EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

GL#34-18-1625

Speaker Benjamin J.F. Cruz

MAR 0 7 2018

Time: 325 [ ] AM [ ] PM File No. ____
Received By: ____

MAR 0 7 2018

Vice Speaker Therese M. Terlaje

The Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

MAR 07 2018
Time: 3:23 pm
Received by: G

Dear Vice-Speaker:

Pursuant to my authority under Section 1423h of the Organic Act of Guam, I am calling *I Liheslaturan Guåhan* into special session on **Thursday, March 8, 2018, at 1:00 p.m.** for the sole purpose of considering the attached relative to authorizing the implementation of a 32-hour work-week for Government of Guam employees and also to reduce the written notice requirement with respect to the furlough and layoff procedures from the current ninety (90) days to thirty (30) days. This bill is similar to the policies and procedures that were implemented in 2007 by Guam Public Law 27-04, Public Law 27-05, and Public Law 27-29.

In my opinion, an emergency situation exists and the public interest requires that the government institute aggressive cost-cutting measures to offset the $67 million revenue shortfall in order to protect the health, safety, and welfare of the community.

2018 MAR -7 PM 3:40

Senseramente,

1625

EDDIE BAZA CALVO

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. _____-34

Introduced by:

_____
By request of *I Maga'Låhen Guåhan*, the Governor of Guam, in accordance with the Organic Act of Guam.

AN ACT RELATIVE TO THE AUTHORIZATION AND IMPLEMENTATION OF A THIRTY-TWO (32) HOUR WORK-WEEK FOR GOVERNMENT OF GUAM EMPLOYEES; AND TO PROVIDE FOR THIRTY (30) DAY WRITTEN NOTICE RELATIVE TO FURLOUGH AND LAYOFF PROCEDURES

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Furlough and Layoff Procedures. Notwithstanding any other provision of law, rule or regulation, *I Maga'lahi* is authorized to begin implementing the 32-hour work-week and the government of Guam furlough and layoff procedures in accordance with the requirements of this Section. The Personnel Rules and Regulations of any Government of Guam departments, bureaus or agencies which includes autonomous agencies or other instrumentalities of the Executive Branch of the government of Guam, including the University of

Guam and the Guam Community College, shall be followed subject to the following:

(a) The written notice procedures contained in the Personnel Rules and Regulations for reduced furloughs, and layoffs shall be for thirty (30) days.

(b) The reduction of hours shall not exceed, eight (8) hours per week.

(c) Nothing herein shall be interpreted to allow a reduction in the classified employee's rate of compensation; however, weekly earnings shall decrease in direct correlation to a decrease in work-week hours.

(d) No full-time employee whose hours are reduced will lose any benefits the employee received prior to the implementation of the reduction of the work-week hours.

(e) The change shall not affect the employee's accrual of years of service for the purposes of retirement.

(f) The government shall pay for both government and employee health insurance contributions during any period of furlough only when the employee is certified to have family income at or below the Department of Public Health & Social Services' Medically Indigent Program Income Eligibility Level for the specific household size.

(g) Employees with some form of income (e.g., spouse's income, part-time or full-time job, etc.) during the furlough period shall be required to pay only for the employee's contribution of the health plan premium, provided that income is greater than the Department of Public Health & Social Services' Medically Indigent Program Income Eligibility Level for the specific household size. Employees who wish to continue their life insurance benefits shall be required to pay for the premium for supplemental plans only. The employee shall continue to be fully covered for the basic life insurance while on furlough.

(h) Furloughed employees shall be recalled according to need, classification, or ability to do the job based on retention standing points. The recall notice shall be sent by registered mail, return receipt requested, to the current home address furnished by the employee. It is solely the responsibility of the employee to ensure that the agency has the employee's current home address.

(i) Unless and until made available to the furloughed employee, any position affected by furlough shall only be filled by the incumbent, provided the incumbent wishes to return and responds to the recall in conformance with Personnel Rules and Regulations, *however,* such

incumbent may be displaced in accordance with employee's retention standing points.

(j) Employees returning from furlough shall be paid the same salary as before they were furloughed. Any unused sick leave or annual leave accrued prior to the furlough shall be reinstated. All employment benefits shall be restored at the same rate as before the furlough and subject to all amendments or changes to benefits that may be in effect upon the recall date.

(k) The hours of employees rendering services the absence of which would adversely affect the health, safety, welfare, and education of the people may be exempted from furlough or else reduced to less than eight (8) furlough hours. *I Maga'lahi* may order the detail of essential employees between various agencies and departments as necessary in order to preserve health, safety, welfare, and education.

(l) Upon separation of personnel identified for layoff, each vacated position shall be automatically eliminated.

(m) A reduction of work-week hours beyond one hundred twenty (120) days is not authorized by this Act but may be implemented pursuant to authorization of the laws of Guam, the Organic Act of Guam, and rules and regulations promulgated in conformance thereto.

Section 2. Legislative Branch, Judicial Branch, CCU, UOG, GCC, GVB, GEDA, Attorney General, and Public Auditor Authorization for Flexible Work-Week. The Speaker of *I Liheslaturan Guåhan*, the Presiding Judge of the Superior Court of Guam, the Chief Justice of the Supreme Court of Guam, the Consolidated Commission on Utilities, the President of the University of Guam, the President of the Guam Community College, the Guam Visitors Bureau, the Guam Economic Development Authority, and should *I Maga'lahi* exclude the employees of Office of the Attorney General and the Office of the Public Auditor, the Attorney General and the Public Auditor are authorized to reduce the work-week hours for employees within their respective branch of government, public corporation, or instrumentality, subject to the following conditions:

(a) Such reduction of hours shall not exceed eight (8) hours per week.

(b) Nothing herein shall be interpreted to allow a reduction in a classified employee's rate of compensation; however, weekly earnings shall decrease in direct correlation to a decrease in work-week hours.

(c) No full-time employee whose hours are reduced will lose any benefits the employee received prior to the implementation of the reduction of the work-week hours.

(d) The change shall not affect the employee's accrual of years of service for the purposes of retirement.

(e) The Chief Justice for the Supreme Court of Guam, the Presiding Judge for the Superior Court of Guam, the Consolidated Commission on Utilities, the President of the University of Guam, the President of the Guam Community College, the Guam Visitors Bureau, the Guam Economic Development and Commerce Authority, the Attorney General, and the Public Auditor shall for their respective entities, if not already established by existing Personnel Rules and Regulations, set standards for the implementation of the reductions which conform to the Merit System, where applicable, except to the extent impracticable due to time constraints and the cash shortfall of the government.

(f) The entities listed in this Section shall not reduce the hours of employees rendering services the absence of which would adversely affect the health, safety and education of the people, provided that the head of each branch, public corporation, or instrumentality shall approve and make a written determination of the reasons for the non-reduction of hours by position.

Section 3. Effective Date. This Act *shall* become effective upon enactment.

Section 4. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.