



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
OFISINAN IMAGA LAHI
AGANA, GUAM 96910 U.S.A.

RECEIVED
OFFICE OF THE SPEAKER
DATE: 07/93
TIME: 3:30 PM
RECD BY: [Signature]

MAY 07 1993

REFER TO
LEGISLATION
[Signature]

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 45 which I have signed into law this date as
Public Law 22-11.

Sincerely yours,

[Signature]
JOSEPH F. ADA
Governor of Guam

220206

Attachment



Commonwealth Now!

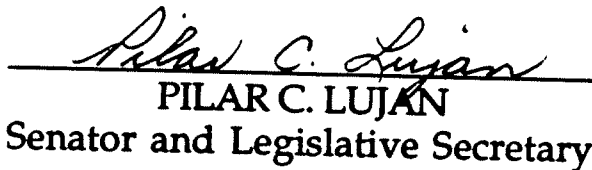
TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

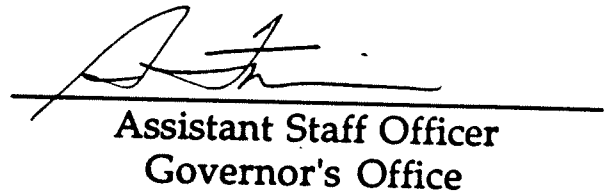
This is to certify that Bill No. 45 (LS), "AN ACT TO ADD §6226 TO TITLE 4, GUAM CODE ANNOTATED, TO COMPENSATE GOVERNMENT OF GUAM EMPLOYEES REQUIRED TO BE ON DUTY DURING A TYPHOON EMERGENCY," was on the 23rd day of April, 1993, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

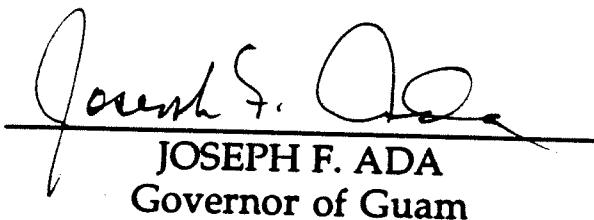
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 26th day of April
1993, at 3:30 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: May 7, 1993

Public Law No. 22-11

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 45 (LS)

As amended by the Committee on
General Governmental Operations and
Micronesian Affairs, as further
amended by the Committee on Rules,
and as further amended by the author.

Introduced by:

J. P. Aguon
C. T. C. Gutierrez
D. L. G. Shimizu
T. S. Nelson
T. C. Ada
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
P. C. Lujan
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. R. Santos
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD §6226 TO TITLE 4, GUAM CODE
ANNOTATED, TO COMPENSATE GOVERNMENT OF GUAM
EMPLOYEES REQUIRED TO BE ON DUTY DURING A
TYPHOON EMERGENCY.

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

1 **Section 1. Legislative findings and intent.** The Legislature finds that
2 existing law regarding overtime pay for employees in the classified service of
3 the government of Guam, calculated at one and one half (1 1/2) times their
4 regular wage, is silent with respect to compensation for such classified
5 employees who are required to be on duty during typhoon emergencies
6 (Typhoon conditions I and II, as declared by the Governor of Guam). The
7 Legislature further finds that employees occupying permanent positions in
8 the classified service whose regularly scheduled hours of work fell within the
9 emergency period, but whose presence was not required, are granted
10 administrative leave which may create an employee morale problem. It is
11 the intent of the Legislature to appropriately address such situations.

12 **Section 2.** A new §6226 is hereby added to Title 4, Guam Code
13 Annotated, to read as follows:

14 "§6226. **Employees: compensation during typhoons:**
15 **exceptions.** Employees who work during typhoon emergency
16 periods, defined as Typhoon Conditions I and II, as declared by the
17 Governor of Guam, shall be compensated in the following manner:

18 (a) Employees occupying permanent positions in the classified
19 service or the unclassified service except for agency heads and their
20 first assistants, by whatever title called, whose regularly scheduled
21 hours of work fall within such an emergency period, but whose
22 presence is not required at work, shall be granted administrative
23 leave. Employees not occupying permanent positions are not eligible
24 for administrative leave.

25 (b) Employees not occupying permanent positions in the
26 classified service, who were required to report to and did work

1 during such an emergency period shall be entitled to overtime pay for
2 all such hours worked.

