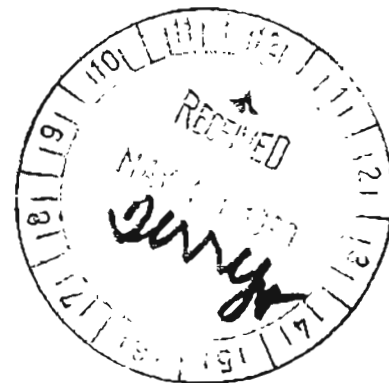


Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
PESINAN EMAGLAHE
AGANA GUAM 96910 USA

Receiv
MAY 18 1990
[Signature]



The Honorable Joe T. San Agustin
Speaker
155 Herman Cortez St.
Twentieth Guam Legislature
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed is Substitute Bill 927 which I have signed into law as Public Law 20-172.

Section 1 requires an immediate technical correction. I do not believe it is the intention of this legislation to decrease the hourly compensation of our firefighters. It is instead intended to compensate them for eight hours per pay period for part of the time they are required to be at the fire station which has been previously designated sleep time.

However, the last sentence of Subsection (a) when compared to previous language could be construed to require the Civil Service Commission to reduce the hourly rate of pay. I request that the last sentence be amended to read:

"The Civil Service Commission shall adjust the pay schedule for firefighters to a schedule based on a standard pay period of one hundred six (106) hours, the hourly amount remaining the same as the hourly amount being paid firemen on the effective date of Public Law 20-172."

The amendment should be made retroactive until May 17, 1990. Subsection (f) of that Section should also be amended to change the date of September 1, 1974 to May 17, 1990 but that is a less critical amendment.

The Legislature's expeditious action to clarify the intent of this worthwhile law is respectfully requested.

Cordially,

[Signature]
JOSEPH F. ADA
Governor

200928

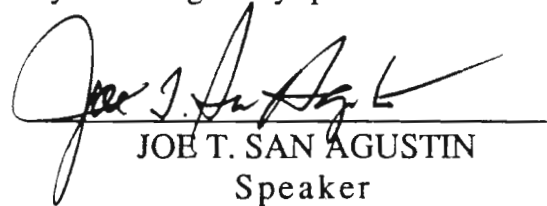


Commonwealth Now!

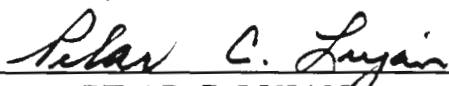
TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 927 (COR), "AN ACT TO REPEAL AND REENACT SUBSECTION (a) OF §6219 OF TITLE 4, GUAM CODE ANNOTATED, RELATING TO THE REGULAR HOURLY RATE OF PAY FOR FIREFIGHTERS, REQUIRING THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREFIGHTERS BASED ON A STANDARD PAY PERIOD OF ONE HUNDRED SIX HOURS," was on the 1st day of May, 1990, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

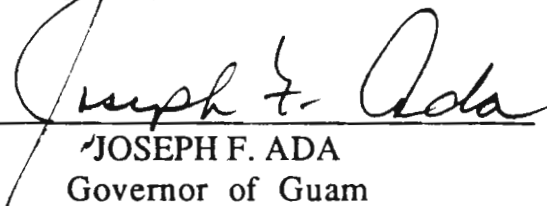
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 1th day of May,
1990, at 7:38 o'clock P.m.


Mercedes F. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: MAY 17 1990

Public Law No. 20-172

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 927 (COR)
As substituted by the Committee
on General Governmental
Operations January 18, 1990
and as further substituted by the
Committee on Rules

Introduced by:

T. S. Nelson
H. D. Dierking
J. T. San Agustin
C. T. C. Gutierrez
P. C. Lujan
E. P. Arriola
M. Z. Bordallo
G. Mailloux
D. Parkinson
E. D. Reyes
F. R. Santos
J. P. Aguon
F. J. A. Quitugua
J. G. Bamba
D. F. Brooks
E. R. Duenas
E. M. Espaldon
M. D. A. Manibusan
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL AND REENACT SUBSECTION (a) OF §6219 OF TITLE 4, GUAM CODE ANNOTATED, RELATING TO THE REGULAR HOURLY RATE OF PAY FOR FIREFIGHTERS, REQUIRING THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREFIGHTERS BASED ON A STANDARD PAY PERIOD OF ONE HUNDRED SIX HOURS.

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

2 Section 1. Subsection (a) of §6219 of Title 4, Guam Code Annotated, is
3 hereby repealed and reenacted to read:

4 "(a) Notwithstanding any other law, rule, or regulation, all firefighters
5 within the Guam Fire Department except the Fire Chief shall be compensated
6 at the regular hourly rate of pay at one hundred six (106) hours per pay
7 period, and shall be compensated at one and one-half (1 1/2) times the
8 regular hourly rate for hours worked in excess of one hundred six (106)
9 hours per pay period. The Civil Service Commission shall adjust the pay
10 schedule for firefighters to a schedule based on a standard pay period of one
11 hundred six (106) hours."

