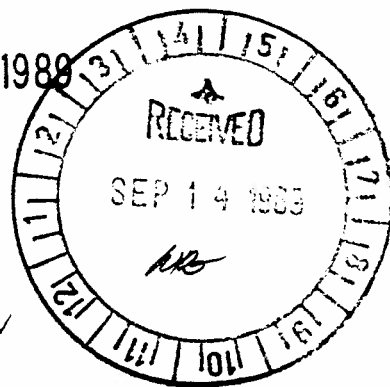




Territory of Guam  
Territorio Guam

OFFICE OF THE GOVERNOR  
URFISINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

SEP 14 1988



Honorable Joe T. San Agustin  
Speaker  
20th Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

*RECEIVED*  
*J*

Dear Mr. Speaker:

Transmitted herewith is Bill No. 460, now Public Law 20-64 which I have signed into law.

Although I have signed the measure, there are some provisions it contains that I would like to see changed.

The recommended changes are simply a reflection of concerns that surfaced during discussions and working sessions between the Civil Service Commission and our Territory's nurses, and are geared toward enhancing our nurses' working environment and the quality of services rendered.

Among suggestions proposed is the requirement of National certification and not just certification from the Guam Memorial Hospital for prospective employees applying for jobs as listed in Section 3.

There are a number of other changes the nurses would like to propose. Those will be outlined in the nurses' study currently being compiled by CSC that should be ready for publication at the end of this month, and that will be transmitted to your good office upon receipt.

In the meantime, know that you are most welcome to call if you should have any questions, comments or suggestions, and thank you for your time.

Sincerely,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

Attachment

200465

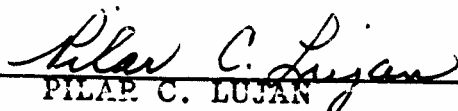
TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 460 (LS), "AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF NURSING PERSONNEL AND TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR HOURS WORKED BY NURSES", was on the 1st day of September, 1989, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker

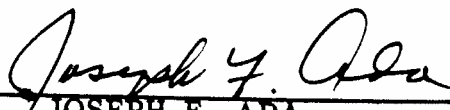
Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 2 day of Sept, 1989,  
at 1:30 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
JOSEPH F. ADA  
Governor of Guam

Date: September 14, 1989

Public Law No. 20-64

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 460 (LS)  
As amended by the Committee  
on Health, Welfare and Ecology

Introduced by:

F. R. Santos  
T. S. Nelson  
M. Z. Bordallo

---

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

AN ACT TO AUTHORIZE FLEXIBLE  
SCHEDULING OF NURSING PERSONNEL AND  
TO PROVIDE ADJUSTMENTS IN  
COMPENSATION FOR HOURS WORKED BY  
NURSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Legislative intent. The Legislature is becoming  
3 increasingly concerned about the apparent shortage of nurses for public  
4 service. In an effort to resolve this shortage, nursing officials have  
5 suggested that additional incentives must be offered to attract nurses to  
6 work for the government of Guam. It has been learned that approximately  
7 325 registered nurses have been licensed by the Guam Board of Nurse  
8 Examiners since 1986, but only a fraction are presently working for the  
9 government. This Act is designed to attract nurses not now working for  
10 the government of Guam and provide a remedy for the shortage being

1 experienced. Additionally, this Act is an attempt to provide incentives for  
2 nurses working those days and shifts that have been traditionally difficult  
3 to staff.

4 Section 2. Nursing compensation. For nursing classifications of the  
5 government of Guam, the following compensation policy shall be implemented  
6 beginning with the first full pay period after the enactment of this Act:

7 (a) The work week for all nursing personnel shall consist of any  
8 combination of straight time, overtime and holiday time totalling eighty  
9 (80) hours. All nursing classifications are hereby exempted from  
10 those provisions of the government of Guam compensation laws covering  
11 accumulated straight time hours required prior to compensation at  
12 overtime rates.

13 (b) All work performed between the hours of 12:00 midnight on  
14 any Saturday and 12:00 midnight of the following Sunday night shall  
15 be compensated at a rate of one and one-half times ( $1\frac{1}{2}x$ ) the nurse's  
16 regular straight time rate.

17 (c) In addition to the regular holiday pay, all work performed  
18 on any legal holiday shall be compensated at a rate of one and one-half  
19 times ( $1\frac{1}{2}x$ ) the nurse's regular straight time rate.

20 (d) After a nurse has worked eight (8) hours in any given  
21 twenty-four (24) hour period, the next four (4) hours worked shall be  
22 at rate of one and one-half times ( $1\frac{1}{2}x$ ) the nurse's regular straight  
23 time hourly rate. Any work in excess of twelve (12) hours in the  
24 same twenty-four (24) hour period shall be compensated at two times  
25 ( $2x$ ) (double time) the nurse's regular straight time hourly rate.

26 (e) For the purpose of computing annual leave and sick leave for  
27 nurses, any combination of eighty (80) hours of work, inclusive of  
28 work at overtime or double time compensation, shall accrue sick leave  
29 at a rate of four (4) hours per pay period and annual leave at the  
30 rate the nurse is entitled to because of time in service.

31 Section 3. New job descriptions. The Civil Service Commission shall  
32 respecify job descriptions for each classified position assigned to the  
33 following nursing specialty areas: Emergency Room, Intensive Care Unit,  
34 NeoNatal Intensive Care Unit, and the Operating Room at the Guam Memorial

1 Hospital; and the Inpatient Unit at the Department of Mental Health and  
2 Substance Abuse. Corresponding pay ranges of such nurses shall be  
3 adjusted to effect regular straight time hourly rate increases of at least  
4 twenty-five percent (25%). The Governor shall implement the provisions of  
5 this Section no later than October 1, 1989.

6 Section 4. The Salary Increase Plan for nurses authorized in Section  
7 2 of this Act shall be reviewed by the Guam Memorial Hospital Authority  
8 which shall report its findings and recommendation thereon to the  
9 Legislature for appropriate action within two (2) years of the effective date  
10 of this Act.

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 460

Date: 9/1/89

Resolution No. \_\_\_\_\_

QUESTION: \_\_\_\_\_

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
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	✓			

19

2



# TWENTIETH GUAM LEGISLATURE

163 Chalan Santo Papa  
Agana, Guam 96910  
Tel: 472-3425/3426/3427

*Senador*  
*Madeleine Z. Bordallo*

June 02, 1989

CHAIRPERSON

COMMITTEE ON  
HEALTH, WELFARE  
& ECOLOGY

VICE CHAIRPERSON:

COMMITTEE ON  
HOUSING & COMMUNITY  
DEVELOPMENT

COMMITTEE ON  
ECONOMIC DEVELOPMENT

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

Dear Mr. Speaker:

The Committee on Health, Welfare and Ecology, to which was referred Bill No. 460, AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF GUAM MEMORIAL HOSPITAL NURSING DEPARTMENT PERSONNEL AND TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR HOURS WORKED BY EMPLOYEES IN THE NURSING DEPARTMENT OF THE GUAM MEMORIAL HOSPITAL does recommend that the Bill, as Amended, be Passed by the Twentieth Guam Legislature.

Votes of the Committee members are as follow:

To Pass	<u>8</u>
To Not Pass	<u>0</u>
To Report Out Only	<u>3</u>
To Place in The Inactive File	<u>0</u>
Abstained	<u>0</u>
Off-Island	<u>1</u>
Not Available	<u>0</u>

Respectfully submitted,

*Madeleine Z. Bordallo*  
MADELEINE Z. BORDALLO

Enclosures

- MEMBER:
- Committee on Energy, Utilities & Consumer Protection
  - Committee on General Governmental Operations
  - Committee on Justice, Judiciary & Criminal Justice
  - Committee on Youth, Human Resources, Senior Citizens & Cultural Affairs
  - Committee on Rules
  - Legislative Member Commission on Self-Determination

COMMITTEE ON HEALTH, WELFARE AND ECOLOGY  
COMMITTEE REPORT ON BILL NO. 460, AS AMENDED

"AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF  
GUAM MEMORIAL HOSPITAL NURSING DEPARTMENT PERSONNEL AND  
TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR HOURS WORKED BY  
EMPLOYEES IN THE NURSING DEPARTMENT OF THE GUAM MEMORIAL HOSPITAL."

PREFACE

A Public Hearing on Bill No. 460 was conducted by the Committee on Health, Welfare and Ecology on March 10, 1989 at 9:00 a.m. in the Legislative Session Hall.

