


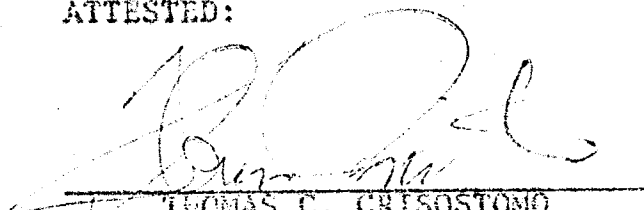
SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

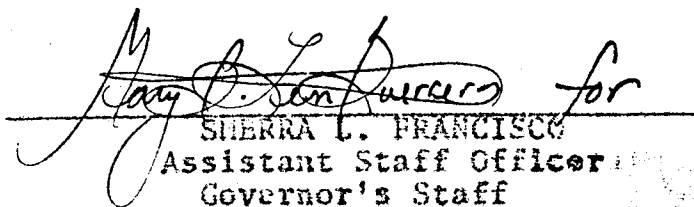
This is certify that Substitute Bill No. 14, "An Act to add, amend and repeal certain sections of the Government Code relative to the Workmen's Compensation Law", was on the 5th day of February 1981, duly and regularly passed.

  
THOMAS V. C. TANAKA  
Speaker

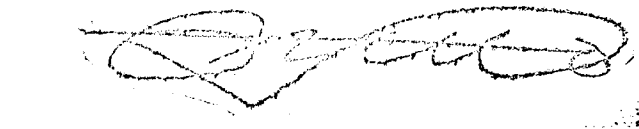
ATTESTED:

  
THOMAS C. CRISOSTOMO  
Legislative Secretary

-----  
This Act was received by the Governor this 9TH day of  
February, 1981, at 10:45 o'clock A.M.

  
SIERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Staff

APPROVED:

  
PAUL M. CALVO  
Governor of Guam

DATED: 2/9/81 11:45 AM  
PL-16-001

SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

Bill No. 14  
(As substituted by  
the Committee on  
Economic Development)

Introduced by: J. H. Underwood, F. F. Blas, T. C. Crisostomo

---

C. A. Kasperbauer  
A. C. Lamorena III  
M. Z. Bordallo  
E. T. Charfauros  
E. R. Duenas  
C. T.C. Gutierrez  
J. I. Leon Guerrero  
K. S. Moylan  
P. F. Perez, Jr.  
J. F. Quan  
F. J. Quitugua  
J. T. San Agustin  
F. R. Santos  
R. Q. Sudo  
T. V.C. Tanaka  
J. Q. Torres  
L. L. Uagat  
A. R. Unpingco

AN ACT TO ADD, AMEND AND REPEAL CERTAIN SECTIONS  
OF THE GOVERNMENT CODE RELATIVE TO THE WORKMEN'S  
COMPENSATION LAW.

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

2 Section 1. Chapter I of Title XXXIII of the Government Code  
3 is amended to make its title "Worker's Compensation" and through-  
4 out the Chapter the word "worker" is substituted in the place of  
5 "workman".

6 Section 2. Subsection (i) of Section 37002 of the Government  
7 Code is amended to read:

8 "(1) Employee. This term, as used herein, is  
9 synonymous with 'worker', and means any person who has  
10 entered into the employment of or works under contract of  
11 service or apprenticeship with an employer. It includes  
12 aquacultural and agricultural workers but excludes a person  
13 whose employment is purely casual and not for the purpose of

1 the employer's trade or business. As used herein the term  
2 'employee' includes any person who has worked forty (40)  
3 hours per week during the previous sixty (60) days, exclusive  
4 of holidays, for the same employer."

5 Section 3. Subsection (p) of Section 37002 of the Government  
6 Code is amended to read:

7 "(p) Public Employment. The term means employment by  
8 the government of Guam or any political subdivision thereof.  
9 It shall include all elected public officials except members  
10 of the Board of Education."

11 Section 4. Subsection (h) of Section 37003 of the Government  
12 Code is hereby repealed. Subsections (i) and (j) are appropriately  
13 renumbered.

14 Section 5. Subsection (a) of Section 37006 of the Government  
15 Code is amended to read:

16 "(a) No compensation shall be allowed for the first  
17 seven (7) days of the disability, except for the benefits  
18 provided for in Section 37007; provided, however, that  
19 compensation shall be allowed from the date of the disability  
20 if the injury results in disability of more than twenty-one  
21 (21) days, or if the fact and date of disability are  
22 supported by a physician's certificate."