3 (c) Employees occupying permanent positions in the classified
4 service or the unclassified service except for agency heads and their
5 first assistants, by whatever title called, whose regularly scheduled
6 hours of work fall within such an emergency period and who are
7 required to report for and be on duty during such emergency period
8 shall be entitled to overtime pay for all such hours worked including
9 overtime, in addition to full compensation for any administrative
10 leave taken.

11 (d) Employees occupying permanent positions in the classified
12 service or the unclassified service except for agency heads and their
13 first assistants, by whatever title called, whose regularly scheduled
14 hours of work do not fall within such an emergency period, but who
15 are required to report for and be on duty shall be entitled to overtime
16 pay for all such hours worked including overtime, but not for
17 administrative leave.

18 (e) In the event that a typhoon emergency period includes a
19 legal holiday, then such employees required to report for and be on
20 duty shall be entitled to overtime pay for all such hours worked
21 including overtime, in addition to full compensation for holiday
22 leave."

6

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

Date: 4/23/93

VOTING SHEET

Bill No. 45

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAN	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.				✓
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.				✓
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

19 2

PL 27-11



SENATOR TED S. NELSON

Chairman

Committee on General Governmental Operations & Micronesian Affairs

Twenty-Second Guam Legislature

297-B West O'Brien Drive, Agaña, Guam 96910

Telephones: 472-3446 ~ 8/472-3501

March 15, 1993

Honorable Joe T. San Agustin
Speaker
21st Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 45** (*An Act to provide compensation for employees required to be on duty status during the period of a typhoon emergency*) has had the same consideration and now wishes to report back the same with the recommendation **to do pass**.

The Committee votes are as follows:

To do pass	<u>9</u>
Not to pass	<u>0</u>
To place in inactive file	<u>0</u>
Abstain	<u>0</u>

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,

TED S. NELSON

Enclosures

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS

VOTE SHEET ON BILL NO. 45

*(An Act to provide compensation for employees
required to be on duty status during the period of a
typhoon emergency)*

RECOMMENDATION TO DO PASS

Committee Members	To Do Pass	Not to Pass	Inactive File	Abstain
Ted S. Nelson, Chairman <i>h</i>	✓			
Edward D. Reyes, Vice-Chairman <i>ED Reyes</i>	✓			
Joe T. San Agustin, Speaker & Ex-Officio Member	✓			
J. George Bamba, Member <i>JWB</i>	✓			
Anthony C. Blaz, Member <i>ACB</i>	✓			
Herminia D. Dierking, Member <i>HDD</i>	✓			
Carl T.C. Gutierrez, Member <i>CTC</i>	✓			
Vicente "Ben" C. Pangelinan, Member <i>VP</i>	✓			
Thomas V.C. Tanaka, Member <i>TVC</i>	✓			

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
TWENTY-SECOND GUAM LEGISLATURE
155 Hessler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

BILL NO. 45

(An Act to provide compensation for employees required to be on duty status during the period of a typhoon emergency)

COMMITTEE MEMBERS:

Chairman: Ted S. Nelson
Vice-Chairman: Edward D. Reyes
Ex-Officio Member: Speaker Joe T. San Agustin

Thomas Ada
Herminia D. Dierking
Carl T.C. Gutierrez
Vicente C. Pangelinan

J. George Bamba
Anthony C. Blaz
Thomas V.C. Tanaka

Senator



Herminia D. Dierking



Chairperson, Committee on Rules ~ 22nd Guam Legislature

January 15, 1993

JAN 19, 1993
3pm
BANDRA

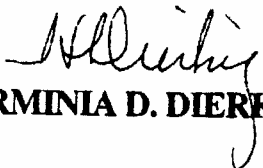
MEMORANDUM

TO: Chairperson, Committee on General Governmental Operations
and Micronesian Affairs

FROM: Chairperson, Committee on Rules

SUBJ: Referrals - Bills No. 45, 57, 68, 69, 88, 90 and 96

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.


HERMINIA D. DIERKING

Attachments

JAN 04 '93

Bill No.: 45(LS)

Introduced By:

JOHN PEREZ AGUON *JPA*
C. T. C. GUTIERREZ *C.T.C.*
D. L. G. SHIMIZU *D.L.G.*

[Signature]

450MA

AN ACT TO PROVIDE COMPENSATION FOR EMPLOYEES
REQUIRED TO BE ON DUTY STATUS DURING THE
PERIOD OF A TYPHOON EMERGENCY.