**Members Present:** Chairperson Senator Madeleine Z. Bordallo; Vice-Chairperson Senator Gordon Mailloux; Senators Elizabeth P. Arriola, Ernesto Espaldon, Marilyn D.A. Manibusan, Martha C. Ruth, Tommy Tanaka.

**Witnesses Heard:** Ms. Beverly Olson for Ms. Marilyn Wingfield, Administrator of Department of Mental Health and Substance Abuse (DMHSA); Ms. Estela Gapas, Staff Development Coordinator, Guam Memorial Hospital Authority (GMHA); Ms. Lou Leon Guerrero, President of Guam Nurses Association; Ms. Rosalia T. Perez R.N.; Ms. Mary Marston-Escamilla, R.N.

SUMMARY OF TESTIMONY

Ms. Wingfield, DMHSA: The Bill should apply to all GovGuam agencies employing nurses, especially those with nurses on 24 hour shift, and 7-day work schedule. To specify only nurses working at Guam Memorial Hospital would be discriminatory.

Ms. Lou Leon Guerrero, GNA: Delete figures indicating number of registered nurses licensed by the Guam Board of Examiners and number of employed nurses at GMH. These numbers change frequently and 325 licensed RNS do not accurately reflect the true work force, because some are off-island, and some are unemployed.

In response to questioning, a witness threatened to sue the Government for equal treatment if this bill passes without including all nurses.

The CSC requested the Legislature to refrain from enacting piecemeal salary legislation (Resolution No. 89-005). The CSC has been directed to conduct a salary study of GMH nurses by June 7, 1989.

COMMITTEE FINDINGS/RECOMMENDATIONS

Judge Janet Weeks, in her ruling on Option 1 benefits for GMH nurses only, found that budgetary constraints and the need for keeping the hospital staffed with nurses "cannot justify its arbitrary and disparate treatment" of nurses between agencies.

Bill No. 460 has been amended to address concerns expressed by all interested parties. The Committee recommends Bill No. 460 as Amended, to be Passed by the Twentieth Guam Legislature.

ATTACHMENTS

1. Committee Voting Sheet on Bill No. 460, as Amended.
2. Bill No. 460, as Amended.
3. Bill 460, as referred to Committee.
4. Testimony of Ms. Estela F.T. Gapas, Staff Development Coordinator, GMHA
5. Testimonies of Ms. Marilyn L. Wingfield, Acting Director, DMHSA.
6. Testimony of Ms. Lou Leon Guerrero, President, Guam Nurses Association (GNA).
7. Testimony of Ms. Rosalia T. Perez, R.N.
8. Letter of Civil Service Commission to Speaker Joe T. San Agustin re: piecemeal salary legislation.
9. CSC Resolution No. 89-005.
10. Exerpt from Civil Case No. 1264-87, pp.5-7.
11. Letter of CSC to Chairman re: GMH Nurses Salary Study.
12. Fiscal Note from BMR.
13. Committee Attendance Sheet.
14. Witnesses Attendance Sheet.



COMMITTEE ON HEALTH, WELFARE AND ECOLOGY

VOTING SHEET

BILL NO. 460, AS AMENDED

AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF  
 GUAM MEMORIAL HOSPITAL NURSING DEPARTMENT PERSONNEL AND  
 TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR HOURS WORKED BY  
 EMPLOYEES IN THE NURSING DEPARTMENT OF THE GUAM MEMORIAL HOSPITAL

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>Madeleine Z. Bordallo</i> MADELEINE Z. BORDALLO Chairperson	✓			
<i>Gordon Mailloux</i> GORDON MAILLOUX Vice-Chairperson	✓			
<i>Elizabeth P. Arriola</i> ELIZABETH P. ARRIOLA Member	✓			
<i>Herminia D. Dierking</i> HERMINIA D. DIERKING Member	✓			
<i>Pilar C. Lujan</i> PILAR C. LUJAN Member	✓			
<i>Ted S. Nelson</i> TED S. NELSON Member	✓			
<i>Edward D. Reyes</i> EDWARD D. REYES Member	✓			
<i>Ernesto Espaldon</i> ERNESTO ESPALDON Member	✓			
<i>Marilyn D.A. Manibusan</i> MARILYN D.A. MANIBUSAN Member			6/2/89 <i>MLB</i>	
<i>Martha C. Ruth</i> MARTHA C. RUTH Member			6/2/89 <i>MLB</i>	
<i>Tommy Tanaka</i> TOMMY TANAKA Member				
<i>Antonio R. Unpingco</i> ANTONIO R. UNPINGCO Member			no mark-up <i>MLB</i>	

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 460 (LS)  
As amended by the Committee  
on Health, Welfare and Ecology

Introduced by:

F. R. Santos  
T. S. Nelson  
M. Z. Bordallo

---

A. R. Unpingco  
H. D. Dierking  
G. Mailloux

AN ACT TO AUTHORIZE FLEXIBLE  
SCHEDULING OF NURSING PERSONNEL AND  
TO PROVIDE ADJUSTMENTS IN  
COMPENSATION FOR HOURS WORKED BY  
NURSES.

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

2 Section 1. Legislative intent. The Legislature is becoming  
3 increasingly concerned about the apparent shortage of nurses for public  
4 service. In an effort to resolve this shortage, nursing officials have  
5 suggested that additional incentives must be offered to induce nurses to  
6 work for the government of Guam. It has been learned that approximately  
7 325 registered nurses have been licensed by the Guam Board of Nurse  
8 Examiners since 1986, but only a fraction are presently working for the  
9 government. This Act is designed to induce nurses not now working for  
10 the government of Guam to assist in the shortage being experienced.  
11 Additionally, this Act is proposed in an attempt to provide incentives for  
12 nurses working those days and shifts that have been traditionally difficult  
13 to staff.

14 Section 2. For nursing classifications of the government of Guam  
15 only, the following compensation policy shall be implemented beginning with  
16 the first full pay period after the enactment of this Act:

17 (a) The work week for all nursing personnel shall consist of any  
18 combination of straight time, overtime and holiday time totalling eighty  
19 (80) hours. All nursing classifications are hereby exempted from  
20 those provisions of the government of Guam compensation laws covering

TWENTIETH GUAM LEGISLATURE  
FIRST REGULAR (1989) SESSION

Bill No. 460  
As Amended by the  
Committee on Health, Welfare and Ecology

Introduced by:

F.R. SANTOS  
T.S. NELSON  
A.R. UNPINGCO

H.D. DIERING

AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF ~~GUAM~~  
~~MEMORIAL HOSPITAL NURSING DEPARTMENT PERSONNEL~~  
AND TO PROVIDE ADJUSTMENTS IN COMPENSATION  
FOR HOURS WORKED BY ~~EMPLOYEES IN THE NURSING~~ NURSES  
~~DEPARTMENT OF THE GUAM MEMORIAL HOSPITAL~~

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

2 Section 1. Legislative Intent: The ~~Guam~~ Legislature is  
3 becoming increasingly concerned about the apparent shortage of  
4 nurses ~~at the Guam Memorial Hospital~~. In an effort to resolve this  
5 shortage, officials ~~of GMH~~ <sup>for public similar</sup> <sup>nursing</sup> have suggested that additional  
6 incentives must be offered to induce nurses, ~~not now working for~~  
7 GMH, either on a full time or part time basis, to work for the  
7 ~~hospital~~. <sup>government of Guam</sup> It has been learned that [there are] approximately 325  
8 registered nurses ~~have been~~ licensed by the Guam Board of Nurse  
9 Examiners ~~since 1986~~. <sup>act</sup> <sup>a fraction</sup> Of this number only ~~110~~ are presently  
10 working for the ~~GMH~~. <sup>government</sup> This ~~legislation~~ <sup>act</sup> is designed to induce nurses  
11 not now working for ~~GMH~~ <sup>all government of Guam</sup> to apply at the ~~hospital~~ to assist in the  
12 shortage being experienced. Additionally, this ~~legislation~~ <sup>act</sup> is  
13 proposed in an attempt to provide incentives for nurses working  
14 those days and shifts that have been traditionally difficult to  
15 staff.

16 Section 2. For [the] Nursing classifications <sup>of the government</sup> [Department at the  
17 ~~Guam Memorial Hospital~~ <sup>of Guam</sup>] only, the following compensation policy

1 , shall be implemented beginning with the first full pay period after  
2 the enactment of the <sup>Amended:</sup> ~~provisions contained herein.~~

3 A. The work week for all nursing personnel ~~[of the Nursing~~  
4 ~~Department at GMH]~~ shall consist of any combination of straight  
5 time, overtime and holiday time totalling EIGHTY HOURS (80). ~~The~~  
6 Nursing Department of GMH is] All nursing classifications are  
7 hereby exempted from those provisions of the ~~General Compensation~~  
8 <sup>laws calling</sup> ~~policies relative to~~ accumulated straight time hours required prior  
9 to compensation at overtime rates.

