



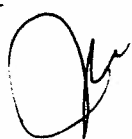
Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAH!
AGANA, GUAM 96910 U.S.A.

RECEIVED
OFFICE OF THE SPEAKER
DATE: 3/8/94
TIME: 8:25am
RECD BY: Jerry

March 7, 1994

REFER TO
LEGISLATIVE SECRETARY

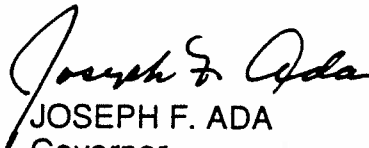


The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 591, which I have signed into law this date as
Public Law 22-91.

Sincerely yours,


JOSEPH F. ADA
Governor


220566

Attachment

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 591 (LS), "AN ACT TO ADD A NEW §4119 TO TITLE 4, GUAM CODE ANNOTATED, TO EXTEND THE WORKING HOURS OF CERTAIN GOVERNMENT AGENCIES TO LESSEN TRAFFIC CONGESTION, TO PROVIDE FLEXIBLE WORKING HOURS AND TO BETTER SERVE THE PUBLIC," was on the 18th day of February, 1994, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:



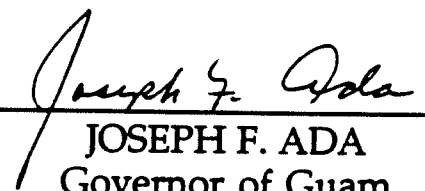
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of February,
1994, at 3:58 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: March 7, 1994

Public Law No. 22-91

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 591 (LS)

As substituted by the Committee on
General Governmental Operations &
Micronesian Affairs and further
substituted by the Committee on Rules
and as substituted on the floor.

Introduced by:

J. P. Aguon
T. S. Nelson
C. T. C. Gutierrez
A. C. Blaz
F. P. Camacho
M. D. A. Manibusan
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. E. Santos
D. L. G. Shimizu
J. G. Bamba
D. F. Brooks
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD A NEW §4119 TO TITLE 4, GUAM
CODE ANNOTATED, TO EXTEND THE WORKING
HOURS OF CERTAIN GOVERNMENT AGENCIES TO
LESSEN TRAFFIC CONGESTION, TO PROVIDE
FLEXIBLE WORKING HOURS AND TO BETTER SERVE
THE PUBLIC.

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

2 **Section 1. Legislative findings and intent.** The Legislature finds that
3 the ever increasing number of people in the island's workforce, the youthful
4 makeup of its population, and the relative affluence of many residents have
5 created or added to a number of problems, including traffic congestion, time
6 scheduling difficulties when working parents must provide for the needs of
7 children, and increased difficulty in accessing government and other services
8 because the hours when such services are available conflict with normal
9 working hours.

10 In many cases the government is not providing convenient access for
11 the very people it is supposed to serve, by forcing the general public to take
12 leave or use their lunch hours to receive government services because those
13 services are provided only during certain restricted hours. The Legislature
14 further finds that the level of stress affecting government employees may be
15 lessened if they are provided greater flexibility in their working hours.

16 It is therefore the intent of the Legislature to require that government of
17 Guam service agencies extend their work hours in order to provide better
18 service to the public at no additional personnel expense to taxpayers. It is the
19 intent of the Legislature to accomplish this goal by giving each agency the
20 authority to stagger employee working hours and allow flexible work
21 schedules, thus reducing traffic congestion, and assisting private employees
22 that have family scheduling difficulties or problems accessing government
23 and other services because of conflicting work hours.

24 **Section 2.** §4119 is added to Title 4, Guam Code Annotated, to read:

25 "§4119 (a) **Extended hours.** Notwithstanding any other
26 provision of law, all line agencies, departments, autonomous entities
27 and instrumentalities of the government of Guam, including the

1 Superior Court of Guam, not excluded by paragraphs (e) and (f) of
2 this section shall commence their regular work day at 7:00 a.m. and
3 conclude at 6:00 p.m. Mondays through Fridays, excluding holidays.
4 Extending the work week to Saturdays and Sundays shall be
5 permitted at the discretion of the director of each agency.

