



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

**JAN 04 1999**

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuáttro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE SPEAKER
Received by: <i>[Signature]</i>
Time: 1:33pm
Date: 1-6-99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 267 (COR), "AN ACT TO ADD §§6228 - 6228.15 TO ARTICLE 2, CHAPTER 6 OF TITLE 4, TO REPEAL AND REENACT §12322 OF ARTICLE 3, CHAPTER 12 OF TITLE 10, AND TO ADD §§12322(c) AND 12322(d) TO ARTICLE 3, CHAPTER 12 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO NURSING AND OTHER HEALTHCARE PROFESSIONALS RECRUITMENT AND INCENTIVES, AND TO TEMPORARY LICENSES AND CERTIFICATIONS ISSUED BY THE GUAM BOARD OF NURSE EXAMINERS", which was vetoed and subsequently overridden by i Liheslatura. This legislation is now designated as **Public Law No. 24-325**.

Very truly yours,

Carl T. C. Gutierrez  
I Maga'lāhen Guåhan  
Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

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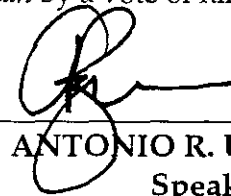
Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 1/6/99  
Time: 10:49  
Rec'd by: *[Signature]*  
Print Name: Laurie

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 267 (COR), "AN ACT TO ADD §§6228 - 6228.15 TO ARTICLE 2, CHAPTER 6 OF TITLE 4, TO REPEAL AND REENACT §12322 OF ARTICLE 3, CHAPTER 12 OF TITLE 10, AND TO ADD §§12322(c) AND 12322(d) TO ARTICLE 3, CHAPTER 12 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO NURSING AND OTHER HEALTHCARE PROFESSIONALS RECRUITMENT AND INCENTIVES, AND TO TEMPORARY LICENSES AND CERTIFICATIONS ISSUED BY THE GUAM BOARD OF NURSE EXAMINERS," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 30<sup>th</sup> day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of nineteen (19) members.



ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 31<sup>st</sup> day of December,  
1998, at 3:10 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's* Office

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
**1997 (FIRST) Regular Session**

**Bill No. 267 (COR)**

As substituted by the Authors and as  
amended on the Floor.

Introduced by:

L. A. Leon Guerrero  
F. E. Santos  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO ADD §§6228 - 6228.15 TO ARTICLE 2,  
CHAPTER 6 OF TITLE 4, TO REPEAL AND  
REENACT §12322 OF ARTICLE 3, CHAPTER 12 OF  
TITLE 10, AND TO ADD §§12322(c) AND 12322(d)  
TO ARTICLE 3, CHAPTER 12 OF TITLE 10, ALL OF  
THE GUAM CODE ANNOTATED, RELATIVE TO  
NURSING AND OTHER HEALTHCARE  
PROFESSIONALS RECRUITMENT AND**

INCENTIVES, AND TO TEMPORARY LICENSES  
AND CERTIFICATIONS ISSUED BY THE GUAM  
BOARD OF NURSE EXAMINERS.

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

2        **Section 1. Legislative Intent.**        It is critical to the healthcare delivery  
3 system on Guam that *I Liheslaturan Guahan* address the nursing shortage and  
4 recruitment, retention issues facing nurses and other healthcare professionals  
5 in government of Guam agencies.

6        Nursing is a stressful profession that at times can impact on a nurse's  
7 physical and emotional health. Professional nurses are being asked to do  
8 more with less, and the stress is *not* likely to dissipate under the current health  
9 care environment of managed care, and the unrelenting emphasis placed on  
10 cost containment. Nurses must continue to make life and death decisions,  
11 address a myriad of complex health issues, and face the challenges of  
12 advanced and specialty practice. Although the University of Guam, College  
13 of Nursing, is graduating an average of twenty-five (25) nurses per year, the  
14 nursing shortage is unpredictable, and the attrition rate continues to be high.  
15 The recent forecast entitled "Nursing 2020" predicts that hospitals will  
16 become high-technology intensive care units; most routine health needs will  
17 be met by ambulatory care; many individuals with chronic illness will receive  
18 home care; shifts in technology and settings will result in greater needs for  
19 nursing specialization; the nursing practice will be more independent; nurses  
20 will shift to public and community settings; higher levels of complexity and  
21 acuity for hospitalized patients will exist; home care and non-hospital  
22 alternatives will be in greater use; a declining number of students will enter