10 B. All work performed between the hours of 12:01 AM on any  
11 Saturday and 12:00 <sup>of</sup> the following Sunday night shall be  
12 compensated at one and one-half times (1-1/2X) the nurse's  
13 [employee's] normal straight time rate.

14 C. In addition to the regular holiday pay, all work performed  
15 on any legal holiday shall be compensated at one and one-half times  
16 (1-1/2X) the nurse's [employee's] normal straight time rate.

17 D. After ~~[an employee of the Nursing Department]~~ a nurse has  
18 worked <sup>times</sup> ~~eight~~ hours (8) in any given ~~twenty four~~ hour (24) period,  
19 the next four hours (4) worked shall be at one and one-half  
20 (1-1/2X) the ~~[employee's]~~ nurse's normal straight time hourly  
21 rate. Any work in excess of ~~twelve~~ hours (12) in the same ~~twenty~~  
22 ~~four~~ hour (24) period shall be compensated at ~~two~~ times (2X)  
23 (Double Time) the employee's normal straight time hourly rate.

24 [E. All employees, except doctors, assigned to and working in  
25 the Emergency Room, the Intensive Care Unit, the NeoNatal Intensive  
26 Care Unit and the Operating room shall be compensated an additional  
27 Twenty-Five percent (25%) of the employee's normal straight time  
28 hourly rate.]

1 . E. [Section 3. Leave Computation:] For the purpose of  
2 computing annual leave and sick leave for nurses, any combination  
3 of Eighty (80) hours of work, inclusive of work at overtime or  
4 double time compensation, shall accrue sick leave at a rate of four  
5 (4) hours per pay period and annual leave at the rate the  
6 [employee] nurse is entitled to because of time in service.

7 Section 3. The Civil Service Commission shall respecify job  
8 descriptions for each classified position assigned to the following  
9 nursing specialty areas: Emergency Room, Intensive Care Unit,  
10 NeoNatal Intensive Care Unit, and the Operating Room at the Guam  
11 Memorial Hospital, and the Inpatient Unit at the Department of  
12 Mental Health and Substance Abuse. Corresponding pay ranges shall  
13 be adjusted to effect normal straight time hourly rate increases of  
14 at least twenty-five percent (25%). The Governor shall implement  
15 the provisions of this Section no later than October 1, 1989.

FEB 14 '89

Bill No. 460 (LS)

Introduced by:

F.R. Santos

AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF GUAM MEMORIAL HOSPITAL NURSING DEPARTMENT PERSONNEL AND TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR HOURS WORKED BY EMPLOYEES IN THE NURSING DEPARTMENT OF THE GUAM MEMORIAL HOSPITAL.

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

Section 1. Legislative Intent: The Guam Legislature is becoming increasingly concerned about the apparent shortage of nurses at the Guam Memorial Hospital. In an effort to resolve this shortage, officials of GMH have suggested that additional incentives must be offered to induce nurses, not now working for GMH, either on a full time or part-time basis, to work for the hospital. It has been learned that there are approximately 325 registered nurses licensed by the Guam Board of Nurse Examiners. Of this number only 110 are presently working for the GMH. This legislation is designed to induce nurses not now working for GMH to apply at the hospital to assist in the shortage being experienced. Additionally, this legislation is proposed in an attempt to provide incentives for nurses working those days and shifts that have been traditionally difficult to staff.

Section 2. For the Nursing Department at the Guam Memorial Hospital only, the following compensation policy shall be implemented beginning with the first full pay period after the enactment of the provisions contained herein.

A. The work week for all personnel of the Nursing Department at GMH shall consist of any combination of straight time, overtime and holiday time totalling EIGHTY HOURS (80). The Nursing Department of GMH is hereby exempted from those provisions of the GovGuam Compensation policies relative to accumulated straight time hours required prior to compensation at overtime rates.

B. All work performed between the hours of 12:01 AM on any Saturday and 12:00 on the following Sunday night shall be compensated at one and one-half times (1-1/2X) the employee's normal straight time rate.

C. In addition to the regular holiday pay, all work performed on any legal holiday shall be compensated at one and one-half times (1-1/2X) the employee's normal straight time rate.

D. After an employee of the Nursing Department has worked

Eight hours (8) in any given Twenty Four Hour (24) period, the next four hours (4) worked shall be at one and one-half (1-1/2X) the employee's normal straight time hourly rate. Any work in excess of Twelve hours (12) in the same Twenty Four hour (24) period shall be compensated at Two times (2X) (Double Time) the employee's normal straight time hourly rate.

E. All employees, except doctors, assigned to and working in the Emergency Room, the Intensive Care Unit, the Neo Natal Intensive Care Unit and the Operating room shall be compensated an additional Twenty-Five percent (25%) of the employee's normal straight time hourly rate.

Section 3. Leave Computation: For the purpose of annual leave and sick leave, any combination of Eighty (80) hours of work, inclusive of work at overtime or double time compensation, shall accrue sick leave at a rate of Four (4) hours per pay period and annual leave at the rate the employee is entitled to because of time in service.

## TESTIMONY IN FAVOR OF BILL 460

Dear Senator Bordallo, my name is Estela Gapas and I'm here to testify in behalf of Bill 460 on behalf of Guam Memorial Hospital.

Because of our intent and desire to attract more nurses to work at the hospital and at the same time retain them, it is necessary and strongly recommended that incentives are offered. Flexible schedules and higher compensations are 2 good ways to start. The advantages are many and some of them are:

1. Increase pay during holidays, week-ends and night shifts is an excellent idea. The hospital as short as it is on weekdays are even more short during week-ends. Skeletal staffing on nights, week-ends and holidays are pretty common. Week-ends have traditionally been party days on Guam. Who wants to work when one can party? But offer a salary they can't say no to and some of the problems are solved.

2. The Critical Care Unit, Neonatal Care Intensive Care Unit, Emergency Room and Operating Room are what we call Specialty Areas. They are so called because nurses in those areas are required to have certain skills and knowledge beyond basic nursing in order to take care of patients in those areas. They have the knowledge and the technical skill to work with life saving machines, emergency drugs and always ready to act in crisis situations. They take care of critical patients and are demanded to make quick, clear, expert decisions all the time. These nurses are special and rare. They deserve to be paid a higher compensation to retain them in the specialty areas. Further, the increased salary would attract more nurses into the Specialty Areas.

3. The hospital will benefit from flexible scheduling in several ways:

- a. There are peak hours at the hospital during any given time brought about by emergencies. There are low days too and it can get quiet, thanks goodness. During busy days, nurses can work a little bit longer and during quiet days, they can take off and relax at home or somewhere else, outside of the hospital environment.
- b. Increase morale of the nurses by giving them autonomy in terms of working time.
- c. Flexible working hours would be attractive amongst working mothers. There's ample time to arrange for babysitting or take children to school, etc. Almost always this is the biggest cause for tardiness and for observation in the hospital.



TESTIMONY IN FAVOR OF BILL 460 (cont'd)  
Page 2 of 2

In these times when more and more nurses are in demand and the supply is getting shorter each year, they want to know and feel that they can be paid justly. At GMH, the sooner we get enough nurses, the sooner we fill our vacancies, the sooner quality patient care is realized.

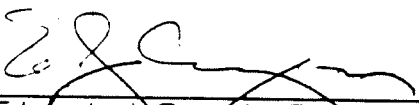
Thank you for the opportunity to talk about this subject. Thank you Sen. Frank Santos for introducing the Bill. Thank you to all of you senators for your support of this bill.

Respectfully submitted,



ESTELA F.T. GAPAS, RN, MPH  
Staff Development Coordinator  
March 10, 1989

Concurred by:

---

Edwardo J. Cruz, M. D.  
Acting Hospital Administrator



DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE

"People Caring For People"

MARILYN WINGFIELD, M.S.W.  
Acting Director

March 14, 1989

RECEIVED  
MAR 28 1989

DR. NURY R. SANTZ  
Deputy Director

Senator Madeliene Z. Bordallo  
Chairperson, Committee on Health,  
Welfare and Ecology  
Twentieth Guam Legislature  
Post Office Box CB  
Agana, Guam 96910

*From  
Darryl  
a memo  
to clarify  
these points  
M.*

- Re: Bill No. 326, Financial Assistance for Nurses Pursuing a Graduate Degree in Nursing
- Bill No. 447, Professional Training Act
- Bill No. 156, Establish a School Nurse Program in The Guam Public School System
- Bill No. 460, Flexible Scheduling and Compensation for Hours Worked in The Nursing Department of The Guam Memorial Hospital

Dear Senator Bordallo:

Thank you for allowing late written comments to support oral comments made at the public hearing on March 10, 1989. Also, allow us to thank you for your support of professional nursing on Guam.