6 (b) **Scheduling options.** Directors of each agency shall develop
7 a schedule of working hours for all employees within such agency
8 which shall include but not be limited to staggered hours, flexible
9 working hours and, at the director's discretion, Saturday working
10 hours. The director shall consider specific employee requests relative
11 to work schedules whenever possible. The total number of hours
12 worked per week for each employee shall not be changed by such
13 new schedules of working hours.

14 (c) **Open to public.** Except as otherwise provided in this
15 section, directors shall ensure that all services normally provided to
16 the public are available during all working hours.

17 (d) **Overtime not allowed.** Overtime is not authorized to
18 achieve the implementation or execution of the provisions of this
19 section.

20 (e) **Optional exclusions.** A director shall have the option to
21 exclude his agency or a division of such agency from the provisions
22 of this section if such agency or division meets one (1) or more of the
23 following conditions:

- 24 1. It has less than ten (10) employees;
- 25 2. It has no direct contact with the public;
- 26 3. Its director determines that implementation of such
27 work schedules would cause hardships and decrease the ability

1 of such agency's or division's employees to perform their
2 duties.

3 (f) **Other exclusions.** Agencies or divisions of agencies which
4 currently provide services to the public on a twenty four (24) hour-
5 per-day basis, on an on-call basis, or during work schedules differing
6 from the standard workweek of 8 a.m. to 5 p.m. Monday through
7 Friday excluding holidays, are excluded from the provisions of this
8 section.

9 (g) **Definitions.** For the purposes of this section, "director"
10 means the executive head of an agency; "division" means any
11 section, program or administrative unit of an agency; and "agency"
12 means an agency or department of the executive branch of the
13 government, or an autonomous instrumentality of the government
14 of Guam, or a public corporation, or the Superior Court of Guam."

15 **Section 3. Effective date.** Line agencies, departments, autonomous
16 entities and instrumentalities of the government of Guam shall begin
17 implementing the provisions of this Act as soon as practicable, but no later
18 than one hundred eighty (180) days after its effective date.

TWENTY-SECOND GUAM LEGISLATURE

1994 (SECOND) Regular Session

Date: 2/18/94

VOTING SHEET (AS REVISED)

Bill No. 591

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	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, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 21 _____



SENATOR TED S. NELSON

CHAIRMAN

Committee on General Governmental Operations and Micronesian Affairs
Twenty-Second Guam Legislature

February 14, 1994

Honorable Joe T. San Agustin
Speaker
22nd 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. 591** (*an Act to add a new §4119 to Title 4 Guam Code Annotated, to extend the working hours of certain government agencies to lessen traffic congestion, provide flexible working hours and better serve the public*) has had the same consideration and now wishes to report back the same with the recommendation **to do pass as substituted.**

The Committee votes are as follows:

To do pass	<u>10</u>
Not to pass	<u>0</u>
To report out only	<u>0</u>
To place in inactive file	<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

VICE CHAIRPERSON:
Committee on Housing
and Community
Developments

MEMBER:

Committee on Rules

Committee on Ways
and Means

Committee on Water
Utilities, Electronic
Communications

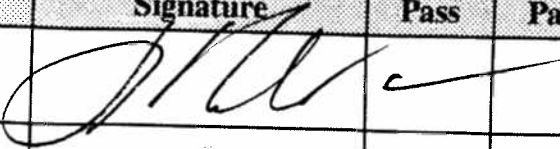

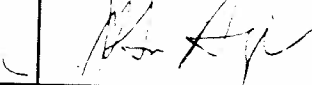
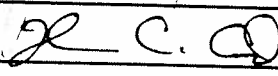
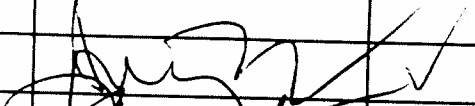
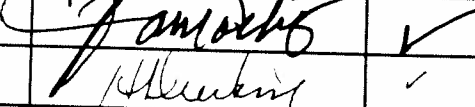
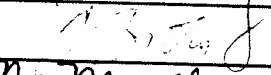
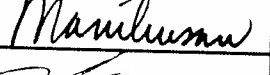


