.A. §3128, RELATIVE TO ELIGIBILITY CRITERIA FOR CERTIFIED TEMPORARY EMPLOYEE STATUS; TO *ADD* A NEW 17 G.C.A. §3129, RELATIVE TO THE CERTIFICATE OF NECESSITY FOR THE EMPLOYMENT OF CATS; TO STATE A FINDING OF THE IMPRACTICABILITY OF ALLOWING CATS TO BE

EMPLOYED AS CLASSIFIED EMPLOYEES; TO *ADD* A
NEW 17 G.C.A. §3130, RELATIVE TO THE
MAINTENANCE OF AN EMPLOYMENT ROSTER BY
THE SUPERINTENDENT; TO *ADD* A NEW 17 G.C.A.
§3131, RELATIVE TO THE REPLACEMENT OF CATS BY
CERTIFIED APPLICANTS; TO *ADD* A SUNSET
PROVISION EFFECTIVE JULY 1, 2010; TO ENACT THE
CERTIFIED AUGMENTATION TEACHING SERVICE
(CATS) ACT.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Short Title.** This Act may be cited as "The Certified
3 Augmentation Teacher Service (CATS) Act or the CATS Act."

4 **Section 2. Statement of Legislative Purpose.** The purpose of this Act is
5 to augment certified personnel, as identified in Item 12 of Title 1 G.C.A., Chapter
6 7, §715, within the Guam Public School System with government of Guam retirees
7 who meet the eligibility requirements set out in Section 6 of this Act, in order to
8 assist with full compliance with the Every Child is Entitled to an Adequate Public
9 Education Act for the next three (3) school years.

10 **Section 3. Suspension of Annuity Payments.** Title 4 G.C.A. §8121(a) is
11 *amended* to read:

12 "(a) A retired member who subsequently becomes an employee
13 eligible for membership under §8106 of this Title prior to January 1, 1999 shall,
14 upon becoming so employed, have that member's right to receive payment of that
15 member's annuity suspended for the duration of that member's employment, but all
16 other rights pertaining to that member's annuity provided by this Article, including
17 automatic increases therein, shall be retained by that member. The provisions of
18 this Section shall not be applicable to any retired Judge or Justice designated and
19 assigned by the Chief Justice to perform judicial duties in the courts of Guam as
20 provided for in §6115 of Title 7 G.C.A., or any person employed by the Guam

1 Public School System in Guam schools as a substitute teacher or as a Certified
2 Augmentation Teaching Service (CATS) employee as that that term is defined by
3 Title 17 G.C.A. §3127(b). Such employment shall be subject to the provisions of
4 Items (d) and (e) of this Section.

5 The provisions of this Section shall *not* be applicable to any certified,
6 registered or licensed health care professional, or ancillary service personnel,
7 employed by the Guam Memorial Hospital Authority, the Department of Mental
8 Health and Substance Abuse and the Department of Public Health and Social
9 Services; provided, that such person occupies a position for which *no* qualified
10 applicants were available, and provided that such employment is procured on an
11 annual basis, subject to the provisions of Subsection (d) of this Section.”

12 **Section 4. Rules.** A new Title 17 G.C.A. §3103(q) is *added* to read:

13 “(q) promulgate rules and regulations for the implementation and
14 operation of §§3127 through 3131 of this Title as necessary.”

15 **Section 5.** A new Title 17 G.C.A., §3127 is *added* to read:

16 “**§3127. Definitions.** As used in Title 4 G.C.A. Chapter 8, §8121(a)
17 and §§3127 through 3131 of this Title:

18 (a) *Certified Employee* means an employee who holds a
19 position defined in 1 GCA §715 Item 12, (a) through (e) and (k), who
20 is “certified” as that term is defined in 1 GCA §715 Item 13.

21 (b) *Certified Augmentation Teaching Service (CATS) employee*
22 *(CAT or CATS)* means a member of the Government of Guam
23 Employees’ Retirement Fund who has retired from government
24 service but has subsequently been temporarily employed as an
25 unclassified employee to fill a vacancy in a position defined in 1
26 GCA §715 Item 12, (a) through (e) and (k), who is “certified” as that

1 term is defined in 1 GCA §715 Item 13, for the remainder of a
2 school year or until replaced pursuant to 17 GCA §3131.

3 (c) *Certified Applicant* means an applicant for a position defined in 1
4 GCA §715 Item 12, (a) through (e) and (k), who is “certified” as that term is
5 defined in 1 GCA §715 Item 13.

6 (d) *Certificate of Necessity* means a writing signed by the
7 Superintendent confirming that the employment of a Certified Temporary
8 Employee is necessary to fill a vacant position defined in 1 GCA §715 Item
9 12, (a) through (e) and (k), in order to comply with the Every Child is
10 Entitled to an Adequate Public Education Act.

11 (e) *Every Child is Entitled to an Adequate Public Education Act*
12 means the provisions of Public Law 28-45.

13 (f) *School year* means one hundred eighty (180) instructional days as
14 that term is defined in 1 GCA §715, Item 12(m).”

15 **Section 6.** A new Title 17 G.C.A. §3128 is *added* to read:

16 **“§3128. Eligibility for CATS Employee Status.** A former Guam
17 Public School System employee who resigned or retired from a position
18 defined in 1 G.C.A. §715 Item 12, (a) through (e) and (k) in good standing:

19 (a) while the Guam Public Schools were in their annual summer
20 recess, and who gave thirty (30) days’ notice before leaving his
21 employment, may be employed as a CATS employee if he holds a
22 current certification for the position, or

23 (b) prior to the effective date of this Act, may be employed as a
24 CATS employee if he holds a current certification for the position.”

25 **Section 7.** A new Title 17 G.C.A. §3129 is *added* to read:

26 **“§3129. Employment of CATS employees.**

1 (a) The Superintendent of Education shall, to the extent
2 possible, fill all positions defined in 1 G.C.A. §715 Item 12 (a)
3 through (e) and (k), with Certified Employees.

4 (b) In the absence of Certified Employees the Superintendent
5 may employ CATS. Before he employs a CAT the Superintendent
6 shall issue and post on the Guam Public School System website a
7 Certificate of Necessity.”

8 **Section 8.** A new Title 17 G.C.A. §3130 is *added* to read:

9 “**§3130. Superintendent to Maintain Roster.** The Superintendent
10 shall establish, keep current and post on the Guam Public School System website a
11 roster of all positions required by the Every Child is Entitled to an Adequate Public
12 Education Act to be filled by a Certified Employee as that term is defined by 1
13 G.C.A. §715 Item 13. The roster shall indicate which positions are vacant, which
14 positions are filled with Certified Employees, which positions are filled with
15 CATS and shall include the Certificate of Necessity for each CAT pursuant to Title
16 17 G.C.A. §3129(b).”

17 **Section 9.** A new Title 17 G.C.A. §3131 is *added* to read:

18 “**§3131. Employment of Certified Applicants.** When a Certified
19 Applicant who is available for employment for the remainder of a current school
20 year is available to fill a position occupied by a CAT, the Superintendent shall
21 forthwith replace the CAT with a Certified Applicant *if* at least ten (10) weeks
22 remain in the current semester, otherwise at the end of the current semester.”

23 **Section 10. Impracticability.** *I Liheslaturan Guåhan* finds that, because of
24 the necessity of recruiting retirees on short notice for positions which have limited
25 tenure with *no* expectation of continuing employment, it would be impracticable to
26 employ CATS as classified employees.

1 **Section 11. Sunset Provision.** *No* CAT may be employed after July 1,
2 2010.