1 nursing; and an increasing number will leave nursing for other professions.  
2 Reduced staffing, increased responsibility, mandatory overtime, ever-  
3 changing shifts, vulnerable patients, assignment to areas outside of their area  
4 of expertise, workplace injuries and restructured healthcare systems are only  
5 a few of the issues nurses must learn to cope with as they move towards the  
6 Year 2000. It is critical that Guam take immediate action to ensure that  
7 qualified, skilled professional nurses are recruited and retention efforts are in  
8 place to meet the staffing needs of the community.

9 It is the intent of *I Liheslaturan Guahan* to establish incentive pay  
10 schedules, new forms of payment per program and for procedure, and other  
11 recruitment and retention innovations for the emerging health care delivery  
12 system. It is also the intent of *I Liheslaturan Guahan*, to mandate the Civil  
13 Service Commission to periodically review and upgrade the government of  
14 Guam nursing salary schedule so that the salaries are competitive with the  
15 National average for the specific nursing classification. This will rectify the  
16 inequity created by Public Law Number 20-64, and encourage management to  
17 improve the working environment and address management issues  
18 appropriate to recruitment and retention of healthcare professionals.

19 **Section 2.** This Act shall be known as the "*Nurse and Other HealthCare*  
20 *Professional Recruitment and Retention Incentives Act of 1998.*"

21 **Section 3.** Section 6228 is hereby *added* to Article 2, Chapter 6 of Title 4  
22 of the Guam Code Annotated to read as follows:

23 "Section 6228. **Definition.** As used in this Act the  
24 following words and phrases are defined to mean:

25 (a) 'Board' means the Guam Boards under the Healing Arts.

1           (b) '*Class Specification*' means official document which describes  
2 the general characteristics of a class, including the title; nature of work;  
3 summary statement of examples of typical duties performed; a  
4 statement of minimum qualifications; and the minimum knowledge,  
5 abilities and skills needed to perform the work which provides the  
6 criteria for placing each position in its proper class.

7           (c) '*HealthCare professional(s)*' means any employee in the  
8 government agencies who is essential to the delivery of patient/client  
9 care services, and as defined in §10101 of Title 10 of the Guam Code  
10 Annotated, and §5 of Public Law Number 22-87.

11           (d) '*Known-Promotion-Potential*' ("KPP") means an upward  
12 career mobility in a series of positions within an organization without  
13 competition, and where at an earlier date an employee was selected  
14 under a competitive examination.

15           (e) '*Nurse(s)*' means a professional nurse who is licensed by the  
16 Guam Board of Nurse Examiners to practice as a registered nurse, or as  
17 an advanced practice registered nurse on Guam."

18       **Section 4.** Section 6228.1 is hereby *added* to Article 2, Chapter 6 of Title  
19 4 of the Guam Code Annotated to read as follows:

20           **"Section 6228.1. Nursing Recruitment and Retention Incentives.**

21       The Civil Service Commission shall provide recruitment and retention  
22 incentives for nurses in the government of Guam."

23       **Section 5.** Section 6228.2 is hereby *added* to Article 2, Chapter 6 of Title  
24 4 of the Guam Code Annotated to read as follows:

1                   **"Section 6228.2. Salary Schedule Three (3) Year Review.**

2                   The Civil Service Commission shall meet annually with the Guam  
3 Nurses Association Commission on Nursing Leadership to address  
4 recruitment and retention incentives for nurses. The salary schedules of  
5 the nurses shall be reviewed by the Civil Service Commission every  
6 three (3) years, and upgraded as needed. The salary for each of the  
7 nursing classifications under the government of Guam shall be  
8 competitive with the National average."

