

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
275-37 (COR)	Jesse A. Lujan Tina Rose Muña Barnes Christopher M. Dueñas Dwayne T.D. San Nicolas Telo T. Taitague William A. Parkinson Roy A. B. Quinata Joe S. San Agustin Thomas J. Fisher	AN ACT TO ADD A NEW SUBSECTION (i) TO § 1112 OF ARTICLE 1, CHAPTER 1, DIVISION 1, TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO STANDARDIZING AIRPORT POLICE AND AIRCRAFT RESCUE AND FIRE FIGHTING POSITIONS COMPENSATION AT THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM.	4/18/24 8:15 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 275-37 (COR)

Introduced by:

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AN ACT TO ADD A NEW SUBSECTION (i) TO § 1112 OF ARTICLE 1, CHAPTER 1, DIVISION 1, TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO STANDARDIZING AIRPORT POLICE AND AIRCRAFT RESCUE AND FIRE FIGHTING POSITIONS COMPENSATION AT THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds, in
3 October 2007, Public Law 29-24 mandated the A.B. Won Pat Guam International
4 Airport Authority, Guam (“GIAA”) Board of Directors to adopt rules and
5 regulations governing *inter alia* the “compensation...and other terms and conditions
6 of employment of personnel occupying aviation-related positions unique to airport
7 operations and certified technical and professional positions...”

1 *I Liheslatura* further finds, the specific positions subject to the Certified
2 Technical Professional (“CTP”) Rules are defined as those positions identified by
3 the Executive Manager and approved by the GIAA Board.

4 Subsequently, *I Liheslaturan Guåhan* enacted Public Law 29-105 on August
5 14, 2008, which mandated a 40% across the board increase to law enforcement
6 compensation throughout the entire government of Guam, commencing in 2008 with
7 full implementation no later than 2011. The law also required a compensation study,
8 and the creation of a “Compensation Plan which treats all aspects of compensation
9 (base salaries, benefits, pay differentials, and other factors) as a total reward and
10 incentive package for employees, with said Plan to be uniformly administered
11 throughout the government.”

12 Subsequently, Public Law 29-154 was enacted in February 2009 which
13 completed the adoption of the GIAA CTP Rules and Regulations (“CTP Rules”).
14 The CTP Rules authorize the GIAA Board to adopt a unified pay scale for CTP
15 employees, and to review the scale for internal equity and external competitiveness
16 at least every three (3) years. The CTP Rules also empower the GIAA Board to
17 administer the compensation policy for CTP employees at GIAA.

18 In April 2010, the GIAA Board identified *inter alia* Airport Police and
19 Aircraft Rescue and Fire Fighting (“ARFF”) positions as positions within the
20 coverage of the CTP Rules. The GIAA Board specifically contemplated that the
21 Airport Police and ARFF positions would not be affected by compensation
22 adjustments ordered by the Board until the 40% increase mandated by Public Law
23 29-105 was lesser than an amount proposed by GIAA after a compensation study.

24 The GIAA Board has also made efforts to study and adjust the compensation
25 of all its CTP employees, including ARFF and Airport Police employees since the
26 enactment of the CTP Rules in 2008.

1 On January 18, 2022, *I Maga'hågan Guåhan* established the Law
2 Enforcement Officer Pay Plan within the Competitive Wage Act Pay Plan. On the
3 same day, the Department of Administration (“DOA”), citing Public Law 29-105
4 published a memorandum which discussed its classification review of the
5 Government of Guam Law Enforcement/Public Safety Compensation. The DOA
6 recommended an across-the-Board eighteen percent (18%) increase to “the current
7 law enforcement and public safety pay structure,” a customized Police Officer
8 Recruitment and Retention Differential, and an annual adjustment of two percent
9 (2%) per year to avoid delays in keeping the pay structure competitive. The DOA
10 recommended specific slotting for law enforcement positions across the
11 Government. Relative to Autonomous Agencies like GIAA, DOA recommended
12 approval from governing bodies for implementation of its recommendations,
13 consistent with the effective date of DOA’s implementation. GIAA Management
14 implemented the 2022 DOA-recommended adjustment retroactive to the effective
15 date recommended by DOA.

16 Most recently, in April 2023, the GIAA Board authorized management to
17 make a “structural pay adjustment and implementation at the 20th market percentile
18 based on 2022 market data for law enforcement and ARFF positions, on or after
19 October 1, 2023, subject to funding availability and subject to any required
20 legislative requirements.”

21 *I Liheslaturan Guåhan* further finds that although the GIAA Board has the
22 authority to adjust compensation for CTP positions, including Airport Police and
23 ARFF positions, the Law Enforcement Pay Plan restricts the GIAA Board from
24 migrating the Airport Police and ARFF positions to GIAA’s CTP pay plans.
25 Additionally, slotting, classification, and increments are all done on an *ad hoc* basis,
26 shifting between the GIAA CTP Rules and the government of Guam Law

1 Enforcement Pay Plan. This has created a disparity between GIAA Airport Police
2 and ARFF positions as opposed to other GIAA CTP employees.

3 Thus, to clarify the current statutory scheme and eliminate the bifurcation of
4 Airport Police and ARFF positions, and GIAA CTP positions for some purposes but
5 not others, *I Liheslaturan Guåhan* intends to place the Airport Police and ARFF
6 positions on the GIAA CTP pay scales.

7 **Section 2.** A new Subsection (i) is hereby *added* to § 1112 of Article 1,
8 Chapter 1, Division 1, Title 12 of the Guam Code Annotated:

9 (i) “The GIAA Certified, Technical, and Professional rules shall apply to the
10 selection, compensation, promotion, performance evaluations, disciplinary action,
11 and other terms and conditions of employment of airport police and aircraft rescue
12 and firefighting positions. Notwithstanding any other provision of law, within ninety
13 (90) days of the enactment of this subsection (i), the GIAA Board shall slot airport
14 police officer and airport rescue firefighter positions at the authority on the GIAA
15 Certified, Technical and Professional positions pay scales authorized by 12 G.C.A.
16 § 1112(h) in accordance with the foregoing.”

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

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