Committee on Economic-
Agricultural Development,
and Insurance

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

VOTE SHEET ON SUBSTITUTE BILL NO. 591

An Act to add a new §4119 to Title 4 Guam Code Annotated, to extend the working hours of certain government agencies to lessen traffic congestion, provide flexible working hours and better serve the public.

RECOMMENDATION TO DO PASS AS SUBSTITUTED

Committee Members	Signature	To Do Pass	Not to Pass	To Report Out Only	To Place in the Inactive File
Senator Ted S. Nelson <i>Chairman</i>		✓			
Senator Edward D. Reyes <i>Vice-Chairman</i>		✓			
Speaker Joe T. San Agustin <i>Ex-Officio Member</i>		✓			
Senator Thomas C. Ada		✓			
Senator J. George Bamba					
Senator Anthony C. Blaz		✓			
Senator Felix P. Camacho		✓			
Senator Herminia D. Dierking		✓			
Senator Carl T.C. Gutierrez		✓			
Senator Marilyn D.A. Manibusan		✓			
Senator Vicente C. Pangelinan		✓			
Senator Francis E. Santos					
Senator Thomas V.C. Tanaka					

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

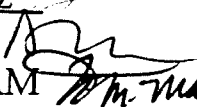

Bill No. 591
As substituted by the
Committee on General Governmental
Operations & Micronesian Affairs

Introduced by:

J.P. Aguon

T.S. Nelson 

C.T.C. Gutierrez

ACHLA
FP CAMACHO 
AN ACT TO ADD A NEW §4119 TO TITLE 4 GUAM
CODE ANNOTATED, TO EXTEND THE WORKING
HOURS OF CERTAIN GOVERNMENT AGENCIES
TO LESSEN TRAFFIC CONGESTION, TO PROVIDE
FLEXIBLE WORKING HOURS AND TO BETTER
SERVE THE PUBLIC. 

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

2 Section 1. Legislative findings and intent. The Legislature finds that the
3 ever increasing number of people in the island's workforce, the youthful
4 makeup of its population, and the relative affluence of many residents have
5 created or added to a number of problems, including traffic congestion, time
6 scheduling difficulties when working parents must provide for the needs of
7 children, and increased difficulty in accessing government and other services
8 because the hours when such services are available conflict with normal
9 working hours.

10 In many cases the government is not providing convenient access for the
11 very people it is supposed to serve, by forcing the general public to take
12 leave or use their lunch hours to receive government services because those
13 services are provided only during certain restricted hours. The Legislature
14 further finds that the level of stress affecting government employees may be
15 lessened if they are provided greater flexibility in their working hours.

1 It is therefore the intent of the Legislature to require that government of
2 Guam service agencies extend their work hours in order to provide better
3 service to the public at no additional personnel expense to taxpayers. It is the
4 intent of the Legislature to accomplish this goal by giving each agency the
5 authority to stagger employee working hours and allow flexible work
6 schedules, thus reducing traffic congestion, and assisting private employees
7 that have family scheduling difficulties or problems accessing government and
8 other services because of conflicting work hours.

9 **Section 2.** §4119 is added to Title 4 Guam Code Annotated to read:

10 “§4119 (a). **Extended hours.** notwithstanding any other provision
11 of law, all line agencies, departments, autonomous entities and
12 instrumentalities of the government of Guam not excluded by
13 paragraphs (e) and (f) of this section shall commence their regular work
14 day at 7:00 a.m. and conclude at 6:00 p.m. Mondays through Fridays,
15 excluding holidays. Extending the work week to Saturdays shall be
16 permitted at the discretion of the director of each agency.

