

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

2016
MAY 19 PM 4:19
J. Respiro

Bill No. 283 -33 (core)

Introduced by:

Ramon J. Respiro
Committee on Rules, Federal
and Foreign and Micronesian
Affairs, Human and Natural
Resources, Election Reform
and Capitol District
By request of *I Maga'Låhen*
Guåhan, the Governor of
Guam, in accordance with the
Organic Act of Guam.

**AN ACT RELATIVE TO THE SALARY PAY ADJUSTMENTS RECEIVED
BY THE UNCLASSIFIED EMPLOYEES OF THE OFFICE OF I
MAGA'LAHEN GUAHAN AND THE OFFICE OF I SEGUNDU NA
MAGA'LAHEN GUAHAN.**

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

2 **Section 1. Findings and Intent.** On January 15, 2014, the Governor
3 issued Executive Order 2006-21, the *Government of Guam Competitive Wage Act*
4 *of 2014* (“CWA”), which was transmitted and received by the Guam Legislature.
5 The CWA is a plan authorized and funded by P.L. 32-068:XI(2) to raise the
6 compensation, and adjust the classification and benefits of, government of Guam
7 employees based upon a 2010 assessment by the Hay Group, a global management
8 consulting firm.

1 With the transmittal of Executive Order 2006-21, the CWA went into effect
2 for certain General Pay Plan employees, namely, nurses, teachers, and government
3 attorneys as of January 15, 2014. On March 7, 2014, P.L. 32-136 lapsed into law,
4 repealing the CWA pay adjustments for the Governor, Lieutenant Governor,
5 Senators, Attorney General, Public Auditor, and appointed cabinet members of the
6 Executive Branch. In September 2014, the CWA went into effect for the
7 remaining employees under the General Pay Plan.

8 On June 24, 2014, P.L. 32-166 was signed into law, authorizing the
9 Judiciary to raise the salaries of its classified and unclassified employees in
10 accordance with the CWA and to retroactively pay these salaries back to the date
11 of January 15, 2014.

12 On November 21, 2014, P.L. 32-208 was signed into effect, repealing P.L.
13 32-136 and increasing the salaries of the Governor, Lieutenant Governor, Senators,
14 Attorney General, and appointed cabinet members in accordance with the CWA,
15 and retroactively paying these salaries back to the date of January 15, 2014.

16 On December 17, 2014, and in accordance with the Governor's instructions,
17 the salaries of about 107 unclassified Adelup employees were adjusted and
18 increased pursuant to the Governor's authority under Title 4 G.C.A. Section 6207
19 and 6207.1. The Governor recognized the hard work and efforts of the staff at
20 Adelup, and further recognized that for nearly two years the members of the

1 Adelup staff had voluntarily taken a 10% pay cut in order to help the government's
2 finances.

3 However, due to the limitations of the government's payroll software
4 system, DOA was unable to input the pay adjustments to have an effective date of
5 December 15, 2014, as was originally instructed. Therefore, in order to go forward
6 with processing the pay adjustments, DOA instructed the Governor's Office to
7 input the earlier effective date of January 26, 2014 on the GG-1s.

8 On December 10, 2015, the Attorney General opined that because of the
9 January 26, 2014, effective date on the GG-1s, the Adelup salary adjustments
10 represented "retroactive compensation for each individual employee in violation of
11 Guam's anti-retroactive payment statutes." The Attorney General concluded that,
12 *"This matter can only be resolved through repayment of the retroactive pay*
13 *adjustments by each individual employee, or through legislative action. It is not*
14 *unprecedented for the Legislature to take action where employees relied in good*
15 *faith."* (Citing, P.L. 30-126, codified at 4 G.C.A. § 6205.2(c), which ratified three
16 years worth of unauthorized pay increases received by employees in the Office of
17 Public Accountability).

18 The Legislature agrees with the opinion of the Attorney General and finds
19 that the pay adjustments received by the Adelup employees were made in good
20 faith. The Legislature finds that it is in the best interest of the Territory and the

1 Government of Guam to allow the Governor to compensate his staff and the Lt.
2 Governor's staff consistent with the spirit and intent of the CWA.

3 **Section 2.** Notwithstanding any other provision of law, the retroactive
4 payment of the salaries of the Office of *I Maga'lahaen Guahan* and the Office of *I*
5 *Segundu Na Maga'lahaen Guahan*, paid pursuant to those GG-1s issued by the
6 Governor's Office and the Lt. Governor's Office to the Department of
7 Administration on or about December 15, 2014, with an effective date of January
8 26, 2014, are hereby deemed authorized and valid under law.

9 **Section 3. Effective Date.** This Act *shall* become effective upon
10 enactment.

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