

4 GCA PUBLIC OFFICERS & EMPLOYEES
CH. 6 COMPENSATION OF PUBLIC EMPLOYEES

CHAPTER 6
COMPENSATION OF PUBLIC EMPLOYEES

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ARTICLE 1
GENERAL PROVISIONS

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§ 6101. Title.

This Chapter may be cited or referred to as the *Uniform Position Classification and Salary Administration Act of 1991*.

SOURCE: GC § 4100; Repealed and reenacted by P.L. 21-59:7.

§ 6102. Purpose.

The purpose of this Chapter is to provide a uniform and unified system of position classification and compensation for the Executive and Judicial Branches of the Government of Guam. The only exception is for academic personnel of the Guam Community College and the University of Guam which as institutions of higher education, must adhere to accreditation standards established by the appropriate accrediting bodies. The term *academic personnel* refers to the definitions provided in 17 GCA § 31106 and § 16112, governing academic personnel of Guam Community College and the University of Guam.

SOURCE: GC § 4101; Repealed and reenacted by P.L. 21-59:6. Section amended by P.L. 23-26:6 (5/95) to exclude certain personnel from its formerly all-encompassing scope.

§ 6103. Scope.

Unless otherwise specified, this Chapter shall apply to all positions, officers, and employees, classified and unclassified, as the case may be, inclusive of the Executive and Judicial Branches, autonomous and semi-autonomous agencies, public corporations, and other public

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instrumentalities of the government of Guam. The provisions of this Chapter do not apply to academic personnel of the Guam Community College and the University of Guam. The employment and terms and conditions of employment of academic personnel shall be exclusively governed by provisions of the enabling laws of Guam Community College and the University of Guam pertaining to academic personnel, as set forth in Title 17, Guam Code Annotated

SOURCE: GC § 4102; Repealed and reenacted by P.L. 21-59:7. Section amended by P.L. 23-26:7 (05/95).

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- § 6232. [Untitled].

NOTE: P.L. 21-59:7 transferred § 6213-§ 6216.1 to Article 4, Chapter 6 and renumbered by the Compiler.

§ 6201. Compensation Schedule.

There is hereby established a unified pay schedule for positions identified in Volume III, Table II of the Hay Report, dated September 1990, and other such positions as may be subsequently determined, consisting of 19 Pay Grades A through V with Steps 1 through 10 per Pay Grade, and Pay Grades L6 through L1, an increment schedule consisting of at least

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Steps 11 through 20. The unified pay schedule identified as Attachment 1 to the Executive Branch Budget Act of 1992 is hereby incorporated herein.

SOURCE: GC § 4103, as amended by P.L. 15-136; last paragraph of subparagraph (b) as amended by P.L. 18-29:7. Subparagraphs (c) and (d) added by P.L. 18-42:13; Repealed and reenacted by P.L. 21-59:7.

NOTE: This is a complete reenactment of the "Hay Study".

GOVGUAM UNIFIED PAY SCHEDULE

	Step	Step	Step	Step	Step	Step	Step	Step	Step	Step
<u>GRADE</u>	1	2	3	4	5	6	7	8	9	10
A	13990	14865	15739	16614	17488	18188	18887	19587	20286	20986
B	14534	15443	16351	17260	18168	18895	19621	20348	21075	21802
C	15133	16079	17024	17970	18916	19673	20429	21186	21943	22699
D	15840	16830	17820	18810	19800	20592	21384	22176	22968	23760
E	16656	17697	18738	19779	20820	21653	22488	23318	24151	24984
F	17635	18737	19840	20942	22044	22926	23808	24689	25571	26453
G	18723	19893	21064	22234	23404	24340	25276	26212	27149	28085
H	19974	21223	22471	23720	24968	25967	26965	27964	28963	29962
I	21389	22726	24062	25399	26736	27805	28875	29944	31014	32083
J	22942	24376	25810	27244	28678	29825	30972	32119	33266	34414
K	24656	26197	27738	29279	30820	32053	33286	34518	35751	36984
L	26520	28178	29835	31493	33150	34476	35802	37128	38454	39780
M	28678	30471	32263	34056	35848	37282	38716	40150	41584	43018
N	31064	33006	34947	36889	38830	40383	41936	43490	45043	46596
O	33811	35924	38038	40151	42264	43955	45645	47336	49026	50717
P	36850	39153	41456	43759	46062	47904	49747	51589	53432	55274
Q	40352	42874	45396	47918	50440	52458	54475	56493	58510	60528
R	44242	47008	49773	52538	55303	57515	59727	61939	64151	66364
S	48680	51723	54765	57808	60850	63284	65718	68152	70586	73020
T	53720	57078	60435	63793	67150	69836	72522	75208	77894	80580
U	59277	62982	66686	70391	74096	77060	80024	82988	85951	88915
V	65620	69721	73823	77924	82025	85306	88587	91868	95149	98430

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	Step	Step	Step	Step	Step	Step	Step	Step	Step	Step
<u>GRADE</u>	11	12	13	14	15	16	17	18	19	20
A	21721	22481	23268	24082	24925	25797	26700	27635	28602	29603
B	22565	23355	24172	25018	25894	26800	27738	28709	29714	30754
C	23493	24316	25167	26048	26959	27903	28879	29890	30936	32019
D	24592	25452	26343	27265	28219	29207	30229	31287	32382	33516
E	25858	26763	27700	28670	29673	30712	31787	32899	34051	35242
F	27379	28337	29329	30355	31418	32517	33656	34834	36053	37315
G	29068	30085	31138	32228	33356	34524	35732	36983	38277	39617
H	31011	32096	33219	34382	35585	36831	38120	39454	40835	42264
I	33206	34368	35571	36816	38105	39438	40819	42247	43726	45256
J	35618	36865	38155	39491	40873	42304	43784	45317	46903	48544
K	38278	39618	41005	42440	43925	45463	47054	48701	50405	52170
L	41172	42613	44105	45648	47246	48900	50611	52383	54216	56114
M	44524	46082	47695	49364	51092	52880	54731	56646	58629	60681
N	48227	49915	51662	53470	55341	57278	59283	61358	63506	65728
O	52492	54329	56231	58199	60236	62344	64526	66785	69122	71541
P	57209	59211	61283	63428	65648	67946	70324	72785	75333	77969
Q	62646	64839	67108	69457	71888	74404	77009	79704	82493	85381
R	68687	71091	73579	76154	78820	81578	84434	87389	90447	93613
S	75576	78221	80959	83792	86725	89760	92902	96153	99519	103002
T	83400	86319	89340	92467	95704	99053	102520	106108	109822	113666
U	92027	95248	98582	102032	105603	109299	113125	117084	121182	125423
V	101875	105441	109131	112951	116904	120996	125230	129614	134150	138845

§ 6202. Salary Increments.

Every classified employee in Pay Grades A through V shall be entitled to one step salary increment for satisfactory performance. Employees at Steps 1 through 6 shall be entitled to an increment after twelve (12) months of satisfactory performance. Employees at Steps 7 through 9 shall be entitled to an increment after eighteen (18) months of satisfactory performance. Employees at Step 10 shall be entitled to an increment equivalent to 3.5% of an employee's based salary after twenty-four (24) months of satisfactory performance; the Director of Administration shall prepare an increment schedule consisting of at least Steps 11 to 20 to implement the 3.5% increment policy.

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SOURCE: GC § 4103.1, as added by P.L. 16-111; amended by P.L. 16-114. Repealed and reenacted by P.L. 21-59:7. Amended by P.L. 28-068:IV:42 (Sept. 30, 2005), effective January 1, 2006, pursuant to P.L. 28-068:IV:47; reference to Civil Service Commission changed to Director of Administration.

§ 6203. Merit Bonus.

Superior performance by a classified employee in Grades A through V shall be rewarded by a lump sum bonus based on an amount equivalent to 3.5% of the employee's based salary. The merit bonus shall be automatic upon a superior rating evaluation conducted for increment purposes. The merit bonus is in addition to the increment provided under § 6102 and is limited to the fiscal year in which superior performance is rendered.

