



EDWARD M. BIRN
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**DEPARTMENT OF
ADMINISTRATION**
DIPATTAMENTON ATMENESTRASION
DIRECTOR'S OFFICE
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Telephone (Telifon): (671) 475-1101/1250



LOURDES A. LEON GUERRERO
Governor (Maga'håga)
JOSHUA F. TENORIO
Lt. Governor (Sigundo Maga'låhi)

DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR: 2025-043

DATE: August 25, 2025

TO: All Line Agencies

FROM: Director, Department of Administration

SUBJECT: **PROFILING AND HIRING UNCLASSIFIED EMPLOYEES**

Hafa Adai! Attached to this memorandum is Public Law 38-37 and the Acting Governor's signing letter.

The Act imposes reporting requirements for agencies requiring twice yearly reports to I Liheslaturan Guahan regarding Unclassified Employees.

It is the clear intent of the Governor and Legislature that Government of Guam should hire employees under the classified system in accordance with the Organic Act.

Accordingly, Department of Administration will require a more thorough justification for the hiring of unclassified employees. DOA will also maintain open recruitment listings for the most commonly hired positions so that certified lists will be available to hiring agencies as soon as a GG1 has been authorized.

Request for profiling under Department of Administration Organizational Circular No. 2024-044R may be returned to agencies for further information.

Si Yu'os Ma'ase.

Edward M. Birn

Attachments

cc: Chief of Staff
Deputy Director
Personnel Service Administrator



EDWARD M. BIRN
Director (Direktot)
ELIZABETH T. FISHER
Deputy Director (Sigundo Direktot)

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LOURDES A. LEON GUERRERO
Governor (Maga'håga)
JOSHUA F. TENORIO
Lt. Governor (Sigundo Maga'låhi)

July 19, 2024

DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR NO.: 2024-044R

To: All Line Agency and Department Heads
From: Director of Administration
Subject: Classified and Unclassified Appointments

The Organic Act of Guam, Section 9 mandates "...shall establish a merit system, and as far as practicable, appointments and promotions shall be made in accordance with such merit system." Department of Administration Rules and Regulations are established to carry out that mandate.

Recognizing the challenges associated with recruiting suitable candidates for certain positions or in order to accommodate certain individual attributes of a candidate (e.g., disabilities or preferences), DOA Rules and Regulations 4.216(A) established Special Provisions for non-competitive examinations, the use of which may result in an unclassified appointment, as set forth in Section 4.500. It should be noted that unclassified employees receive the same compensation and benefits as classified employees occupying the same position. He or she may not enjoy the same employment protections afforded to a classified employee.

Agency directors have commented that Limited-Term Employees (LTA) should be employed when funded by federal grants. However, it is noted that:

1. LTAs employment is valid for one (1) year; most federal grants are for two (2) years or more,
2. Local funding by budget appropriations is generally for a single fiscal year, and such positions are filled by classified employees,
3. Employment with GovGuam is subject to funding, and payrolls are certified for available funding by agency certifying officers each pay period,

4. When justified, agencies may employ Limited-Term competitive employees.

There is a national shortage of qualified government candidates. Guam is similarly affected and often has to consider recruiting off-island or other ways of filling needed positions. This shortage was compounded by the aftermath of the pandemic, including the federal assistance funding Guam received and, more recently, Typhoon Mawar; the need to spend federal funds in order to avoid returning them and the nature of the support services provided by the occupiers of critical positions required an employment approach which utilized the unclassified path to staffing.

The employment climate required an increase in recruitment for unclassified positions. It is considered that conditions are returning to normal, and a return to regular employment processes for classified employees is warranted.

DOA intends to comply with legal mandates in ensuring that the best candidates are recruited to government service. In general, that means that, as far as practicable, recruitment will be done through the classified merit system. In order to receive a certified list, agencies and departments must have submitted and have received authorization for a GG1 establishing funding for recruitment of that position. Applications will be evaluated, and scoring will be established to determine which candidates will be listed. Requests for profiles must be accompanied by a recruitment GG1 and staffing patterns showing the position for which the candidate is being profiled.