12 Section 2. The Director of Administration and the Fire Chief shall
13 compute the hours earned by all firefighters and shall submit to the
Legislature a report of the total accumulated hours and funds required to
compensate all firefighters as required by this Act.

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

ROLL CALL SHEET

Bill No. 927

Date: 5/1/90 *early hr. 2:00pm*

Resolution No. _____

QUESTION: _____

	AYE	NAY	NOT VOTING	ABSENT
J. P. Aguon				✓
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

20

1



Committee on General Governmental Operations

Twentieth Guam Legislature

TED S. NELSON *Chairman*

MEMBER

- Committee on Rules
- Committee on Economic Development
- Committee on Energy, Utilities & Consumer Protection
- Committee on Federal, Foreign & Legal Affairs
- Committee on Health, Welfare & Ecology
- Committee on Housing and Community Development
- Committee on Judiciary & Criminal Justice
- Committee on Ways and Means
- Committee on Youth, Senior Citizens, Cultural Affairs & Human Development

January 3, 1989

The Honorable Joe T. San Agustin
Speaker
 Twentieth Guam Legislature
 163 Chalan Santo Papa
 Agana, Guam 96910

Via: Chairman, Committee on Rules

Dear Mr. Speaker:

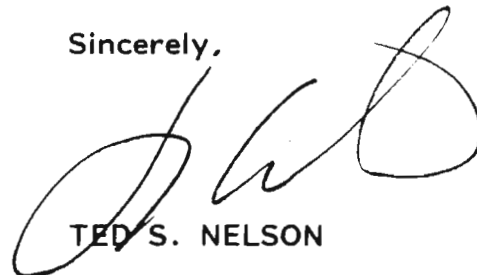
The Committee on General Governmental Operations to which was referred **Bill No. 927** "An act to repeal and reenact §6219(a) of 4 GCA, setting forth the regular hourly rate to Firemen and to request the Civil Service Commission to adjust the pay schedule for Firemen based on a standard pay period of One Hundred Six (106) hours, and to cite the Act as the 'Firefighters Compensation Act of 1989,'" has had the same under consideration, and now wishes to report back the same with the **recommendation to do pass as substituted.**

The Committee votes are as follows:

To do Pass	12
Not to Pass	0
To Report Out	0
To Place in Inactive File	0
Other	2

A copy of the Committee's report and other pertinent documents are enclosed for your perusal.

Sincerely,



TED S. NELSON

Enclosures

**COMMITTEE ON GENERAL
GOVERNMENTAL OPERATIONS**

Members

Herminia D. Dierking
Vice-Chairperson

Elizabeth P. Arriola

J. George Bamba

Madeleine Z. Bordallo

Edward R. Duenas

Carl T. C. Gutierrez

Pilar C. Lujan

Gordon Mailloux

Don Parkinson

Edward D. Reyes

Frank R. Santos

Tommy V. C. Tanaka



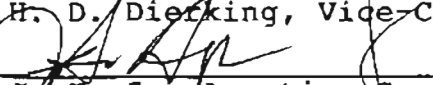
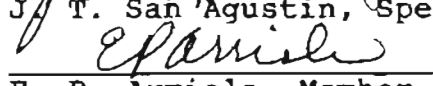

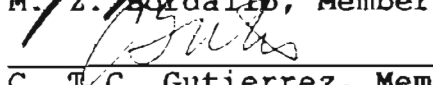
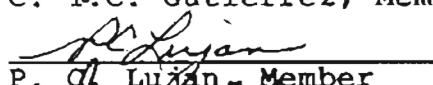
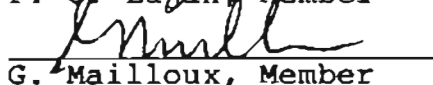
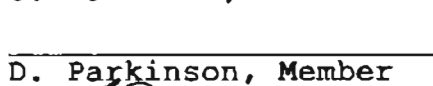

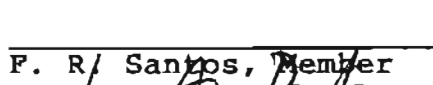
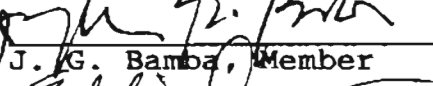
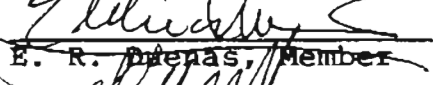

Ex-Officio Member

Joe T. San Agustin
Speaker

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
VOTE SHEET ON SUBSTITUTE BILL NO. 927

AN ACT TO REPEAL AND REENACT §6219(a) OF 4 GCA, SETTING FORTH THE REGULAR HOURLY RATE PAID TO FIREMEN AND TO REQUEST THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREMEN BASED ON A STANDARD PAY PERIOD OF ONE HUNDRED SIX (106) HOURS, AND TO CITE THE ACT AS THE FIREFIGHTERS COMPENSATION ACT OF 1989.