SOURCE: GC § 4103.2, as added by P.L. 16-111; Repealed and reenacted by P.L. 21-59:7.

§ 6204. Cost of Living Adjustments.

The Governor may institute a cost of living adjustment (COLA). The COLA shall not be a part of the employee's base salary and shall be non-taxable; provided, however, that the COLA shall be considered as part of the base pay for retirement purposes. The Governor may defer, uniformly reduce, or uniformly increase the COLA adjustments according to economic conditions. The Director of Administration shall consult with the Department of Commerce in determining the appropriate methodology to be applied. The feasibility of adopting the federal COLA system, in whole or in part, shall be considered by the Director of Administration.

SOURCE: GC § 4104, as amended by P.L. 13-71; Repealed and reenacted by P.L. 21-59:7. Amended by P.L. 28-068:IV:42 (Sept. 30, 2005), effective January 1, 2006, pursuant to P.L. 28-068:IV:47; reference to Civil Service Commission changed to Director of Administration.

§ 6205. Recruitment Above-Step.

Step 1 of the Pay Grade assigned to a classified position shall be the regular rate for initial employment in any department or agency. The appointing authority, or the head of an agency, department or public corporation listed in 4 GCA § 4105(a) may petition the Director of Administration, the Judicial Council (as to Judicial Branch employment) or the agency, department or public corporation's governing board or commission (as to an agency, department or public corporation listed in 4 GCA § 4105(a)) for recruitment at a higher step not to exceed Step 10, because of documented recruitment difficulty or exceptional qualifications. The petition shall be posted on the agency's website for ten (10) days

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(Saturdays, Sundays and government of Guam holidays excepted). This petition shall be made before an applicant is hired. Every petition shall be scrutinized and amply justified before being approved. The Director of Administration, the Judicial Council and the governing board or commission (as to an agency, department or public corporation listed in 4 GCA § 4105(a)) may establish policies to administer this section. Increment schedule consisting of Steps 11 through 20 shall not be used for recruitment above step.

NOTE: GC § 4101.1, added by P.L. 14-52. Amended by P.L. 18-29:6. Repealed and reenacted by P.L. 21-59:7. Amended by P.L. 28-068:IV:42 (Sept. 30, 2005), P.L. 28-112:5 (April 14, 2006).

§ 6205.1 Recruitment Above-Step for the Department of Education.

Notwithstanding the provisions of Title 4 GCA § 6205, Step 1 of the Pay Grade assigned to a classified position shall be the regular rate for initial employment in Department of Education. The Superintendent of Education may petition the Guam Educational Policy Board for recruitment at a higher step not to exceed Step 10, because of recruitment difficulty or exceptional qualifications for *professional education positions*. This petition shall be made before an applicant is hired. Every petition shall be scrutinized and amply justified before being approved. The Guam Educational Policy Board may establish policies to administer this Section. Increment schedule consisting of Steps 11 through 20 shall not be used for recruitment above-step. Such *professional education positions* may include, but not be limited to the following:

1. Teacher II – VI, in any Special Education Program, Mathematics, Science and Language Arts
2. Program Coordinator II – IV, Autism Program
3. Program Coordinator II – IV, Assistive Technology Program
4. Program Coordinator II – IV, Transition Program
5. Program Coordinator II – IV, State Compliance Monitoring Program
6. Psychologist, Emotional Disabilities Program
7. Psychologist, Psychological Services Program
8. Speech Language Pathologist

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9. Speech Language Clinician
10. Speech Language Pathology Supervisor
11. Audiologist
12. Occupational Therapist I – II
13. Physical Therapist I – II
14. Nutritionist
15. Assistant Superintendent, Special Education
16. Associate Superintendent, Special Education.

SOURCE: Added by P.L. 28-068:IV:100 (Sept. 30, 2005).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education.

§ 6205.2. No Recruitment *or* Compensation Above Step 10.

(a) No agency, department, autonomous agency, public corporation, *or* other instrumentality of the government of Guam *shall* authorize compensation above Step 10 for the initial appointment, hiring *or* recruitment of an employee. This Section *shall* not apply to the Office of *I Maga'lahren Guåhan*, Office of *I Segundo Na Maga'lahren Guåhan*, Guam State Clearinghouse, *I Liheslaturan Guåhan*, to any agency whose governing board has exclusive authority over compensation, *or* to any positions specifically exempted by law.

(b) Notwithstanding any other provision of law, the Director of Administration *shall* adjust the compensation of an unclassified employee who was hired above Step 10 before enactment hereof effective the date of this enactment. Failure to comply with this Section *shall* result in the de-appropriation of the total amount of compensation paid in violation hereof from the budget of the non-compliant agency.

SOURCE: Added by P.L. 29-019:VI:63 (Sept. 29, 2007).

§ 6206. Step to Step Upon Promotion.

Classified employees in Grades A through V who are promoted competitively or by reclassification, or temporarily, to a higher Pay Grade shall receive a salary increase closest to a one (1) step increase in the pay grade held prior to promotion.

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SOURCE: GC § 4106; Subsection A amended by P.L.'s 15-147, 19-34:38 and 19-52:17; Subsection B amended by P.L.'s 15-147, 16-59, 16-122, 17-21:5, 17-78:11, 18-30:58 and 59, 18-32:21 and 23, 18:37:20, 19-34:34 and 39, 19-52:15 and 19-52:18; Subsection C amended by P.L. 15-147 and P.L. 19-34:37; Subsection D added by P.L. 15-39; Repealed and reenacted by P.L. 21-59:7.

§ 6206.1. Limitation on Salaries of Directors and Deputy Directors.

(a) If the salary level of a Director or Deputy Director, by whatever title denominated, is not specifically set out in law but is set by a Board, Commission or other administrative body, that Board, Commission or other administrative body shall not set the salary level of a Director to exceed the current salary level of the Governor, and shall not set the salary level of a Deputy Director to exceed the current salary level of the Lieutenant Governor. This Section shall apply to all departments, agencies, corporations expending funds appropriated by the government of Guam or instrumentalities of the government of Guam, and whether or not the agency is a line, autonomous, or semi-autonomous agency.

(b) 4 GCA § 6206.1 shall not apply to persons occupying Director or Deputy Director positions under the terms of a contract in effect on the effective date of this Act, however 4 GCA § 6206.1 shall be effective for any subsequent contract or renewal of a current contract when salary is negotiable.

SOURCE: Added by P.L. 18-32:24 and 25.

§ 6207. Positions in Governor's Office.

The Governor is authorized to establish such positions as may be necessary for the operation of the Office of the Governor including off-island offices and Government House; provided, however, that no person shall be appointed to fill such a position in the absence of an appropriation to pay the salary set for such position. The Governor shall set the salaries for positions for which salaries are not set by law.

SOURCE: GC § 4116.2, as amended by P.L. 11-202; Repealed and reenacted by P.L. 21-17:4. Amended by P.L. 28-145:3 (August 15, 2006).

§ 6207.1. Positions in Lieutenant Governor's Office.

The Lieutenant Governor is authorized to establish such positions as may be necessary for the operation of the Office of the Lieutenant Governor, the Guam State Clearinghouse, and other offices that are established and placed under the purview or direction of the Lieutenant Governor of Guam; provided, however, that *no* person shall be appointed to

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fill such a position in the absence of an appropriation to pay the salary set for that position. The Lieutenant Governor shall set the salaries for positions for which salaries are not set by law.

SOURCE: Added by P.L. 28-145:4 (August 15, 2006).

§ 6208. Government Attorneys Salaries.

