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Cc: Rennae Meno
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Attachments: Letter dated June 19, 2020.pdf

06-25-20	12:15 PM	06-19-20	Letter dated June 19, 2020.	Office of the Governor of Guam	35GL-20-1916

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. Yanggen lachi rinisibu-mu nu este na 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'.

UFISINAN I MAGA'HÅGA
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35GL-20-1916
Speaker Tina Rose Muña Barnes

JUN 25 2020
Time 12:15 ( )AM (X)PM
Received By: Matt

June 19, 2020

Honorable Tina Rose Muña Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Dear Madam Speaker:

I would first like to thank you for the opportunity to allow this Administration to present our COVID-19 response efforts to you and the members of the 35th Guam Legislature.

Attached you will find responses to Senator Sabina Perez's and Senator Louise Muña's follow-up questions.

Senseramente,

Jon Junior Calvo
Acting Chief of Staff

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Doc. No. 35GL-20-1916.*

1. EIP checks were processed in two batches of approximately 20,000 each or a total of slightly less than 40,000 checks. That doesn't cover everyone. How did DRT determine which persons got their checks first? What is the holdup that is preventing the printing of checks for residents that have yet to be paid?

   The Department of Revenue and Taxation (DRT) is continuing to work to process EIP as quickly as possible. Determination of processing of EIP is as per item #4 in the DRT FAQ dated May 7, 2020 and attached for your reference. As per the CARES Act, DRT has until December 31, 2020 to make payments. DRT's most recent media release on EIP Program payments is attached for your reference.

2. Prugråman Salåppe Ayudon I Taotao is intended for low income people. There is a deadline for applications. Some have received payments, others who have applied, have yet to hear from anyone on whether they qualify or when they can expect to be paid. Is there a follow up or appeals process for applicants that have yet to hear about their status?

   Qualified applicants on the initial list received from DPHSS have had their checks mailed. A second list was received on Monday, June 1, 2020, and checks have been cut on Friday, June 5, 2020. First time applicants for the Public Assistance program only are being reviewed but most did not attach required documentation to their applications and are being contacted by DPHSS to complete their applications so that they can be added to the payment list.

3. Congressman San Nicolas is asking the legislature to enact a law that forces employers to provide employee information on pay reductions, layoffs and terminations. Does the administration agree with this?

   Under Executive Order 2020-07, Executive Order 2020-11, and Executive Order 2020-14, employers that have reduced their workforce through employee terminations, layoffs, furloughs, or reduction in hours since January 1, 2020 and though the duration of this public health emergency, or any extension thereof, to report these reductions to the Guam Department of Labor. Information required includes the number of employees adversely affected, the names of these employees, and their wages/salaries immediately prior to the reduction.

4. Retailers in shopping malls (tenants of malls) are being told that they are required to get GFD clearance to renew their business licenses. They are being told that it is a new law? What new law are the clearance agencies citing? In the past, GFD clearance was required for new licensees and annually only for those who have sanitary permits. Is this really needed or is it a means to raise money for GFD's fees? Why is the obligation being imposed on the tenants or is it being imposed on both the tenants and their landlords? Retailers have enough regulatory hurdles plus the closure of their businesses to be suddenly saddled with new onerous licensing requirements.

This is not a new requirement. Retailers required to renew a fire permit are those that have:

1. Occupant loads over 49 (assembly permits)
2. Handle, process, sell, or transport hazardous materials
3. Store, use, LPG, etc
4. Any business that is required to renew an annual permit as required in the fee schedule public law 29-02.

Furthermore, according to 105.6.9 for Covered mall buildings, an operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid-or gas-fired equipment in the mall.
3. The use open-flame or flame-producing equipment in the mall.

5. How is GDOL handling unemployment cases where a business permanently closed and the owners are nowhere to be found?

   If an employee can't reach a business owner, they can try to reach a manager to get an employer verification letter. If that's not possible either, the employee can self certify. Whatever proof they can provide that their income was affected as a direct result of COVID-19 will strengthen their application. GDOL will not hinder individuals from being able to apply for unemployment benefits because their employer can't be found.

6. Many states, cities and counties have lowered nominating petition signatures by as much as 90%, with the deadline for filing of candidacy for the 2020 primary election, how are local candidates able to meet the candidacy requirements under the social distancing orders?

   The Guam Election Commission would be the most appropriate entity to gain guidance regarding candidacy and election matters.

7. Returning residents are being exempt from having to pay out-of-pocket for hotel quarantine costs. What about former residents? These are those who are coming to Guam to visit sick relatives, attend funerals or divorced individuals returning to visit children? Are these people being charged because we are short of funds? Doesn't quarantine accommodations qualify as an appropriate use of COVID 19 federal relief funds?

   No one thus far has been billed for the cost of quarantine. Quarantine protocols are currently being reviewed.

