



**GUAM WOMEN'S**  
CHAMBER OF COMMERCE

May 29, 2020

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Senator Joe S. San Agustin  
Chair, Committee on General Government Operations, Appropriations and Housing  
35th Guam Legislature  
Ran Care Bldg., CBU 203  
761 S. Marine Corps Drive  
Tamuning, Guam 96931

Hafa Adai Sen. San Agustin and Committee Members,

The Guam Women's Chamber of Commerce respectfully submits this testimony **against** the passage of Bills 357-35, 359-35, and 361-35. Our GWCC members number over 200, and represent private sector businesses, nonprofit organizations, and their employees. Indeed, the entire Guam workforce consists of 66,590 workers, according to the Guam Department of Labor's 2019 second quarter report. Of that number, approximately 12,000 work for the government of Guam. That leaves nearly 55,000 private sector workers, many of whom are, as we speak, either struggling because they have been laid off or had their hours cut. David Dell'Isola, GDOL Director, has noted that private sector employers are so far reporting that more than 20,000 of their employees will need unemployment relief.

In light of these numbers, and the thousands of people we see lining our thoroughfares to get free food to feed their families during this unprecedented pandemic crisis, the GWCC believes it is neither reasonable nor responsible for our local government to offer workers double pay for having worked during the pandemic.

While we honor and applaud the efforts of our frontline government workers - the nurses, the police officers, the public health employees testing residents - we ask you to remember that for every government worker who has worked during this pandemic, there are also private sector nurses out there on the front lines - in clinics and visiting the sick through home health care programs. There are food service industry workers who have worked daily to prepare and deliver food to people. Private ambulance attendants. Security guards. Grocery store employees. None of these people, who have clearly risked their health and that of their families in order to provide our people with much-needed care, sustenance, and services, will be receiving double pay.

Bill 357-35, which proposes to give double pay to all GovGuam employees that were required to report to duty during COVID-19, states that the government "may" use Cares Act funding in order to issue this double pay. However, the GWCC understands that guidance for the use of CARES act funding prohibits bonus pay other than hazard pay or overtime pay. Also, legal precedent notes that once Congress appropriates something to executive branches or agencies, the legislature cannot reappropriate or place conditions on its use.

Bill 359-35 states that if COVID workers did not receive additional compensation, then they are entitled to one hour annual leave for every hour worked, up to 240 hours of annual leave. The employee can request a lump sum payment of 120 hours of that leave, however no funding source is identified for that lump sum payout.



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Bill 361-35 would give permanent or classified employees not required to work during COVID-19 administrative leave. Classified and unclassified employees required to work would receive double time pay under this piece of legislation. However, again, no funding source is identified for this double time pay component of the legislation.

Senators, we realize that this pandemic is an unprecedented situation, and that this particular health emergency is not included in any existing legislation that covers compensation for government employees required to work in an emergency situation such as a typhoon. We recognize that the intent of some of this legislation is not to penalize hard working government of Guam employees who cannot report to work during a pandemic, and that bill 358-35 would recognize and compensate those called to work through hazardous pay differentials. We acknowledge that existing legislation did not consider a pandemic. However, we must caution you that the three bills mentioned in the first part of this testimony, Bills 357, 359, and 361, have what may very well be severe financial implications for the government.

What good is giving government employees double time for a month of hours worked, when the result may very well be that those same employees will have to be furloughed for one or two days a week if the legislation causes the government to run out of money?

The proposed double time pay bills may make government employees happy temporarily. However, you must also consider that paying government employees double time for hours worked during the pandemic when many private sector employees lost their jobs, or had to report to work with no possibility of seeing extra money in their paychecks, will serve to make government employees the subject of community disdain and mistrust.

In a perfect world, everyone who worked and put their lives on the line during the pandemic - from health care workers to restaurant employees serving up take-out meals - deserves just compensation. Your legislation says to them: You only matter if you are a government employee.

We know this is a difficult choice. But instead of putting the interest of the 12,000 government employees ahead of the interest of nearly 55,000 employees in the private sector, we suggest that you instead focus on improved government services for everyone, perhaps by funding more online or streamlined processes for the government of Guam.

We urge you to make a responsible decision, and not a political one, with regard to the issue of double pay.

Thank you for the opportunity to testify today.

Respectfully,

Holly Rustick

President

Guam Women's Chamber of Commerce