

MINA' TRENTAI UNA NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular

Bill No. 81-31 (for)

Introduced by:

DENNIS G. RODRIGUEZ, JR.

FEB 18 PM 2:38
WLL

AN ACT RELATIVE TO EQUITABLY IMPLEMENTING THE CERTIFICATION PAY DIFFERENTIAL SALARY ADJUSTMENTS FOR LICENSED PRACTICAL NURSES OF THE GOVERNMENT OF GUAM AS MANDATED BY LAW, BY AMENDING §6229.6 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guahan* finds
3 that the salary adjustment mandated pursuant to Chapter 6 of Title 4, Guam Code
4 Annotated, has not been adequately or equitably implemented for all licensed
5 practical nurses practicing in their field of certification in the Government of
6 Guam. At best, partial adjustments were made for some licensed practical nurses
7 in certain agencies, while no adjustments were made for those in other agencies.

8 *I Liheslaturan Guahan* further finds that other provisions of Chapter 6 of
9 Title 4, Guam Code Annotated, are not being appropriated applied to licensed
10 practical nurses, for example, §6229.7 relative to “*work compensation*,” which
11 applies to overtime, evening differentials and holiday pay.

12 It is the intent of *I Liheslaturan Guahan* to take a prospective approach to
13 correct the disparity in the assessment and application of the Certification Pay
14 Differential for licensed practical nurses, and to provide for proper compensation
15 across-the-board.

16 It is, further, the intent of *I Liheslaturan Guahan* to establish a retroactive
17 compensation plan for unpaid and/or underpaid Certification Pay Differential
18 payment due, from December 30, 2004 (enactment of P.L. 27-156) through the

1 date of enactment of this Act and the date of the actual adjustment of the salaries of
2 the licensed practical nurses.

3 **Section 2. Implementation of Certification Pay Differential for Licensed**
4 **Practical Nurses.** Section 6229.6 of Chapter 4, Title 6, Guam Code Annotated, is
5 hereby amended to read:

6 **“§ 6229.6. Certification Pay Differential.**

7 (a) The Director of Administration shall implement a certification pay
8 differential for all nursing and other healthcare professional positions in the
9 government of Guam. Nurses and other healthcare professionals who have a
10 national or Guam Board certification, and are practicing in their area of
11 certification, shall be entitled to a minimum certification pay differential,
12 calculated at the rate of their regular wage plus fifteen percent (15%) to rectify an
13 inequity in certification pay.

14 (b) The Director of the Department of Administration shall immediately
15 adjust, *prospectively*, the salaries of all licensed practical nurses (LPN) who have a
16 national or Guam Board certification and are practicing in their area of
17 certification, so as to be in full conformance with the provisions of this Chapter 6
18 of Title 4, Guam Code Annotated.”

19 **Section 3. Implementation.** (a) The new Subsection (b) added to §6229.6
20 of Chapter 6, Title 4, Guam Code Annotated, as provided for pursuant to Section 2
21 of this Act, ***shall*** be fully implemented by the Director of the Department of
22 Administration by no later than thirty (30) days from the date of enactment of this
23 Act.

24 (b) If necessary, the Director of the Department of Administration shall
25 submit to *I Liheslaturan Guahan* a request for a supplemental appropriation as

1 required to fund the Certification Pay Differential salary adjustment mandated
2 pursuant to Chapter 6 of Title 4, Guam Code Annotated and this Act. However, it
3 is further provided that the Director **shall not** delay the immediate implementation
4 of the salary adjustment for the licensed practical nurses which **shall** be effectuated
5 pursuant to Subsection (a) of this Section.

6 (c) The Director of Administration **shall** annually submit to *I Liheslaturan*
7 *Guahan* the amount of funding required for the retroactive payment plan, as
8 provided for in Section 4 of this Act, with the Fiscal Year Budget request of the
9 Executive Branch of the government of Guam.

10 (d) The Director of Administration **shall** insure that all applicable sections
11 and provisions of Chapter 6, Title 4, Guam Code Annotated, wherein “nurses” are
12 referenced, are applied to licensed practical nurses.

13 **Section 4. Determination of Retroactive salary adjustment and**
14 **development of a compensation payment schedule for unpaid and/or**
15 **underpaid Certification Pay Differential payments due licensed practical**
16 **nurses.** *I Liheslaturan Guahan* recognizes that the Certification Pay Differential
17 adjustment for the salaries of licensed practical nurses, as mandated pursuant to
18 Chapter 6 of Title 4, Guam Code Annotated, should have been effected with the
19 enactment of Public Law 27-156 on December 30, 2004, which amended
20 subsection (e) of §6229, Chapter 6, Title 4, Guam Code Annotated, and included
21 licensed practical nurses in the definition of “Nurses.” It is the intent *I*
22 *Liheslaturan Guahan* to correct this failure of the government to perform the
23 mandated salary adjustment and to mandate the calculation of payment due them
24 from the date they qualified to participate, and to mandate the development a three

1 (3) year payment plan to compensate the licensed practical nurses for payments not
2 received prior to the enactment of this Act. It is hereby mandated, that:

3 (a) The Director of the Department of Administration *shall* retroactively
4 calculate the amount due to all qualified government of Guam licensed practical
5 nurses for the period beginning on December 30, 2004, the date of enactment of
6 Public Law 27-156, to the date of enactment of this Act and the actual adjustment
7 of the salaries of the licensed practical nurses, as mandated pursuant to this Act.

8 (b) The Director of the Department of Administration *shall* audit the
9 work dates and hours of licensed practical nurses from December 30, 2004, to date,
10 so as to insure that proper compensation is paid for any time §6229.7 provisions
11 are applicable, and accordingly, immediately pay any unpaid wages determined to
12 be due.

13 (c) The Director of the Department of Administration *shall* submit to *I*
14 *Liheslaturan Guahan*, by no later than thirty (30) days from the date of enactment
15 of this Act, a three (3) year payment schedule to pay the salaries determined to be
16 due the licensed practical nurses, subject to the availability of funds.

17 **Section 5. Effective Date.** This Act shall become effective immediately
18 upon enactment.