

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

Bill No. 212(LS)

Introduced by:

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AN ACT TO ADD A NEW SUBSECTION (7) TO §  
6301 AND TO ADD A NEW § 6302.1 TO ARTICLE 3  
OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE  
ANNOTATED, TO PROVIDE FOR GOVERNMENT  
WIDE UPDATING OF CLASSIFICATION AND  
COMPENSATION FOR ALL GOVERNMENT OF  
GUAM POSITIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative history and intent. In 1991, a uniform  
3 compensation plan throughout the government of Guam, known as the  
4 Unified Pay Schedule, developed by the Hay Group whose results were  
5 known as the Hay Study, was adopted by the government of Guam pursuant  
6 to Public Law No. 21-42, amended by Public Law No. 21-59. At the time of  
7 adoption of this schedule, it was contemplated that the schedule would be  
8 updated on approximately a three-year basis to keep the schedule current. It is

1 now more than sixteen years since the adoption of the Hay Study Unified Pay  
2 Schedule.

3 Numerous laws have been passed since the adoption of the Hay Study  
4 Unified Pay Schedule to deal with a variety of compensation issues for certain  
5 employee groups. Some of these groups are nurses, law enforcement  
6 personnel and attorneys. Their pay scales have been dealt with separately  
7 from the Unified Pay Schedule. The judiciary has also been authorized to  
8 conduct its own compensation updating and has completed its study.

9 Recognizing that other positions within the government have not had  
10 the benefit of an upgraded study for many years, Executive Order No.  
11 20006-21 was signed August 31, 2006 to direct the Department of  
12 Administration to conduct an update of the Hay Study. On October 24, 2007,  
13 Public Law No. 29-24 authorized the updating of compensation plans for the  
14 Jose D. Leon Guerrero Commercial Port of Guam and the A.B. Won Pat  
15 International Airport Authority, Guam, to conduct compensation studies and  
16 funding has been authorized or spent to complete these studies.

17 Realizing the need for uniform updating of an outdated compensation  
18 schedule for the entire government, several recent bills have been introduced  
19 to provide funding for such work, namely, Bill No. 193 and Bill No. 196 in i  
20 Mina' Bente Nuebi na Liheslaturan Guahan. An appropriation for an  
21 updating study was recently included in Section 13 of Substitute Bill No. 180,  
22 enacted as Public Law No. 29-52. While this section states the intent of the  
23 legislature, subsequent examination reveals that more comprehensive  
24 legislation on the government wide employee compensation matter is needed,  
25 as well as a more direct method of funding a government wide employee

1 compensation study to update the sixteen year old Hay Study. For these  
2 reasons this legislation provides some amendments to more fully realize the  
3 legislative intent.

4 **Section 2. Uniform compensation application throughout the**  
5 **government.** A new Subsection (7) is added to § 6301 of Article 3 of  
6 Chapter 6 of Title 4 of the Guam Code Annotated to read:

7 “(7) Compensation throughout the government of Guam, including  
8 line agencies, autonomous and semi-autonomous agencies, non-autonomous  
9 agencies, the Guam Power Authority, the Guam Waterworks Authority, the  
10 judiciary, and any entity employing individuals receiving salary  
11 compensation from the government of Guam, shall be uniform for positions  
12 with essentially similar classification descriptions. Essentially similar  
13 classification descriptions shall be maintained for essentially similar positions  
14 throughout the government. This uniformity shall be determined through  
15 combining and synchronizing the data from all government entities.”

16 **Section 3. Centralization of updating of Unified Pay Schedule**  
17 **throughout the government.** A new § 6302.1 is added to Article 3 of  
18 Chapter 6 of Title 4 of the Guam Code Annotated to read:

19 “§ 6302.1. **Centralization of updating of Unified Pay Schedule. (a)**  
20 **Three year time line for conduct of compensation studies.** Every three  
21 years, the Human Resources Division of the Department of  
22 Administration, in conjunction with Human Resources personnel in line  
23 agencies, autonomous and semi-autonomous agencies, non-autonomous  
24 agencies, the Guam Power Authority, the Guam Waterworks Authority,  
25 the judiciary, and any entity employing individuals receiving salary

1 compensation from the government of Guam, shall provide for an  
2 updating of the Unified Pay Schedule to be used throughout all the entities  
3 of the government of Guam, to include the Guam Power Authority and the  
4 Guam Waterworks Authority.

