

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 a.m.	8/16/22	Committee on Public Accountability, Human Resources, the Guam Buildup, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, and Technology			Request: 8/16/22  8/30/22	



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÅTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

August 30, 2022

# MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**Re:** Fiscal Note on Bill No. 331-36 (LS)

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*Håfa adai,*

Attached, please find the fiscal note for the following bill:

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

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research**

**Fiscal Note of Bill No. 331-36 (LS)**

**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.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Department of Administration	<b>Dept./Agency Head:</b> Edward Birn, Director
<b>Department's General Fund (GF) appropriation(s) to date:</b>	<b>\$7,967,080</b>
<b>Department's Other Fund (Specify) appropriation(s) to date:</b> Indirect Cost Fund & Limited Gaming Fund	<b>\$801,302</b>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$8,768,382</b>

**Fund Source Information of Proposed Appropriation**

	<b>General Fund:</b>	<b>Special Fund:</b>	<b>Total:</b>
<b>FY 2021 Unreserved Fund Balance</b>		\$0	\$0
<b>FY 2022 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2022 Appro. (P.L. 36-54 thru 36-106)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	<b>One Full Fiscal Year</b>	<b>For Remainder of FY 2022 (if applicable)</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Special Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	\$0	\$0	\$0	\$0	\$0	\$0

- |   |            |          |
|---|------------|----------|
| 1. Does the bill contain "revenue generating" provisions?                             | / / Yes    | / X / No |
| If Yes, see attachment  |            |          |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?           | / X / N/A  | / / Yes  |
| If no, what is the additional amount required? \$ _____                               | / X / N/A  | / / No   |
| 3. Does the Bill establish a new program/agency?                                      | / / Yes    | / X / No |
| If yes, will the program duplicate existing programs/agencies?                        | / / N/A    | / / Yes  |
| Is there a federal mandate to establish the program/agency?                           | / / Yes    | / X / No |
| 4. Will the enactment of this Bill require new physical facilities?                   | / / Yes    | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: | / X / Yes  | / / No   |
| / / Requested agency comments not received by due date                                | / / Other: |          |

<b>Analyst:</b> <u>Jason Baza</u>	<b>Date:</b> <u>8/23/22</u>	<b>Director:</b> <u>Lester L. Carlson, Jr.</u>	<b>Date:</b> <u>AUG 29 2022</u>
Jason Baza, BMA Supervisor		Lester L. Carlson, Jr., Director	

**Notes:**  
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 331-36 (COR)

The proposed legislation intends to do the following:

- Amend §6206 of Ch. 6, Title 4 Guam Code Annotated (GCA) to reduce the salary of agency heads and their deputies by ten percent (10%) for failure to compensate employees who were promoted competitively or by reclassification, or temporarily, to a higher pay grade.
- Add a new §6206.2 to Ch. 6, Title 4 GCA to reduce the salary of agency heads and their deputies by ten percent (10%) for failure to: 1) identify employees that have been detailed or otherwise assigned to higher positions within the period of the last four (4) years from enactment of the proposed legislation; and 2) compensate them in the manner pursuant to §6206 of Ch. 6, Title 4 GCA and §6.008 of the Department of Administration's (DOA) Personnel Rules & Regulations.

Comments received from DOA indicate the following: 1) DOA does not support penalizing agency heads for administrative matters; 2) the proposed legislation indiscriminately uses the terms promotion and detail; 3) the retroactive provision of the Bill does not have a funding source; and 4) an estimated financial impact cannot be determined since details pertaining to the proposed §6206.2 to Ch.6, Title 4, GCA have not been reported to DOA.

The Bureau notes that §6206 of Ch. 6, Title 4 GCA is relative to promotions. However, the proposed §6206.2 to Ch. 6, Title 4 GCA is relative to detail appointments. The Bureau notes that §4.506 of DOA's Personnel Rules & Regulations defines a detail appointment as a "temporary assignment to meet management needs of an employee to another position or to a group of specific duties and responsibilities for a specified period with the employee returning to his regular duties at the end of the detail." §4.506(E) states that "no employee shall be temporarily assigned or detailed to a position nor shall the employee assume the duties and responsibilities of a position other than the one to which he has been appointed for a period in excess of 120 days within a calendar year, unless the appointing authority obtains an exemption upon written application to the Civil Service Commission. Such exemption shall not extend beyond an additional 120 days within that calendar year." §4.506(H) states that "employees serving on a detail in excess of 30 calendar days in a position having a higher pay grade than his regular position shall receive a payment differential in accordance with §6.008 [of the DOA Personnel Rules & Regulations]". Lastly, §4.506(J) states that "an employee may not be detailed beyond 120 calendar days to any classified position, unless that employee has met all of the qualification requirements for the position."

The legislative findings and intent of the proposed legislation infer that strict measures are not currently in place regarding compensation for being detailed to a higher position. However, the Bureau notes that the DOA Rules & Regulations do contain provisions and regulations relative to detail appointments.