

*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
<b>361-35 (COR)</b>	Joe S. San Agustin Kelly Marsh (Taitano), PhD	AN ACT TO <i>AMEND</i> § 6226 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROPER AND JUST COMPENSATION OF GOVERNMENT OF GUAM EMPLOYEES REQUIRED TO REPORT TO WORK DURING A STATE OF EMERGENCY.	5/19/20 5:05 p.m.						

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

**Bill No. 361-35 (COR)**

Introduced by:

Joe S. San Agustin   
Kelly Marsh (Taitano), PhD 

**AN ACT TO AMEND § 6226 OF ARTICLE 2, CHAPTER 6,  
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO  
ESTABLISHING PROPER AND JUST COMPENSATION  
OF GOVERNMENT OF GUAM EMPLOYEES  
REQUIRED TO REPORT TO WORK DURING A STATE  
OF EMERGENCY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Governor of Guam declared a State of Public Health Emergency via  
4 Executive Order 2020-03 on March 15, 2020. With the declaration, many of our  
5 island's government of Guam employees were determined to be essential  
6 employees, physically working toward battling the pandemic, providing front-line  
7 services to our island. All other employees were placed on excused absence status  
8 and allowed to remain home, working from home.

9 The Governor of Guam determined that the application of the double pay rule  
10 would not be feasible.

11 *I Liheslaturan Guåhan* further finds that an opinion on the matter was issued  
12 by the Office of the Attorney General of Guam and clarified that there was only one  
13 of three (3) pre-requisites in law that was met in order for the double pay rule to be  
14 applicable.

1 In line with the opinion of the Attorney General, it is the intent of *I*  
2 *Liheslaturan Guåhan* to amend the law to provide for clarity on the applicability of  
3 the double pay rule for this pandemic emergency and all future state of emergencies  
4 declared by the Governor of Guam.

5 **Section 2.** § 6226 of Article 2, Chapter 6, Title 4 of Guam Code Annotated,  
6 is *amended* to read:

7 **“§ 6226. Employees: Compensation During Typhoons a State of**  
8 **Emergency: Exceptions.**

9 Notwithstanding any other provision of law, rule or regulation,  
10 Employees who work during ~~typhoon~~ an emergency periods, defined as  
11 ~~Typhoon Conditions I and II~~ a disaster, as that term is used in 5 GCA §  
12 32103(s), public health emergency, as that term is used in 10 GCA §  
13 19104(m), or other event causing a state of emergency to be-~~as~~ declared by  
14 the Governor of Guam, shall be compensated in the following manner:

15 (a) Employees occupying permanent positions in the classified  
16 service or the unclassified service, except for agency heads and their  
17 first assistants, by whatever title called, whose regularly scheduled  
18 hours of work fall within such an emergency period, but whose  
19 presence is not required at work, shall be granted administrative leave;  
20 provided that, any employee who is required to telework, or perform  
21 work duties remotely, shall be compensated at their regular rate of pay  
22 for all hours worked. Employees not occupying permanent positions  
23 are not eligible for administrative leave.

24 (b) Employees not occupying permanent positions in the  
25 classified service, who were required to report ~~to and did work~~ for and

1 be on duty during such an emergency period shall be entitled to  
2 ~~overtime~~ double their regular rate of pay for all such hours worked.

3 (c) Employees occupying permanent positions in the classified  
4 service or the unclassified service, except for agency heads and their  
5 first assistants, by whatever title called, whose regularly scheduled  
6 hours of work fall within such an emergency period and who are  
7 required to report for and be on duty during such emergency period  
8 shall be entitled to ~~overtime~~ double their regular rate of pay for all such  
9 hours worked ~~including overtime, in addition to full compensation for~~  
10 ~~any administrative leave taken.~~

11 ~~(d) Employees occupying permanent positions in the classified~~  
12 ~~service or the unclassified service except, for agency heads and their~~  
13 ~~first assistants, by whatever title called, whose regularly scheduled~~  
14 ~~hours of work do not fall within such an emergency period, but who are~~  
15 ~~required to report for and be on duty shall be entitled to overtime pay~~  
16 ~~for all such hours worked including overtime, but not for administrative~~  
17 ~~leave.~~

18 (ed) In the event that an typhoon emergency period includes a  
19 legal holiday, then such employees required to report for and be on duty  
20 shall be entitled to ~~overtime~~ double their regular rate of pay for all such  
21 hours worked ~~including overtime, in addition to full compensation for~~  
22 ~~holiday leave.~~

23 (e) I Maga'hågan Guåhan, in coordination with the Office of  
24 Civil Defense Administrator (OCD Administrator), shall determine  
25 which services are essential to an emergency period response, and shall  
26 prescribe the same via executive order. In accordance with the Guam  
27 Comprehensive Emergency Management Plan (CEMP), the OCD

1 Administrator shall coordinate as the Territory Coordinating Officer  
2 (TCO) with I Maga'håga.

3 (f) An employee's regular rate of pay shall not be reduced due to  
4 the operational status of the employee's respective agency or  
5 department.

6 (g) Compensation at double the regular rate of pay as authorized  
7 under this Section shall be the maximum amount of compensation any  
8 employee may receive for hours worked during an emergency period.

9 (h) Employees of the Office of the Governor, the Office of the  
10 Lieutenant Governor, department and agency heads, and their first  
11 assistants, by whatever title which called shall not be entitled to double  
12 their regular rate of pay under this Section.

13 (i) Employees who are on annual or sick leave status when a state  
14 of emergency is declared by the Governor and are not required to report  
15 to duty, shall be considered released from duty with pay and without  
16 charge to leave for the emergency period.

17 (j) Employees entitled to compensation under this Section shall  
18 be compensated for the duration of the declared state of emergency and  
19 any extension thereof. ”

20 **Section 3. Effective Date.** This Act *shall* be effective retroactive to March  
21 14, 2020.