5 **(b) Joint sharing of resources throughout the government for the**  
6 **conduct of compensation studies.** In order to accomplish the updating of  
7 the Unified Pay Schedule, human resource personnel throughout the  
8 government shall meet with the chief of Human Resources in the Division  
9 of Human Resources of the Department of Administration and this unified  
10 group shall jointly plan for and see that the government wide study is  
11 carried out.

12 **(c) Funding.** Funding for the study shall be shared on a pro-rata  
13 basis, proportionate to the number of employees of each government  
14 entity. Each government entity shall provide for the triennial update to the  
15 Unified Pay Schedule in their budgets for the years in which the studies are  
16 to be completed.

17 **(d) Unification of future compensation studies.** Notwithstanding  
18 any other law, rule, or regulation, after the effective date of this Section, no  
19 entity of the government of Guam, including the Guam Power Authority  
20 and the Guam Waterworks Authority shall independently contract for the  
21 updating of personnel studies involving the Unified Pay Schedule unless  
22 the entire government is being studied at the same time.

23 **(e) Enactment date.** This § 6302.1 is effective October 1, 2009.”

24 **Section 4. Appropriation; amendment of Section 13 of Public Law No**  
25 **29-52.** Section 13 of Public Law No. 29-52 is amended to read:

1           “Section 13.     ~~{The sum of}~~ Five Hundred Thousand Dollars  
2     (\$500,000) is ~~{authorized from lapsed personnel fund from all departments~~  
3     ~~and agencies and autonomous instrumentalities within the government of~~  
4     ~~Guam}~~ appropriated from the General Fund to the Department of  
5     Administration. The revenue tracking report as required by Public Law 29-  
6     19 show actual revenues collected for the most recent month is greater than  
7     revenue projections.. The Department of Administration shall contract with  
8     a consulting expert on classification and compensation in public  
9     employment to conduct a study of all government of Guam positions,  
10    including those in autonomous, semi-autonomous, and non-autonomous  
11    agencies, public corporations and all instrumentalities, and the Judiciary, to  
12    update the Unified Pay Schedule The contract shall include the conduct of  
13    compensation training to the Human Resources staff throughout the  
14    government. This appropriation shall remain throughout Fiscal Year 2008  
15    and Fiscal Year 2009.”

16           **Section 5. Coordination of already undertaken compensation studies**  
17    **with updating Unified Pay Schedule.**     No section of this legislation  
18    shall affect any compensation laws currently in effect for the line agencies,  
19    autonomous and semi-autonomous agencies, non-autonomous agencies,  
20    the Guam Power Authority, the Guam Waterworks Authority, the  
21    judiciary, and any entity employing individuals receiving salary  
22    compensation from the government of Guam.

23           The work already completed or in the process of being implemented on  
24    the date of enactment of this Section within line agencies, autonomous and  
25    semi-autonomous agencies, non-autonomous agencies, the Guam Power

1 Authority, the Guam Waterworks Authority, the judiciary, and any entity  
2 employing individuals receiving salary compensation from the  
3 government of Guam shall be implemented in accordance with the current  
4 statutes governing such actions.

5 In addition to the work already completed or in the process of being  
6 implemented, the Department of Administration shall utilize studies from  
7 the line agencies, autonomous and semi-autonomous agencies, non-  
8 autonomous agencies, the Guam Power Authority, the Guam Waterworks  
9 Authority, the judiciary, and any entity employing individuals receiving  
10 salary compensation from the government of Guam, in conducting its own  
11 update of the Unified Pay Schedule in Fiscal Year 2008 and Fiscal Year 2009  
12 so that no salary already raised shall be reduced and all essentially similar  
13 classification descriptions shall be implemented for essentially similar  
14 positions throughout the government. The Unified Pay Schedule shall be  
15 uniform throughout the government of Guam.