

I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 326-35 (COR)

As substituted on the floor.

Introduced by:

Telena Cruz Nelson
Amanda L. Shelton

**AN ACT TO ADD A NEW SECTION 32120.1 DIVISION 2
CHAPTER 32 OF TITLE 10, GUAM CODE ANNOTATED,
and ADD A NEW SECTION 63507 ARTICLE 5 CHAPTER
63 OF TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO SPECIFYING HAZARD PAY
RECIPIENTS IN LIGHT OF COVID-19 PANDEMIC.**

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

2 **Section 1. Legislative Finding and Intent.**

3 *I Liheslaturan Guåhan* finds that the Covid-19 pandemic has become an
4 overwhelming public health emergency impacting disaster relief workers and
5 civilians that are needed and required to assist in providing essential goods and
6 services during a time of need.

7 It is the intent of *I Liheslaturan Guåhan* to provide uniformed guidelines
8 within the law to make provisions for the extension and specification of hazardous
9 duty pay differential to employees who perform work which involves exposure to
10 hazardous conditions during the Covid-19 pandemic.

11 **Section 2.** A new § 32120.1 of Chapter 32 of Title 10, Guam Code Annotated,
12 is *added* to read:

1 **§ 32120.1. Hazardous Pay In Support of State of Emergency in Response**
2 **to Novel Coronavirus (COVID-19).**

3 (1) Any government of Guam or private sector employee who, in the line and
4 scope of his or her employment:

5 a) CATEGORY 1. Twenty-five percent (25%) of the individual's pay to
6 essential employees of either an autonomous agency of the Government of
7 Guam, semi-autonomous agency of the Government of Guam, or private
8 sector company, in the course of their duties are in direct contact or in close
9 physical proximity to a population infected with or may be reasonably
10 suspected to be infected with COVID-19. Such positions may include, but not
11 limited to sworn public safety/law enforcement, health care providers and
12 other positions performing essential critical mission duties; or

13 b) CATEGORY 2. Fifteen percent (15%) of the individual's pay to
14 essential employees of either an autonomous agency of the Government of
15 Guam, semi-autonomous agency of the Government of Guam, or private
16 sector company, in the course of their duties may incidentally come into
17 contact with or close physical proximity to a population infected with or may
18 be reasonably suspected to be infected with COVID-19. These employees
19 may also be providing humanitarian services or direct public assistance to the
20 general public; or

21 c) CATEGORY 3. Ten percent (10%) of the individual's pay to essential
22 employees of either an autonomous agency of the Government of Guam,
23 semi-autonomous agency of the Government of Guam, or private sector
24 company, whose positions do not allow them to telework and are mandated to
25 perform their job duties at physical worksites pre-determined by their agency
26 heads, required by the Government's response to the COVID-19 pandemic.

1 (2) Any member of the Guam National Guard activated under State Active Duty
2 in support of State of Emergency in response to COVID-19 who, in the line
3 and scope of his or her activation who's duties and or responsibilities meets
4 the criteria described in § 32120.1(1) (a, b, or c) of this Chapter shall be
5 entitled to Incentive Pay (Hazardous Duty) at the amount of One-hundred
6 Fifty Dollars (\$150) a month and all other pay and allowances prescribed in
7 §§ 63500, 63502, and 63507 of Article 5 of Chapter 63 of Title 10, Guam
8 Code Annotated.

9 Hazardous pay shall be retroactive to date of I Maga'låhen Guåhan Executive Order
10 No. 2020-03, relative to Declaring a State of Emergency.

11 **Section 3.** A new § 63507 of Article 5 of Chapter 63 of Title 10, Guam Code
12 Annotated, is *added* to read:

13 **§ 63507. Hazardous Pay Applicable to the Support of State Active Duty**
14 **in Response to COVID-19.**

15 The service of all officers and enlisted persons of the Guam National Guard,
16 while on territorial duty and lawfully performing the same, shall be entitled to
17 hazardous pay within the terms set forth in § 32120.1(2) of Chapter 32 of Title 10,
18 GCA and all other pay and allowances prescribed in § 63502 of this chapter.

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

24 **Section 5.** This act *shall* be effective upon enactment.