

FILE COPY

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

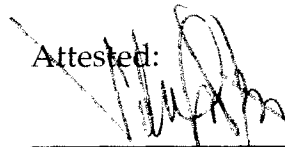
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 467-30 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §3107 OF ARTICLE 1, CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS", was on the 30th day of November 2010, duly and regularly passed.



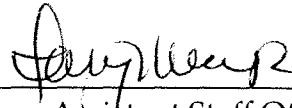
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at 1102 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 467-30 (COR)

As amended.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (a) OF §3107 OF
ARTICLE 1, 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
3 that the maximum hours in a workweek of forty (40) hours, established in §3107 of
4 Article 1, Chapter 3, Title 22, Guam Code Annotated, may *not* be an appropriate
5 standard for certain employees in government where such employees work in shifts
6 of eight (8) hours in a twenty-four (24) hour work day. Executive Order 96-08

1 established the maximum workweek at forty-three (43) hours per week for public
2 safety personnel. The recent Guam Supreme Court decision that §3107 of Article
3 1, Chapter 3 of Title 22, Guam Code Annotated, applies to public safety personnel,
4 notwithstanding the provisions of the Fair Labor Standards Act, resulted in an
5 immediate and abrupt curtailment of some police services. The Court ruled that
6 §3107, Chapter 3, Title 22, GCA, is applicable to most public safety personnel,
7 although the Federal Fair Labor Standards Act provides that the local government
8 may exempt public safety personnel. However, the Fair Labor Standards Act
9 provision has to be adopted by local legislation. §3107 creates a more restrictive
10 standard compensation, and it has never been amended to be consistent with the
11 Fair Labor Standards Act provision. Executive Order 96-08 cannot supersede the
12 provisions of §3107.

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

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

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §3107 of
2 Article 1, Chapter 3, Title 22, Guam Code Annotated, relative to exempting public
3 safety personnel, as defined in Section 207(k) of the Fair Labor Standards Act,
4 Chapter 8 of Title 29 of the United States Code, from the application of the
5 provisions of §3107 of Article 1, Chapter 3, Title 22 GCA. This will allow the
6 Guam Police Department and other appropriate public safety agencies and
7 personnel that may be covered under the Fair Labor Standards Act to continue to
8 deploy these personnel as they have been doing for many years, preceding the
9 Guam Supreme Court ruling.

10 **Section 2. Maximum Hours; Split Shifts.** Subsection (a) of §3107 of
11 Article 1, Chapter 3, Title 22, Guam Code Annotated, is hereby *amended* to read as
12 follows:

13 “(a) *No employer shall employ any employee in excess of forty (40)*
14 hours a week, unless such employee receives compensation for employment
15 in excess of such weekly hours, at a rate *not less than* one and one-half (1-
16 1/2) times the regular rate at which he is employed, *except* that the
17 provisions of this Subsection *shall not* apply to employees covered under
18 Section 207(k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the
19 United States Code.”

20 **Section 3. Effective Date.** The provisions of this Act *shall* be effective
21 upon enactment.