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Messages and Communications

1 message

Speaker's Office <speaker@guamlegislature.org>
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

04-05-20	2:52 PM	04-05-20	COVID-19 Response Efforts.	Office of the Governor of Guam
04-05-20	2:52 PM	04-05-20	Executive Order No. 2020-08.	Office of the Governor of Guam
04-05-20	2:52 PM	04-05-20	Executive Order No. 2020-09.	Office of the Governor of Guam





Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yang mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

3 attachments

COVID-19 Response Efforts.pdf
366K

Executive Order No. 2020-08.pdf
937K

Executive Order No. 2020-09.pdf
667K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Via Hand Delivery
***and* E-mail: speaker@guamlegislature.org**

April 5, 2020

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

35GL-20-1691
Speaker Tina Rose Muña Barnes

APR 0 5 2020
Time 2:52 ( )AM (/)PM
Received By: Matt

Re: Executive Order No. 2020-08

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

EXECUTIVE ORDER NO. 2020-08:
RELATIVE TO ESTABLISHING COVID-19 RESPONSE DIFFERENTIAL PAY

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

SOPHIA SANTOS DIAZ
Legal Counsel

Enclosure(s): Executive Order No. 2020-08

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members

ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÅTÑA, GUAM 96932
U.S.A.

EXECUTIVE ORDER NO. 2020-08

RELATIVE TO ESTABLISHING COVID-19 RESPONSE DIFFERENTIAL PAY

WHEREAS, as a result of the COVID-19 pandemic, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, declared there to be an emergency in existence within the island of Guam pursuant to my authority under the Organic Act of Guam and Chapter 19, Title 10 of the Guam Code Annotated; and

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, in recognition that there is a necessity for essential employees of the government of Guam to continue their work for the purposes of eliminating or reducing immediate threats to life, public health, or safety where their work could expose them to the coronavirus, on March 15, 2020, I ordered the Director of Administration to coordinate with my cabinet and agency heads to determine an appropriate approach by which the government may provide essential employees a temporary differential pay which expose employees to unavoidable, clear, and direct risks and hazards to their safety and health – considerations which are not otherwise addressed the position's know-how, problem solving, accountability and the position's salary grade allocation; and

WHEREAS, as a result, and due to the need created by the continuing COVID-19 disaster, the Director of Administration and all agency heads have recommended the implementation of a "COVID-19 Response differential pay" policy for essential employees working in areas necessary for the elimination or reduction of immediate threats to life, public health, or safety, where their work could expose them to the coronavirus; and

WHEREAS, in accordance with this policy, affected employees shall be afforded COVID-19 Response differential pay in addition to any hazardous duty differential already determined by the Guam Occupational Safety and Health Administrator ("GOSHA"); and to be calculated by a percentage of their wages; and

WHEREAS, an employee will only receive differential duty pay for the hours worked and/or exposed to a hazardous condition; and

WHEREAS, the Federal Department of Labor defines such differential pay as additional pay for performing hazardous duty or work involving physical hardship, including work duty that causes extreme physical discomfort and distress which is not adequately alleviated by protective devices; and

Doc. No. 35GL-20-1691.

WHEREAS, the United States Congress is examining the possibility of providing a type of differential pay to federal employees whose work could expose them to the coronavirus, specifically Congress is examining the provision of hazard pay for federal employees who directly treat individuals diagnosed with COVID-19 or those with frequent, unavoidable contact with the public; and

WHEREAS, it is my desire to implement a COVID-19 Response differential pay policy for the government of Guam employees whose work could expose them to the coronavirus, as a result of the COVID-19 pandemic disaster; and

WHEREAS, if is further my desire to ensure that those employees whose work is necessary for government operations and cannot be performed via telework or otherwise remotely but who are required to report for duty; and

WHEREAS, the effective date of this policy shall be today, Sunday, April 5, 2020, and this policy shall remain in effect through the duration of this public health emergency; and

WHEREAS, this Administration is in full support of and requests that *I Liheslaturan Guåhan* enact legislation allowing for COVID-19 Response differential hazard pay to be applied retroactive to March 14, 2020; and

WHEREAS, the COVID-19 Response differential pay provided in accordance with this policy shall be paid prospectively and in consideration of the substantial benefit the affected employees are providing the island of Guam by working in areas necessary for the purposes of eliminating or reducing immediate threats to life, public health, or safety, where their work could expose them to the coronavirus; and

WHEREAS, the COVID-19 Response differential pay shall be applicable to all government of Guam employees in any department or agency regardless of their Fair Labor Standards Act ("FLSA") exempt/non-exempt status and employees occupying permanent positions in classified or unclassified service.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

The Director of the Department of Administration or the equivalent of in the case of autonomous and semi-autonomous agencies, shall implement a COVID-19 Response differential pay policy for employees working in support of the public health emergency and in areas necessary for the elimination or reduction of immediate threats to life, public health, or safety, whose work could expose them to the coronavirus.

Such policy shall include the following:

- **CATEGORY 1**. Twenty-five percent (25%) pay differential to essential employees in the course of their duties are in direct contact or in close physical proximity to a population infected with or may be reasonably suspected to be infected with

Doc. No. 35GL-20-1691.

COVID-19. Such positions may include, but not limited to sworn public safety/law enforcement, health care providers and other positions performing essential critical mission duties; or

- **CATEGORY 2**. Fifteen percent (15%) pay differential to essential employees in the course of their duties may incidentally come into contact with or close physical proximity to a population infected with or may be reasonably suspected to be infected with COVID-19. These employees may also be providing humanitarian services or direct public assistance to the general public; or

- **CATEGORY 3**. Ten percent (10%) pay differential to essential employees whose positions do not allow them to telework *and* are mandated to perform their job duties at physical worksites pre-determined by their agency heads, required by the Government's response to the COVID-19 pandemic.

Unclassified employees working in the Office of the Governor and the Office of the Lieutenant Governor, agency directors and deputy directors shall be excluded from this differential pay policy except for such instances where assigned duties require an exposure level risk defined in categories 1 or 2. The COVID-19 Response differential pay policy shall also include procedures to minimize the risk of further spreading COVID-19. The Director of the Department of Administration or the equivalent of, in the case of autonomous and semi-autonomous agencies, shall determine which employees are essential and must report as directed.

SIGNED AND PROMULGATED at Hagåtña, Guam, this **5th** day of **April 2020**.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lieutenant Governor of Guam

Doc. No. 35GL-20-1691.