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

2 Section 1. Legislative findings and intent. The Legislature finds that
3 existing law regarding overtime pay for employees in the classified service
4 entitled thereto, calculated at one and one half (1 1/2) times their regular
5 wage, is silent with respect to compensation for classified employees
6 required to be on duty status during the period of typhoon (conditions 1 &2)
7 emergency. The Legislature further finds that employees occupying
8 permanent positions in the classified service, whose regularly scheduled
9 hours of work fell within the emergency period, but whose presence was not
10 required, are granted administrative leave which may create employee
11 morale problem; therefore it is the expressed intent of the Legislature to
12 prevent such situation from occurring.

13 Section 2. Employees who work during the emergency period shall be
14 compensated in the following manner:

15 (a) Employees occupying permanent positions in the classified service,
16 whose regularly scheduled hours of work fell within the emergency period,
17 but whose presence was not required, shall be granted administrative leave.
18 Employees not occupying permanent positions are not eligible for
19 administrative leave.

20 (b) Employees not occupying permanent positions in the classified

1 service, who were required to report to and did work during the emergency
2 period shall be entitled to overtime pay for all such hours worked.

3 (c) Employees occupying permanent positions in the classified service,
4 whose regularly scheduled hours of work fell within the emergency period
5 and were required to report for and be on duty status during the emergency
6 period shall be entitled to full compensation at overtime rate for all such
7 hours worked, in addition to full compensation for administrative leave.

8 (d) Employees occupying permanent positions in the classified service,
9 whose regularly scheduled hours of work did not fall within the emergency
10 period, but were required to report for and be on duty status shall be
11 entitled to full compensation at overtime rate for all such hours of work, but
12 not for administrative leave.

13 (e) In the event that the typhoon emergency period includes a legal
14 holiday, then such employees required to report for and be on duty status
15 shall be entitled to full compensation at overtime rate for all such hours
16 worked, in addition to full compensation for holiday leave.

17 Section 3. This legislation is an urgency measure and it shall be effective
18 immediately upon enactment into law.

PUBLIC HEARING ON BILL NO. 45:

The Committee on General Governmental Operations and Micronesian Affairs conducted a public hearing on Monday, February 22, 1993, in the Legislative Public Hearing Room at 9:15 a.m. Senator Ted S. Nelson, Chairman of the Committee conducted the hearing.

Other Committee Members present were Senators Carl T.C. Gutierrez, Herminia D. Dierking, Ben C. Pangelinan, and J. George Bamba.

TESTIMONIES ON BILL 45:

Mr. Greg Borja, Mayor of Santa Rita and Chairman of the Legislative and Finance Committee of the Mayors Council, indicated his group's support of Bill No. 45.

Mr. Joaquin Guzman, Principal of Harry S. Truman Elementary School, asked that Department of Education employees be included in the Bill. He stated that overtime pay for DOE employees who man typhoon shelters is usually late; the Department is always the last one to see overtime pay because funding is not adequately budgeted. Employees are tired of waiting to be paid for the last four typhoons (Elsie, Gay, Hunt, Brian). He recommended that a separate funding be provided for the Department so employees can be paid in a timely manner.

When asked by Senators Bamba and Reyes about approximate amount owed to employees, Mr. Guzman responded that employees at his school alone are owed about Twelve Thousand Dollars (\$12,000). For thirteen shelters, total amount owed would be between \$150,000 to \$200,000. He did not know whether the Director of Education had requested additional funding or whether the Director had requested the Governor to transfer any funds. Senator Reyes commented that the Governor and the Director should take a look at the tremendous injustice being imposed and that the employees who have rendered their services should get paid.

Mr. Jose T. Terlaje, the Director of Civil Defense/Guam Emergency Services Office, submitted written testimony in support of Bill 45. He appealed for the inclusion of the positions of Director and Deputy Director of Civil Defense/Guam Emergency Services Office position in the Bill. These employees are not compensated for the extended hours they spend supervising emergency situations. He added that the Director and Deputy Director would assume duty upon Condition III and would remain at CD/GESO even upon the announcement of Condition IV, especially on a major disaster or until power, water, shelter and other human immediate demand is secured. In addition, they are on standby 24 hours a day and are subject for recall/activation on situations such as low water pressure at the hospital, displaced families due to fire or flooding, or even alert of aircraft.

Mr. John S. Salas, Acting Executive Director of the Civil Service Commission, submitted written testimony in support of the bill with one recommendation for modification which would avoid piling one overtime rate of pay on top of another. Under Section 2 of the Bill, the phrase, "inclusive of all overtime hours worked" would be added to paragraphs *c*, *d*, and *e* as presented in the written testimony.

