



Office of the Governor of Guam

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

DEC 14 2010

2010 DEC 17 PM 4:05

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina' Trenta Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is 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" which was signed into law on December 13, 2010 as Public Law 30-215.

Sins eru yan Magåhet,

FELIX P. CAMACHO  
I Maga'låhen Guahan  
Governor of Guahan

12/17/10  
3:45

Attachment: copy of Bill

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

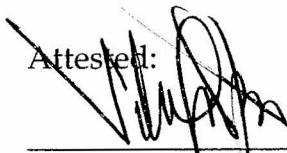
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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 30<sup>th</sup> day of November 2010, duly and regularly passed.



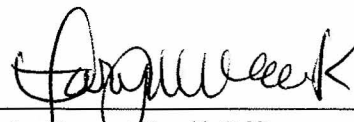
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



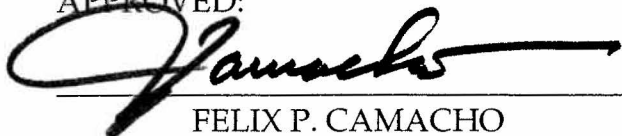
Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at 1100 o'clock A.M.



Assistant Staff Officer  
*Maga'laha*'s Office

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 13 Dec. 2010

Public Law No. P.L. 30-215

***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.