23 Section 6. Subsection (b) of Section 37006 of the Government  
24 Code is amended to read:

25 "(b) Compensation for disability shall not exceed One  
26 Hundred Forty Dollars (\$140) per week, and compensation for  
27 total disability shall not be less than Fifty Dollars (\$50)  
28 per week: Provided that if the employee's average weekly  
29 wages, as computed under Section 37010 are less than Fifty  
30 Dollars (\$50) per week, he shall receive as compensation for  
31 total disability his average weekly wages."

1 Section 7. Subsection (a) of Section 37009 of the Government  
2 Code is amended to read:

3 "(a) Reasonable funeral expenses not exceeding One  
4 Thousand Two Hundred Dollars (\$1,200)."

5 Section 8. Subsection (e) of Section 37009 of the Government  
6 Code is amended to read:

7 "(e) In computing death benefits, the average weekly  
8 wages of the deceased shall be considered to have been not  
9 more than Two Hundred Ten Dollars (\$210) nor less than Ninety  
10 Dollars (\$90) but the total weekly compensation shall not  
11 exceed the weekly wages of the deceased."

12 Section 9. Section 37014(m) of the Government Code is  
13 amended to read:

14 "(m) The total compensation payable under this Title  
15 for injuries not resulting in death shall in no event exceed  
16 the sum of Forty Thousand Dollars (\$40,000). In cases of  
17 disability compensable under paragraph (21) of subsection (c)  
18 of Section 37008, the total compensation for such disability,  
19 and for any temporary partial disability sustained in addition  
20 therein, shall not exceed in the aggregate the sum of Forty  
21 Thousand Dollars (\$40,000). The total compensation payable  
22 under this Title for injuries resulting in death shall in no  
23 event exceed the sum of Forty Thousand Dollars (\$40,000) plus  
24 reasonable funeral expenses payable pursuant to Section  
25 37009(a) of this Title."

26 Section 10. Section 37043 of the Government Code is amended  
27 to read:

28 "Section 37043. Annual Report. The Commission shall  
29 make to the Guam Legislature and the Governor at the  
30 beginning of each regular session a report of the administra-  
31 tion of this Title for the preceding fiscal year, including

1 a detailed statement of receipts of and expenditures from  
2 the funds established or authorized in Section 37041 and  
3 37042. Annually the Commission shall advise the Legislature  
4 and the Governor of needed changes in the laws of Guam re-  
5 garding compensation of workers for injuries sustained while  
6 working and shall provide data from other jurisdictions on  
7 the amounts of compensation payable therein."

8 Section 11. Subsection (e) of Section 37002 of the Govern-  
9 ment Code is amended to read:

10 "(e) Commissioner. This term means the head of the  
11 Worker's Compensation Commission who shall be the Director  
12 of the Department of Labor or his designee."

13 Section 12. Subsection (b) of Section 37039 of the Govern-  
14 ment Code is repealed and reenacted to read:

15 "(b) The Worker's Compensation Commission shall be  
16 under the cognizance of the Department of Labor and shall  
17 consist of the Commissioner and six (6) other members to be  
18 appointed by the Governor as follows:

19 (1) one member appointed from the Commissioners  
20 Council;

21 (2) one member appointed from a list of three  
22 medical doctors recommended by the Guam Medical Society;

23 (3) one member appointed from a list of three  
24 attorneys recommended by the Guam Bar Association;

25 (4) one member appointed from a list of three  
26 Certified Public Accountants recommended by the Guam  
27 Society of Certified Public Accountants;

28 (5) one government of Guam employee; and

29 (6) one member of a labor union.

1           The Commission shall maintain and keep open during  
2 reasonable business hours, an office for the transaction of  
3 business. If any member of the Commission is removed from  
4 office or for any reason ceases to act as a member, all of  
5 his official records and papers shall be transferred to his  
6 successor in office or to the Commission. No member nor any  
7 business associate of a member shall appear as attorney in  
8 any proceedings under this Title, and no member shall act in  
9 any such case in which he is interested, or when he is  
10 employed by any party in interest or related to any party  
11 in interest by consanguinity or affinity within the third  
12 degree as determined by the common law. Members of the  
13 Commission, except the Commissioner, shall receive Fifty  
14 Dollars (\$50) per meeting attended not to exceed One Hundred  
15 Dollars (\$100) per month and any reasonable expenses in-  
16 curred in performance of duty."

17           Section 13. This Act shall become effective sixty (60) days  
18 after enactment.