17 (b). **Scheduling options.** Directors of each agency shall develop a
18 schedule of working hours for all employees within such agency which
19 shall include but not be limited to staggered hours, flexible working
20 hours and, at the Director’s discretion, Saturday working hours. The
21 Director shall consider specific employee requests relative to work
22 schedules whenever possible. The total number of hours worked per
23 week for each employee shall not be changed by such new schedules of
24 working hours.

25 (c). **Open to public.** Except as otherwise provided in this section,
26 directors shall ensure that all services normally provided to the public are
27 available during all working hours.

1 (d). **Overtime not allowed.** Overtime is not authorized to achieve
2 the implementation or execution of the provisions of this section.

3 (e). **Optional exclusions.** A director shall have the option to
4 exclude his agency or a division of such agency from the provisions of
5 this section if such agency or division meet one (1) or more of the
6 following conditions:

- 7 1. Less than 10 employees;
- 8 2. No direct contact with the public;
- 9 3. Good cause can be shown by the agency why
10 implementation of such work schedules would cause hardships and
11 decrease the ability of its employees to perform their duties.

12 (f). **Other exclusions.** Agencies or divisions of agencies which
13 currently provide services to the public on a twenty four (24) hour-per-
14 day basis, an on-call basis, during work schedules differing from the
15 standard workweek of 8 a.m. to 5 p.m. Monday through Friday
16 excluding holidays, are excluded from the provisions of this section.

17 (g). **Definitions.** For the purposes of this section, "director" means
18 the executive head of an agency; "division" means any section, program
19 or administrative unit of an agency; and "agency" means an agency or
20 department of the executive branch of the government, or an
21 autonomous instrumentality of the government of Guam, or a public
22 corporation."

23 **Section 3. Effective date.** Line agencies, departments, autonomous
24 entities and instrumentalities of the Government of Guam shall begin
25 implementing the provisions of this act as soon as practicable, but no later
26 than 180 days after its effective date.

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

COMMITTEE REPORT

ON

BILL NO. 591

***(AN ACT TO EXTEND THE WORKING HOURS OF
CERTAIN GOVERNMENT AGENCIES TO LESSEN
TRAFFIC CONGESTION, PROVIDE FLEXIBLE
WORKING HOURS AND BETTER SERVE THE
PUBLIC.)***

COMMITTEE MEMBERS:

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

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

J. George Bamba
Anthony C. Blaz
Marilyn D. A. Manibusan
Thomas V. C. Tanaka

PUBLIC HEARING ON BILL NO. 591

The Committee on General Governmental Operations and Micronesian Affairs conducted a public hearing on Monday, December 20, 1993, in the Tamuning Community Center. Senator Ted S. Nelson, Chairman of the Committee, called the hearing to order at 7:10 p.m. Also present at the hearing was Senator Vicente C. Pangelinan.

TESTIMONIES ON BILL 591:

One person testified on Bill 591, Dr. O.V. Natarajan, Administrator of the Division of Environmental Health of the Department of Public Health and Social Services. He is in favor of the bill with a few changes which he recommended: The bill provides that agencies should conclude regular office activities at 6 p.m. and excludes agencies that work on a 24-hour-per-day schedule. Dr. Natarajan's division does not fit into either category, but instead has some personnel assigned to work a night shift.

He suggested amending the bill to provide for those employees who must work evening hours and also to add a clear definition of the term "division."

Sen. Pangelinan asked Dr. Natarajan if he felt that the bill had more good than bad points. Dr. Natarajan said that there were problems with the bill as it relates to DPH&SS but that overall the good outweighed the bad. Sen. Pangelinan asked if the bill would benefit DPH&SS. Dr. Natarajan said that it would.

Sen. Nelson said that the traffic to and from the north of the island along Routes 1 and 15 was terrible and that something had to be done about it. He said traffic on other roads was very bad as well, especially during morning and afternoon rush hours. He said if government employees could get off at 4 p.m. or at 6 p.m. it would help the traffic flow.

As there were no further questions, Chairman Nelson declared Bill 591 publicly heard and adjourned the hearing.