We support the intent of Bill No. 326 due to the limited number of nurses who have graduate degrees and the great need for nurses who have the educational qualifications to hold leadership positions at the Department of Mental Health and Substance Abuse, Guam Memorial Hospital, the Department of Public Health and Social Services, the University of Guam School of Nursing and the various private sector health provider industries. Bill No. 326 would allow nurses to continue to work in their communities and various health agencies while seeking their education in a summer program.

We would like to address some minor points which need clarification.

- 1) There is reference, throughout the Bill, to a "Board" designated to administer the scholarships, however, it is unclear whether the "Board" is the Board of Regents of the University of Guam or the Board of Nurse Examiners.
- 2) Section 1, Subsection (d) Line 19 indicates that the College or University selected by the candidate must be accredit and must be approved by the Board. Such a requirement, as underlined, seems to be a discriminatory requirement and may be challenged by candidates accepted to an accredited program, but not approved by the Board. In addition the Board would need to approve a considerable number of Master's Programs now in operation not to mention programs newly formed at some time in the future.



# DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE

"People Caring For People"

JOSEPH ARTERO CAMERON  
Director

DR. MORY R. SANTZ  
Deputy Director

To: Senator Bordallo (re Bill #326)  
Senator Santos (re Bill #447)  
Senator (re Bill #460)

From: Acting Director, Department of Mental Health and  
Substance Abuse

Senators: Thank you for this opportunity to provide positive statements in support of all three of the above bills. I have briefly read the bills, and the statements of intent. My colleagues at D.M.H.S.A. agree with me in supporting the intent of all three.

However, we have only recently received copies of these bills and we would need to study them in order to make specific comments regarding certain sections of each bill. For example:

Bill #460 should apply to all Government of Guam agencies employing nurses, especially all those employing nurses for 24 hours per day, 7 days per week. Restriction of the bill to Guam Memorial Hospital only would result in movement of nurses away from Gov-Guam line agencies where critical nurse shortages already exist and would only temporarily be of benefit to G.M.H.

We will be forwarding more complete statements of support, with comments regarding needed modifications, within the next week. Again, thank you for the opportunity to provide input on these important pieces of legislation.

*Marilyn L. Wingfield*  
Marilyn L. Wingfield  
March 10, 1989

# Guam Nurses' Association

P. O. BOX 3134 AGANA, GUAM 96910

TESTIMONY SUBMITTED BY  
LOU LEON GUERRERO, PRESIDENT  
GUAM NURSING ASSOCIATION

Bill 460: An Act to  
Authorize Flexible  
Scheduling of Guam Memorial  
Hospital Nursing Department  
Personnel and to Provide  
Adjustments in Compensation  
for Hours Worked by  
Employees in the Nursing  
Department of the Guam  
Memorial Hospital.

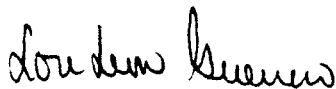
Madam Chair and Members of the Committee on Health, Welfare, and Ecology thank you for allowing GNA the opportunity to testify on Bill 460.

GNA is in support of the internal strategic efforts the Guam Memorial Hospital Nursing Department has set forth in their move towards retaining and attracting nurses as so demonstrated in this Bill.

We do recommend that the number of registered nurses licensed by the Guam Board of Nurse Examiners and the number of employed nurses at GMH be deleted. These numbers change frequently. In addition, 325 licensed RNs do not accurately reflect the true work force because we do not know how many of the 325 licensed RNs are on-island employed, on-island unemployed, and off-island.

The remaining sections are internal administrative issues that I am sure has been discussed and approved. Our concern is how does this impact in the cost of health care and maybe something your committee should address with GMH management.

Thank you.



Lou Leon Guerrero  
President

TESTIMONY  
BEFORE THE  
COMMITTEE ON HEALTH, WELFARE AND ECOLOGY  
THE HONORABLE MADELEINE Z. BORDALLO  
CHAIRPERSON  
ON

MARCH 10, 1989

PRESENTED BY  
ROSALIA T. PEREZ, RN

MADAM CHAIRPERSON, THE HONORABLE MADELEINE Z. BORDALLO, AND MEMBERS OF THE COMMITTEE ON HEALTH, WELFARE AND ECOLOGY.

MY NAME IS ROSALIA T. PEREZ, A RESIDENT OF SANTA RITA AND A PROFESSIONAL LICENSED REGISTERED NURSE FOR THE LAST TWENTY YEARS. I AM PRESENTLY EMPLOYED BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES AS A COMMUNITY HEALTH NURSE SUPERVISOR II ASSIGNED TO MANPOWER DEVELOPMENT AND QUALITY ASSURANCE. IN THE PAST, I WORKED FOR THE GUAM MEMORIAL HOSPITAL AS A CERTIFIED CARDIAC AND INTENSIVE CARE NURSE. I AM PROFESSIONALLY LICENSED IN CALIFORNIA WHERE I WORKED FOR MARIAN HOSPITAL IN SANTA MARIA AND IN THE STATE OF HAWAII WHERE I WORKED FOR THE HAWAII STATE DEPARTMENT OF PUBLIC HEALTH. IT IS BECAUSE OF THESE EXPERIENCES THAT I FEEL THAT I AM QUALIFIED TO OFFER TESTIMONY IN SUPPORT OF BILL 460.

BILL 460 IS PROPOSED LEGISLATION DESIGNED TO PROVIDE SOME SOLUTION TO THE NURSING SHORTAGE BEING EXPERIENCED AT THE GUAM MEMORIAL HOSPITAL, GUAM'S ONLY CIVILIAN ACUTE CARE FACILITY. I WILL BE THE FIRST TO STATE THAT THIS LEGISLATION DOES NOT

CLAIM TO PROVIDE ALL OF THE ANSWERS TO ALL OF THE PROBLEMS. HOWEVER, IT DOES ADDRESS PROBLEMS OF WHICH I AM AWARE. IT IS MY OPINION THAT THESE PROBLEMS ARE THE CAUSES FOR MANY NURSES SEEKING EMPLOYMENT IN THE NURSING PROFESSION IN OTHER AREAS AND DEPARTMENTS.

SOME OF THE MORE UNDESIREABLE CHARACTERISTICS ATTENDANT WITH WORKING IN AN ACUTE CARE FACILITY CAN BE STATED AS:

1. THE FACILITY IS A TWENTY FOUR HOUR OPERATION, THEREFORE THE PERSONNEL MUST BE SCHEDULED TO WORK IN THREE SHIFTS.
2. THE FACILITY OPERATES SEVEN DAYS A WEEK, THEREFORE THE PERSONNEL MUST BE SCHEDULED TO WORK ON WEEKENDS AND HOLIDAYS.

IT CAN BE SAFELY STATED THAT NO ONE PARTICULARLY ENJOYS WORKING THE SWING SHIFT WHICH STARTS AT 3:00PM AND ENDS AT 11:30 PM AND THE GRAVEYARD SHIFT WHICH STARTS AT 11:00 PM AND ENDS AT 7:30AM. ANYONE WHO STATES THAT THEY ENJOY THESE SHIFTS MUST BE CONSIDERED A TRUE NIGHTENGALE AND ARE FAR AND FEW IN BETWEEN. THESE TWO SHIFTS ARE PARTICULARLY HARD ON INDIVIDUALS WITH YOUNG FAMILIES WHO ARE TORN BETWEEN PURSUING THEIR PROFESSIONAL CAREERS AND ATTENDING TO THE REAL NEEDS OF THEIR SPOUSES AND CHILDREN. THE STRESS AND TENSION CREATED BY THIS CANNOT BE OVERSTATED. I MAKE THIS STATEMENT FROM PERSONAL EXPERIENCE AND I THINK THAT IF THE MAJORITY OF NURSES ARE QUESTIONED ON THIS MATTER THE ANSWERS WOULD BE THE SAME AND IN AGREEMENT WITH MY STATEMENT.

