

IN THE SUPREME COURT OF GUAM

RE: RELATIVE TO RESCINDING AND TERMINATING THE JUDICIAL COUNCIL OF GUAM COVID-19 RESPONSE DIFFERENTIAL PAY POLICY Supreme Court of Guam Administrative Order No. ADM20-240

On April 16, 2020, the Judicial Council of Guam approved the Judiciary's Coronavirus (COVID-19) Response Differential Pay Policy in Judicial Council Resolution No. 20-012, which adopted in large part the COVID-19 Response Differential Pay Policy for the executive branch established in Executive Order 2020-08. Judicial Council Resolution No. 20-012 further conditioned retroactive application of the Policy on enactment of legislation approving such retroactivity. On April 30, 2020, *I Maga'hågan Guåhan* issued Executive Order 2020-11, extending the public health emergency set to expire on May 5, 2020, for an additional thirty days. This court, in like response to the public health emergency, issued a series of administrative orders, the most recent of which – Administrative Order No. ADM20-239 -- extended the closure of the Judiciary of Guam for non-essential operations and proceedings until June 5, 2020.

On April 28, 2020, *I Maga'håga* vetoed Bill 326, An Act Relative to Compensating Essential Employees Retroactively with COVID-19 Response Differential Pay Consistent With Executive 2020-08. In her veto message, *I Maga'håga* said under Bill 326, as drafted, front liners and other essential employees would be entitled to both double pay and the COVID-19 differential pay initially established by Executive Order 2020-08 and that the legislature voted on the measure without the benefit of information that the public health emergency would be extended. Under

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these conditions, Bill 326, according to *I Maga'håga*, would obligate the government to millions more in payroll costs while proposing no appropriation from which it should come.

The extension of the public health emergency and the further delay in reopening the Judiciary for non-essential operations will cause additional and unanticipated significant financial impacts from the Judiciary's Coronavirus (COVID-19) Response Differential Pay Policy, and the Judiciary has not received any appropriation or funding to pay COVID-19 related expenses, including differential pay. Therefore, because the Judiciary's certifying officers may be at risk for certifying funds that are insufficient to meet payroll, including differential pay, and based on the powers vested in the Chief Justice through the Organic Act of Guam, *see* 48 USCA § 1421-1(b)(2), (3), it is hereby **ORDERED** that:

1. The Judiciary's Coronavirus (COVID-19) Response Differential Pay Policy, approved by Judicial Council Resolution No. 20-012, is rescinded and terminated effective May 4, 2020.

 This termination shall not affect any differential pay for Judiciary law enforcement officers who continue to work under the Judiciary's Agreement dated March 28, 2020, with *I Maga'hågan Guåhan* and Guam Homeland Security for assistance in responding to the COVID-19 emergency.

SO ORDERED this 5th day of May, 2020, nunc pro tunc to May 4, 2020.

/s/ F. PHILIP CARBULLIDO Chief Justice