RECOMMENDATION TO DO PASS

COMMITTEE MEMBERS:	TO DO PASS	NOT TO PASS	INACTIVE FILE	ABSTAIN	OTHER
 T. S. Nelson, Chairman	✓				
 H. D. Dierking, Vice-Chairperson	✓				
 J. T. San Agustin, Speaker & Ex Officio	✓				
 E. P. Arriola, Member	✓				
 M. Z. Bordallo, Member	✓				
 C. T.C. Gutierrez, Member	✓				
 P. O. Lujan, Member	✓				
 G. Mailloux, Member	✓				
 D. Parkinson, Member	✓				
 E. D. Reyes, Member	✓				
 F. R. Santos, Member	✓				
 J. G. Bamba, Member	✓				
 E. R. Duenas, Member	✓				
 T. V.C. Tanaka, Member	✓				

TWENTIETH GUAM LEGISLATURE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

REPORT ON BILL NO. 927

AN ACT TO REPEAL AND REENACT §6219(a) OF 4 GCA, SETTING FORTH THE REGULAR HOURLY RATE PAID TO FIREMEN AND TO REQUEST THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREMEN BASED ON A STANDARD PAY PERIOD OF ONE HUNDRED SIX (106) HOURS, AND TO CITE THE ACT AS THE FIREFIGHTERS COMPENSATION ACT OF 1989. [Attachment 1]

Introduced by Senators

Ted S. Nelson, Herminia D. Dierking, Joe T. San Agustin
Carl T.C. Gutierrez, Pilar C. Lujan, Elizabeth P. Arriola,
Madeleine Z. Bordallo, Gordon Mailloux, Don Parkinson,
Eddie D. Reyes, and Frank R. Santos.

PREFACE:

The Committee on General Governmental Operations, to which was referred Bill No. 927, "An act to repeal and reenact §6219(a) of 4 GCA, setting forth the regular hourly rate paid to firemen and to request the Civil Service Commission to adjust the pay schedule for firemen based on a standard pay period of one hundred six (106) hours, and to cite the Act as 'The Firefighters Compensation Act of 1989,'" conducted a public hearing on Thursday, October 12, 1989 at 2:30 p.m. in the Legislative Session Hall.

Committee members present were Senator Ted S. Nelson, Chairman, and Senators Don Parkinson, Elizabeth P. Arriola, Frank R. Santos, Tommy V.C. Tanaka, Pilar C. Lujan, Herminia D. Dierking, Eddie D. Reyes, and Eddie R. Duenas.

NOTIFICATION:

Letters of notification were sent to: the Governor; the Fire Chief; the Acting Executive Director, Civil Service Commission; the Attorney General; the Director of Administration; the President of the Mayor's Council; the newsmedia; and to the general public.

TESTIMONY:

Appearing before the Committee were Messrs. Ron B. Aguon, acting Executive Director, and Jim McIntyre, Personnel Management Officer, of the Civil Service Commission, and Mr. Frank Lizama, Fire Chief, Guam, Fire Department. Also testifying in support of the bill were Messrs. Roman Blas and Raymond Perez.

According to Mr. Jim McIntyre, the bill in its present form needed clarification. He questioned whether it was the intent of the legislation to consider all sleep time and the meal period as compensable hours? At this time, the Chairman responded and informed Mr. McIntyre in the affirmative. According to Mr. McIntyre, the normal bi-weekly work schedule for fire personnel on a 24-hour operation consists of 97.5 compensable work hours, based on five (5) 24.5 work hours. He went on to say that the sleep time and meal period are non-compensable hours.

Next to appear was Mr. Frank C. Lizama, Fire Chief, Guam Fire Department. Chief Lizama informed the Committee that at this point and time, the Fire Department is not prepared to state a position on Bill 927. Additionally, he stated that it is the wish of the Department to pursue and support any proposal that would correct inequities or established policies that serve the best interest to all concerned.

At this time, the Chairman called on Messrs. Roman Blaz and Raymond Perez who testified in support of Bill 927.

There being no further witnesses, the Chairman then stated that it is the intent of Bill 927 to consider all sleep and meal time as compensable hours. The Chairman also elaborated that under the Fair Labor Standards Act, Section 553.222(b), sleep time cannot be excluded from the compensable hours of work if the employee is on a tour of duty, or his tour is exactly 24-hours. He also stated that if the employee's sleep time is interrupted then employee's should be compensated for the entire time he spends at the station.