COMMITTEE RECOMMENDATION:

The Committee on General Governmental Operations and Micronesian Affairs recommends that Bill No. 591, AN ACT TO EXTEND THE WORKING HOURS OF CERTAIN GOVERNMENT AGENCIES TO LESSEN TRAFFIC CONGESTION, PROVIDE FLEXIBLE WORKING HOURS AND BETTER SERVE THE PUBLIC, be amended to allow for Dr. Natarajan's suggestions and to be passed as substituted.



August 17, 1993

Committees:

CHAIRPERSON:

Rules

VICE CHAIRPERSON:

Ways & Means

MEMBER:

**Economic-
Agricultural
Development,
and Insurance**

Education

**Electrical
Power and
Consumer
Protection**

**Federal and
Foreign Affairs**

**General
Governmental
Operations and
Micronesian Affairs**

**Health,
Ecology and
Welfare**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens and
Cultural Affairs**

MEMORANDUM

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

FROM: Chairperson, Committee on Rules

SUBJ: Referral-Bill No. 591

The above Bill is referred to your Committee. Please note that the referral is 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

Attachment

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 591

Introduced by:

J. P. Aguon

T. S. Nelson

C. T. C. Gutierrez

AN ACT TO ADD A NEW §4119 TO TITLE 4, GUAM CODE ANNOTATED, TO EXTEND THE WORKING HOURS OF CERTAIN GOVERNMENT AGENCIES TO LESSEN TRAFFIC CONGESTION, TO PROVIDE FLEXIBLE WORKING HOURS, AND TO BETTER SERVE THE PUBLIC.

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

2 **Section 1. Legislative findings and intent.** The Legislature finds that
3 the ever-increasing number of people in the island's workforce, the youthful
4 makeup of its population, and the relative affluence of many residents have
5 created or added to a number of problems, including traffic congestion, time-
6 scheduling difficulties when working parents must provide for the needs of
7 children, and increased difficulty in accessing government and other services
8 because the hours when such services are open conflict with normal working
9 hours. In many cases the government is not providing convenient access for
10 the very people it is supposed to serve, by forcing the general public to take
11 leave or use their lunch hours to receive government services because those
12 services are provided only during certain restricted hours. The Legislature

1 further finds that the level of stress affecting government employees may be
2 lessened if they are provided greater flexibility in their working hours.

3 It is therefore the intent of the Legislature to require that the
4 government of Guam service agencies extend their work hours in order to
5 provide better service to the public at no additional personnel expense to
6 taxpayers. It is the intent of the Legislature to accomplish this goal by giving
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8 flexible work schedules, thus reducing traffic congestion, and assisting
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16 work day at 7:00 a.m. and conclude at 6:00 p.m. Monday through
17 Friday, excluding holidays. Extending the work week to Saturdays
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20 develop a schedule of working hours for all employees within such
21 agency which shall include but not be limited to staggered hours,
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24 requests relative to work schedules whenever possible. The total
25 number of hours worked per week for each employee shall not be
26 changed by such new schedules of working hours.

1 (c) **Open to public.** Except as otherwise provided in this
2 section, directors shall ensure that all services normally provided
3 to the public are available during all working hours.

4 (d) **Overtime not allowed.** Overtime is not authorized to
5 achieve the implementation or execution of the provisions of this
6 section.

7 (e) **Optional exclusions.** A director shall have the option to
8 exclude his agency or a division of such agency from the
9 provisions of this section if such agency or division meet one (1) or
10 more of the following conditions:

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- 12 2. No direct contact with the public;
- 13 3. Good cause can be shown by the agency why
14 implementation of such work schedules would cause hardships
15 and decrease the ability of its employees to perform their
16 duties.

17 (f) **Other exclusions.** Agencies or divisions of agencies
18 which currently provide services to the public on a twenty-four
19 (24) hour-per-day basis or an on-call basis are excluded from the
20 provisions of this section.