9                   **Section 6.** Section 6228.3 is hereby *added* to Article 2, Chapter 6 of Title  
10 4 of the Guam Code Annotated to read as follows:

11                   **"Section 6228.3. Class Specifications Three (3) Year Review.**

12                   The Civil Service Commission, in collaboration with the government of  
13 Guam agencies' nursing administrators, shall update the class  
14 specifications pertaining to duties, requirements and experience of all  
15 nursing classifications. The class specifications shall be re-evaluated  
16 every three (3) years, and changes shall be made as indicated."

17                   **Section 7.** Section 6228.4 is hereby *added* to Article 2, Chapter 6 of Title  
18 4 of the Guam Code Annotated to read as follows:

19                   **"Section 6228.4. Recognition of the Guam Nurses Association**  
20 **Commission on Nursing Leadership.** The Guam Nurses Association  
21 Commission on Nursing Leadership shall be recognized by *I Maga'laha*  
22 *Guahan* and *I Liheslaturan Guahan* as the collective voice and advocate  
23 for nursing and the professional experts to address nursing shortage,  
24 health and nursing issues, recruitment and retention strategies, common  
25 problems in health and areas of concern."

1       **Section 8.** Section 6228.5 is hereby *added* to Article 2, Chapter 6 of Title  
2 4 of the Guam Code Annotated to read as follows:

3               **“Section 6228.5. Compensation for Education and Experience.**

4       Nurses and other healthcare professionals in the government of Guam  
5       shall be given above-step compensation commensurate to the education  
6       and experience that exceed the minimum requirements. The Civil  
7       Service Commission shall establish the pay adjustment schedule specific  
8       to this Section to be used by the nurse and other healthcare  
9       administrators during recruitment. The nurse and other healthcare  
10      administrators shall implement the above-step compensation, using the  
11      Civil Service Commission education/experience pay adjustment  
12      schedule. Any deviation from the established education/experience  
13      pay adjustment schedule *not* having prior approval by the Civil Service  
14      Commission shall be deemed invalid. The Department of  
15      Administration shall review the documents of all applicants and the  
16      compensation as assigned by the nurses and other healthcare  
17      administrators to ensure the education/experience pay adjustment  
18      schedule is being properly implemented. Any errors shall be rectified  
19      by the Department of Administration.”

20      **Section 9.** Section 6228.6 is hereby *added* to Article 2, Chapter 6 of Title  
21 4 of the Guam Code Annotated to read as follows:

22               **“Section 6228.6. Certification Pay Differential.**               The

23      Civil Service Commission shall implement a certification pay  
24      differential for all nursing and other healthcare professional positions in  
25      the government of Guam. Nurses and other healthcare professionals



1 who have a national or Guam Board certification, and are practicing in  
2 their area of certification, shall be entitled to a minimum certification  
3 pay differential, calculated at the rate of their regular wage plus fifteen  
4 percent (15%) to rectify an inequity in certification pay.”

5 **Section 10.** Section 6228.7 is hereby *added* to Article 2, Chapter 6 of Title  
6 4 of the Guam Code Annotated to read as follows:

7 “**Section 6228.7. Work Compensation.** The following work  
8 compensation shall apply to all nursing and other healthcare  
9 professionals essential to the delivery of patient care services:

10 (a) The workweek shall consist of any combination of  
11 straight time, overtime and holiday time to a total of forty (40)  
12 hours. All nursing and other healthcare professionals essential to  
13 the delivery of patient care services are hereby exempted from  
14 those provisions of the government of Guam compensation laws  
15 covering accumulated straight time hours required prior to  
16 compensation at overtime rates.

17 (b) All work performed between the hours of 12:00  
18 midnight on any Saturday and 12:00 midnight of the following  
19 Sunday night shall be compensated at a rate of one and one-half  
20 ( $1\frac{1}{2}$ ) times the nurse’s and other healthcare professional’s regular  
21 straight time rate.

22 (c) All work performed on any legal holiday, in addition  
23 to the regular holiday pay, shall be compensated at a rate of one  
24 and one-half ( $1\frac{1}{2}$ ) times the nurse’s and other healthcare  
25 professional’s regular straight time rate.