The Chairman then informed the panel that the only time sleep time and meal periods can be considered non-compensable, is when there is an express or implied agreement between the employer, in this case, the government of Guam, and the firefighters to exclude such time. The Chairman, elaborated saying that in the absence of an agreement, employees should be compensated their sleep time and meal periods.

There being no further witnesses, the Chairman adjourned the Committee hearing on Bill 927.

COMMITTEE FINDINGS:

The Committee to which as referred Bill No. 927, finds, that:

1. Presently, all firefighters earn 97.5 compensable hours on a bi-weekly basis. This is based on a five (5) 24.5 work hours.
2. It is the intent of Bill No. 927 to clarify this error, and to compensate all firefighters 106 hours every pay period, and to pay them at one and one-half (1½) times the regular hourly rate for hours worked in excess of 212 hours.

3. The Fair Labor Standards Act, specifically Section 553.222(b) states that sleep time cannot be excluded from the compensable hours of work where the employee is on a tour of duty of less than 24-hours, and where the employee is on a tour of duty of exactly 24-hours. Paragraph (c) of Section 553-222 provides that time excluded as sleep in any event may not exceed 8-hours in a 24-hour period. However, if the employee's sleep is interrupted by a call to duty, the interruption must be counted as hours worked, and, if the sleep is interrupted to the extent that an employee cannot get a reasonable nights sleep (at least 5-hours) the entire time must be counted as hours worked.
4. The only time sleep time, and meal periods can be considered non-compensable, is when there is an express or implied agreement between the employer and the employees to exclude such time. In the absence of such an agreement, the sleep time is considered compensable.

SECTION ANALYSIS:

Please refer to Page 4 entitled, "Profile on Substitute Bill No. 927."

COMMITTEE RECOMMENDATION:

The Committee on General Governmental Operations, to which was referred Bill No. 927, "An act to repeal and reenact Section 6219(a) of 4 GCA, setting forth the regular hourly rate paid to firemen and to request the Civil Service Commission to adjust the pay schedule for firemen based on a standard pay period of one hundred six (106) hours, and to cite the Act as 'The Firefighters Compensation Act of 1989,'" has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

PROFILE ON SUBSTITUTE BILL NO. 927

Brief Title: "The Firefighters Compensation Act of 1989."

Main Sponsors: Senators Ted S. Nelson, Herminia D. Dierking, and Joe T. San Agustin.

Date Introduced: Friday, September 15, 1989.

Assigned Committee: Referred to the Committee on General Governmental Operations on Friday, September 15, 1989.

Public Hearing: Thursday, October 12, 1989 at 2:30 p.m. in the Legislative Session Hall.

Official Title: "An Act to Repeal and Reenact §6219(a) of 4 GCA, Setting Forth the Regular Hourly Rate paid to Firemen and to request the Civil Service Commission to Adjust the Pay Schedule for Firemen based on a Standard Pay Period of One Hundred Six (106) hours, and to Cite the Act as The Firefighters Compensation Act of 1989."

Co-Sponsors: Senators Carl T.C. Gutierrez, Pilar C. Lujan, Elizabeth P. Arriola, Madeleine Z. Bordallo, Gordon Mailloux, Don Parkinson, Eddie D. Reyes, and Frank R. Santos.

Recommendation: To do pass as substituted by the Committee.

BILL DIGEST

It is the intent of Substitute Bill No. 927 to consider all sleep time and meal period as compensable hours. The Committee found that under the Federal Fair Labor Standards Act, §553.222(b), sleep time cannot be excluded from the compensable hours of work where the employees is on a tour of duty of less an twenty-four (24) hours, and where the employee is on a tour of duty of exactly twenty-four (24) hours. Furthermore, paragraph (c) of §553.222 provides that time excluded as sleep in any event may not exceed eight (8) hours in a twenty-four (24) hour period. However, if the employee's sleep is interrupted by a call to duty, the interruption must be counted as hours worked. And, if the sleep is interrupted to the extent than an employee cannot get a reasonable night's sleep (at least five (5) hours) the entire time must be counted as hours of work.

The Committee also finds that the only time sleep time and meal periods can be considered non-compensable, is when there is an express or implied agreement between the employer and the employees to exclude such time. In the absence of such an agreement, the sleep time is considered compensable.

The legislation also changes the normal bi-weekly work schedule for fire personnel on a 24-hour operation from 97.5 compensable work hours to 106 compensable hours. Also, the legislation provides that firefighters shall be compensated at one and one-half (1½) times the regular hourly rate for hours worked in excess of 212 hours per pay period.

