



BEFORE THE 2015 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC15-020

**RELATIVE TO ESTABLISHING A POLICY FOR THE MOVEMENT OF
EMPLOYEES BETWEEN THE LAW ENFORCEMENT PAY SCALE AND THE
GENERAL PAY PLAN UNDER THE COMPETITIVE WAGE ACT**

- WHEREAS,** Public Law 29-105 raised the rates of compensation of law enforcement employees of the government of Guam by forty percent (40%) at a rate of ten percent (10%) every year for four years, beginning in 2008; and
- WHEREAS,** the Judicial Council, in Resolution No. JC14-06, adopted the pay scales set for the in the Competitive Wage Action of 2014 for employees who are not occupying law enforcement positions; and
- WHEREAS,** Public Law 32-232 adopted the Peace Officer Standards and Training (“P.O.S.T.”) Commission standards for certification, which require that law enforcement officers complete certain academic coursework and maintain particular physical fitness standards in order to maintain certification from the P.O.S.T. Commission; and
- WHEREAS,** pursuant to Public Law 32-232, full compliance with all P.O.S.T. Commission criteria for all peace officers in the government of Guam is required by December 2017; and
- WHEREAS,** the Judiciary of Guam is actively engaged in programs to assist its Marshals and Probation officers in meeting the P.O.S.T. Commission requirements, including running regular diagnostic physical fitness qualifying tests and offering the academic courses, in conjunction with the Guam Community College, necessary for certification; and
- WHEREAS,** some current law enforcement employees may be unable to meet the requirements of P.O.S.T. certification, but are otherwise qualified to serve in other positions throughout the Judiciary; and
- WHEREAS,** the Judiciary’s Personnel Rules support a policy of keeping long-serving employees with the Judiciary for as long as they remain in good standing and are dedicated to doing good work; and

Judicial Council of Guam

Resolution No. JC15-020

Relative to Establishing a Policy for the Movement of Employees between the Law Enforcement Pay Scale and the General Pay Plan Under the Competitive Wage Act

Page 2 of 2

WHEREAS, it is appropriate to recognize that there is value associated with maintaining P.O.S.T. Commission certification and that value is realized in the premium pay given to law enforcement officers under Public Law 29-105.

NOW THEREFORE, be it RESOLVED that the Judicial Council hereby adopts the Policy Governing Employee Transfers Between Law Enforcement and Competitive Wage Act Pay Scales, attached as an Exhibit hereto.

DULY ADOPTED this 30th day of September, 2015 at a duly noticed meeting of the Judicial Council of Guam.



ROBERT J. TORRES, Chairman

Dated: 10 - 2 - 15

ATTEST:



JOANNA S. McDONALD, Secretary

Dated: 10/2/15

POLICY GOVERNING EMPLOYEE TRANSFERS BETWEEN LAW ENFORCEMENT AND COMPETITIVE WAGE ACT PAY SCALES

Background: On December 30, 2014, Public Law 32-232 was enacted. This law adopted the Rules and Regulations for the Peace Officer Standards Training Commission (“P.O.S.T. Commission”) and set benchmarks for achieving certification for law enforcement employees of the government of Guam. Under the P.O.S.T. Commission’s Rules and Regulations, employees who fail to satisfy several academic and physical fitness requirements will not be certified to perform law enforcement duties and would thus become ineligible to hold law enforcement positions.

Approximately one third of the Judiciary of Guam’s work force is employed as law enforcement officers, in the Probation and Marshals Services Divisions. Pursuant to the Judiciary’s Personnel Rules and Regulations and those of the P.O.S.T. Commission, if an employee is no longer able to serve in the capacity of a law enforcement officer, the Judiciary may, if a vacant funded position is available and the employee is qualified for the same, transfer the employee into a position that does not require certification from the P.O.S.T. Commission.

In 2011, pursuant to Public Law 29-105, changes were made to the salaries of law enforcement officers that resulted in their being paid premium salaries over those of similarly graded employees who were not holding law enforcement positions. Specifically, law enforcement positions saw a forty percent (40%) increase over their former salaries, which levels continued in use for government employees on the Unified Pay Scale until the adoption of the pay scales included in the Competitive Wage Act (“CWA”) in 2014. As a result of the adoption of the CWA pay scales, some of the disparity between similarly graded positions dissipated, however, there is still a premium assigned to positions in law enforcement, which is reflective now of the particular requirements they must satisfy under the P.O.S.T. Commission’s certification process.

Because of the nature of its workforce, it is highly likely that the Judiciary will have some employees move from positions in law enforcement into positions which do not require P.O.S.T. Commission certification. Similarly, it may be the case that non-law enforcement employees of the Judiciary may later seek positions in law enforcement. This policy has been developed to govern movement between the law enforcement pay scale and the General Pay Plan under the CWA.

This policy shall be read in conjunction with the rules governing movement between the law enforcement pay scale and the pay scales adopted pursuant to the CWA, including those at Sections VII. Promotion, VIII. Demotion, Section IX. Inter-Judiciary Transfers, and Section X. Inter-Governmental Transfers of the 2014 Competitive Wage Act Classification and Compensation Implementation Policy and Procedures (“CWA Implementation Policy”) adopted pursuant to Judicial Council Resolution No. JC14-016.

Statement of Policy: It is the policy of the Judiciary of Guam to compensate its employees in a manner appropriate to the skills they must hold, the nature of their duties, and any particular licensure or certification that is necessary for the job. Thus, given the special nature of law enforcement at the Judiciary as Category 1 peace officers – which is the highest class of peace officer – it is appropriate that those employees who move into positions that do not require such certification realize the loss of the premium pay that is assigned to law enforcement positions.

Section I. Movement to a Higher Pay Grade.

When an employee moves from the Law Enforcement pay scale into a position in a higher pay grade on the General Pay Plan, his or her salary shall first be slotted at the corresponding salary on the Unified Pay Schedule set forth at 4 G.C.A. §6201. Then, salary shall be slotted at one step higher on the same pay grade and then slotted to a salary closest to but not less than that salary in the higher pay grade under the Unified Pay Schedule. Once slotted appropriately in the higher pay grade, the employee's salary will then be slotted on the appropriate CWA pay plan utilizing the CWA Implementation policy.

Section II. Movement to a Lower Pay Grade.

When an employee moves from the Law Enforcement pay scale into a position in a lower pay grade on the General Pay Plan under the CWA, his or her salary shall first be slotted at the corresponding salary on the Unified Pay Schedule. Then, salary shall be slotted closest to but not more than that salary in the lesser pay grade under the Unified Pay Schedule. Once slotted appropriately in the lesser pay grade, the employee's salary will then be slotted on the appropriate CWA pay plan utilizing the CWA Implementation policy.

Section III. Movement to a Position in the Same Pay Grade.

When an employee moves from the Law Enforcement pay scale into a position in the same grade on the General Pay Plan, his or her salary shall be slotted at the corresponding salary on the Unified Pay Schedule. Then, the salary shall be slotted in the General Pay Plan using the CWA Implementation Policy.