1 (d) After a nurse and other healthcare professional have  
2 worked a complete shift in any given twenty-four (24) hour  
3 period, the next four (4) hours worked shall be at a rate of one and  
4 one-half ( $1\frac{1}{2}$ ) times the nurse's and other healthcare  
5 professional's regular straight time hourly rate. Any work in  
6 excess of the additional four (4) hours in the same twenty-four (24)  
7 hour period shall be compensated at two (2) times or double time  
8 the nurse's and other healthcare professional's regular straight  
9 time hourly rate.

10 (e) For the purpose of computing annual leave and sick  
11 leave for nurses and other healthcare professionals, any  
12 combination of eighty (80) hours of work, inclusive of work at  
13 overtime or double time compensation, shall accrue sick leave at a  
14 rate of four (4) hours per pay period and annual leave at the rate  
15 the nurse and the other healthcare professional are entitled to  
16 because of time in service.

17 (f) Nurses and other healthcare professionals who are *not*  
18 allowed leave time due to shortage of staff shall be given  
19 monetary compensation at the end of each fiscal year."

20 **Section 11.** Section 6228.8 is hereby *added* to Article 2, Chapter 6 of Title  
21 4 of the Guam Code Annotated to read as follows:

22 "Section 6228.8. **Flex-Time.** Nursing and other healthcare  
23 administrators shall be allowed the option to schedule nurses and other  
24 healthcare professionals on flex-time, which includes, but is not limited  
25 to, ten (10) hour shifts."

1       **Section 12.** Section 6228.9 is hereby *added* to Article 2, Chapter 6 of Title  
2 4 of the Guam Code Annotated to read as follows:

3               **"Section 6228.9. Job Sharing.**     Nursing and other healthcare  
4 administrators shall be allowed the flexibility to hire any number of  
5 nurses and other healthcare professionals, as long as the approved  
6 budget is *not* exceeded."

7       **Section 13.** Section 6228.10 is hereby *added* to Article 2, Chapter 6 of Title  
8 4 of the Guam Code Annotated to read as follows:

9               **"Section 6228.10. Job Incentives.**     Whenever possible, nursing  
10 and other healthcare professionals shall be given job incentives,  
11 including, but not limited to, educational opportunities and improved  
12 work environment."

13       **Section 14.**       Section 6228.11 is hereby *added* to Article 2, Chapter 6  
14 of Title 4 of the Guam Code Annotated to read as follows:

15               **"Section 6228.11. Classified Full-Time Nursing Positions.**

16 No classified full-time nursing and other healthcare professional  
17 positions in the government of Guam shall be recruited as '*Temporary*  
18 *Appointments*' ('TA') or '*Limited-Term Appointments*' ('LTA'), *except* as  
19 provided under Public Law Number 20-218, §11."

20       **Section 15.** Section 6228.12 is hereby *added* to Article 2, Chapter 6 of Title  
21 4 of the Guam Code Annotated to read as follows:

22               **"Section 6228.12. Graduate Nurse Classification.** A     graduate  
23 nurse of a Board-approved Guam or U.S. nursing program may be  
24 recruited by the government agencies as a graduate nurse. The  
25 graduate nurse must be a recent graduate with verification from the

1 Board that he/she has submitted an application to take the national  
2 examination within six (6) months after graduation. The graduate nurse  
3 classification may be included in the 'known-promotion-potential,'  
4 Nursing Series I and II classifications."

5 **Section 16.** Section 6228.13 is hereby *added* to Article 2, Chapter 6 of Title  
6 4 of the Guam Code Annotated to read as follows:

7 **"Section 6228.13. Developmental Promotions ('KPP')  
8 Designation.** Government of Guam agencies who recruit nurses  
9 shall be authorized to hire nurses and graduate nurses as 'known-  
10 promotion potential' on nursing classification series, as provided in the  
11 Government of Guam Personnel Rules and Regulations and Operations  
12 Procedure Manual."