8. There's an exemption from quarantine for those who have had a negative test within 72 hours of travel to Guam? Can DPHSS publish a list of certified testing facilities where prospective travelers can get screened prior to booking reservations?

   All travelers entering Guam may get a polymerase chain reaction (PCR) test from a CDC or WHO approved facility. An exhaustive list of all these facilities does not exist.

9. All musicians, entertainers and sound engineers that were working in hotels, bars and restaurants have lost their income from those gigs. All receive 1099 forms from those businesses for money paid for their performances. Many also receive tips as well. Can any requirements placed on employers to provide wage and hour information include information on to be provided to DOL for independent contractors such as entertainers? Is the loss of tip income considered in calculating employment income losses, if so how is it calculated?

   For freelancers/gig workers, those who hired them are not required to issue an employer letter. However, if the freelancer/gig worker can get one, it would strengthen their application. When they apply, they should enter the date they were affected and their weekly income. Technically they should include all earnings, including tips. And they should have proof that they claimed tips, such as a 1099. However, if they never claimed tips before, it would raise a flag that they are suddenly claiming them now. Tips are calculated the same way as weekly income.

10. We have read news reports from various states where retailers and their employees are threatened, harassed, assaulted and killed for requiring patrons to wear masks and observe infection prevention protocols. What public safety protections are available for businesses to protect themselves or be protected by law enforcement officers from these criminals?

    While our police officers cannot provide security for each private business on the island, we have increased the number of police officers patrolling our communities. Furthermore, we have not seen any increase in crime related to wearing face masks and observing social isolation mandates.

    Under current law, the Governor does not have the authority to enforce Executive Orders on an individual basis.

11. Are employers liable for damages to employees who may contract COVID 19 and allege that they caught it while working? Does Guam workers compensation laws cover COVID 19 infections that are determined to be caused by working on the job?

    Yes. However the difficult part is proving that someone contracted the virus from work. If it can be proved via contact tracing or if a group of people that work together all

contract the virus, that could help prove the individual caught the virus at work.

12. What options are available for testing and treatment of COVID 19 for residents that don't have health insurance, Medicaid, Medicare or MIP? If these people are not tested because of fear of costs, they may not get tested and could spread the virus.

    They may get tested at the public health community centers or at our expanded community testing sites which is ongoing.

13. Is there a way that DRT can extend the renewal dates of business licenses that are up for renewal during PCOR1, PCOR 2 and PCOR 3?

    Business licenses expiring in March, April, May, and June 2020 will be extended through July 31, 2020. Penalties will be waived for the period March 16 – July 31, 2020 as long as renewal is done by August 3, 2020.

    Business licenses which do not require clearance may be renewed online. DRT highly recommends that renewals be done online. Business licenses which require clearance will have to be renewed at the Business License and Permit Center.

    Business licenses which expired prior to March 2020 will be considered valid for the period of March 16, 2020 through May 31, 2020. Penalties will be assessed accordingly.

    New business licenses will be processed at the BLPC located at the DPW Compound only unless ISBRE or Compliance clearance required

    For further guidance, please see DRT COVID-19 Series Volume III.

14. How are new drivers licensing road tests and written tests being addressed? How is the renewal of drivers' licenses and registrations being handled?

    Driver's licensing road tests and written exams are also addressed in DRT's COVID-19 Services Series Volume 3. For new or renewed driver's licenses and Guam IDs, individuals can schedule online at www.guamtax.com. Information can be found in the Driver's License section item 4. Please see DRT COVID-19 Series Volume III Volume 3 is also attached to this email.

15. Is DPHSS still issuing marriage licenses?

    To adhere to Governor Leon Guerrero's order for mandatory social distancing of at least six feet in the workplace, the Office of Vital Statistics (OVS) of the DPHSS is requiring clients to make an appointment to obtain copies of birth certificates, marriage certificates, and marriage licenses. Please see JIC 132 for more information.

16. How is the DPHSS handling the issuance of new sanitary permits and health certificates? How are DRT and the Clearance agencies (DPW, GFD, DPHSS) handling the issuance of new business licenses?

DPHSS will handle the issuance of new sanitary permits and health certificates in three phases. Phase One will focus on individuals seeking new health certificates for employment at regulated establishments approved to operate during Pandemic Condition Of Readiness 2, such as food facilities, dry cleaners, the laundry mats, and certain cosmetic establishments.During Phase 1, individuals who possess interim health certificates waiting to pass safety courses have been scheduled for their tests based on their last name. This is the phase we are currently in. Phase Two is for those who are seeking to renew the health certificate. In Phase Three, individuals with other forms of health certificates will be assisted.

The Business License and Permit Center is open Monday-Friday from 8:00 am-12:00 pm and 1:00 pm to 5:00 pm. Please see JIC 120 for more information.