DOA will make exceptions to these procedures except the requirement to process a GG-1 and will prepare profiles upon request when accompanied by a staffing pattern providing for such an appointment and a recruitment GG1. Grant details may be required.

- (a) for positions – grade N or higher
- (b) for positions funding for which will expire in six months or less
- (c) for positions, federal funding for which is not expected to be renewed for the ensuing fiscal year, and the grantee agency has so been informed
- (d) for positions for which there have been no applicants for announcements that have closed or for six months for continuous announcements

It is imperative for departments to proactively notify their temporary employees about upcoming job openings to encourage them to apply for permanent positions, ensuring opening positions are quickly and easily filled within the departments. DOA frequently receives inquiries from employees who are prematurely released from their duties at the conclusion of their temporary terms, often due to lapses or delays in the renewal process, despite a pending GG1 action in the system.

DOA believes that it is in the interest of the Government of Guam to maintain a qualified classified service and looks forward to agencies participating in that effort.

Si Yu'os Ma'ase.

A handwritten signature in black ink, appearing to be "Elizabeth T. Fisher", written over a circular stamp or seal.

ELIZABETH T. FISHER
Acting

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speakerblas@guamlegislature.org

38GL-25-1048
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

August 18, 2025

AUG 18 2025

THE HON. FRANK BLAS, JR., *Speaker*
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Time: 4:30 pm
Received: [Signature]

Re: Bill 16-38 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPORTING REQUIREMENTS ON THE USE OF UNCLASSIFIED EMPLOYMENT."


Håfa Adai Mr. Speaker,

My administration recognizes that the Organic Act requires employees within the government of Guam to be in the classified service and the hiring done on a merit basis. We have limited the use of unclassified employment to specific situations that are authorized by law. I support greater accountability for agencies that are currently violating the Organic Act by wholesale hiring of employees into the unclassified service for situations not authorized by law. It is critical that the legislature continues to limit the use of unclassified employees within the government. Their use undercuts the public's confidence that the government is hiring the best candidates for a position rather than unqualified family members and friends.

Bill No. 16-38 (COR) requires the agencies to file information that is currently filed quarterly. Each quarter every agency files its staffing pattern that provides the position's title, the pay grade and salary step, plus full cost of benefits. This bill requires the filing of the same information two additional times per year. While the creation of additional bureaucracy is not ideal, this requirement should impose only limited additional work for the agencies while enforcing the Legislatures intent to limit the use of unclassified employees.

For these reasons, I sign Bill No. 16-38 (COR) into law as *Public Law No. 38-37*.

Sensamentu


JOSHUA F. TENORIO
I Åkto Maga'låhen Guåhan
Acting Governor of Guam



38GL-25-1048
Messages and Communications

RECEIVED
COMMITTEE ON RULES
August 18, 2025

5:54 p.m.

Marie Crisostomo

Enclosure(s): Bill No. 16-38 (COR) nka P.L. 38-37
cc via email: Honorable Lourdes A. Leon Guerrero, *Maga'hågan Guåhan*, Governor of Guam
Compiler of Laws

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 16-38 (COR)**, "AN ACT TO *ADD A NEW ARTICLE 2 TO CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPORTING REQUIREMENTS ON THE USE OF UNCLASSIFIED EMPLOYMENT,*" was on the 31st day of July 2025, duly and regularly passed.



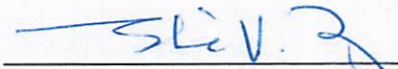
Frank F. Blas, Jr.
Speaker

Attested:



V. Anthony Ada
Acting Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 6th day of August,
2025, at 7:58 o'clock A..M.



Assistant Staff Officer
Maga'håga's Office

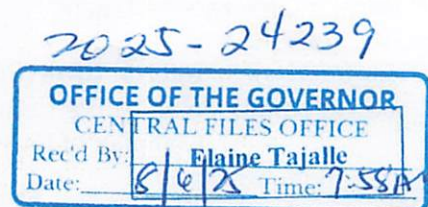
APPROVED:



JOSHUA F. TENORIO
ACTING GOVERNOR OF GUAM

Date: August 18, 2025

Public Law No. 38-37



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 16-38 (COR)

Introduced by:

Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje
Chris Barnett
V. Anthony Ada
Frank F. Blas, Jr.
Vincent A.V. Borja
Shelly V. Calvo
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabrina Salas Matanane
Joe S. San Agustin

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 2,
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO
REPORTING REQUIREMENTS ON THE USE OF
UNCLASSIFIED EMPLOYMENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that according to the Organic Act of Guam (48 U.S.C. § 1422c clause 2), “The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system.”