It is the intent of *I Liheslatura* that all full-time attorneys working for the government of Guam, its agencies and instrumentalities (including autonomous agencies and instrumentalities), the Judiciary, and the Public Defender Service Corporation be paid according to the following schedule in order to make the pay received by full-time attorneys working for different departments and agencies more or less uniform. Therefore, all full-time attorneys now working for or later hired after the effective date of this Section by the government of Guam, its agencies and instrumentalities (including autonomous agencies and instrumentalities), the Judiciary, and the Public Defender Service Corporation including classified, unclassified, and contract hire shall be paid according to the following schedule. However, no attorney working for the government of Guam on the effective date of this Act shall have his or her salary reduced by this schedule below.

ATTORNEY I

(a) An attorney with zero (0) to three (3) years experience as an attorney, working under the supervision of a senior attorney or judge. The pay scale and steps shall be as follows:

Step 1 -- under one (1) year as an attorney, \$40,352;

Step 2 -- more than one (1) year but *less than* two (2) years as an attorney, \$42,874; and

Step 3 -- more than two (2) years but *less than* three (3) years as an attorney, \$45,396.

ATTORNEY II

(b) An attorney with three (3) years experience but *less than* five (5) years experience as an attorney, working under the supervision of a senior attorney. The pay scale and steps shall be as follows:

Step 1 -- more than three (3) years but *less than* four (4) years experience as an attorney, \$47,008;

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Step 2 -- more than four (4) years but *less than* five (5) years experience as an attorney, \$49,773.

ATTORNEY III

(c) A senior attorney with over five (5) years but *less than* eight (8) years experience as an attorney, working with minimal supervision, who may supervise and direct other attorneys. The hiring authority may allow up to two (2) years of attorney experience credit or seniority credit for special skills, training, or excellence as an attorney. The pay scale and steps shall be as follows:

Step 1 -- more than five (5) years but *less than* six (6) years experience as an attorney, \$51,723;

Step 2 -- more than six (6) years but *less than* seven (7) years experience as an attorney, \$54,765; and

Step 3 -- more than seven (7) years but *less than* eight (8) years experience as an attorney, \$59,329.

ATTORNEY IV

(d) An Attorney IV includes all non-supervisory and program-supervisor senior attorneys, to include, the Chief Deputy Attorney General, and the Public Defender. A senior attorney with over eight (8) years as an attorney, working with minimal supervision, with possible supervisory duties over other attorneys. The hiring authority may allow up to three (3) years of attorney experience credit or seniority credit for special skills, trial experience, training, or excellence as an attorney, to the extent the attorney has less than eleven (11) years of experience as an attorney. The pay scale and steps shall be as follows:

Step 1 -- over eight (8) years but *less than* nine (9) years of experience as an attorney, \$62,114;

Step 2 -- over nine (9) years but *less than* ten (10) years of experience as an attorney, \$68,493;

Step 3 -- over ten (10) years but *less than* eleven (11) years of experience as an attorney, \$72,522;

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Step 4 -- over eleven (11) years but *less than* twelve (12) years of experience as an attorney, \$75,208;

Step 5 -- over twelve (12) years but *less than* fifteen (15) years of experience as an attorney, \$77,894; and

Step 6 -- over fifteen (15) years experience as an attorney, \$80,580.

Any attorney who has sixteen (16) years or more of total experience as an attorney, and who has reached the level of Attorney IV, Step 6, shall thereafter receive a pay increase of 3.5% every two (2) years of service as a government of Guam attorney.

In the case of attorneys working for the government of Guam as of the effective date of this Section, the Department of Administration shall review the current attorney's salaries and slot the attorneys into the appropriate step and grade of the previous salary structure without regard to any freeze on salaries that may have occurred. After placing the attorneys at the appropriate step and grade, the attorneys shall then be slotted in accordance with the above schedule closest to, but not below the step and grade established by the Department of Administration and to receive pay increases established by the new salary structure on their anniversary of hire. The slotting into the appropriate steps closest to, but *not* below their current salaries shall include all experience and seniority credits.

The salary schedules contained in Subsections (a) through (d) above may be modified upwards from time to time by the Director of Administration pursuant to the Administrative Adjudication Act public notice requirements without further legislation.

SOURCE: GC § 4106.1, added by P.L. 13-117; amended by P.L. 15-147; Repealed and reenacted by P.L.'s 16-72, 16-80, 17-6 and 19-52:8; amended by P.L. 27-106:VI:20. Effective January 1, 2006, reference to the "Civil Service Commission," amended to "Director of Administration" pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6208.1. Recruitment of Assistant Attorneys General.

Notwithstanding any other provision of law, the Attorney General may hire Assistant Attorneys General necessary for the operation of the department. Attorneys shall be hired for an initial two-year probationary period in the unclassified service, which shall by the term of the

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appointment expire two years from the date of the appointment if not sooner terminated by the appointing authority. Attorneys reappointed after completion of their probationary period shall be employed in the unclassified service as provided under Section 4102(16) of Chapter 4 of this Title and may be removed only for cause. Attorneys presently in the classified service shall remain classified.

SOURCE: GC § 6208.1 enacted by P.L. 17-53:17, and Repealed and reenacted by P.L. 19-52:7.

COURT DECISIONS: This section was declared contrary to the Organic Act of Guam by the Ninth Circuit Court of Appeals. *Haeuser v. Dept. of Law*, (CA9 1996) 97 F.3d 1152; for limitation on damages see *Haeuser v. Dept. of Law*, (Supreme Court Guam 1999) 1999 Guam 12.

§ 6209. Professionals of Public Health and Social Services.

(a) Within the Department of Public Health and Social Services the following classified positions are created and given annual compensation as follows:

POSITION	COMPENSATION
Physician Specialist (Board Certified)	\$80,618 - \$94,418
Physician Specialist (Board Eligible)	\$75,098 - \$88,898
General Practitioner	\$52,862 - \$62,862
Chief Public Health Dental Officer	\$54,531 - \$66,528
Dental Officer II	\$48,300 - \$58,926
Dental Officer I	\$44,850 - \$54,717

(b) The Director of Administration is hereby directed to assign an appropriate pay range for the position of Nurse Practitioner under the Option 1 Salary Schedule; provided, however, that persons presently occupying the position shall not have their present salary reduced. Once an appropriate salary level is assigned by the Director of Administration, persons employed as Nurse Practitioners shall be compensated at such level retroactive to October 1, 1987.

(c) The Director of Administration shall review the salaries of staff dentist and physician positions in the Department of Public Health and Social Services every two (2) years from the date of enactment of this Act to make salary adjustments as needed. The Director of Administration shall consider the income levels of private practitioners and government dentists

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and physicians on Guam and nationwide, and increases in salary given other government of Guam employees.

SOURCE: GC § 4106.2, as added by P.L. 14-52; amended by P.L. 's 16-111, 18-33:15 and 19-34:33; Subsection (a) is repealed and reenacted by P.L. 20-207:12. Subsection (c) enacted by P.L. 20-207:16 as uncodified, permanent law. Codified here by Compiler. Amended by P.L. 28-068:IV:42 (Sept. 30, 2005), effective January 1, 2006, pursuant to P.L. 28-068:IV:47; reference to Civil Service Commission changed to Director of Administration.

§ 6209.1. Same.

[Repealed.]

SOURCE: Repealed by P.L. 20-207:14.

§ 6210. New Positions and Classes: Creation.

[Repealed.]

SOURCE: Repealed by P.L. 21-59:7.

§ 6211. Reassignments.

[Repealed.]

SOURCE: Repealed by P.L. 9-23.

§ 6212. Hourly Rates of Pay.

In the event it is desirable to establish hourly rates of pay for temporary, seasonal, intermittent, project or part-time employment in any class of position in the classified service the Director of Administration shall determine such hourly rates by dividing by 2080 the annual pay rates in the range of pay established for the class by or under this Chapter. Normally, Step 1 in the appropriate pay range shall be used in making this calculation, but the Director of Administration, however, may authorize as compensation for such employment, hourly rates based on higher steps in the pay range if recruitment conditions or other circumstances warrant such action.

