

I Mina'trentai Singko 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
337-35 (COR)	Therese M. Terlaje Amanda L. Shelton Telena Cruz Nelson	AN ACT RELATIVE TO COMPENSATING ESSENTIAL EMPLOYEES RETROACTIVELY WITH COVID-19 RESPONSE DIFFERENTIAL PAY CONSISTENT WITH EXECUTIVE ORDER 2020-08.	4/7/20 2:46 p.m.						

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

Bill No. 337-35 (COR)

Introduced by:

Therese M. Terlaje

Amanda L. Shelton

Telena Cruz Nelson

**AN ACT RELATIVE TO COMPENSATING ESSENTIAL
EMPLOYEES RETROACTIVELY WITH COVID-19
RESPONSE DIFFERENTIAL PAY CONSISTENT WITH
EXECUTIVE ORDER 2020-08.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent and Findings

I Liheslaturan Guahan finds on March 14, 2020, *I Maga'hagan Guahan* signed Executive Order 2020-03 relative to declaring a State of Emergency to respond to Novel Coronavirus (COVID-19).

I Liheslaturan Guahan finds on April 5, 2020, *I Maga'hagan Guahan* signed Executive Order 2020-08 relative to establishing COVID-19 Response Differential Pay for essential employees working in areas necessary for the elimination or reduction of immediate threats to life, public health, or safety, where their work could expose them to the coronavirus.

I Liheslaturan Guahan further finds that COVID-19 Response Differential Pay could only be applied retroactively with legislation.

Section 2. The Director of the Department of Administration or the equivalent of in the cases autonomous and semi-autonomous agencies, *shall* implement a COVID-19 Response Differential pay policy for employees working in

1 support of the public health emergency and in areas necessary for the elimination or
2 reduction of immediate threats to life, public health, or safety, where their work
3 could expose them to the coronavirus, consistent with the policy outlined in
4 Executive Order 2020-08:

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

12 b) **CATEGORY 2.** Fifteen percent (15%) pay differential to essential
13 employees in the course of their duties may incidentally come into
14 contact with or close physical proximity to a population infected
15 with or may be reasonably suspected to be infected with COVID-
16 19. These employees may also be providing humanitarian services
17 or direct public assistance to the general public; or

18 c) **CATEGORY 3.** Ten percent (10%) pay differential to essential
19 employees whose positions do not allow them to telework *and* are
20 mandated to perform their job duties at physical worksites pre-
21 determined by their agency heads, required by the Government's
22 response to the COVID-19 pandemic.

23 **Section 3. Exemptions.** Unclassified employees working in the Office of
24 the Governor and the Office of the Lieutenant Governor, agency directors and
25 deputy directors shall be excluded from this differential pay policy except for such
26 instances where assigned duties require an exposure level risk defined in categories
27 1 or 2. The COVID-19 Response differential pay policy shall also include

1 procedures to minimize the risk of further spreading COVID-19. The Director of the
2 Department of Administration or the equivalent of, in the case of autonomous and
3 semi-autonomous agencies, shall determine which employees are essential and must
4 report as directed.

5 **Section 4.** COVID-19 Response Differential Pay, as outlined in E.O. 2020-08
6 and in this Act, *shall* be applied retroactively to March 14, 2020.

7 **Section 5. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
9 *not* affect other provisions or applications of this Act that can be given effect without
10 the invalid provision or application, and to this end the provisions of this Act are
11 severable.