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MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 467-30(COR)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AMEND SUBSECTION (a) OF §3107 OF
CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED,
RELATIVE TO COMPENSATION FOR PUBLIC SAFETY
PERSONNEL WHO PERFORM WORK IN SHIFTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 maximum hours in a workweek of forty (40) hours, established in §3107, Chapter 3, Title
4 22, Guam Code Annotated, may not be an appropriate standard for certain employees in
5 government where such employees work in shifts of eight (8) hours in a twenty-four (24)
6 hour work day. Executive Order 96-08 established the maximum workweek at forty-three
7 (43) hours per week for public safety personnel. The recent Guam Supreme Court decision
8 that Section 3107, Chapter 3, Title 22 applies to public safety personnel, notwithstanding
9 the provisions of the Fair Labor Standards Act resulted in an immediate and abrupt
10 curtailment of some police services. The Court ruled that Section 3107, Chapter 3, Title 22
11 GCA, is applicable to most public safety personnel, although the Federal Fair Labor
12 Standards Act provides that the local government may exempt public safety personnel.
13 However, the Fair Labor Standards Act provision has to be adopted by local legislation.
14 Section 3107 creates a more restrictive standard compensation, and it has never been
15 amended to be consistent with the Fair Labor Standards Act provision. Executive Order
16 96-08 cannot supersede the provisions of Section 3107.

1 *I Liheslaturan Guåhan* further finds that as a result of the Guam Supreme Court
2 ruling, the Guam Police Department immediately reverted to the forty (40) hour
3 workweek, which resulted in an abrupt reduction of police service hours that may be
4 available to the community. The reduction in the weekly service hours is calculated at nine
5 hundred (900) hours. This is based on three (3) hours a week for three hundred (300)
6 uniformed officers who are affected by the ruling. This is equivalent to putting out of
7 service twenty-two (22) full time officers a week. The reduction of hours means that fewer
8 officers are protecting the people of Guam at any given time. Even before the court ruling,
9 the Guam Police Department was already understaffed of uniformed officers.

10 *I Liheslaturan Guåhan* therefore finds that the Guam Supreme Court decision has an
11 immediate adverse impact on the public safety of the people of Guam and the quality of
12 life for sworn officers of the Guam Police Department and their families. The Fair Labor
13 Standards Act permits for a different workweek standard for public safety personnel that is
14 more suited for public safety services.

15 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §3107 of Chapter 3, Title
16 22, Guam Code Annotated relative to exempting public safety personnel, as defined in
17 Section 207(k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the United States
18 Code from the application of the provisions of Section 3107, Chapter 3, Title 22 GCA. This
19 will allow the Guam Police Department and other appropriate public safety agencies and
20 personnel that may be covered under the Fair Labor Standards Act to continue to deploy
21 these personnel as they have been doing for many years, preceding the Guam Supreme
22 Court ruling.

23 **Section 2. Maximum Hours; Split Shifts.** Subsection (a) of §3107 of Chapter 3, Title
24 22, Guam Code Annotated is amended as follows:

25 “(a) No employer shall employ any employee in excess of forty (40) hours a week,
26 unless such employee receives compensation for employment in excess of such weekly

1 hours, at a rate not less than one and one-half (1-1/2) times the regular rate at which he is
2 employed, except that the provisions of this subsection shall not apply to employees
3 covered under Section 207(k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the
4 United States Code."

5 **Section 3. Effective Date.** The provisions of this act shall be effective upon enactment.