SOURCE: GC § 4109. Amended by P.L. 28-068:IV:42 (Sept. 30, 2005), effective January 1, 2006, pursuant to P.L. 28-068:IV:47.

COMMENT: Pursuant to P.L. 28-068:IV:42 (Sept. 30, 2005), the duty of the Civil Service Commission was transferred to the Director of Administration. Therefore, reference to Civil Service Commission in the second sentence of the section was removed.

§ 6213 - § 6216.1.

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NOTE: § 6213 through § 6216.1 were transferred to Article 4 of this Chapter by P.L. 21-59:7(e). Because Article 4 is already occupied by another subject, the Compiler renumbered these sections to Article 5.

§ 6217. Night Differential Pay.

All employees of the government of Guam, except the department or agency heads and the Deputy Directors, shall be entitled to night differential pay, calculated at the rate of their regular wage plus ten percent (10%), for all periods worked between the hours of 6 p.m. and 6 a.m., provided they work a minimum of more than four (4) consecutive hours within that time period.

SOURCE: § 4110.4; renumbered by P.L. 13-81; amended by P.L. 14-130; amended by P.L. 27-29:V:6. Amended by P.L. 28-068:V:5 (Sept. 30, 2005).

§ 6218. Conditions.

The application of the pay ranges set forth in this Chapter shall be subject to the following conditions:

(a) The rates and ranges of pay shall be considered to be gross compensation for full time service and the value of maintenance in the form of meals, lodging and the like shall be deducted from the established rates of pay. The Director of Administration shall determine the values to be placed upon such maintenance, taking into consideration the costs of the maintenance provided and the convenience of the government served thereby. Maintenance shall not be considered to include the costs of travel incurred in connection with official duties.

(b) The minimum rate of each pay range shall be the normal rate for initial employment in the employment in the positions and classes assigned thereto. The Director of Administration, however, may authorize initial employment in the class at a higher rate in the pay range if such action is warranted by recruitment difficulties or by special or unusual qualifications of the individual employed.

(c) Advancement of employees within the pay ranges established for their positions shall be based upon quality of work and length of service in a manner to be determined by the personnel rules.

(d) Any classified employee of the government of Guam, who terminates such employment for the sole purpose of entering active duty in the Armed Forces of the United States, shall be entitled to limited military leave for such periods and under such conditions as

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may be from time to time be determined by the Director of Administration and upon termination under honorable conditions of such active duty, be entitled to reinstatement in his previous position or its equivalent, in the step within his former pay range, to which such employee would have been entitled but for his military service, provided that such employee makes application for such reinstatement within ninety (90) days after discharge, and provided further that at the time of such application he shall be on military leave status with the government of Guam.

(e) Notwithstanding any other provision of law, when an Assistant Commissioner has been serving as such at a rate of pay higher than Step 1 of the salary range of a Commissioner and automatically receive compensation as provided in that step of the Commissioner's pay range which will not represent a reduction in the compensation he was theretofore receiving as Assistant Commissioner.

SOURCE: GC § 4111.

NOTE: Personnel Board changed to Civil Service Commission by authority of P.L. 16-9. Effective January 1, 2006, reference to the "Civil Service Commission" removed from subsection (b) and amended to "Director of Administration" in subsection (d) pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6218.1. Prohibition on Retroactive Pay Raise.

Whenever a classified or unclassified employee of the Government of Guam, including all departments, agencies and instrumentalities, whether or not autonomous, receives an increase in pay resulting from step increase, pay range increase, promotion or any other cause, such increase in pay shall not be retroactive from the date of its authorization, unless so specified by law. Any person who authorizes a pay raise which is retroactive in violation of this Section shall be guilty of a misdemeanor.

SOURCE: Added by P.L. 18-40:24.

§ 6219. Firemen: Compensation: Annual and Sick Leave.

(a) Notwithstanding any other law, rule, or regulation, firefighters within the Guam Fire Department, *except* the Fire Chief, shall be compensated at the regular hourly rate of pay at one hundred six (106) hours, and shall be compensated at one and one-half (1½) times the regular hourly rate for hours worked in *excess* of one hundred six (106) hours per pay period. Firefighters who are working administrative duty shall work eighty (80) hours per pay period at their regular rate of pay in the same

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manner as other government of Guam employees and at one and one-half (1½) times their regular hourly rate only in the event that they work in excess of one hundred six (106) hours in a pay period.

(b) All hours of work performed by firefighters during a legal holiday shall be compensated at double the regular hourly rate, irrespective of work shifts, provided, however, that work performed on such a holiday in excess of nine (9) hours shall be compensated at the regular hourly rate.

(c) Firefighters shall be charged no more than nine (9) hours annual leave or sick leave for any given day on which such leave is taken.

(d) All other laws, rules, regulations applicable to firefighters not consistent with this Section shall remain in full force and effect.

SOURCE: GC § 4111.1, as added by P.L. 12-183. Subsection (a) as amended by P.L. 17-87:7; Subsection (a) is Repealed and reenacted by P.L. 20-172:1. Subsection (a) amended by P.L. 26-35:11. Subsection (a) repealed by P.L. 26-36:35. Subsection (a) reenacted by P.L. 26-49:7 along with considerable legislative history in P.L. 26-49:7(a). P.L. 26-49:7(c) provides that this section is retroactive to 10/1/2001. Amended by P.L. 28-068:II:II:21 (Sept. 30, 2005). Subsection (b),(c) & (d) added by P.L.28-072:1 (Nov. 15, 2005), effective October 1, 2005.

§ 6220. Customs and Quarantine Agency Officer and Plant Protection and Quarantine Officer: Compensation.

Any Officer who has performed carrier off-duty services pursuant to this Act shall be compensated at the rate of three (3.0) times the officer's hourly wage rate for the first hour of service provided, and one and a half times (1½) the officer's hourly wage rate after the first hour of said service; provided, that the officer shall perform no less than fifteen (15) minutes of service for the second hour, or each hour thereafter, before receiving credit and compensation for the full hour.

SOURCE: GC § 5111.2, as added by P.L. 16-111; Repealed and reenacted by P.L. 19-10:XI:41(a). Repealed and reenacted by P.L. 25-138:3.

§ 6221. Interest On Late Overtime Payments.

Any overtime not paid an employee within fifteen working days after a request for payment is submitted shall earn interest at the rate of ten percent (10%) per annum from the date due until the date paid the employee at the same time he receives his payment for overtime.

SOURCE: Added by P.L. 17-27:8.

§ 6221.1. Cause of Action for Overtime.

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It is the intent of the Legislature that all overtime which has been approved be promptly paid. Therefore: any employee who is entitled to overtime may bring action in the Superior Court against the government of Guam for payment of all back pay due as a result of overtime, in addition to all other remedies allowed at law or equity. In any such case, the Court may order pendente lite and permanently that the appropriate officer of officers of the Government pay such sums to the employee as may become due in the future on such terms as the Court deems just.

In any such case, ten (10) or more employees similarly situated may initiate and bring a class action on behalf of all employees similarly situated. In such case, the Court shall set reasonable attorney's fees upon conclusion of the case in an amount not to exceed ten percent (10%) of the recovery, to be paid by the government of Guam if the employees prevail.

SOURCE: Added by P.L. 18-44:34.

§ 6222. Corrections Officers--Hazardous Pay.

(a) A corrections officer *or* a parole officer *or* any employee of the government who performs the duty of guarding prisoners *or* supervising *or* counseling parolees, *shall* be entitled to hazardous pay, calculated at the rate of his *or* her regular wage, plus ten percent (10%), for all periods he *or* she is on such duty. The differential *shall* be applicable only during time of exposure.

(1) A correction officer *or* a parole officer who performs a duty outside of the direct supervision of the Department of Corrections, that *if* performed by another law enforcement *or* public safety officer would entitle such officer to hazardous pay, *shall* be entitled to hazardous pay, calculated at the rate of his *or* her regular wage, plus ten percent (10%), for all periods he *or* she is on such duty. The differential *shall* be applicable *only* during time of exposure.