13 **Section 17.** Section 6228.14 is hereby *added* to Article 2, Chapter 6  
14 of Title 4 of the Guam Code Annotated to read as follows:

15 **"Section 6228.14. Recruitment Process.** All government of  
16 Guam agencies shall be exempted from the government of Guam  
17 Department of Administration recruitment process for the hiring of  
18 nurses and other healthcare professional positions. All nursing and  
19 other healthcare professional applicants, who have a license to practice  
20 on Guam and meet the minimum requirements of the class  
21 specifications, may be scheduled for an interview and may be recruited,  
22 using the Civil Service Commission education/experience pay  
23 adjustment schedule. Any action taken to recruit an applicant who is  
24 *not* licensed, does *not* meet the minimum requirements, and/or did *not*  
25 comply with the Civil Service Commission education/experience pay

1 adjustment schedule, shall be null and void by the Department of  
2 Administration."

3 **Section 18.** Section 6228.15 is hereby *added* to Article 2, Chapter 6  
4 of Title 4 of the Guam Code Annotated to read as follows:

5 "Section 6228.15. **Implementation.** The provisions of  
6 this Act shall be implemented by Fiscal Year 2000. The Civil Service  
7 Commission shall transmit a status report three (3) months after the  
8 enactment of this Act, and upon implementation of the provisions. The  
9 Administrator, Bureau of Family Health and Nursing Services at the  
10 Department of Public Health and Social Services, shall submit copies of  
11 the GNA Commission on Nursing Leadership meeting minutes to *I*  
12 *Maga'lahaen Guahan* and *I Liheslaturan Guahan* on a quarterly basis."

13 **Section 19.** Section 12322 of Article 3, Chapter 12 of Title 10 of the  
14 Guam Code Annotated is hereby *repealed* and *reenacted* to read as follows:

15 "Section 12322. **Temporary Licenses/Certifications.** The  
16 Guam Board of Nurse Examiners:

17 (a) may issue a *temporary permit* to a graduate of an  
18 accredited U.S., foreign or Guam professional nursing education  
19 program, upon application, payment of the required fee, and after  
20 verifying the applicant's official transcript and certificate of  
21 education; provided, however, that such applicant has received  
22 the Board's authorization to sit for the first licensing examination  
23 immediately following such applicant's graduation. Such a  
24 permittee shall be identified as a 'graduate nurse' ('G.N.') and  
25 may practice nursing *only* under the direct supervision of a

1 registered nurse. Only such a permittee shall be authorized to use  
2 the title 'graduate nurse.' All temporary permits issued pursuant  
3 to this Subparagraph shall terminate when the Board has received  
4 the permittee's scores from the licensing examination immediately  
5 succeeding such permittee's graduation from nursing school; *and*

6 (b) shall adopt such regulations as are necessary to protect the  
7 public and limit the practice of persons issued temporary  
8 licenses/certification."

9 **Section 20.** Section 12322(c) is hereby *added* to Article 3, Chapter 12 of  
10 Title 10 of the Guam Code Annotated to read as follows:

11 "(c) May issue a nurse (RN, APRN, LPN) or nursing assistant  
12 applicant a three (3) month *temporary* license/certification upon  
13 submission of a notarized application, payment of the required fee and  
14 evidence of:

15 (1) a current U.S. license as a registered nurse or practical  
16 nurse; *or*

17 (2) a current National or State Board Certification as an  
18 advanced practice registered nurse; *or*

19 (3) a current State Board Certification as a nursing  
20 assistant."

21 **Section 21.** Section 12322(d) is hereby *added* to Article 3, Chapter 12 of  
22 Title 10 of the Guam Code Annotated to read as follows:

23 "(d) May use their discretion to extend the *temporary*  
24 license/certification, but the extension shall *not* exceed six (6) months."



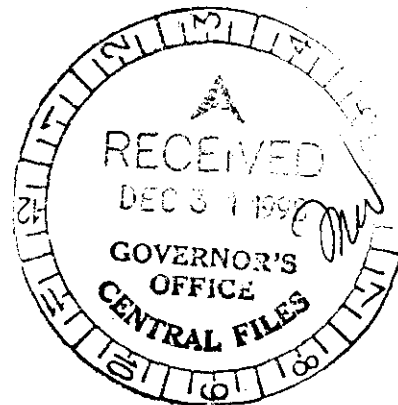
**MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
TWENTY • FOURTH GUAM LEGISLATURE