BILL 460 IS DESIGNED TO PROVIDE AN AVENUE BY WHICH NURSES, WHO ARE REQUIRED TO PERFORM OVER AND ABOVE THE NORMAL 8 HOURS DURING THESE SHIFTS, CAN AND WILL BE COMPENSATED TO GREATER

DEGREES AND EXTENT THAN THAT PRESENTLY AUTHORIZED BY GOV GUAM POLICIES, RULES AND REGULATIONS. IF A NURSE HAS TO PULL A DOUBLE SHIFT BECAUSE HER REPLACEMENT HAS TAKEN ILL OR JUST DOESN'T SHOW UP THEN THAT NURSE SHOULD BE COMPENSATED FOR PERFORMANCE

~~OVER AND ABOVE THE REQUIRED CALL OF DUTY. I WILL NOT ADDRESS WHAT TO DO WITH NURSES WHO REPEATEDLY CALL IN SICK DURING SWING AND GRAVE YARD SHIFTS OR WHO DON'T BOTHER TO SHOW UP FOR WORK - THAT IS A MANAGEMENT PROBLEM. MY CONCERN AND THE CONCERN IN BILL 460 IS FOR THOSE NURSES WHO MUST PERFORM BEYOND NORMAL REQUIREMENTS BECAUSE THOSE AFOREMENTIONED SITUATIONS CAN EXIST. PAYING OVERTIME RATES AT ONE AND ONE-HALF THE NORMAL WAGES FOR THE FIRST FOUR HOURS IN EXCESS OF THE NORMAL DUTY OF 8 HOURS IS NOT UNJUSTIFIED IN CASES SUCH AS THIS. PAYING DOUBLE TIME FOR EACH HOUR WORKED BEYOND 12 HOURS IS LIKewise VERY JUSTIFIED. I WOULD POINT OUT THAT THIS PRACTICE COULD BE SERIOUSLY QUESTIONED RELATIVE TO THE FEDERAL WAGE AND HOUR ACT BUT IN THOSE CASES WHERE IT DOES HAPPEN, THE NURSE WHO IS KEPT ON DUTY FOR A DOUBLE SHIFT SHOULD BE COMPENSATED FAIRLY.~~

ADDITIONALLY, AND PARTICULARLY HERE IN GUAM, THE REQUIREMENT TO SCHEDULE PERSONNEL ON WEEKENDS AND HOLIDAYS CREATES SIMILAR PROBLEMS. IN THE MAJORITY OF CASES WEEKENDS ARE THE ONLY PERIODS OF TIME WHEN FAMILIES CAN BE TOGETHER AS A FAMILY. I DO NOT THINK THAT THERE IS ANY NURSE ON THIS ISLAND WHO WOULD STATE THAT THEY WOULD RATHER WORK ON WEEKENDS AND HOLIDAYS THAN BE WITH THEIR LOVED ONES. AGAIN, IF YOU FIND ONE, THEN THAT INDIVIDUAL SHOULD BE GIVEN A MEDAL OF HONOR AND ENSHRINED.

BILL 460 THEN ATTEMPTS TO ADDRESS THIS SITUATION BY OFFERING MONETARY INCENTIVES TO EASE THE STRESS AND TENSION NOT ONLY WITH THE NURSE HERSELF BUT ALSO WITH THE FAMILY. BY STATUTORILY AUTHORIZING AND REQUIRING THE GUAM MEMORIAL HOSPITAL TO COMPENSATE ~~ALL WEEKEND WORK AT OVERTIME RATES, NURSES SCHEDULED TO WORK~~ ON WEEKENDS WOULD PROBABLY BE MORE WILLING WITH THE ADDED INCENTIVE OF AN ADDITIONAL 50% TO THEIR WAGE RATES REGARDLESS OF WHETHER THEY HAVE ALREADY WORKED THEIR FORTY HOURS OF STRAIGHT TIME. BILL 460 WOULD PROVIDE THE MEANS BY WHICH THE HOURS WORKED ON WEEKENDS, COMPENSATED AT THE OVERTIME RATES, WOULD BE UTILIZED AS SATISFACTION FOR THE REQUIREMENTS RELATIVE TO ANNUAL AND SICK LEAVE ACCRUALS. QUITE SIMPLY PUT, ANY COMBINATION OF FORTY HOURS, WHETHER ON STRAIGHT TIME COMPENSATION OR OVERTIME BASIS, WOULD SUFFICE FOR SICK AND ANNUAL LEAVE ACCRUALS. THE INDIVIDUAL EMPLOYEE EARNS THE ANNUAL AND SICK LEAVE AND IS JUSTLY COMPENSATED FOR THE WEEKEND OR HOLIDAY WORK. THE ACCRUAL OF ANNUAL AND SICK LEAVE IS BASED ON THE NUMBER OF HOURS ACTUALLY WORKED AND NOT THE METHOD OF COMPENSATION UTILIZED.

BILL 460 WOULD ALSO PROVIDE INCENTIVE TYPES OF PAY FOR SPECIALIZED WORK IN THE HOSPITAL. THERE IS NOT ONE NURSE OR PERSON ON THIS ISLAND WHO WOULD OBJECT TO RECOGNIZING AND COMPENSATING NURSES FOR SPECIALIZED WORK. IF A NURSE IS REQUIRED TO WORK IN THE CARDIAC AND INTENSIVE CARE UNITS, BOTH ADULT AND NEO-NATAL, OR IN THE EMERGENCY ROOM, OR IN THE OPERATING ROOM, THEN THAT NURSE SHOULD BE COMPENSATED ADDITIONALLY FOR THAT SPECIALIZED WORK. IT IS HIGHLY SPECIALIZED, HIGHLY STRESSFUL



AND TENSE AND VERY QUICKLY LEADS TO BOTH PHYSICAL AND EMOTIONAL BURNOUT IF EXTREME CARE IS NOT TAKEN. I WORKED FOR THE CARDIAC AND INTENSIVE CARE UNITS AT GMH AND I CAN TELL YOU WITH NO RESERVATIONS THAT THE STRESS AND TENSION AND EMOTIONAL CRISES INVOLVED ARE NOT SMALL NOR SHOULD THEY BE IGNORED. I WOULD NOT OBJECT TO PAYING NURSES FOR SUCH WORK DOUBLE THEIR SALARIES BUT SUGGESTED ONLY 25% DIFFERENTIALS SIMPLY BECAUSE IT MUST START AT SOME LEVEL AND I AM NOT AWARE OF THE BUDGETARY CONSTRAINTS OR BURDENS IT WOULD CREATE FOR THE HOSPITAL.

I AM IN SUPPORT OF THE METHODS PRESCRIBED IN BILL 460 RATHER THAN BLANKET PAY INCREASES OR ADJUSTMENTS FOR THE GUAM MEMORIAL HOSPITAL NURSES BECAUSE OF THE LEGAL IMPLICATIONS AND THE DAMAGE TO THE NURSING PROFESSION THAT IS CREATED EVERYTIME SOMEONE SUGGESTS OR ATTEMPTS TO DIFFERENTIATE BETWEEN PROFESSIONAL NURSES. **ALL PROFESSIONALLY LICENSED REGISTERED NURSES TAKE THE SAME LICENSING EXAMINATIONS, HAVE THE SAME EDUCATIONAL REQUIREMENTS TO QUALIFY FOR SUCH AN EXAMINATION AND ARE SUBJECT TO THE SAME GENERAL QUALIFICATIONS. EVERY SINGLE LICENSED REGISTERED NURSE AT PUBLIC HEALTH HOLDS THE SAME LICENSE AS LICENSED REGISTERED NURSES AT GMH.**

THIS IS NOT TO SAY THAT THE GMH NURSES SHOULD NOT BE COMPENSATED FOR SPECIALIZED WORK THEY PERFORM IN CCU-ICU, THE OPERATING ROOM OR THE EMERGENCY ROOM. BUT THESE REWARDS OR DIFFERENTIALS SHOULD BE JUST THAT - DIFFERENTIALS AND NOT AN ATTEMPT TO DELINEATE ONE NURSE FROM ANOTHER; NOT AN ATTEMPT TO CREATE THE IMPRESSION THAT ONE NURSE IS BETTER THAN THE OTHER

WHICH IS WHAT LITERALLY HAPPENS WHEN PAY RANGE SCHEDULES ARE ADJUSTED SO THAT THERE ARE DIFFERENCES BETWEEN PROFESSIONALS WITH THE SAME CREDENTIALS.