(b) Any marshal, probation officer, or alternative sentencing officer of the Judiciary is eligible to receive hazardous pay for any duty considered to be under hazardous conditions as specified by the Superior Court of Guam's Personnel Rules and Regulations, provided that "hazardous conditions" shall *not* include the customary, ordinary, or routine duties of marshals, probation officers and alternative sentencing officers, except for the following:

(1) providing security for a Justice, Judge or Referee so long as such Justice, Judge or Referee and the Administrator of the Courts

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certify that such duty exposed the employee to potentially dangerous circumstances;

(2) providing security at a Family Visitation Center; or

(3) performing work-related duties involving exigent circumstances resulting in (A) imminent danger of bodily injury to the employee or others; or (B) exposure to potentially dangerous circumstances. The existence of such circumstances must be certified by the Marshal of the Courts and the Administrator of the Courts as to Marshals or by the Chief Probation Officer and the Administrator of the Courts as to Probation Officers and Alternative Sentencing Officers.

SOURCE: Added by P.L. 17-53:24 as § 6221; renumbered by Compiler; amended by P.L. 20-132:2. Amended by P.L. 28-068:V:6 (Sept. 30, 2005). Subsection (b) amended by P.L. 28-150 V:24 (Sept. 30, 2006). Subsection (a) amended by P.L. 30-071:2 (Nov. 27, 2009).

§ 6223. Firefighters - EMT-A Duty.

Notwithstanding any law to the contrary, a Firefighter in the Guam Fire Department who performs work as an Emergency Medical Technician-Ambulance (EMT-A) and is a certified EMT-A shall be entitled to differential pay calculated at the rate of his or her regular wage plus fifteen percent (15%) for all periods he or she is assigned as an EMT-A and is a certified EMT-A.

SOURCE: Added by P.L. 19-52:10 as an uncodified section; codified by Compiler. Repealed by P.L. 28-62:5 (June 30, 2005). Restored by P.L. 28-068:II:2:18 (Sept. 30, 2005).

§ 6224. Police Officers--Hazardous Pay.

A police officer assigned to a hazardous duty position is entitled to hazardous duty pay calculated at the rate of such officer's wage plus ten percent (10%).

SOURCE: Added by P.L. 20-132:5.

NOTE: P.L. 20-132:5 added a new § 6223 which was recodified to § 6224 by the Compiler.

§ 6225. Hazardous Duty Positions Identified.

The Chief of Police shall, by general order, adopt a Table of Organization and Equipment (TOE) for the uniform positions within the Police Department. The TOE shall follow generally the organizational

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structure established by the reorganization plan for the Police Department which became effective September 11, 1989. The TOE shall identify by rank and duty the positions within the various units, sections, branches, divisions and commands in the Police Department. Hazardous duty positions shall be identified in the TOE.

SOURCE: Added by P.L. 20-132:6.

NOTE: P.L. 20-132:6 added a new § 6224 which was recodified to § 6225 by the Compiler.

§ 6226. Employees: Compensation During Typhoons: Exceptions.

Employees who work during typhoon emergency periods, defined as Typhoon Conditions I and II, as declared by the Governor of Guam, shall be compensated in the following manner:

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

(b) Employees not occupying permanent positions in the classified service, who were required to report to and did work during such an emergency period shall be entitled to overtime pay for all such hours worked.

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

(d) Employees occupying permanent positions in the classified service or the unclassified service except for agency heads and their first assistants, by whatever title called, whose regularly scheduled hours of work do not fall within such an emergency period, but who are required to report for and be on duty shall be entitled to overtime

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pay for all such hours worked including overtime, but not for administrative leave.

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

SOURCE: Added by P.L. 22-11:2.

§ 6227. Police Officers/Recruits- GPD FTE Positions.

Notwithstanding any other provision of law, only police officers or police recruits may fill police officer FTE positions in the Guam Police Department.

SOURCE: Added by P.L. 23-45:IV:26.

§ 6228. Reimbursement of Cadet Training Costs.

Any cadet who successfully completes on-the-job training, and who is hired by the agency into an entry level position, may be reimbursed the cost of administrative and instructional fees paid to the Guam Community College for completion of the academic portion of his or her training, provided the individual has not otherwise received a grant or other reimbursement of costs for the fees paid, and further provided that the individual remains employed with the initial hiring agency for two (2) years from date of initial hire.

SOURCE: Added as § 6228 by P.L. 24-43:1.

§ 6229. Definition.

As used in this Act the following words and phrases are defined to mean:

(a) *Board* means the Guam Boards under the Healing Arts.

(b) *Class Specification* means official document which describes the general characteristics of a class, including the title; nature of work; summary statement of examples of typical duties performed; a statement of minimum qualifications; and the minimum knowledge, abilities and skills needed to perform the work which provides the criteria for placing each position in its proper class.

(c) *HealthCare professional(s)* means any employee in the government agencies who is essential to the delivery of patient/client

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care services, and as defined in § 10101 of Title 10 of the Guam Code Annotated, and § 5 of Public Law Number 22-87.

(d) *Known-Promotion-Potential* (KPP) means an upward career mobility in a series of positions within an organization without competition, and where at an earlier date an employee was selected under a competitive examination.

(e) *Nurse(s)* means any person who is licensed by the Guam Board of Nurse Examiners to practice as a licensed practical nurse, registered professional nurse, or as an advanced practice registered professional nurse on Guam.

SOURCE: Recodified by the Compiler of Laws as § 6229. Amended by the Compiler of Laws to reflect the proper citation. Subsection (e) amended by P.L.27-156:3.

§ 6229.1. Nursing Recruitment and Retention Incentives.

The Director of Administration shall provide recruitment and retention incentives for nurses in the government of Guam.

SOURCE: Added as § 6228.1 by P.L. 24-325:4. Recodified by the Compiler of Laws as § 6229.1. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6229.2. Salary Schedule Three (3) Year Review.

The Director of Administration shall meet annually with the Guam Nurses Association Commission on Nursing Leadership to address recruitment and retention incentives for nurses. The salary schedules of the nurses shall be reviewed by the Director of Administration every three (3) years, and upgraded as needed. The salary for each of the nursing classifications under the government of Guam shall be competitive with the National average.

SOURCE: Added as § 6228.2 by P.L. 24-325:5. Recodified by the Compiler of Laws as § 6229.2. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6229.3. Class Specifications Three (3) Year Review.

The Director of Administration, in collaboration with the government of Guam agencies’ nursing administrators, shall update the class specifications pertaining to duties, requirements and experience of all

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nursing classifications. The class specifications shall be re-evaluated every three (3) years, and changes shall be made as indicated.

SOURCE: Added as § 6228.3 by P.L. 24-325:6. Recodified by the Compiler of Laws as § 6229.3. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6229.4. Recognition of the Guam Nurses Association Commission on Nursing Leadership.

The Guam Nurses Association Commission on Nursing Leadership shall be recognized by *I Maga’lahen Guåhan* and *ILiheslaturan Guåhan* as the collective voice and advocate for nursing and the professional experts to address nursing shortage, health and nursing issues, recruitment and retention strategies, common problems in health and areas of concern.

SOURCE: Added by § 6228.4 by P.L. 24-325:7. Recodified by the Compiler of Laws as § 6229.4.

§ 6229.5. Compensation for Education and Experience.

Nurses and other healthcare professionals in the government of Guam shall be given above-step compensation commensurate to the education and experience that exceed the minimum requirements. The Director of Administration shall establish the pay adjustment schedule specific to this Section to be used by the nurse and other healthcare administrators during recruitment. The nurse and other healthcare administrators shall implement the above-step compensation, using the Director of Administration education/experience pay adjustment schedule. Any deviation from the established education/experience pay adjustment schedule *not* having prior approval by the Director of Administration shall be deemed invalid. The Department of Administration shall review the documents of all applicants and the compensation as assigned by the nurses and other healthcare administrators to ensure the education/experience pay adjustment schedule is being properly implemented. Any errors shall be rectified by the Department of Administration.