17. Many businesses are making accommodations for senior citizens. Few are making accommodations for those with physical disabilities. Can future directives on the conduct of businesses during the state of public health emergency address those with disabilities?

The ability to decide whether to have senior citizens lines or accommodations are up to the private establishments. We can encourage them to provide accommodations, such as an ADA line; however, they are not required to do so.

18. To help keep Americans connected during the coronavirus pandemic, the FCC has temporarily waived usage requirements, recertification and reverification de-enrollment procedures, and general de-enrollment procedures until June 30, 2020. Three FCC orders, released on March 17, March 30, and April 29, will help ensure that no current Lifeline subscribers are involuntarily removed from the Lifeline program during this time of national crisis. The orders also direct the Lifeline program administrator to pause any involuntary disenrollment of existing subscribers until that date. The FCC has also made it easier for individuals who have lost their employment during the coronavirus pandemic and who qualify for Lifeline benefits to enroll in the Lifeline program. On April 29, 2020, the FCC temporarily waived the requirement that consumers seeking to qualify for the program based on their income must provide at least three consecutive months of income documentation. What can be done to get lifeline internet rates for the poor and temporarily for those who have lost their jobs?

We currently do not have rate control for telecommunications, but we are looking at ways to increase Wi-Fi spots for those without steady access to the internet, which may include expanding hours at the public libraries and community centers.

19. Is there guidance or prescribed verbiage or procedures for those seeking early release from the mandatory quarantine? I have received requests from returning manamko or those with comorbidities who may not have access to testing but are concerned quarantine facilities might increase their exposure to COVID-19?

    In accordance with DPHSS Guidance Memo 2020-11, effective Monday, June 1, returning residents will be able to quarantine at home.

20. There appears to be a pattern in which the quantity of lunches is double that of breakfasts or dinners. To what do you attribute this?

    Most passengers prefer their outside delivery for breakfast or dinner since delivery times are morning and evening. In this case, they notify staff to put them on a "no meal service" option. We've also previously experienced many passengers that were fasting during the lent season, if you were referring to older reports.

21. What portion of the pandemic relief funding is attributed to stockpiling of PPES, increasing testing capacity (test kits, staffing, maintenance contracts) and increasing capacity of our healthcare workers and healthcare system to be able to respond to the projected surges and the long-term health care needs due to Covid19? Can you provide the source of the funds and the amount allocated by fund source?

    $6,170,106.81 will be used for this purpose.

    The following is a breakdown:
    Section 1(C): Testing, including Serological Testing (Summary) - $313,237
    Section 1(D)(4): Emergency Medical Response (GMHA Doctor Contracts) - $3,514,657.61
    Section 2(B): Acquisition of Medical and Protective Supplies (Summary) - $1,130,408.42
    Section 2(C): Disinfection of Public Areas (Summary) - $814,711.25
    Section 6(A)(9): Other related expenses (DPHSS PPEs) - $397,092.53

22. What portion of the funding has been allocated to differential and/or hazard pay for frontline responders?

    $22,000,000

23. What portion of the funding is allocated to those who are incarcerated? What is the long-term plan for DOC to prevent and contain COVID-19?

    Regular testing at the Department of Corrections is occurring. PPEs and sanitizing materials are being regularly provided to DOC. Additionally, of the $117 million received from the CARES Act, DOC will receive $2,206,356.23 to be used to fund a COVID-19

isolation and treatment unit within the facility.

24. Can you provide the procurement guidelines that the Federal Government requires of the expenditure of the funds?

    For all grants in aid, including subawards and subcontracts, where the source of funding is the Federal Government, 2 C.F.R 200.317 - 200.326 applies.

    2 C.F.R. Sec. 200.317 states that: When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with Sec. 200.322 Procurements of recovered materials and ensure that every purchase order or other contract includes any clauses required by section 200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow sections 200.318 General Procurement Standards through 200.326 Contract Standards.

    The full text of these provisions can be provided, if necessary.

25. To what extent is procurement planning occurring to prepare specifications, consolidate purchases, and assign enough staffing to carry out the orders and prepare contracts?

    It depends from agency to agency. However, GSA does provide training for their on base system which is used to key in requisition requests. As you are aware, Guam law requires that purchasing officers and certifying officers attend the procurement modules offered through Guam Community College.

    We do not have specific knowledge of the remainder of your inquiry, that information is best provided by the Department of Administration, General Services Agency.

26. What type of procurement support is needed?

    For federal grants, it would be helpful if it would be allowable to use the Federal GSA Schedules and access to vendors enrolled with the Federal GSA system. Additionally, a significant part of the delay rests with the amount of time it takes to complete contract review by the Attorney General's Office. It is our understanding that only one attorney is assigned to review all contracts that deal with Federal funds which results in significant delays. Additional staffing in this area would be helpful. Moreover, our local GSA is seriously understaffed considering the volume of work they have to process.