COMMITTEE RECOMMENDATION

The Committee on General Governmental Operations and Micronesian wishes to report out **Bill No. 45** to the full Legislature with the recommendation **to do pass**.



GOVERNMENT OF GUAM

CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

Century Plaza, 2nd Floor, Upper Tamuning
P.O. Box 3156, Agana, Guam 96910
Tel: (671) 649-4272, 649-7955/57 • Fax: (671) 649-1272



CSC NO. 93-293

FEB 22 1993

Senator Ted S. Nelson
Chairman
Committee on General Governmental Operations
& Micronesian Affairs
Twenty-Second Guam Legislature
297-B West O'Brien Drive
Agana, Guam 96910

REF: Bill No. 45 (LS) "An Act to Provide Compensation for Employees Required to be on Duty Status During the Period of Typhoon Emergency."

Dear Senator Nelson:

The Civil Service Commission appreciates the opportunity to provide testimony on Bill No. 45(LS). The Commission finds it can support the Bill with only one (1) recommendation for modification.

In order to avoid piling one overtime rate of pay on top of another, the Commission suggests the following changes.

Under Section 2 of the Bill to add the phrase "inclusive of all overtime hours worked" to paragraphs "c", "d", and "e" as follows:

(c) . . . entitled to full compensation at overtime rate for all such hours worked, inclusive of all overtime hours worked, in addition to . . .

(d) . . . at overtime rate for all such hours of work, inclusive of all overtime hours worked, but not for . . .

(e) . . . for all such hours worked, inclusive of all overtime hours worked, in addition to full compensation for holiday leave.



Commonwealth Now!

Once again, the Commission thanks you for the opportunity to provide testimony.

Sincerely,



JOHN S. SALAS
Acting Executive Director

cc: **Guam Legislature (25 copies)**



Commonwealth Now!



JOSEPH F. ADA
Governor of Guam

FRANK F. BLAS
Lt. Governor

CIVIL DEFENSE GUAM EMERGENCY SERVICES OFFICE

GOVERNMENT OF GUAM
P.O. BOX 2877
AGANA, GUAM 96910
TEL: 477-9841/2



JOSE T. TERLAJE
Director

NICOLAS D. FRANCISCO
Deputy Director

February 19, 1993

The Honorable Ted S. Nelson
Senator
21st Guam Legislature
Agana, Guam 96910

Dear Senator Nelson:

In transmitting this letter, I would like to greet you a Dangkulo Na Si Yuus Ma'asi for your continued efforts towards improving life in the government services and moreover, keeping us aggressively motivated towards our vision in the search for a better tomorrow.

This transmittal is in regards to Bill No. 45, an act to provide compensation for employees required to be on duty status during the period of a typhoon emergency scheduled February 22, 1993.

This particular bill is well stipulated, and I'm trustful that it merits full support for it's immediate implementation.

In addressing fairness especially in the areas of public service towards the protection of life and property, I appeal to you for your most wholehearted consideration to include the Director and Deputy Director of Civil Defense/Guam Emergency Services Office position in this particular bill.

The Director and Deputy Director's position has always been a victim of misfortune in that we are not compensated in any way shape or form for the extended hours spend supervision emergency situations. The Director and Deputy Director would assume duty upon Condition III and would remain at CD/GESO even upon the announcement of Condition IV especially on a major disaster. The Director and Deputy Director would remain at CD/GESO during a major disaster or until power, water, shelter and other human immediate demand is secured.

Aside from Typhoon Emergencies, the Director or his Deputy are on standby 24 hours a day and are subject for recall/activation on situations such as low water pressure at the hospital, displaced families due to fire or flooding, or even alert of aircraft on emergency in coming situation.

I have addressed these issues to several of our senators during the 21st Legislature with no outcome.

Once again, thank you very much for continued assistance and support.

J T D ———
JOSE T. TERLAJE

"COMMONWEALTH NOW"

November 2, 1992

The Honorable Michael J. Reidy
Senator
21st Guam Legislature
Agana, Guam 96910

Dear Sir:

This is in regards to our conversation on October 31, 1992 regarding overtime.