155 Hesler Street, Agana, Guam 96910

December 31, 1998

COPY

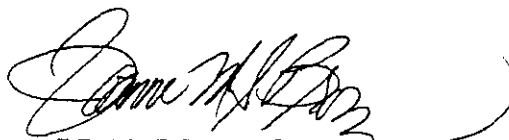
Honorable Carl T.C. Gutierrez  
*Maga'laken Guahan*  
Office of *I Maga'laken*  
*Hagåtña*, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 610 (COR), 708 (LS), and Substitute Bill Nos. 718 (COR), 267 (COR), 347 (COR), 609 (COR), 727 (COR), 753 (LS), 739 (COR), 771 (COR) and 695 (COR), which were overridden by *I Mina'Bente Kuattro Na Liheslaturan Guahan* on December 30, 1998 notwithstanding your veto.

Sincerely,

  
JOANNE M.S. BROWN  
Legislative Secretary

Enclosures: (11)



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 12-22-98  
Time: 10:15 am  
Rec'd by: [Signature]  
Print Name: Antonio R. Unpingco

Refer to  
Legislative Secretary

DEC 21 1998

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuåttro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:15 am</u>
Date	<u>12-22-98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 267 (COR), "AN ACT TO ADD §§6228 - 6228.15 TO ARTICLE 2, CHAPTER 6 OF TITLE 4, TO REPEAL AND REENACT §12322 OF ARTICLE 3, CHAPTER 12 OF TITLE 10, AND TO ADD §§12322(c) AND 12322(d) TO ARTICLE 3, CHAPTER 12 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO NURSING AND OTHER HEALTHCARE PROFESSIONALS RECRUITMENT AND INCENTIVES, AND TO TEMPORARY LICENSES AND CERTIFICATIONS ISSUED BY THE GUAM BOARD OF NURSE EXAMINERS", which I have vetoed.

I am very sympathetic to the needs of the nursing and health professionals, however, this particular legislation will subject the government to court challenges regarding failure to provide equal protection, in other words, equal benefits, for the other employees of the government of Guam.

This legislation is similar to other past legislative attempts to single out one group of employees for favorable employment treatment, without offering the same favorable treatment to other employees of the government. Several previous court decisions have held that if one group of employees are singled out for advantages, then all other employees will have the right to the same advantages. This means that this legislation will subject the government to great legal liability for unequal salary schedules, as well as other inequities relative to the comparison of nurses

01132



with other government employees. Some of these inequities and other objections to this legislation are the following:

1. If the advantages offered to nurses in this legislation are offered also to other government employees, there will be a serious difficulty in providing money to pay for these advantages. One advantage offered to the nursing group in this legislation is that the salary for each of the nursing classifications under the government of Guam is mandated to be competitive with the National average (see page 5, lines 6-8). Unfortunately, the entire government of Guam salary schedule at this time is lagging behind the National average. How can i Liheslatura justify mandating that nurses salaries be at the National average, while ignoring the fact that other positions in the government are lagging behind the National average?
2. Another advantage offered to nurses and "healthcare" professionals which is not offered to other employees is a mandate that nurses be hired at above step compensation. There is already a provision for hiring persons at above step compensation in those cases where there is a shortage in the government. Mandating that nurses be hired at above step, even in some situations where there may not be a shortage, gives this group of employees an advantage that other employees do not have.
3. This legislation appears to grant nursing and other "healthcare" professionals a salary for working on legal holidays that is **three times** the normal regular rate (see page 7, lines 22-25). There are many other professionals in the government who also work on legal holidays and who are not offered this advantage.
4. This legislation allows graduate nurses to be given promotions without having to compete, which is a classification called the "known promotional potential.". This is appropriate for those professionals working in the field, but should not be applied to new graduates. New graduates are those who must take and pass a national examination within 6 months of graduation. It is not logical to apply a "known promotional potential" status to persons who have not yet proved they can even be licensed to work in the field, much less be known as having "promotional potential."