21 (g) **Definitions.** For the purposes of this section, "director"
22 means the executive head of an agency, and "agency" means an
23 agency or department of the executive branch of the government,
24 or an autonomous instrumentality of the government of Guam, or
25 a public corporation."

26 **Section 3. Effective date.** Line agencies, departments, autonomous
27 entities and instrumentalities of the government of Guam shall begin

- 1 implementing the provisions of this Act as soon as practicable, but not later
- 2 than one hundred eighty (180) days after its effective date.



Sen. Ted S. Nelson
Chairman

Committee on General Governmental Operations & Micronesian Affairs

Twenty-Second Guam Legislature
297-B West O'Brien Drive Agana, Guam 96910

Telephones:
(671) 472-3446-8/472-3501/3569

PUBLIC HEARING **7:00 p.m., Monday, December 20, 1993** **Tamuning Community Center**

A G E N D A

Bill No. 721 relative to requiring the Department of Public Works to expeditiously install a traffic stop light (in Anigua).

Bill No. 591 relative to extending the working hours of certain government agencies to lessen traffic congestion, to provide flexible working hours, and to better serve the public.

Bill No. 688 relative to clarifying the qualifications for incumbent government attorneys to take the Bar Examination.

Bill No. 726 relative to preserving the government's ability to initiate adverse action against an employee after 60 days in the event that earlier institution of such action might prejudice a criminal investigation.

Bill No. 387 relative to giving 25% hazardous duty pay to DPW Solid Waste Management Division employees.

Bill No. 388 relative to establishing a 30% pay increase for government employees working in areas hazardous due to asbestos.

Oversight Hearing with Department of Public Works, Public Utility Agency of Guam, and Guam Power Authority relative to the status of Capital Improvement Projects for the village of Tamuning.

****The general public and the media are invited to attend.****



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
GOVERNMENT OF GUAM
P.O. BOX 2816
AGANA, GUAM 96910



TESTIMONY ON BILL NO. 591

EXTENDING THE WORKING HOURS OF GOVERNMENT AGENCIES

I am Dr. O.V. Natarajan, Administrator, Division of Environmental Health. Thank you for giving us the opportunity to give our comments on Bill 591. Our operations will be also affected if this bill becomes law.

We support the concept on which the bill is based. We would like to support the bill, provided some of our concerns listed below, are addressed satisfactorily:

- (1) Section 2 Article 4119 of the bill mandates that our Division, similar to other agencies, shall conclude regular office activities at 6:00 p.m. Subsection (f) of the same article excludes some agencies which provide services on a 24 hour per day basis or an on-call basis. Our Division does not fall under either exclusion category.

The inspections of night clubs will be performed after the 6:00 p.m., the end of the mandated workday. That would pose a problem. Sometimes our Animal Control Officers are on duty up to 7:00 p.m. at night. Therefore, our agency and similar agencies should have the flexibility to extend the services beyond the 6:00 p.m. when the workday "shall conclude".

- (2) In subsection (e) of the Article 4119 it is stated that "A Director shall have the option to exclude his agency or a division of such agency". The word division is not defined. If the word "division" is interpreted as a defined administrative unit of the Department, then the criteria for exclusion of having less than ten (10) employees in a division may not be enough. Some of our programs have fewer employees, sometimes only (1) one; for example; the Radiological Health and Clean In-Door Air Programs. In such cases it is not possible to provide 55 (7:00 a.m to 6:00 p.m.; 5 days/week) hours per week, with a 40 hours per week employee. Further, employees are entitled to annual leave, sick leave, maternity leave, paternity leave, workmen compensation, etc etc. when we normally would not expect them to show up to work. The word division might have to be changed to another word such as section or program, or the



exclusion class of less than 10 employees can be expanded to say less than 10 employees with the same Civil Services Commission Title.

Again, we would like to support the intent and the concept behind the bill. However, we would like to see the bill amended to improve it to address our concerns.

