



EDWARD M. BIRN
Director (Direktot)

**DEPARTMENT OF
ADMINISTRATION**
DIPATTAMENTON ATMENESTRASION
DIRECTOR'S OFFICE
(Ufisinan Direktot)
Telephone (Telifon): (671) 475-1101/1250



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

June 11, 2025

Department of Administration Organizational Circular No.: 2025-029

To: All Department and Agency Heads
From: Director of Administration
Subject: Drug Testing Requirement for Re-employment
RE: Public Law 38-4

Hafa Adai! This is to inform all departments and agencies of Public Law 38-4, which was signed into law by the Governor of Guam on April 12, 2025 (attached). This law amended §2108 of Chapter 2, Title 4 Guam Code Annotated, which requires drug testing for re-employment. Please distribute this circular to your employees for their information and reference.

This law requires eligible former classified employees who return to the same department under re-employment, to pass drug testing prior to being re-employed. The Department of Administration (DOA) currently conducts this type of drug testing and coordinates such testing with all departments.

The law also requires any employee who resigns within thirty (30) days of an announced or random government-sponsored drug testing within the employee's department that would subject the employee to the drug test, to submit to and pass said drug test, prior to resignation, or forfeit all re-employment rights.

The DOA does not “announce” drug testing; however, we do conduct random drug testing for employees who occupy Test Designated Positions (TDP). TDP employees are aware of this policy since they were required to sign an Employee Individual Notice TDP form prior to being employed in such position.

The following situations are examples of when classified TDP employees are eligible to retain their re-employment rights if they submit their resignation either on the day that the random drug test was conducted, or on any day up to the thirtieth (30th) day that it was conducted to retain their re-employment rights:

1. Submits to their random drug test on the day it is conducted, and the test results indicate that they passed, with the results reported prior to the effective date of their resignation.
2. Does not submit to their random drug test on the day it is conducted due to a valid reason (e.g. off-island), but later undergoes drug testing, passes, and the results are reported prior to their effective date of their resignation. These situations are managed by the department's Drug-Free Workplace Program (DFWP) Designated Officials in coordination with the DOA Drug Testing Branch.
3. Does not submit to a random drug test on the day it is conducted without a valid excuse, or refuses to take the random drug test, or fails to report for testing; but later undergoes a drug test, passes it, and the results are reported prior to the effective date of their resignation.

Information for Department:

When a random drug test is conducted, Department Heads are advised to inform the classified TDP employee who was subject to the test, of the requirement to contact their department's Designated DFWP Official (herein referred to as "Official") if they submit a letter of resignation either on the day that the random drug test was conducted, or on any day up to the thirtieth (30th) day that it was conducted to retain their re-employment rights.

Please ensure the date the resignation letter was received is clearly stamped or noted on the letter.

The Official will, in turn, contact the DOA Drug Testing Branch to schedule the employee's drug test, as necessary. This test should be completed prior to the creation of the resignation GG-1. Upon receiving the test results from DOA, the Official will inform the employee of the outcome and will indicate the effective date of resignation on the GG-1, based on the employee's resignation letter — provided that date falls after the employee has passed the drug test.

The resignation letter, with the received date clearly stamped or noted, must be uploaded and attached to the resignation GG-1.

The employee and department need to be mindful in the event the test results have not been received by the department before the effective date indicated in the employee's resignation letter, the employee may need to adjust the effective date to a later date. This is to ensure that the employee remains eligible to retain re-employment rights, provided they pass the drug test.

If after submitting the resignation letter, the employee states that they do not want to submit to the drug test or do not want to wait for the results, the department must document this in their records and also note it in the remarks section of the resignation GG-1.

With regard to scenario #3 above, even if the classified TDP employee meets the requirements of the law, agencies are still required to pursue disciplinary action in accordance with the DFWP. This is because scenario #3 involves situations where the employee either failed to report to their random drug test or refused to be tested.

As with any government sponsored drug testing, departments are responsible for the cost of testing their employees.