5. The legislation states that nurses who have a national or Guam Board certification and are practicing in their field shall be entitled to a pay differential of 15% above their normal wage. The legislation does not address certifications which may be obtained from professional subgroups, such as Emergency Room/Trauma Nurse Association. The legislation does not address the situation of a nurse certified in one specialty, but assigned due to shortage at a particular time to work in another specialty area. The legislation does not address those allowed to work part time.
6. There is no definition of "health care professional" in this legislation or in prior law. Just who are the "health care professionals" who also are allowed to receive extra compensation and advantages? The definition of "healthcare professional" on page 4, lines 7-10 of this legislation references "§10101 of Title 10 of the Guam Code Annotated, and § 5 of Public Law Number 22-87".

When turning to these references, §10101 does **not** include a definition of "healthcare professional". It does contain, instead, a definition of "health professional", and this definition is "any person licensed or certified to practice the healing arts within the territory of Guam."

When turning to Public Law No. 22-87, there is no §5 contained in that Public Law. There is a §4, which cites to another §5 in a different public law. Perhaps the amendment of §5 of Public Law No. 21-134, amended in Public Law No. 22-87, is the reference that the authors of this legislation meant. If so, then there are some professions which are referred in that section as "ancillary health professionals", not "health care professionals". These "ancillary health professionals" are listed as "pharmacists, medical laboratory technicians, radiology technicians, physical and occupational therapists, dietitians and social workers from one department or agency to another department or agency where their presence is critically needed".

Instead of "healthcare professional", the prior law cited has definitions for the terms "health professional" and uses the term "ancillary health professional". Just who exactly are "healthcare professionals?"

7. This legislation allows nurses and other "healthcare" professionals to enjoy job sharing (see page 9, lines 3-6). Other employees of the government are not offered this benefit, although it would be a great benefit to the entire government if such job sharing could be enjoyed by all. In fact, in this time of financial shortage, job sharing is one way to keep more of our people employed, many of whom may desire to work on a part time basis if that were possible.


At the present time, 2 persons can be hired to work in 1 FTE at the Guam Memorial Hospital. Does this provision on job sharing allowed for nurses and other "healthcare" professionals allow more than 2 persons to share 1 FTE?

8. The definition of "nursing" in this legislation eliminates and disqualified "Licensed Practical Nurses (LPNs) and Nursing Assistants certified by the Guam Board of Nurse Examiners.
9. This legislation designates the Guam Nurses Association Commission on Nursing Leadership as the only entity for a "collective voice and advocate for nursing and the professional experts to address nursing shortage, health and nursing issues, recruitment and retention strategies, common problems in health and areas of concern." At the same time, there are numerous nurses and health professionals who work in the Department of Education, as well as social workers who have their own professional organizations, and whose "collective voice and advocate" is the professional organization or union to which these individuals belong. It is inappropriate to legislatively usurp the role of these other professional organizations and unions.
10. The legislation mandates that what is apparently a non-profit organization be treated as an arm of the government. The Guam Nurses Association Commission on Nursing Leadership is mandated that as the only "collective voice and advocate for nursing. . . ". Does this mean that the government will be responsible for the dues owed to this organization, or its operations? Also, this legislation mandates that a government official, the Administrator of the Bureau of Family Health and Nursing Services at the Department of Public Health and Social Services "submit copies of the GNA Commission on Nursing Leadership meeting minutes to I Maga'lahaen Guahan and I

Liheslaturan Guahan on a quarterly basis." Does this mean that the Administrator has some kind of authority over the Guam Nurses Association Commission on Nursing Leadership?

This legislation recognizes some of the difficulties encountered in the nursing profession, and in other health professions, yet there are too many discrepancies, unanswered questions, and **most especially**, the liability issue associated with the violation of equal protection laws, to sign this particular piece of legislation into law.

Very truly yours,



Carl T. C. Gutierrez  
I Maga'lahañ Guåhan  
Governor of Guam

Attachment:      copy attached for signed bill  
                         original attached for vetoed bill

cc:    The Honorable Joanne M. S. Brown  
      Legislative Secretary

01132


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN


This is to certify that Substitute Bill No. 267 (COR) , "AN ACT TO ADD §§6228 - 6228.15 TO ARTICLE 2, CHAPTER 6 OF TITLE 4, TO REPEAL AND REENACT §12322 OF ARTICLE 3, CHAPTER 12 OF TITLE 10, AND TO ADD §§12322(c) AND 12322(d) TO ARTICLE 3, CHAPTER 12 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO NURSING AND OTHER HEALTHCARE PROFESSIONALS RECRUITMENT AND INCENTIVES, AND TO TEMPORARY LICENSES AND CERTIFICATIONS ISSUED BY THE GUAM BOARD OF NURSE EXAMINERS," was on the 3<sup>rd</sup> day of December, 1998, duly and regularly passed.