RECOGNITION AND COMPENSATION BECAUSE OF SPECIALIZED WORK PERFORMED IS NOT A PROBLEM AND IT SHOULD BE KEPT THAT WAY, BUT WHENEVER THE GOVERNMENT ATTEMPTS TO MAKE A STATEMENT THAT ONE GROUP OF NURSES IS MORE QUALIFIED OR BETTER THAN THE OTHER THEN YOU WILL CONTINUALLY HAVE LEGAL PROBLEMS AND LEGAL BATTLES. THAT I CAN ASSURE YOU.

I SINCERELY FEEL AND THINK THAT BILL 460 WILL PROVIDE THE STATUTORY MEANS BY WHICH THE GMH NURSES CAN BE COMPENSATED JUSTLY FOR THE SPECIALIZED AND EXTRA DUTY WORK THAT THEY PERFORM. IT IS JUST AND FAIR THAT THIS HAPPENS. IT IS ONLY RIGHT THAT THE GOVERNMENT OF GUAM SEEK WAYS TO DO THIS.

FINALLY, I PERSONALLY FEEL THAT IT IS A WAY TO PROVIDE THE TYPES OF INCENTIVES NECESSARY TO PLACE NURSES ON THE FLOOR AND IN THE WARDS WHERE THEY ARE MOST VITALLY NEEDED. NOT ONE NURSE ON GUAM WILL HAVE A PROBLEM WITH THE ESTABLISHMENT OF INCENTIVES FOR NURSES WORKING THE SPECIALIZED FLOORS AND WARDS OF GMH. WITH DILIGENCE AND CARE IN THE MANAGEMENT OF THE INCENTIVES PROVIDED BY BILL 460, I AM CONFIDENT THAT GMH WILL BE ABLE TO KEEP MORE NURSES ON THE FLOOR AND IN THE WARDS AND WE MAY LEARN THAT THE SHORTAGE IS NOT AS ACUTE AS HAS BEEN STATED.

I AM PREPARED TO ANSWER QUESTIONS FROM THE COMMITTEE AS BEST AS I CAN AND I WISH TO HERE THANK THE COMMITTEE FOR AFFORDING ME THIS OPPORTUNITY TO VOICE MY THOUGHTS ON THIS LEGISLATION.

I URGE THE COMMITTEE TO RECOMMEND PASSAGE OF BILL 460 AS  
EXPEDITIOUSLY AS POSSIBLE. THANK YOU, MADAM CHAIRPERSON.

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SENATOR

**HERMINIA D. DIERKING**  
**TWENTIETH GUAM LEGISLATURE**

*Handwritten notes:*  
Dierking  
of 1/11

COMMITTEES

April 19, 1989

CHAIRPERSON  
Rules

MEMORANDUM

VICE CHAIRPERSON  
Ways & Means  
Energy, Utilities &  
Consumer Protection

To: Chairperson, Committee on General Governmental  
Operations  
Committee on Health, Welfare &  
Ecology

From: Chairperson, Committee on Rules

Subj: Communication

MEMBER

The following Communication is received by my office  
and is being forwarded to your Committee for your  
information:

Letter from Norma J. Aflague,  
Executive Director, Civil Service  
Commission, to Senator Madeleine Z.  
Bordallo, cc Speaker, regarding  
salary study for all nurses in the  
Government of Guam.

*Signature of Edward D. Reyes*  
EDWARD D. REYES  
Acting

Enclosure



**MERIT**

89 APR -7 PM 12: 48

Government of Guam



CSC No. 89-369

The Honorable Madeleine Z. Bordallo  
Chairperson  
Committee on Health, Welfare & Ecology  
Twentieth Guam Legislature  
P.O. Box CBI  
Agana, Guam 96910

Dear Senator Bordallo:

The Governor has recently tasked the Civil Service Commission to conduct a salary study for all nurses in the Government of Guam within sixty (60) days.

In its efforts to formulate salary recommendations, the Commission respectfully request your assistance in providing us with copies of proposed legislations that have been introduced related to issues on nurses such as salaries, incentives, educational opportunities and financial assistance.

We would also appreciate copies of written testimonies that were submitted on any of the above bills that have had public hearings.

In addition to requesting these documents, the Commission welcomes any concerns, ideas or recommendations that you may like us to address.

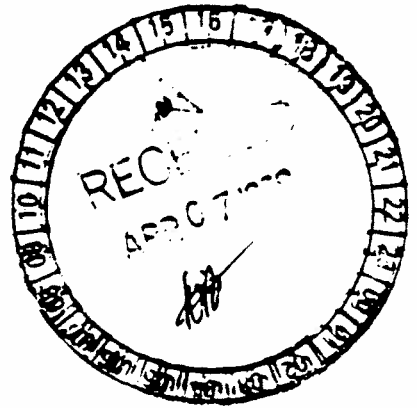
We look forward to hearing from you soon.

Sincerely,

NORMA J. AFLAGUE  
Executive Director

cc: Governor of Guam  
Speaker, 20th Guam Legislature  
GMHA  
PHSS  
MHSAA  
DOE  
UOG

200170



- 3) Section 2, Subsection (b) lines 2 and 6 indicate an annual grant loan of not more than \$2,500 per year. This sum is too low to actually pay for the expenses entailed in air fare, tuition, books, room and board. The actual cost of these requirements would be more like \$6,000 per summer semester. The amounts in Subsection (b) should be changed to \$6,000 and \$18,000 to \$24,000. The \$18,000 for the nurse who can complete the program in three summer and \$24,000 for the four summer completion time.

We support the intent of Bill No. 447 and wish to thank the efforts of Senator Frank Santos in supporting education of nursing students. We address certain areas of the Bill which need additions or clarification.

- 1) Section 1 does not include the full range and meaning of the critical shortage of professional nurses on Guam. Nurses work in more areas than Guam Memorial Hospital and the Department of Public Health and Social Services. Currently at the Department of Mental Health and Substance Abuse employs four full-time Registered Nurses, two Licensed Practical Nurses, and two part-time Registered Nurses. We really need nine full-time Registered Nurses and three full-time Licensed Practical Nurses. The Nursing Administrator position should be filled by a full-time person who has a Master's Degree in Psychiatric Mental Health Nursing. The nurses of this Department should be recognized in the same way that Guam Memorial Hospital nurses are; nurses who work 12 to 16 hours a day, who cover twenty-four hour care and who work weekends. They also work in a highly stressful and sometimes potentially dangerous environment.
- 2) Section 1, Subsection b. The term Master of Science in Nursing is too restrictive and would limit the schools available to only those granting that degree. Rather, allowing for a greater variety of degrees would give the nurses a broader choice of the kinds of Masters degrees available in nursing.
- 3) Section 3, Subsection c. Refers to payment of books from scholarship funds. There should be some specific dollar amount for books as they are now more expensive than ever. Most student nurses will buy at least twelve (12) required textbooks within the first two years and six more in the next two years. The average cost of a textbook at this time is \$50.00 which means that the student will need at least \$300.00 in the freshman and sophomore years \$150.00 to \$200.00 in their junior and senior years.
- 4) Section 3, Subsection d, 1 through 4 specifies stipend amounts. These stipend amounts specified is a decrease in funding from the current law written in 1973. With such small amounts students would not obligate themselves to service with the Government of Guam. We would suggest that the stipends be increase to at least \$200 for freshman, \$300 for sophomores, \$400 for juniors and \$500 for seniors.
- 5) Section 3, Subsection e, 2 orders the recipient to work at a specific location, Guam Memorial Hospital, for a specific period of time, 2 years and completely overlooks the desperate need for nurses at the Department of Mental Health and Substance Abuse. We strongly feel that recipients should have access to this Department as well.

Senator Madaleine Z. Bordallo  
March 14, 1989  
Page 3

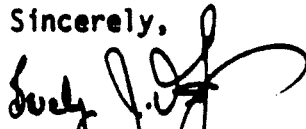
- 6) Section 6. Note comments under "2". Master of Science in Nursing too restrictive.

We support the intent of Bill No. 156 to establish a School Nurse Program in the Guam Public School System. Children are our most important human resource and must be in good physical and emotional health in order to learn, grow and develop into their maximum potential. School nurses are frequently the first health worker to recognize that a child is ill, neglected, or in need of some kind of assistance. In addition, school nurses are the primary resources for prevention of illness in children and providers of health care information to parents. We strongly support this Bill to meet the needs.

We do not support Bill No. 460 in as much as it creates the same kind of inequity that was created when Option I was given to the Guam Memorial Hospital nurses but not other Government employed nurses. It would be short sighted to re-create this highly emotional, legally flawed, and hurtful situation. The nurses at the Department of Mental Health and Substance Abuse take great exception at being overlooked in 1989 as we were in 1988.