NOTICE OF PUBLIC HEARING
TWENTIETH GUAM LEGISLATURE

9:00 A.M. THURSDAY, OCTOBER 12, 1989. SESSION HALL. COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS to hear BILL NO. 784 "AN ACT TO REPEAL AND REENACT SECTION 1029, IGCA CHAPTER 10 RELATIVE TO FAMILY WEEK. BILL NO. 856 "AN ACT TO AUTHORIZE THE GOVERNOR TO MAKE AVAILABLE AN APPROPRIATE GOVERNMENT BUILDING OR ROOMS TO SERVE AS A "SILENT HOUSE" CLUBHOUSE FOR GUAM'S DEAF COMMUNITY." BILL NO. 867 "AN ACT TO ADD SUBSECTION 6206.1 TO TITLE 4, GUAM CODE ANNOTATED, TO PERMIT AN OFFICER OR EMPLOY OF THE GOVERNMENT OF GUAM TO REFUSE COMPENSATION, BUT PROVIDED THAT LATER ACCEPTANCE THEREOF SHALL NOT BE RETROACTIVE." BILL NO. 876 "AN ACT TO PROVIDE EQUAL INSURANCE BENEFITS TO REGULAR EMPLOYEES AND RETIRED EMPLOYEES OF THE GOVERNMENT OF GUAM." BILL NO. 880 "AN ACT TO RECLASSIFY THE FOLLOWING ADMINISTRATIVE POSITIONS WITHIN THE GOVERNMENT OF GUAM." BILL NO. 887 "AN ACT TO ADOPT THE KABALES NA PLANU PARA GUAHAN." BILL NO. 893 "AN ACT TO ESTABLISH A PUBLIC AUDITOR FOR GUAM." BILL NO. 918 "AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ACQUISITION OF REAL PROPERTY AND CONSTRUCTION OF AN EXPANSION OF THE ORDOT SOLID WASTE DISPOSAL CENTER." BILL NO. 919 "AN ACT TO ADJUST THE PAY RANGES OF ALL GOVERNMENT OF GUAM EMPLOYEES." BILL NO. 925 "AN ACT TO APPROPRIATE THE SUM OF FORTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE INSTALLATION OF CULVERTS IN THE MUNICIPALITY OF BARRIGADA." BILL NO. 927 "AN ACT TO REPEAL AND REENACT SUBSECTION 6219 (a) OF TITLE 4 GUAM CODE ANNOTATED SETTING FORTH THE REGULAR HOURLY RATE PAID TO FIREMEN AND TO REQUEST THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREMEN BASED ON STANDARD PAY PERIOD OF NINETY-EIGHT (98) HOURS, AND TO CITE THE ACT AS THE FIREMEN COMPENSATION ACT OF 1989." BILL NO. 928 "AN ACT TO PROVIDE CERTAIN BENEFITS TO DISABLED MILITARY VETERANS LIVING ON GUAM AND TO CITE THE ACT AS THE "BILL OF RIGHTS FOR DISABLED MILITARY VETERANS." BILL NO. 931 "AN ACT TO APPROPRIATE THE SUM OF FIFTEEN THOUSAND DOLLARS TO THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE COSTS OF PROVIDING CONTINUED ACCESS IN THE MUNICIPALITY OF ASAN." BILL NO. 941 "AN ACT TO REASSIGN THE PAY RANGES OF TECHNICAL PROFESSIONAL ENGINEERING AND RELATED POSITIONS WITHIN THE GOVERNMENT OF GUAM." BILL NO. 943 "AN ACT TO REASSIGN THE PAY RANGES/WAGE SCHEDULES OF WATER OPERATIONS DIVISIONS, WASTEWATER OPERATIONS DIVISION FACILITY MAINTENANCE AND EQUIPMENT SERVICES AND LABORATORY SUPPORT SERVICES ALL AT THE PUBLIC UTILITY AGENCY OF GUAM." BILL NO. 955 "AN ACT TO REQUIRE FIDELITY BONDING OF GUAM GOVERNMENT EMPLOYEES WHO HANDLE MONEY." BILL NO. 956 "AN ACT TO APPROPRIATE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$ 50,000) FROM THE GENERAL FUND FOR THE CONSTRUCTION AND PAVING OF THE TUN MANUEL RIVERA STREET IN SOCIO, TAMUNING." 6:00 P.M., BILL NO. 796 "AN ACT TO REORGANIZE AND CREATE AN ELECTED BOARD AND TO PRESCRIBE ELECTION STANDARDS, TO AMEND SUBSECTION 3101, REPEAL AND REENACT SUBSECTION 3102, AND ADD NEW SUBSECTIONS 3102.1 THROUGH 3102.4, TO REPEAL AND ENACT NEW SUBSECTIONS 3103 THROUGH 3109, TO RENUMBER SUBSECTIONS 3111 THROUGH 3134, TO PROVIDE FOR THE ADMINISTRATION OF THE DEPARTMENT OF EDUCATION AS AUTHORIZED BY SUBSECTION 5 AND SUBSECTION 13 (1) OF U.S. PUBLIC LAW 99-396."