SOURCE: Added as § 6228.5 by P.L. 24-325:8. Recodified by the Compiler of Laws as § 6229.5. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6229.6. Certification Pay Differential.

The Director of Administration shall implement a certification pay differential for all nursing and other healthcare professional positions in the

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government of Guam. Nurses and other healthcare professionals who have a national or Guam Board certification, and are practicing in their area of certification, shall be entitled to a minimum certification pay differential, calculated at the rate of their regular wage plus fifteen percent (15%) to rectify an inequity in certification pay.

SOURCE: Added as § 6228.6 by P.L. 24-325:9. Recodified by the Compiler of Laws as § 6229.6. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6229.7. Work Compensation.

The following work compensation shall apply to all nursing and other healthcare professionals essential to the delivery of patient care services:

(a) The workweek shall consist of any combination of straight time, overtime and holiday time to a total of forty (40) hours. All nursing and other healthcare professionals essential to the delivery of patient care services are hereby exempted from those provisions of the government of Guam compensation laws covering accumulated straight time hours required prior to compensation at overtime rates.

(b) All work performed between the hours of 12:00 midnight on any Friday and 12:00 midnight of the following Sunday night shall be compensated at the rate of one and one-half (1-1/2) times the regular straight time rate of the nurse or any employee who is responsible for direct delivery of patient services.

(c) All work performed on any legal holiday, in addition to the regular holiday pay, shall be compensated at a rate of one and one-half (1¹/₂) times the nurse’s and other healthcare professional’s regular straight time rate.

(d) After a nurse and other healthcare professional have worked a complete shift in any given twenty-four (24) hour period, the next four (4) hours worked shall be at a rate of one and one-half (1¹/₂) times the nurse’s and other healthcare professional’s regular straight time hourly rate. Any work in excess of the additional four (4) hours in the same twenty-four (24) hour period shall be compensated at two (2) times or double time the nurse’s and other healthcare professional’s regular straight time hourly rate.

(e) For the purpose of computing annual leave and sick leave for nurses and other healthcare professionals, any combination of eighty

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(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 nurse and the other healthcare professional are entitled to because of time in service.

(f) Nurses and other healthcare professionals who are *not* allowed leave time due to shortage of staff shall be given monetary compensation at the end of each fiscal year.

SOURCE: Added as § 6228.7 by P.L. 24-325:10. Recodified by the Compiler of Laws as § 6229.7. Subsection (b) amended by P.L.27-106:VI:25. Subsection (b) amended by P.L. 27-156:2.

§ 6229.8. Flex-Time.

Nursing and other healthcare administrators shall be allowed the option to schedule nurses and other healthcare professionals on flex-time, which includes, but is not limited to, ten (10) hour shifts.

SOURCE: Added as § 6228.8 by P.L. 24-325:11. Recodified by the Compiler of Laws as § 6229.8.

§ 6229.9. Job Sharing.

Nursing and other healthcare administrators shall be allowed the flexibility to hire any number of nurses and other healthcare professionals, as long as the approved budget is *not* exceeded.

SOURCE: Added as § 6228.9 by P.L. 24-325:12. Recodified by the Compiler of Laws as § 6229.9.

§ 6229.10. Job Incentives.

Whenever possible, nursing and other healthcare professionals shall be given job incentives, including, but not limited to, educational opportunities and improved work environment.

SOURCE: Added as § 6228.10 by P.L. 24-325:13. Recodified by the Compiler of Laws as § 6229.10.

§ 6229.11. Classified Full-Time Nursing Positions.

No classified full-time nursing and other healthcare professional positions in the government of Guam shall be recruited as *Temporary Appointments* (TA) or *Limited-Term Appointments* (LTA), *except* as provided under Public Law Number 20-218, § 11.

SOURCE: Added as § 6228.11 by P.L. 24-325:14. Recodified by the Compiler of Laws as § 6229.11.

§ 6229.12. Graduate Nurse Classification.

A graduate nurse of a Board-approved Guam or U.S. nursing program may be recruited by the government agencies as a graduate nurse. The graduate nurse must be a recent graduate with verification from the Board that he/she has submitted an application to take the national examination within six (6) months after graduation. The graduate nurse classification may be included in the ‘known-promotion-potential,’ Nursing Series I and II classifications.

SOURCE: Added as § 6228.12 by P.L. 24-325:15. Recodified by the Compiler of Laws as § 6229.12.

§ 6229.13. Developmental Promotions (‘KPP’) Designation.

Government of Guam agencies who recruit nurses shall be authorized to hire nurses and graduate nurses as ‘known-promotion potential’ on nursing classification series, as provided in the Government of Guam Personnel Rules and Regulations and Operations Procedure Manual.

SOURCE: Added as § 6228.13 by P.L. 24-325:16. Recodified by the Compiler of Laws as § 6229.13.

§ 6229.14. Recruitment Process.

All government of Guam agencies shall be exempted from the government of Guam Department of Administration recruitment process for the hiring of nurses and other healthcare professional positions. All nursing and other healthcare professional applicants, who have a license to practice on Guam and meet the minimum requirements of the class specifications, may be scheduled for an interview and may be recruited, using the Director of Administration education/experience pay adjustment schedule. Any action taken to recruit an applicant who is *not* licensed, does *not* meet the minimum requirements, and/or did *not* comply with the Director of Administration education/experience pay adjustment schedule, shall be null and void by the Department of Administration.

SOURCE: Added as § 6228.14 by P.L. 24-325:17. Recodified by the Compiler of Laws as § 6229.14. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6229.15. Implementation.

The provisions of this Act shall be implemented in Fiscal Year 2002. The Director of Administration shall transmit a status report three (2) months after the enactment of this Act, and upon implementation of the

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provisions. The Administrator, Bureau of Family Health and Nursing Services, at the Department of Public Health and Social Services, shall submit copies of the GNA Commission on Nursing Leadership meeting minutes to *I Maga'lahen Guâhan* and *I Liheslaturan Guâhan* on a quarterly basis.

SOURCE: Added § 6228.15 by P.L. 24-325.18 Repealed and reenacted as 6228.15 by P.L. 25-072:IV:10. Recodified by the Compiler of Laws as § 6229.15. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6230. Prohibition Against Salary Increases for Unclassified Employees Following the Defeat of an Incumbent in an Election.

No unclassified employees employed in the Executive Branch of government may receive a pay increase following the defeat of a sitting *Maga'lahen Guâhan* in a primary election *or* general election until after such date that such *Maga'lahen Guâhan* leaves office. No unclassified employees employed in any Legislative Office of a sitting Senator may receive a pay increase following the defeat of such Senator in a primary *or* general election. No unclassified employees employed in any Mayoral Office of a sitting Mayor may receive a pay increase following the defeat of such Mayor in a primary *or* general election. No contract workers *or* unclassified employees employed in the Department of Law *or* the Office of Public Accountability may receive a pay increase following the defeat of Attorney General *or* Public Auditor, respectively, in a primary *or* general election until that Attorney General *or* Public Auditor leaves office.

SOURCE: Added as § 6227 by P.L. 25-26:4. Prior legislation (P.L. 23-45:IV:26) created a § 6227, P.L. 24-43 added a § 6228, and P.L. 24-325 added another § 6228 which was recodified by the Compiler of Laws as § 6229. This section is recodified as § 6230 to reflect the proper citation. Amended by P.L. 29-016:3 (Sept. 7, 2007).

2009 NOTE: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

§ 6231. Prohibition Against Salary Increases for Unclassified Employees Employed by Incumbents *Not* Seeking Re-election.