Thank you for your attention to and consideration of these comments.

Sincerely,



BEVERLY J. OLSON, R.N.C., M.A.  
Nursing Administrator, Department of  
Mental Health and Substance Abuse

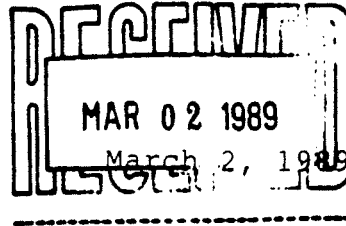


# MERIT

Government of Guam



CIVIL  
SERVICE  
COMMISSION  
KUMISION I SETBISION SIBIT



CSC No. 89-251

The Honorable Joe T. San Agustin  
Speaker  
Twentieth Guam Legislature  
Agana, GU 96910

Dear Speaker San Agustin:

In the interest and spirit of fairness, the Civil Service Commission Board, at its meeting on February 28, 1989, adopted Resolution Nos. 89-005 and 89-007. These resolutions appeal to the 20th Guam Legislature to respectfully refrain from the enactment of piecemeal salary legislations, to mandate and appropriate funds for a comprehensive salary study, and to mandate and appropriate funds for the equal implementation of Options 1 and 2 salary increases for all covered GovGuam employees.

It is apparent that the Legislature has historically recognized the need to adequately compensate employees for the work they perform by authorizing the Port Authority, the Department of Education, the Department of Law, and other agencies to develop their own salary structure in one form or another. The Legislature, again in response to the need for better pay, has also resorted to the statutory reassignment of pay ranges for specific classes of positions.

While we disagree with the foregoing methods, we respect the rationale behind them. The fact of the matter, however, is that an intolerable situation has been created. On the one hand, we have a group of employees enjoying the satisfaction and benefits of better pay and early implementation of pay raises; on the other, we have several thousand of dissatisfied and restless employees (and their families) clamoring for equal pay for equal work and equal implementation of Options 1 and 2. Civil Service Commission is acutely observant of the situation. The employees of the Commission are also a part of this majority.

It has been said that the employees of the departments and agencies who have been authorized to execute pay raises are well deserving of this generosity because of the efficiency and profitability with which they have operated. We do not dispute the fact that these employees merit the pay raises; but, the use of "efficiency" and "profitability" as a facade to justify piecemeal raises to the



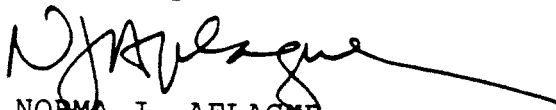
exclusion of others, is downright upsetting, demoralizing and unjust.

What some people seem to overlook is the fact that the Government of Guam is one body composed of interdependent units; each unit feeds off this body to some extent. The productivity of some are more easily measurable than others. This is especially true of income-generating and large organizations (that of the former is measured in terms of profits and losses, which is logical; that of the latter is gauged in terms of the budget lapses they generate, although lapses may be caused by factors other than efficiency). In terms of dollars and cents, these categories of government units have greater visibility than others. This high visibility, nevertheless, should not undermine or detract from the productive efforts of other less visible government counterparts. (The situation may be compared to an iceberg where only 1/3 of the iceberg is visible from the surface, while the remaining 2/3 is submerged and unseen. Yet the unseen 2/3's is what keeps the iceberg afloat and causes the greatest damage to unwary ships!)

We believe enough is enough, and we respectfully urge this august body to place the welfare of all government employees high on the priority list. After all, they are the "infrastructure" of the Government of Guam. We also urge the Legislature to redistribute Government of Guam funds so that all government workers may benefit in the equal implementation of Options 1 and 2 pay raises and in the benefit of a comprehensive salary study. The last major study which included both internal and external wage factors was conducted in 1975.

We hope to hear from you soon and to join us in partnership to end the continuing pay injustice for the good of all.

Sincerely,



NORMA J. AFLAGUE  
Executive Director

Enclosures: CSC Resolution No. 80-005  
CSC Resolution No. 89-007  
Decision and Order Civil  
Case No. 1264-87  
Facts Not Fluff

cc: Governor of Guam



**MERIT**



CSC RESOLUTION NO. 89-005

RELATIVE TO THE CIVIL SERVICE COMMISSION'S POSITION ON PIECEMEAL SALARY LEGISLATIONS AND REQUEST TO APPROPRIATE FUNDS FOR A COMPREHENSIVE SALARY STUDY; AND TO SEEK THE SUPPORT OF THE GOVERNOR IN THIS ENDEAVOR.

WHEREAS, 4 GCA §6305 empowers the Civil Service Commission to allocate positions to their proper classes and pay ranges in the interest of preserving uniformity, consistency, equality, and equity in the classification and pay plan; and

WHEREAS, piecemeal salary legislations reassigning positions to higher pay ranges, often without sufficient consideration of the negative impact upon the civil service pay plan, are a common occurrence; and

WHEREAS, these piecemeal salary legislations are usually in response to the external pressures of employee interest groups; and

WHEREAS, such piecemeal salary legislations have adversely and seriously undermined the integrity and stability of the classification and pay plan, causing widespread salary inequities among benchmarked classes of positions excluded by piecemeal legislations, forcing the Commission to adopt a band-aid approach to control the hemorrhaging of the classification and pay plan; and

WHEREAS, the Commission is unable to keep up with the incoming tide of piecemeal salary legislations without parallel adequate resources; and

WHEREAS, piecemeal salary legislations have significantly contributed to the explosion of the pay range schedule to the point that GovGuam may be operating with at least 100 pay ranges in the foreseeable future; and

WHEREAS, in the continuing tragedy of piecemeal legislations, the Guam Memorial Hospital Authority is proposing legislation for parochial pay range reassignments for all nurses which will directly impact upon other positions within GMH, as well as other health care & professional positions in other departments and agencies, thereby perpetuating the disruptive influence of piecemeal legislations; and

WHEREAS, the Superior Court, in a recent decision involving piecemeal salary legislations, viewed with disfavor piecemeal salary legislations which deprive employees the equal protection of the law; and

WHEREAS, the Government of Guam is in dire need of a comprehensive salary study to return and maintain the classification and pay plan in synchronization and to devise a single, uniform salary structure for GovGuam, to include all classified and unclassified positions; now, therefore, be it

RESOLVED, that the Civil Service Commission respectfully appeals to the Legislature to join in partnership in carrying out the mandate of 4 GCA §6305, to refrain from enacting piecemeal salary legislations, and to authorize and appropriate funds for a comprehensive salary study in the interest of a good and responsible government; be it further

RESOLVED, that the Civil Service Commission respectfully seeks the support of the Governor in this endeavor; and be it further

RESOLVED, that copies of this Resolution be transmitted to the Speaker of the Twentieth Guam Legislature and the Governor of Guam.

DULY AND REGULARLY ADOPTED this 28th day of February, 1989.

Willis S. Cannon  
WILLIS S. CANNON, Acting Chairperson

Debra R. Cruz  
DEBRA R. CRUZ, Commissioner

Edward P. Mendiola  
EDWARD P. MENDIOLA, Commissioner

Vicente P. Perez  
VICENTE P. PEREZ, Commissioner

1 (3) which provide that the Secretary of the Treasury shall determine the short  
2 term federal interest rate, in accordance with §1274(d) and §1274(d)(c)(i)  
3 provides that the rate shall be determined by the average market yield during  
4 specified periods of time. Nowhere in 26 U.S.C. §§6621(b)(2) and (3) and  
5 §1274(d) is the federal interest rate listed, those laws simply define how the  
6 interest rate will be measured. See Also 4 GCA §4103, which states that  
7 GovGuam may temporarily employ a person in a nonprofessional capacity for up  
8 to 120 days, the statute then defines a professional as a person whose job  
9 description is listed in the Dictionary of Occupational Titles which is  
10 published by the United States Department of Labor. (Again, with this law one  
11 must "go outside" the statute to fully implement the law.)

12 Finally, by the language of Pub.L. No. 19-10, the Court concludes that it  
13 was indeed, the legislature's intent to implement Option 1 salary increases as  
14 defined in the Civil Service Commission's Report. Where the legislative  
15 intent is clear, the Court need look no further into the meaning of a  
16 statute. See Abourezk v. Reagan, 785 F.2d 1043, 1053 (D.C. D.C. 1986).