(Members of the public are invited to express their views.)
PA 08902-1LC

NOTICE OF PUBLIC HEARING
TWENTIETH GUAM LEGISLATURE

9:00 A.M. THURSDAY, OCTOBER 12, 1989. SESSION HALL. COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS to hear BILL NO. 784 "AN ACT TO REPEAL AND REENACT SECTION 1029, IGCA CHAPTER 10 RELATIVE TO FAMILY WEEK. BILL NO. 856 "AN ACT TO AUTHORIZE THE GOVERNOR TO MAKE AVAILABLE AN APPROPRIATE GOVERNMENT BUILDING OR ROOMS TO SERVE AS A "SILENT HOUSE" CLUBHOUSE FOR GUAM'S DEAF COMMUNITY." BILL NO. 867 "AN ACT TO ADD SUBSECTION 6206.1 TO TITLE 4, GUAM CODE ANNOTATED, TO PERMIT AN OFFICER OR EMPLOY OF THE GOVERNMENT OF GUAM TO REFUSE COMPENSATION, BUT PROVIDED THAT LATER ACCEPTANCE THEREOF SHALL NOT BE RETROACTIVE." BILL NO. 876 "AN ACT TO PROVIDE EQUAL INSURANCE BENEFITS TO REGULAR EMPLOYEES AND RETIRED EMPLOYEES OF THE GOVERNMENT OF GUAM." BILL NO. 880 "AN ACT TO RECLASSIFY THE FOLLOWING ADMINISTRATIVE POSITIONS WITHIN THE GOVERNMENT OF GUAM." BILL NO. 887 "AN ACT TO ADOPT THE KABALES NA PLANU PARA GUAHAN." BILL NO. 893 "AN ACT TO ESTABLISH A PUBLIC AUDITOR FOR GUAM." BILL NO. 918 "AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ACQUISITION OF REAL PROPERTY AND CONSTRUCTION OF AN EXPANSION OF THE ORDOT SOLID WASTE DISPOSAL CENTER." BILL NO. 919 "AN ACT TO ADJUST THE PAY RANGES OF ALL GOVERNMENT OF GUAM EMPLOYEES." BILL NO. 925 "AN ACT TO APPROPRIATE THE SUM OF FORTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE INSTALLATION OF CULVERTS IN THE MUNICIPALITY OF BARRIGADA." BILL NO. 927 "AN ACT TO REPEAL AND REENACT SUBSECTION 6219 (a) OF TITLE 4 GUAM CODE ANNOTATED SETTING FORTH THE REGULAR HOURLY RATE PAID TO FIREMEN AND TO REQUEST THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREMEN BASED ON STANDARD PAY PERIOD OF NINETY-EIGHT (98) HOURS, AND TO CITE THE ACT AS THE FIREMEN COMPENSATION ACT OF 1989." BILL NO. 928 "AN ACT TO PROVIDE CERTAIN BENEFITS TO DISABLED MILITARY VETERANS LIVING ON GUAM AND TO CITE THE ACT AS THE "BILL OF RIGHTS FOR DISABLED MILITARY VETERANS." BILL NO. 931 "AN ACT TO APPROPRIATE THE SUM OF FIFTEEN THOUSAND DOLLARS TO THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE COSTS OF PROVIDING CONTINUED ACCESS IN THE MUNICIPALITY OF ASAN." BILL NO. 941 "AN ACT TO REASSIGN THE PAY RANGES OF TECHNICAL PROFESSIONAL ENGINEERING AND RELATED POSITIONS WITHIN THE GOVERNMENT OF GUAM." BILL NO. 943 "AN ACT TO REASSIGN THE PAY RANGES/WAGE SCHEDULES OF WATER OPERATIONS DIVISIONS, WASTEWATER OPERATIONS DIVISION FACILITY MAINTENANCE AND EQUIPMENT SERVICES AND LABORATORY SUPPORT SERVICES ALL AT THE PUBLIC UTILITY AGENCY OF GUAM." BILL NO. 955 "AN ACT TO REQUIRE FIDELITY BONDING OF GUAM GOVERNMENT EMPLOYEES WHO HANDLE MONEY." BILL NO. 956 "AN ACT TO APPROPRIATE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$ 50,000) FROM THE GENERAL FUND FOR THE CONSTRUCTION AND PAVING OF THE TUN MANUEL RIVERA STREET IN SOCIO, TAMUNING." 6:00 P.M., BILL NO. 796 "AN ACT TO REORGANIZE AND CREATE AN ELECTED BOARD AND TO PRESCRIBE ELECTION STANDARDS, TO AMEND SUBSECTION 3101, REPEAL AND REENACT SUBSECTION 3102, AND ADD NEW SUBSECTIONS 3102.1 THROUGH 3102.4, TO REPEAL AND ENACT NEW SUBSECTIONS 3103 THROUGH 3109, TO RENUMBER SUBSECTIONS 3111 THROUGH 3134, TO PROVIDE FOR THE ADMINISTRATION OF THE DEPARTMENT OF EDUCATION AS AUTHORIZED BY SUBSECTION 5 AND SUBSECTION 13 (1) OF U.S. PUBLIC LAW 99-396."