  
\_\_\_\_\_  
**ANTONIO R. UNPINGCO**  
Speaker

Attested:

  
\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 10<sup>th</sup> day of December, 1998,  
at 10:55 o'clock 9 .M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
\_\_\_\_\_  
**CARL T. C. GUTIERREZ**  
*I Maga'lahaen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



✓  
TWENTY-FOURTH  
**GUAM LEGISLATURE**

Senator Felix P. Camacho

Power, Foreign Affairs and General Government Services

Franklin Street  
Agaña, GUAM 96910

472-3505 / 6

472-9747

November 30, 1998

The Honorable  
Antonio R. Unpingco  
Speaker, Mina'Bente Kuattro Na Liheslaturan Guahan  
155 Hesler Street  
Hågatña, Guam 96910

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 267**, "An act to add new Sections 6227 through 6227.15 to Chapter 6, Title 4 of the Guam Code Annotated, relative to nursing and other healthcare employees recruitment and incentives; to repeal and reenact Section 12322 of Chapter 12, Title 10 of the Guam Code Annotated, and to add new Sections 12322(c) and 12322(d) to Chapter 12, Title 10 of the Guam Code Annotated, relative to temporary licenses/certifications issued by the Guam Board of Nurse Examiners," does hereby report back with the recommendation **TO DO PASS** As Substituted.

Votes of committee members are as follows:

<u>10</u>	To pass
<u>      </u>	Not to pass
<u>      </u>	To place in inactive file
<u>      </u>	Abstained
<u>5</u>	Not available/Off island

**FELIX P. CAMACHO**  
Chairman

Attachments

FOOTNOTE(S):

Bill No. 267 proposes that the Civil Service Commission (CSC) provide recruitment and retention incentives for nurses in the Government of Guam. Some of the proposals mentioned in the Bill include:

- 1/ That the CSC review the nurses salary schedule and reevaluate nurses class specifications every three (3) years and make changes and upgrades as needed.
- 2/ That nurses be given above-step compensation for education and experience that exceed the minimum requirements.
- 3/ That the CSC implement a certification pay differential for all nursing positions in Gov. Guam. Nurses who have certification (national or Guam Board and are practicing in their area of certification) shall be entitled to a certification pay differential, calculated at the rate of their regular wage plus 5%.

If enacted, the Bill may entail a fiscal impact to all Gov. Guam health organizations affected (i.e. GMHA, PHSS, etc.). A more significant impact may be realized if it is determined that nursing salary upgrades are necessary. The CSC may also experience a fiscal impact to conduct the proposed studies. However, this impact is undetermined at this time. Finally, note that it is proposed that the Bill be implemented in FY 1998, if enacted.

**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**BBMR-F7**

Bill Number: 267 Date Received: June 10, 1997  
 Amendatory Bill: No Date Reviewed: June 24, 1997  
 Department/Agency Affected: Civil Service Commission  
 Department/Agency Head: Eloy Hara, Director  
 Total FY Appropriation to Date: \$1,274,843 (P.L. 23-128)

Bill Title (preamble): An act to add a new section 6227 through sections 6227.16 to Title 4, GCA, relative to nursing recruitment and retention incentives

Change in Law: To add new section 6227 through 6227.16 to Title 4, GCA

Bill's Impact on Present Program Funding:

Increase \_\_\_\_\_ Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change X

Bill is for:

Operations \_\_\_\_\_ Capital Improvement \_\_\_\_\_ Other X

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Government Wide	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A -- IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_

AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

ANALYST D. Chock  
 Dina P. Chock

DATE 6/16/97 DIRECTOR Joseph E. Rivera, Acting

DATE JUN 20 1997

1/ See footnote attached.