No unclassified employees employed in the Executive Branch of government may receive a pay increase after October 1st of the last year of office of a sitting *Maga'lahen Guâhan* who is *not* seeking re-election until after such date that such *Maga'lahen Guâhan* leaves office. No unclassified employees employed in any Legislative Office of a sitting Senator, opting not to seek re-election, may receive a pay increase after October 1st of the

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last year in office of such Senator. No unclassified employees employed in any Mayoral Office of a sitting Mayor, opting not to seek re-election, may receive a pay increase after October 1st of the last year in office of such Mayor. *If an incumbent Attorney General or Public Auditor decides not to seek re-election, no contract workers or unclassified employees employed in the Department of Law or the Office of Public Accountability, respectively, may receive a pay increase after October 1st of the respective official's last year in office.*

SOURCE: Added by P.L. 28-062:4 (June 30, 2006). Amended by P.L. 29-016:4 (Sept. 7, 2007).

2009 NOTE: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

§ 6232. [Untitled].

The Director of Administration shall triennially review all positions requiring certification as either EMT-B, EMT-I, or an EMT-P and recommend salary adjustments based on such qualifications to be competitive with national salary schedules.

SOURCE: Added by P.L. 28-62:4 (June 30, 2005) as section 6231. Renumbered to section 6232 because section 6231 was already occupied. Effective January 1, 2006, reference to the "Civil Service Commission," amended to "Director of Administration" pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

ARTICLE 3
STANDARDS FOR CLASSIFYING POSITIONS

- § 6301. Compensation Policy.
- § 6302. Administration.
- § 6303. Creation of Positions.
- § 6304. Differential Pay.
- § 6305. Preparation and Publication of Classifications Standards.
[Repealed.]
- § 6306. Maintenance of Classification Standards. [Repealed.]
- § 6307. Publication of Reclassifications and New
Classifications. [Repealed.]
- § 6308. Ceiling on Salaries. [Repealed.]
- § 6309. Reassignment of Classes. [Repealed.]
- § 6310. Conflicts: Article 3 Controls. [Repealed.]

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NOTE: P.L. 21-59:7 transferred § 6311 & § 6312 to Article 5, Chapter 6 and renumbered by the Compiler.

§ 6301. Compensation Policy.

(1) Employee compensation shall be based on internal equity and external competitiveness.

(2) To the extent practical, compensation will be targeted at the U.S. National Average levels compared to the appropriate labor markets and account taken of the relevant economic factors.

(3) Internal equity should be reviewed annually and external competitiveness at least every three (3) years.

(4) Compensation structures and administrative policies should also recognize and reward individual employees commensurate with performance.

(5) All aspects of compensation (base salaries, benefits, pay differentials, and other factors) will be considered as a total reward and incentive package for employees and shall be consistent and uniformly administered through the government.

(6) A program of ongoing communications and training shall be a critical component of compensation administration.

SOURCE: GC § 4112; Repealed and reenacted by P.L. 21-59:7.

§ 6302. Administration.

(a) The Director of Administration shall adopt and apply the currently used unified pay schedule based on the Hay methodology or any other classification methods and salary administration to the extent he deems appropriate. The unified pay schedule, either by the Hay Group or any other experts in classification and pay, shall be administered by the Director of Administration and by the Judicial Council for the Judicial Branch.

(b) The Director of Administration and the Judicial Council may reassign pay grades as they deem necessary. Reassignment shall be based upon the calculation of Hay points or points established by other experts and shall be performed by technical staff trained in the classification and compensation evaluation system for the sake of consistency and uniformity of results. The technical staffs of the Human Resources Division in the Executive Branch, and the Judiciary Human Resources Office, shall

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coordinate their efforts in implementing the Hay methodology or any other classification and pay system.

(c) The Director of Administration and the Judicial Council shall establish appropriate policies and procedures for implementing the provisions of this Article for their respective jurisdictions.

SOURCE: GC § 4113. Repealed and reenacted by P.L. 21-59:7. Amended by P.L. 28-68:IV:45 (Sept. 30, 2005). Repealed and reenacted by P.L. 28-112:6 (April 14, 2006).

§ 6303. Creation of Positions.

(a) Creation of Positions in the Judiciary. New positions may be created by the Administrator of the Courts for the Judicial Branch, when necessary for the efficient performance of the duties and functions of the Judiciary. The Administrator of the Courts shall submit to the Judicial Council the position descriptions for the positions within thirty (30) calendar days after creation and post the position descriptions on the Judiciary website. The positions shall be terminated unless approved by the Judicial Council within ninety (90) days after submission. No newly created position shall be filled in the absence of appropriations to pay the salary of the proposed position.

(b) This Section shall *not* apply to positions required by law to be filled by persons confirmed by *I Liheslaturan Guåhan*.

(c)(1) The petition of the head (Department Head) of a line agency or department to create a position shall include:

(A) the justification for the new position;

(B) the essential details concerning the creation of the position;

(C) an analysis of the similarities and differences between the position to be created and positions listed pursuant to 4 GCA § 4101.1(d);

(D) the position description;

(E) the proposed pay range and demonstration of compliance with § 6301 of this Title;

(F) a fiscal note as that term is described in 2 GCA § 9101 *et seq.*; and any other pertinent information.

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(2) The Department Head and the Director of Administration shall post the petition on their respective websites for ten (10) days (Saturdays, Sundays and government of Guam holidays excepted). After the posting, the Director of Administration shall forward the petition with his recommendation to *I Maga'lahi* who, if he approves the same, shall so indicate and file it for record with the Director of Administration and the Legislative Secretary.

(3) No new position may be filled until after compliance with the provisions of 4 GCA § 6303.1 and this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.”

(d) Creation of Positions in the Autonomous Agencies and Public Corporations.

(1) The petition of the head of an agency, department or public corporation listed in § 4105(a) of this Title to create a position shall include:

(A) the justification for the new position;

(B) the essential details concerning the creation of the position;

(C) an analysis of the similarities and differences between the position to be created and positions listed pursuant to 4 GCA § 4101.1(d);

(D) the position description;

(E) the proposed pay range and demonstration of compliance with § 6301 of this Title;

(F) a fiscal note as that term is described in 2 GCA § 9101 *et seq.*; and any other pertinent information.

(2) The petition shall be posted on the agency, department or public corporation's website for ten (10) days (Saturdays, Sundays and government of Guam holidays excepted). After the posting, the head shall forward the petition, along with evidence of his compliance with 5 GCA § 6303.1(a), to the governing board or commission who, if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.

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(3) No new position may be filled until after compliance with the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.

SOURCE: GC § 4114. Repealed and reenacted by P.L. 21-59:7. Amended by P.L. 22-144:5 (12/27/94), P.L. 24-327:16, P.L. 28-68:IV:45 (Sept. 30, 2005). Subsection (a) amended by P.L. 28-112:7 (April 14, 2006). Subsections (c) added by P.L. 28-112:8 (April 14, 2006). Subsection (d) added by P.L. 28-112:9 (April 14, 2006).

§ 6303.1. Transparency and Disclosure.

(a) Prompt notice of the postings required by 4 GCA §§ 6205 and 6303 shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.

(b) The petitions required by 4 GCA §§ 6205 and 6303 are public documents for the purposes of 5 GCA, Ch.10, Art 1. (The Sunshine Law.)

(c) Any attempted creation of a position or above-step recruitment not in compliance with the provisions of 4 GCA §§ 6205, 6303, and 6303.1(a) is void.

SOURCE: Added by P.L. 28-112:10 (April 14, 2006).

§ 6304. Differential Pay.

The Director of Administration and the Judicial Council shall establish and implement uniform differential pay policies. All statutes, rules, regulations, and policies which are not covered by or inconsistent with the policies set forth herein, are hereby repealed upon establishment of uniform pay policies.

SOURCE: GC § 4115; Repealed and reenacted by P.L. 21-59:7. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6305. Preparation and Publication of Classification Standards.

[Repealed by P.L. 21-59:7].

§ 6306. Maintenance of Classification Standards.

[Repealed by P.L. 21-59:7].

§ 6307. Publication of Reclassifications and New Classifications.

[Repealed by P.L. 21-59:7].

§ 6308. Ceiling on Salaries.