(Members of the public are invited to express their views.)
PA 08902-1LC



SENATOR
HERMINIA D. DIERKING
TWENTIETH GUAM LEGISLATURE



COMMITTEES:

September 15, 1989

CHAIRPERSON
Rules

MEMORANDUM

VICE-CHAIRPERSON
Ways & Means
Energy, Utilities &
Consumer Protection
General Governmental
Operations

TO: Chairperson, Committee on Judiciary & Criminal
Justice
Committee on General Governmental
Operations

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 927.

MEMBER:

The above Bill is referred to your Committee.
It is recommended that a joint hearing be
coordinated with the Committees involved.

Economic Development

Herminia D. Dierking
HERMINIA D. DIERKING

Federal, Foreign &
Legal Affairs

Enclosure

Health, Welfare &
Ecology

Judiciary & Criminal
Justice

Education

Tourism & Transportation

Youth, Senior Citizens,
Cultural Affairs &
Human Resources

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 927 (COR)

Introduced by:

T. S. Nelson
H. D. Pierking

AN ACT TO REPEAL AND REENACT §6219(a) OF TITLE 4 GUAM CODE ANNOTATED, SETTING FORTH THE REGULAR HOURLY RATE PAID TO FIREMEN AND TO REQUEST THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREMEN BASED ON A STANDARD PAY PERIOD OF NINETY-EIGHT (98) HOURS, AND TO CITE THE ACT AS THE FIREMEN COMPENSATION ACT OF 1989.

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

2 Section 1. §6219(a) of Title 4 Guam Code Annotated is
3 hereby amended to read:

4 "§6219(a). Notwithstanding any other law, rule, or
5 regulation, all firemen within the Guam Fire Department
6 except the Fire Chief, shall be compensated at the regular
7 hourly rate of pay at ninety-eight (98) hours per pay
8 period, and shall be compensated at one and one-half (1½)
9 times the regular hourly rate for hours worked in excess
10 of one hundred twenty (120) hours per pay period. The
11 Civil Service Commission shall adjust the pay schedule
12 for firemen to that schedule which pays, based on a standard
13 pay period of ninety-eight (98) hours. No firemen shall
14 lose any hours previously accumulated as of December 13,
15 1984 resulting from sleep and meal times while on duty.
16 The Director of Administration and the Fire Chief shall
17 compute the hours earned by all firemen and shall submit
18 to the Legislature the total accumulated hours and funding
19 requirements needed by the Department to compensate all
20 firemen within the Guam Fire Department."

21 Section 2. This Act may be cited or referred to as "The
22 Firemen's Compensation Act of 1989.



MERIT

Government of Guam



OCT 11 1989

CSC No. 89-763

The Honorable Ted S. Nelson
Chairperson, Committee on
General Governmental Operations
Twentieth Guam Legislature
Agana, Guam 96910

Dear Senator Nelson and Members of the Committee:

The attached package contains testimonies of the Commission on seven bills:

BILL 867: An act to permit an officer or employer of the Government of Guam to refuse compensation, but provided that later acceptance thereof shall not be retroactive.

BILL 880: An act to reclassify the following administrative positions within the Government of Guam.

BILL 893: An act to establish a public auditor for Guam.

BILL 919: An act to adjust the pay ranges of all Government of Guam employees.

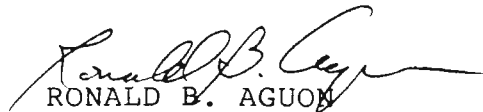
BILL 927: An act setting forth the regular hourly rate paid to firemen and to request the Civil Service Commission to adjust the pay schedule for firemen based on standard pay period of 98 hours, and to cite the Act as the Firemen Compensation Act of 1989.

BILL 941: An act to reassign the pay ranges of Technical Professional Engineering and related positions within the Government of Guam.

Letter to Senator Ted S. Nelson
Testimonies on Seven Bills
Page 2

BILL 943: An act to reassign the pay ranges/wage schedules of Water and Wastewater Operations Divisions, Facility Maintenance and Equipment Services, and Laboratory Support Services all at the Public Utility Agency of Guam.