O.V. Natarajan
Dr. O.V. Natarajan

Introduced

AUG 19 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 591(LS)

Introduced by:

J. P. Aguon

T. S. Nelson

C. T. C. Gutierrez

AN ACT TO ADD A NEW §4119 TO TITLE 4, GUAM CODE ANNOTATED, TO EXTEND THE WORKING HOURS OF CERTAIN GOVERNMENT AGENCIES TO LESSEN TRAFFIC CONGESTION, TO PROVIDE FLEXIBLE WORKING HOURS, AND TO BETTER SERVE THE PUBLIC.

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

2 Section 1. Legislative findings and intent. The Legislature finds that
3 the ever-increasing number of people in the island's workforce, the youthful
4 makeup of its population, and the relative affluence of many residents have
5 created or added to a number of problems, including traffic congestion, time-
6 scheduling difficulties when working parents must provide for the needs of
7 children, and increased difficulty in accessing government and other services
8 because the hours when such services are open conflict with normal working
9 hours. In many cases the government is not providing convenient access for
10 the very people it is supposed to serve, by forcing the general public to take
11 leave or use their lunch hours to receive government services because those
12 services are provided only during certain restricted hours. The Legislature

1 further finds that the level of stress affecting government employees may be
2 lessened if they are provided greater flexibility in their working hours.

3 It is therefore the intent of the Legislature to require that the
4 government of Guam service agencies extend their work hours in order to
5 provide better service to the public at no additional personnel expense to
6 taxpayers. It is the intent of the Legislature to accomplish this goal by giving
7 each agency the authority to stagger employee working hours and allow
8 flexible work schedules, thus reducing traffic congestion, and assisting
9 private employees that have family scheduling difficulties or problems
10 accessing government and other services because of conflicting work hours.

11 **Section 2.** §4119 is added to Title 4, Guam Code Annotated, to read:

12 "§4119. (a) **Extended hours.** Notwithstanding any other
13 provision of law, all line agencies, departments, autonomous entities
14 and instrumentalities of the government of Guam not excluded by
15 paragraphs (e) and (f) of this section shall commence their regular
16 work day at 7:00 a.m. and conclude at 6:00 p.m. Monday through
17 Friday, excluding holidays. Extending the work week to Saturdays
18 shall be permitted at the discretion of the director of each agency.

19 (b) **Scheduling options.** Directors of each agency shall
20 develop a schedule of working hours for all employees within such
21 agency which shall include but not be limited to staggered hours,
22 flexible working hours and, at the Director's discretion, Saturday
23 working hours. The Director shall consider specific employee
24 requests relative to work schedules whenever possible. The total
25 number of hours worked per week for each employee shall not be
26 changed by such new schedules of working hours.

1 (c) **Open to public.** Except as otherwise provided in this
2 section, directors shall ensure that all services normally provided
3 to the public are available during all working hours.

4 (d) **Overtime not allowed.** Overtime is not authorized to
5 achieve the implementation or execution of the provisions of this
6 section.

7 (e) **Optional exclusions.** A director shall have the option to
8 exclude his agency or a division of such agency from the
9 provisions of this section if such agency or division meet one (1) or
10 more of the following conditions:

- 11 1. Less than ten (10) employees;
- 12 2. No direct contact with the public;
- 13 3. Good cause can be shown by the agency why
14 implementation of such work schedules would cause hardships
15 and decrease the ability of its employees to perform their
16 duties.

17 (f) **Other exclusions.** Agencies or divisions of agencies
18 which currently provide services to the public on a twenty-four
19 (24) hour-per-day basis or an on-call basis are excluded from the
20 provisions of this section.

21 (g) **Definitions.** For the purposes of this section, "director"
22 means the executive head of an agency, and "agency" means an
23 agency or department of the executive branch of the government,
24 or an autonomous instrumentality of the government of Guam, or
25 a public corporation."

26 **Section 3. Effective date.** Line agencies, departments, autonomous
27 entities and instrumentalities of the government of Guam shall begin

- 1 implementing the provisions of this Act as soon as practicable, but not later
- 2 than one hundred eighty (180) days after its effective date.