17 Public Law No. 19-5 provided full Option 1 increases to hospital nurses  
18 yet denied full Option 1 salary increases to plaintiff nurses despite the fact  
19 that plaintiffs have been categorized as in the same pay range according to  
20 the Civil Service Commission; Public Law No. 19-10 approved full Option 1  
21 salary increases to only five GovGuam agencies. This Court has looked at the  
22 record for circumstances or special characteristics which might justify those  
23 agencies receiving such special treatment. At the hearing, the Government did  
24 proffer two reasons for implementing disparate Option 1 salary increases to  
25 the hospital nurses and plaintiff nurses; first the defendants argue that the  
26 two groups of nurses are demonstrably different, each group having different  
27 requirements and qualifications. As an adjunct to that argument, the  
28 government contends that hospital nurses have a more demanding job and in



1 that the goals of a balanced budget and keeping the hospital staffed with  
2 nurses, can not be extrapolated to justify the arbitrary distinction between  
3 the five GovGuam agencies which have received full Option 1 privileges and  
4 those remaining GovGuam agencies which have not. The Government cannot  
5 justify its arbitrary and disparate treatment of all its employees with the  
6 justification that two groups of nurses have different types of jobs. The  
7 Court finds that neither the "balanced budget" defense nor the defense of  
8 keeping the hospital well staffed, justifies disparate treatment of GovGuam  
9 employees. It is difficult to conceive of a legitimate state purpose which  
10 would justify such discrimination.

11 The goal of a balanced budget would be acceptable as a valid excuse not to  
12 ~~implement any Option 1 salary increases, or even partial implementation to all~~  
13 employees but a "statute makes an improper and unlawful discrimination if it  
14 confers particular privileges upon a class arbitrarily selected from a larger  
15 number of persons, all of whom stand in the same relation to the privileges  
16 granted, and between whom and the person not so favored, no reasonable  
17 distinction or substantial difference can be found justifying the inclusion of  
18 the one and the exclusion of the other." Cossack v. City of Los Angeles, 114  
19 Cal.Rptr. 460, 466 (1974) 11 Cal.3d 726, (1974). Citing 5 Cal.Jur. 285, and  
20 cases cited.

21 However, there is no natural, intrinsic or constitutional distinction  
22 between the classes which have selectively received full Option 1 salary  
23 increases and those classes which have not. (See Loff v. City of Long Beach,  
24 314 P.2d 518, 523, 153 Cal.App.2d 174 (1957).

25 Therefore, this Court finds that Public Law 19-5 and Public Law 19-10  
26 violate equal protection of the law as guaranteed to plaintiffs by the U.S.  
27 Constitution and the laws of Guam in that:

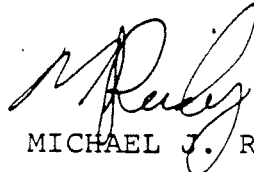
28 All GovGuam employees were reclassified as to the Option 1 pay ranges.



Comments on Bill No. 460 (LS)

Bill No. 460 is an act to authorize flexible scheduling of hours and provide adjustments in compensation for hours worked by the employees in the Nursing Department of the Guam Memorial Hospital Authority. The proposed legislation is primarily designed as an incentive to the apparent shortage of nurses currently being experienced by the Guam Memorial Hospital Authority.

The intent of the proposed legislation will entail a fiscal impact. However, the Bureau is unable to ascertain the extent of the impact due to the unavailability of data at this time such as the potential additional cost for night differential and the proposed compensation for certain classification of employees.

  
MICHAEL J. REIDY





Bill No. 460(LS)

Date Received 3/9/89

Amendatory Bill Yes  No

Date Reviewed 3/15/89

Department/Agency Affected: Guam Memorial Hospital Authority

Department/Agency Head: Edward J. Cruz

Total Fiscal Year Appropriation: \$5,270,199

Bill Title (concise): An act to authorize flexible scheduling of Guam Memorial Hospital Nursing Department personnel and to provide adjustments in compensation for hours worked by employees in the Nursing Department.

Change in Law: \_\_\_\_\_

Bill Attempts to:

Bill is for:

- Increase Program Funding
- Decrease Program Funding
- Reallocate Present Program Funding

- Operations
- Capital Improvement
- Other

FINANCIAL/PROGRAM IMPACT

<u>PROGRAM CATEGORIES</u>	<u>Minimum Estimated Required Funds (For Five Years)</u>		
	<u>GENERAL FUND</u>	<u>FEDERAL</u>	<u>OTHER</u>
<u>Semi-Autonomous/Autonomous (See comments)</u>	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
<b>GRAND TOTAL</b>	_____	_____	_____

ESTIMATED MULTI-YEAR FUND REQUIREMENTS

<u>SOURCES</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>
<u>General Fund (See comments)</u>	_____	_____	_____	_____	_____
<u>Federal Fund</u>	_____	_____	_____	_____	_____
<u>Other Fund</u>	_____	_____	_____	_____	_____
<b>GRAND TOTAL</b>	_____	_____	_____	_____	_____

ESTIMATED MULTI-YEAR REALIZED REVENUES

<u>SOURCES</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>
<u>General Fund (See comments)</u>	_____	_____	_____	_____	_____
<u>Federal Fund</u>	_____	_____	_____	_____	_____
<u>Other Fund</u>	_____	_____	_____	_____	_____
<b>GRAND TOTAL</b>	_____	_____	_____	_____	_____

*Orilda J. Guerrero*  
 ORILDA J. GUERRERO  
 PROGRAM ANALYST

Date Review Terminated: 3/15/89

*Michael J. Reidy*  
 MICHAEL J. REIDY  
 DIRECTOR

COMMENTS:

TWENTIETH GUAM LEGISLATURE  
FIRST REGULAR (1989) SESSION

Introduced

Bill No. 460 (LS)

FEB 14 '89

Introduced by:

F.R. Santos

AN ACT TO AUTHORIZE FLEXIBLE SCHEDULING OF GUAM  
MEMORIAL HOSPITAL NURSING DEPARTMENT PERSONNEL  
AND TO PROVIDE ADJUSTMENTS IN COMPENSATION  
FOR HOURS WORKED BY EMPLOYEES IN THE NURSING  
DEPARTMENT OF THE GUAM MEMORIAL HOSPITAL.

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

**Section 1. Legislative Intent:** The Guam Legislature is becoming increasingly concerned about the apparent shortage of nurses at the Guam Memorial Hospital. In an effort to resolve this shortage, officials of GMH have suggested that additional incentives must be offered to induce nurses, not now working for GMH, either on a full time or part time basis, to work for the hospital. It has been learned that there are approximately 325 registered nurses licensed by the Guam Board of Nurse Examiners. Of this number only 110 are presently working for the GMH. This legislation is designed to induce nurses not now working for GMH to apply at the hospital to assist in the shortage being experienced. Additionally, this legislation is proposed in an attempt to provide incentives for nurses working those days and shifts that have been traditionally difficult to staff.

**Section 2.** For the Nursing Department at the Guam Memorial Hospital only, the following compensation policy shall be implemented beginning with the first full pay period after the enactment of the provisions contained herein.

A. The work week for all personnel of the Nursing Department at GMH shall consist of any combination of straight time, overtime and holiday time totalling EIGHTY HOURS (80). The Nursing Department of GMH is hereby exempted from those provisions of the GovGuam Compensation policies relative to accumulated straight time hours required prior to compensation at overtime rates.

B. All work performed between the hours of 12:01 AM on any Saturday and 12:00 on the following Sunday night shall be compensated at one and one-half times (1-1/2X) the employee's normal straight time rate.

C. In addition to the regular holiday pay, all work performed on any legal holiday shall be compensated at one and one-half times (1-1/2X) the employee's normal straight time rate.

D. After an employee of the Nursing Department has worked

Eight hours (8) in any given Twenty Four Hour (24) period, the next four hours (4) worked shall be at one and one-half (1-1/2X) the employee's normal straight time hourly rate. Any work in excess of Twelve hours (12) in the same Twenty Four hour (24) period shall be compensated at Two times (2X) (Double Time) the employee's normal straight time hourly rate.

E. All employees, except doctors, assigned to and working in the Emergency Room, the Intensive Care Unit, the Neo Natal Intensive Care Unit and the Operating room shall be compensated an additional Twenty-Five percent (25%) of the employee's normal straight time hourly rate.

Section 3. Leave Computation: For the purpose of annual leave and sick leave, any combination of Eighty (80) hours of work, inclusive of work at overtime or double time compensation, shall accrue sick leave at a rate of Four (4) hours per pay period and annual leave at the rate the employee is entitled to because of time in service.