The Commission appreciates being given the opportunity to testify on the aforementioned bills.


RONALD B. AGUON
Acting Executive Director



MEMORANDUM

Government of Guam



OCT 11 1989

CSC No. 89-759

The Honorable Ted S. Nelson
Chairperson, Committee on General
Governmental Operations
Twentieth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

RE: Testimony on Bill No. 927 (COR)-An Act to Repeal and Reenact §6219 (a) of Title 4 Guam Code Annotated, setting forth the regular hourly rate paid to firemen and to request the Civil Service Commission to adjust the pay schedule for firemen based on a standard pay period of ninety-eight (98) hours, and to cite the act as the firemen compensation act of 1989.


Dear Senator Nelson and Members of the Committee:

The Bill in its present form needs clarification. Is the intent to consider all sleep time and the meal period as compensable hours? Under the federal Fair Labor Standards Act §553.222 (b), sleep time cannot be excluded from the compensable hours of work where (1) the employee is on a tour of duty of less than 24 hour, and (2) where the employee is on a tour of duty of exactly 24 hours. Paragraph "c" of the section above allows the exclusion of sleep time not to exceed 8 hours in a 24-hour period, from compensable hours of work in the case of firefighters who are on tour of duty more than 24 hours, but only if there is an expressed or implied agreement between the employer and the employees to exclude such time. In the absence of such an agreement, the sleep time is compensable. Based on the information provided by a GFD official, the normal bi-weekly work schedule for fire personnel on a 24-hour operation consists of 97.5 compensable work hours, based on five (5) 24.5 work hours. The sleep/meal time of five (5) hours per 24 hour duty status is considered as non-compensable hours. The present compensation policy is therefore within the requirements of the federal Fair Labor Standards Act.

THE HONORABLE TED S. NELSON
CSC NO. 89-759
PAGE 2

Does Bill No. 927 change the current policy? If so, the Commission recommends that the proposed measure include a provision for the tour of duty, be it less than 24 hours, exactly 24 hours, or over 24 hours. Furthermore, the rate of compensation for all compensable sleep time and meal periods must be clearly established. The first sentence beginning with line 4 refers to 98 hours of compensable hours per pay period at the regular hourly rate of pay, and compensation at one and one-half (1 1/2) times the regular hourly rate for hours worked in excess of one hundred twenty (120) hours per pay period. It is not clear, however, whether the 120 hours include the sleep time, that is, if all of the sleep time is to be considered as compensable hours. Further clarity is needed on Line 13 which states that no firemen shall lose any hours previously accumulated as of December 13, 1984 resulting from sleep and meal times while on duty. Is this provision intended to authorize compensation for these hours? Furthermore, is compensation for such sleep and meal times to be made retroactive to December 13, 1984? If so, the Commission does not understand the rationale for such retroactivity. Absent any justifiable basis for the proposed retroactivity, the Commission is not in support of it.

In view of the foregoing clarifications needed, the Commission recommends the the Committee amend the bill to respond to the questions raised above.


RONALD B. AGUON
Acting Executive Director



OCT 11 1983

The Honorable Ted S. Nelson
Vice-Speaker, Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, GU 96910

Dear Senator Nelson:

At this point and time, the Guam Fire Department is not prepared to state a position on Bill 927 referred to as the "Firefighters Compensation Act of 1989". Therefore, we are asking the committee to allow us the time not to exceed 60 days to comment on this bill.

We have received a copy of this Bill on a short notice and base on our interpretations, we feel it requires more time to response not to mentioned the possibility of some modification. Also, this bill would affect the interest of the entire uniformed personnel, and we would like to afford them the opportunity to express their views and submit inputs.

For the record, it is the wish of the Guam Fire Department to pursue and support any proposal that would correct inequities or established policies that serve the best interest to all concerned.

Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read "F.C. Lizama".

F.C. LIZAMA
Fire Chief, Guam Fire Department

Introduced

SEP 15 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 927 (COR)

Introduced by:

T. S. Pearson
H. D. Pierking

AN ACT TO REPEAL AND REENACT §6219(a) OF TITLE 4 GUAM CODE ANNOTATED, SETTING FORTH THE REGULAR HOURLY RATE PAID TO FIREMEN AND TO REQUEST THE CIVIL SERVICE COMMISSION TO ADJUST THE PAY SCHEDULE FOR FIREMEN BASED ON A STANDARD PAY PERIOD OF NINETY-EIGHT (98) HOURS, AND TO CITE THE ACT AS THE FIREMEN COMPENSATION ACT OF 1989.

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19 requirements needed by the Department to compensate all
20 firemen within the Guam Fire Department."

21 Section 2. This Act may be cited or referred to as "The
22 Firemen's Compensation Act of 1989.