

I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
331-36 (LS)	James C. Moylan	AN ACT TO AMEND § 6206 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, AND TO ADD A NEW § 6206.2 TO CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PENALTIES FOR AGENCY HEADS WHO FAIL TO COMPLY WITH THE COMPENSATION INCREASE MANDATED BY STATUTE FOR ANY EMPLOYEE PROMOTED COMPETITIVELY OR BY RECLASSIFICATION, OR TEMPORARILY.	8/10/22 9:47 p.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2022 (SECOND) Regular Session**

**Bill No. 331-36 (LS)**

Introduced by:

James. C. Moylan 

**AN ACT TO AMEND § 6206 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, AND TO ADD A NEW § 6206.2 TO CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PENALTIES FOR AGENCY HEADS WHO FAIL TO COMPLY WITH THE COMPENSATION INCREASE MANDATED BY STATUTE FOR ANY EMPLOYEE PROMOTED COMPETITIVELY OR BY RECLASSIFICATION, OR TEMPORARILY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that for years, hundreds of law enforcement employees, firefighters, and others have been assigned to work at positions above the pay grade they hold. This practice is referred to as a “detail assignment” and responsive laws and rules provide for differential pay when these assignments run longer than 30 days. Unfortunately, hundreds of employees have been detailed to these “promotions” over the years, which in many cases are destined to be temporary, and have not been provided the differential pay.

In some cases, it is determined that the practice of detailing an employee is most cost-effective versus the competitive promotional process provided for by the merit system, particularly when employees are denied their associated pay. Many employees that have filed for grievances in these instances have been informed that

1 they can't grieve the failure to pay wages or that in certain circumstances that the  
2 grievance was untimely and dismissed. In other cases, the government has simply  
3 failed to hold a hearing.

4 It is vital that strict measures be places which promote checks and balances  
5 when such details take place to improve morale and, in many situations, reduce the  
6 number of disgruntled employees leaving the workplace. It is important to note  
7 that a detail involves an increase in job duties, which in some cases is a temporary  
8 promotion which may last for months, if not years, and hence it is paramount that  
9 the employees obtain the pay differential. This Act merely establishes this balance  
10 by placing the onus on an agency head to assure that a detailed employee is  
11 properly compensated for in accordance with the law.

12 **Section 2.** § 6206 of Chapter 6, Title 4, Guam Code Annotated is hereby  
13 *amended* to read as follows:

14 **§ 6206. Step to Step Upon Promotion.**

15 Classified employees in Grades A through V who are promoted  
16 competitively or by reclassification, or temporarily, to a higher Pay Grade *shall*  
17 receive a salary increase closest to a one (1) step increase in the pay grade held  
18 prior to promotion. Notwithstanding any other provisions of the law, rule, or  
19 regulation to the contrary, failure of any agency head to adhere to the terms of this  
20 Subsection within sixty (60) days from the day an employee is promoted, shall  
21 result in an automatic reduction in salary by ten percent (10%) for the responsible  
22 agency head and their deputy until the date they demonstrate to I Liheslaturan  
23 Guahan full compliance of this statute.

24 **Section 3.** A new § 6206.2 is hereby *added* to Chapter 6 of Title 4, Guam  
25 Code Annotated to read as follows:

26 **§ 6206.2. Identifying Detailed or Assigned Employees.**

1        Notwithstanding any other provisions of the law, rule, or regulation to the  
2 contrary, all agency heads of the Government of Guam shall identify employees  
3 that have been detailed or otherwise assigned to higher positions within the period  
4 of the last four (4) years from the enactment date of this Act, and shall compensate  
5 them in the manner pursuant to § 6206 of this Chapter and 6.008 of the Department  
6 of Administration's Personnel Rules and Regulations within sixty (60) days from  
7 the enactment day of this Act. Failure of any agency head to adhere to the terms of  
8 this Act within sixty (60) days from the enactment of this Act shall result in an  
9 automatic reduction in salary by ten percent (10%) for the responsible agency head  
10 and their deputy until the date they demonstrate to I Liheslaturan Guahan full  
11 compliance of this statute.

12        **Section 4. Severability.** If any provision of this Act or its application to  
13 any person or circumstance is found to be invalid or contrary to law, such  
14 invalidity *shall not* affect other provisions or applications of this Act that can be  
15 given effect without the invalid provision or application, and to this end the  
16 provisions of this Act are severable.

17        **Section 5. Effective Date.** The Act *shall* be effective upon enactment.