[Repealed by P.L. 21-59:7].

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§ 6309. Reassignment of Classes.

[§ 7 by P.L. 21-59:7].

§ 6310. Conflicts: Article 3 Controls.

[Repealed by P.L. 21-59:7].

**ARTICLE 4
ELECTED OFFICIALS' COMPENSATION COMMISSION**

NOTE: Added by P.L. 21-058:1. Repealed by P.L. 28-068:IV:41 (Sept. 30, 2005), effective January 1, 2006.

**ARTICLE 5
MISCELLANEOUS PERSONNEL LAWS**

NOTE: This article was created by P.L. 21-59:7(e) as Article 4 to Chapter 6. Because Article 4 was already occupied, Compiler renumbered it to Article 5.

- § 6501. Off-Island Employees, Transportation of.
- § 6501.1. Off-Island Employees: Return Transportation.
- § 6502. Education and Employment of Resident Citizens:
Transportation Allowances.
- § 6503. Uniform.
- § 6503.1. Uniform Allowance.
- § 6504. Prohibition.
- § 6504.1 Dual Employment Prohibited.
- § 6505. Absence for Jury Service: Continuation of Compensation:
Jury Fee: Payable to Government of Guam.
- § 6506. Student Employment; Annual Plan. [Repealed.]

§ 6501. Off-Island Employees, Transportation of.

Upon a finding of necessity made in accordance with § 6504 of this Chapter, the Governor may employ a person recruited from without Guam upon a contractual basis. The contract for such a person may provide that the Government shall pay for the transportation one way from point of hire to Guam of the person recruited and his spouse and dependent children and for not more than Two Thousand Five Hundred (2,500) pounds of household effects. The transportation allowance for individuals shall be

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calculated at the lowest prevailing air fare. No portion of the household effects allowance shall be used for the transportation of a motor vehicle. The Government shall not enter into any contract for the employment of any person for a term of less than two (2) years. No person shall be granted more than one (1) contract providing transportation benefits of any kind. It is the specific purpose and intent of this Section that no person shall be the beneficiary of multiple employment contracts providing for transportation allowances.

SOURCE: GC § 4110, as amended by P.L. 16-111.

§ 6501.1. Off-Island Employees: Return Transportation.

Notwithstanding any other provision of law to the contrary, the Governor may authorize, upon a certification of need from the Director of the hiring agency, the inclusion of return transportation benefits as part of an off-island employment contract; however, no person shall be granted more than one (1) contract providing transportation benefits of any kind unless there has been a lapse of at least one (1) year since the expiration of the prior contract.

SOURCE: Added by P.L. 17-65:2.

§ 6502. Education and Employment of Resident Citizens: Transportation Allowances.

(a) It is declared to be the policy of the government of Guam to encourage the professional, technical and skilled-trade education and training of resident citizens and to effect the maximum use of qualified resident citizens in filling positions in the government service whether by appointment or promotion.

(b) When a resident citizen or former resident citizen who is in the continental United States or abroad for educational purposes completes a course of study leading to qualification in a profession, technical field or skilled trade, he shall be furnished travel and transportation for himself, his dependents and his personal and household effects from the place at which he completed his course of study to Guam, at the cost of the government of Guam, provided he is recruited for employment by the government of Guam and contracts to serve the government of Guam for a minimum of two (2) years, or for such other period as may be required by law, provided, however, that such contract of employment may be terminated by mutual agreement between the employee and the government of Guam.

SOURCE: GC § 4110.1.

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§ 6503. Uniform.

Whenever employees of the government of Guam are required to wear uniforms in the performance of their duties, such uniforms shall be furnished by the Government upon request of the department concerned, in accordance with regulations of such department.

SOURCE: GC § 4110.2.

§ 6503.1. Uniform Allowance.

All law enforcement and public safety uniformed personnel, as defined by Title 4 GCA §8104 (p), *shall* receive ‘uniform allowance’ of *not less than* Three Hundred Fifty Dollars (\$350) per year *no later than* December 31st of the Fiscal Year. An agency may provide uniforms in lieu of said allowance, but *shall* provide the uniform *no later than* December 31st of the fiscal year.

SOURCE: Added by P.L. 29-019:VI:58 (Sept. 29, 2007) as an uncodified section; codified by Compiler. Amended by P.L. 29-113:VI:67 (Sept. 30, 2008).

§ 6504. Prohibition.

No contract for the hiring of officers or employees for the government of Guam from the continental United States or elsewhere, pursuant to § 6213 of this Chapter, may be executed after March 1, 1964, with any person who does not have either unique skills or other qualifications not available among the residents of Guam. Prior to the execution of any such contract after March 1, 1964, the Director of the Department of Administration or the Board of Directors of the Guam Telephone Authority or the Board of Directors of Guam Power Authority must certify to the Director of Administration that the person to be employed by the respective agency or department within its jurisdiction by such contract possesses either skills or qualifications not possessed by any resident of Guam available for hire for the position to be filled by said contract.

SOURCE: GC § 4110.3, as amended by P.L. 13-81. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 6504.1. Dual Employment Prohibited.

(a) No Officer or employee of the government of Guam may be employed on a full-time, part-time or contractual basis or hold an appointment to more than one (1) position in the classified or unclassified

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service in any department or agency or by more than one (1) department, agency or branch of the government of Guam at any time, except for:

(1) persons serving as part-time teachers, part-time school health counselors and University of Guam instructors for the Guam Community College, and instructors for the University of Guam who may be employed during the summer and at any other time not in conflict with their primary employment if they are employed elsewhere in the government of Guam as their primary employer;

(2) persons employed by the Youth Congress;

(3) persons employed on a part-time basis by boards or commissions;

(4) persons employed as nurses, physicians, and as ancillary/allied health professionals in the government of Guam;

(5) attorneys engaging in the active practice of law, or part-time judges or part-time court referees;

(6) persons employed on a part-time or contractual basis who are individual and family counselors or chemical dependency specialists;
or

(7) any employee of the government of Guam whose primary employment is not in any of the agencies or professions listed in items (1), (2), (3), (4), (5) and (6) herein, but has training and experience to qualify to be employed in the professions listed in items (1), (2), (3), (4), (5) and (6) herein, may be employed in secondary jobs in such professions within the government of Guam; provided, that such secondary job is not in conflict with that person's primary job and there are no other qualified applicants not within the employ of the government of Guam.

(b) Effective upon confirmation, no official who occupies a position requiring the consent of *I Liheslatura*, may be paid salary for or fill a classified position. Certifying officers shall not certify funds for the classified position in contravention of this Section and shall be liable under 4 GCA Chapter 14.

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SOURCE: GC § 4110.4, added by P.L. 14-132; amended by P.L. 17-13; amended by P.L. 21-48:8. Repealed and reenacted by P.L. 24-59:IV:16. Amended by P.L. 26-143:1. Amended by P.L. 27-106:VI:42.

§ 6505. Absence for Jury Service: Continuation of Compensation: Jury Fees: Payable to Government of Guam.

The compensation of any employee of the government of Guam who may be called upon for jury service in any court of Guam, shall not be diminished during the term of such jury service by reason of such absence, nor shall such period of service be deducted from the time allowed for any leave of absence authorized by law, provided that all compensation earned by such employee, but not allowance for travel, for such jury service is paid to the government of Guam except compensation for jury service that is:

- (a) rendered on days the employee is not required to report to work;
- (b) rendered when the employee is sequestered and unable to return to his or her home after normal working hours; and/or
- (c) rendered during the employee's normal working hours but that the employee's employer requires that employee to make up work before or after normal working hours, including work on weekends and government of Guam holidays.

SOURCE: GC § 4119. Amended by P.L. 27-112:1.

§ 6506. Student Employment; Annual Plan.

[Repealed.]

SOURCE: GC § 4130. The Governor's Committee on Children and Youth was repealed by the authority of P.L. 14-110 wherein the Department of Youth Affairs was created.