I Liheslatura recognizes that the appointment of the staff of elected and appointed (directors, judges and justices) officials are generally not subject to the merit system and are at-will appointments.

I Liheslatura further finds that at-will (unclassified) appointments have become common place for a variety of factors. These factors may include the

1 following: (a) federally funded positions, where funding is limited by the term of the
2 grant funds, (b) difficult to recruit positions, where above-step recruitment may
3 involve a lengthy process, such as Information Technology (IT) positions, and (c)
4 speedy hiring.

5 *I Liheslatura* further finds that current law already has the tools to apply the merit
6 system to these types of appointments. They include: (a) Limited Term Classified
7 appointments as provided by Public Law 28-187 (§ 4103(g) and (h) all of 4 GCA);
8 (b) Employment lists of qualified applicants (§ 4106 (a) of 4 GCA) where
9 prescreened applicants be expediently hired, and (c) Above-step recruitment for
10 those with exceptional qualifications or whenever recruitment difficulties exist (§
11 6205 of 4 GCA). All employees who are hired pursuant to the merit system in the
12 classified service are required to serve a 9-month probationary period.

13 *I Liheslaturan Guåhan* further finds that other than the immediate
14 subordinates of elected and appointed officials, there remains little justification or
15 lack of practicability to appoint individuals as unclassified employees of the
16 Government of Guam. This is especially true of administrative services fields
17 (accounting, human resources, payroll procurement), Information Technology (IT),
18 maintenance, custodial, education, health care, engineering and law.

19 As the Organic Act stewards of the merit system, it is the intent of *I*
20 *Liheslaturan Guåhan* to require annual reporting by agencies of the Government of
21 Guam on the hiring of unclassified positions and why it was impracticable to appoint
22 such positions in the classified service pursuant to the merit system.

23 **Section 2.** A new Article 2 is *added* to Chapter 2, Title 4, Guam Code
24 Annotated, to read as follows:

25 **“ARTICLE 2**

26 **JUSTIFICATION REPORTING FOR APPOINTMENTS OF**
27 **UNCLASSIFIED EMPLOYEES**

1 **§ 2201. Scope of Article.**

2 The reporting requirements of this Article are applicable to all government of
3 Guam branches, agencies, instrumentalities, autonomous agencies and public
4 corporations. This Article is not applicable to elected officials, appointed officials,
5 including judges and justices, and their immediate subordinates or positions
6 designated as unclassified by Public Law. Administrative (accounting, human
7 resources, payroll, procurement), Information Technology (IT), maintenance,
8 custodial, educational, law enforcement, health care and engineering services
9 positions are not immediate subordinates of elected and appointed officials for
10 purposes of this Section.

11 **§ 2202. Applicable Positions.**

12 The reporting requirements of this Article apply to unclassified positions and
13 classified positions that are occupied by an unclassified incumbent not excluded by
14 § 2201 of this Article.

15 **§ 2203. Information Reporting Requirements.**

16 The reports filed herein, by branches, agencies, autonomous agencies,
17 instrumentalities and public corporations of the Government of Guam, including the
18 Guam Visitors Bureau, pursuant to this Article, shall be submitted to *I Liheslaturan*
19 *Guåhan* twice annually for the periods of October 1st through March 31st and April
20 1st through September 30th based on staffing for each period. The reporting
21 requirements of information on each unclassified position and each classified
22 position occupied by an unclassified employee are as follows:

- 23 (a) the position's title and number (if applicable),
24 (b) the position's pay grade and step,
25 (c) the position's salary, and
26 (d) the reason(s) why it is not practicable to use the merit system
27 (classified employment) for such position."