Information for Classified TDP Employee:

Classified TDP employees are advised of the following regarding P.L. 38-4:

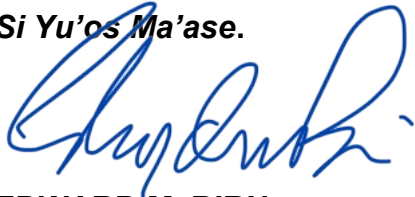
1. Include in the notice of resignation the desire to retain re-employment rights and indicate an effective date of resignation. The employee however, must be aware that this date may need to be adjusted based on when the passing tests results are received. The employee may need to coordinate their effective date of resignation with the employee's department human resources staff and designated DFWP Official.
2. Contact the department's Official to inform them of the resignation. The Official will coordinate drug testing with DOA if required.
3. The department's Official will contact the classified TDP employee upon receipt of the test results; however, follow up with the Official if not contacted after five (5) business days from submitting to the drug test for status.
4. If at any time the employee affected by the law decides to make their effective date before the employee passes their drug test, the employee will forfeit their re-employment rights to their position.

5. If the employee who is affected by this law does not pass their drug test, the employee will forfeit their re-employment rights to their position.
6. Departments will still initiate disciplinary action against their employee as per the DFWP and the DOA Personnel Rules & Regulations when they fail to report to their random drug test or refused to be tested.
7. Please be mindful that although employees who meet the re-employment criteria retain the right to be eligible for re-employment, department and agency heads continue to retain their ability to decide to re-employ their former employees; this is their right as the appointing authorities of their respective departments.

All other requirements to be eligible for re-employment pursuant to §2108 of Chapter 2, Title 4 Guam Code Annotated, and DOA Personnel Rules and Regulations remain unaffected.

For questions regarding this circular, please contact Ms. Amber Pangelinan, Personnel Specialist II of our Drug Testing Branch via email at: amber.pangelinan@doa.guam.gov, or Mr. Francis Flisco, Personnel Specialist IV at francis.flisco@doa.guam.gov.

Si Yu'os Ma'ase.



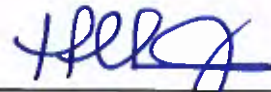
EDWARD M. BIRN

Attachment

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. 34-38 (COR), "AN ACT TO AMEND § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN ANNOUNCED OR RANDOM DRUG TESTING, AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT."** was on the 31st day of March 2025, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



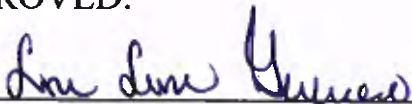
Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of April,
2025, at 4:08 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/12/2025

Public Law No. 38-4

2025-23543

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By:	Elaine Tajalle
Date:	4/12/25
Time:	4:08p

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

Bill No. 34-38 (COR)

As amended on the Floor.

Introduced by:

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

AN ACT TO *AMEND* § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO AND PASS DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED WITHIN THIRTY (30) DAYS OF AN ANNOUNCED OR RANDOM DRUG TESTING, AND TO REQUIRE EMPLOYEES TO SUBMIT TO DRUG TESTING PRIOR TO RE-EMPLOYMENT.

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

2 **Section 1.** § 2108 of Chapter 2, Title 4, Guam Code Annotated, is *amended*
3 to read as follows:

1 **“§ 2108. Re-Employed Employees.**

2 (a) Former classified employees of the government of Guam
3 who were in good standing at the time of resignation may be hired at
4 not less than the salary they earned at their former position if they apply
5 for the same or comparable job in the same department. This re-
6 employment credit privilege must be exercised within a four (4) year
7 period, and employees must pass drug testing prior to re-employment.
8 The employee may waive the re-employment privilege of this Section.

9 (b) Notwithstanding any other provision of law, or
10 administrative or personnel rules and regulations, any employee who
11 resigns within thirty (30) days of an announced or random government-
12 sponsored drug testing within the employee’s department that would
13 subject the employee to drug testing, shall submit to and pass said drug
14 testing, prior to resignation, or forfeit all re-employment rights.”