Discussion

During emergency recall, regardless of the circumstances, the Director and Deputy Director of Civil Defense/Guam Emergency Services Office are both activated upon announcement as detected by the Governor. Upon announcement of Typhoon or Tropical Storm Condition III, both are required to report to Civil Defense/GESO. If a disaster occurs and a presidential declaration or territorial declaration is implemented, both individuals remained at Civil Defense/GESO until everything is normal. It is important to understand that if our request should be considered, to allow the Director and Deputy Director of Civil Defense to be compensated overtime, it should not be based on Conditioning Status, but rather on the periods where an emergency exist.

Historically, on any major disaster, the Director and Deputy Director assumes duty and remain on duty until all restoration of power and water are in placed.

Normal Condition #4 should not be a factor in determining overtime compensation because such weather status could only be assumed that the weather status is normal. On major disasters, the Director and Deputy Director are required to maintain presence at Civil Defense/GESO as long as Government of Guam Agency's are still active in supporting the emergency whether it be shelter, water, power, etc.

It would merit if upon drafting of the bill that the effective date for this compensation be dated back January 1992.

Recommended Language: The Director and Deputy Director of Civil Defense/Guam Emergency Services Office shall be compensated "Overtime" during time of "Emergency Recall" by the Governor of Guam effective January 1992..

JOSE T. TERLAJE

"COMMONWEALTH NOW"



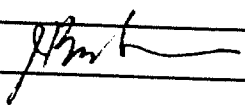


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**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
Twenty-Second Guam Legislature**

PUBLIC HEARING
9:00 a.m.; Monday, February 22, 1993
Public Hearing Room, Guam Legislature Temporary Building, Agana

Bill No. 45

ATTENDANCE SHEET

Committee Members	Present	Absent	Signature
Sen. Ted S. Nelson Chairman	✓		
Sen. Edward D. Reyes Vice-Chairman	✓		
Speaker Joe T. San Agustin Ex-Officio Member			
Sen. J. George Bamba	✓		
Senator Anthony C. Blaz			
Sen. Herminia D. Dierking	✓		
Sen. Carl T.C. Gutierrez			
Sen. Ben C. Pangelinan	✓		
Sen. Thomas V.C. Tanaka			

Other Senators	Present	Signature

STAFF MEMBERS	

JAN 04 '93

Bill No.: 45 (LS)

Introduced By:

JOHN PEREZ AGUON *JP*
C. T. C. GUTIERREZ *CTC*
D. L. G. SHIMIZU *D.L.G.*

AN ACT TO PROVIDE COMPENSATION FOR EMPLOYEES
REQUIRED TO BE ON DUTY STATUS DURING THE
PERIOD OF A TYPHOON EMERGENCY.

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

2 Section 1. Legislative findings and intent. The Legislature finds that
3 existing law regarding overtime pay for employees in the classified service
4 entitled thereto, calculated at one and one half (1 1/2) times their regular
5 wage, is silent with respect to compensation for classified employees
6 required to be on duty status during the period of typhoon (conditions 1 & 2)
7 emergency. The Legislature further finds that employees occupying
8 permanent positions in the classified service, whose regularly scheduled
9 hours of work fell within the emergency period, but whose presence was not
10 required, are granted administrative leave which may create employee
11 morale problem; therefore it is the expressed intent of the Legislature to
12 prevent such situation from occurring.

13 Section 2. Employees who work during the emergency period shall be
14 compensated in the following manner:

15 (a) Employees occupying permanent positions in the classified service,
16 whose regularly scheduled hours of work fell within the emergency period,
17 but whose presence was not required, shall be granted administrative leave.
18 Employees not occupying permanent positions are not eligible for
19 administrative leave.

20 (b) Employees not occupying permanent positions in the classified

1 service, who were required to report to and did work during the emergency
2 period shall be entitled to overtime pay for all such hours worked.

3 (c) Employees occupying permanent positions in the classified service,
4 whose regularly scheduled hours of work fell within the emergency period
5 and were required to report for and be on duty status during the emergency
6 period shall be entitled to full compensation at overtime rate for all such
7 hours worked, in addition to full compensation for administrative leave.

8 (d) Employees occupying permanent positions in the classified service,
9 whose regularly scheduled hours of work did not fall within the emergency
10 period, but were required to report for and be on duty status shall be
11 entitled to full compensation at overtime rate for all such hours of work, but
12 not for administrative leave.

13 (e) In the event that the typhoon emergency period includes a legal
14 holiday, then such employees required to report for and be on duty status
15 shall be entitled to full compensation at overtime rate for all such hours
16 worked, in addition to full compensation for holiday leave.

17 Section 3. This legislation is an urgency measure and it shall be effective
18 immediately upon enactment into law.