

----- Forwarded message -----

From: **Janela Carrera** <janela.carrera@guam.gov>
Date: Tue, May 5, 2020 at 6:06 PM
Subject: Re: Sunshine Law demand for public records
To: Robert Klitzkie <klitzkie@hotmail.com>

Hafa Adai Mr. Klitzkie:

Please see attached in response to your request for information.

Sincerely,

Janela Carrera



Janela Carrera

Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagatña, Guam 96910
Office: 671.472.8931
Mobile: 671.488.1408

On Wed, Apr 29, 2020 at 2:25 PM Robert Klitzkie <klitzkie@hotmail.com> wrote:

I call your attention to 10 GCA xx 32120.1(b) through (d) which would have been enacted by § 2 of Bill 326 had it been signed instead of vetoed by the governor. The cited subsections provide the information that could have been responsive to item 2. of my Sunshine Law demand had anyone in the executive chamber contemplated the interplay between XO 2020-08 and DOA Personnel Rules and Regulations 8.406C.1. It is now manifestly apparent that no one in the executive chamber, including you, was aware of the interplay XO 2020-08 and DOA Personnel Rules and Regulations 8.406C.1,

Relevant points:

1. Senator Nelson's letter reminded the governor of her obligation re DOA Personnel Rules and Regulations 8.406C.1.
2. A few days later the governor promulgated XO 2020-08.
3. The governor asked Senator Nelson to introduce a bill giving her the authority to pay the XO 2020-08 pay retroactively.
4. Senator Nelson introduced Bill 326-35 which accomplishes exactly what the governor asked for.
5. The bill passed and the governor vetoed it.
6. As far as the public record is concerned XO 2020-08 is still extant thus the question that my first Sunshine Law demand sought to answer is still open.
7. The governor must come clean on DOA Personnel Rules and Regulations 8.406C.1. Is it still in effect? If so, doesn't the same problem the governor described in her veto message of Bill 326-35 still plague us?
8. Another Sunshine Law demand is required. Pls don't do a document dump instead if responding. If you or anyone else in the executive chamber doesn't know, just admit it.

The Sunshine Law demand:

- Provide all public records that show that essential employees won't be paid IAC both DOA Personnel Rules and Regulations 8.406C.1. and XO 2020-08.
- If you don't comply with 1, *supra*, then provide the public record showing the implementation of the two provisions.

Respectfully submitted,

Robert Klitzkie

From: Robert Klitzkie <klitzkie@hotmail.com>
Sent: Sunday, April 26, 2020 4:58 PM
To: Janela Carrera <janela.carrera@guam.gov>
Cc: stayvigilantgu@gmail.com
Subject: RE: Violation of Sunshine Law demand for public records

Having reviewed your email I'm changing my characterization of your response to my Sunshine Act demand from frivolous to contemptuous. Reference to the Organic Act as the authority to pay employees IAC XO 2020-08 shows contempt for me and for the Sunshine Act. You might as well have sent me to Webster's with the instruction that the words responding to my demand are all there—I just have to find them and put them in order. If there is a provision in the Organic Act that is responsive to my request you ought to provide it. In the face of your cynically evasive response to my demand I can only conclude that such a provision does not exist.

Your handling of this Sunshine Law demand is unacceptable.

From: Janela Carrera <janela.carrera@guam.gov>
Sent: Thursday, April 23, 2020 10:19 AM
To: Robert Klitzkie <klitzkie@hotmail.com>
Subject: Re: Violation of Sunshine Law demand for public records

Dear Mr. Klitzkie:

Respectfully, I disagree with your characterization of the response. The obligation of a responding agency under the Sunshine Reform Act of 1999 is to provide the entirety of a responsive document. Citations are, however, necessary where redactions are made to documents, which is not the case with regard to the response to your request.

Sincerely,

Janela Carrera



Janela Carrera

Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagatña, Guam 96910
Office: 671.472.8931
Mobile: 671.488.1408

On Wed, Apr 22, 2020 at 12:15 PM Robert Klitzkie <klitzkie@hotmail.com> wrote:

Reference to the "Organic Act" is not responsive. If there is a portion of the Organic Act that is responsive you must identify it with a proper citation. A bare reference to a document as comprehensive as the Organic Act can't be regarded as anything but frivolous.

From: Janela Carrera <janela.carrera@guam.gov>
Sent: Saturday, April 18, 2020 6:46 PM
To: Robert Klitzkie <klitzkie@hotmail.com>
Subject: Re: Sunshine Law demand for public records

Hafa Adai Mr. Klitzkie,

Please see attached document in response to your request for information.

Sincerely,

Janela Carrera



Janela Carrera

Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagatña, Guam 96910
Office: 671.472.8931
Mobile: 671.488.1408

On Tue, Apr 7, 2020 at 3:26 PM Robert Klitzkie <klitzkie@hotmail.com> wrote:

Janela:

DOA Personnel Rules and Regulations 8.406C.1. provides double pay as per the Post article. Executive Order 2020-08 provides three categories in a "COVID-19 Response differential pay policy" ranging from ten to 25% pay differentials.

Demands for public records:

1. Public records showing the authority of the Governor to pay employees IAC XO 2020-08.
2. Public records indicating whether the XO 2020-08 pay differentials will be applied to salaries doubled by application of DOA Personnel Rules and Regulations 8.406C.1.
3. All responses to Senator Nelson's letter.

Pls email the public records to me NLT COB April 13.

Respectfully submitted,

Robert Klitzkie

<https://www.postguam.com/content/tncms/live/>

Union urges cooperation as pay issues surface

It appears pay issues have begun to surface among government of Guam workers amid the COVID-19 pandemic. Vice Speaker Telena Nelson wrote to Gov. Lou Leon Guerrero on Saturday, reminding executive leadership to ensure essential employees are compensated during the emergency period.

"Under Guam law and the Department of Administration's **Personnel Rules and Regulations**, employees providing essential services during a state of emergency are to be paid at **double the regular rate** or granted compensatory leave credits for the hours worked," a press release from the vice speaker stated.

"The essential employees currently carrying out essential operations include: nurses, doctors, social workers, health care providers and hospital staff and support staff; police officers, firefighters, customs officers, correctional officers and public safety personnel, and many more," it added.

Nelson's letter to the governor did not specify who or how many have not received proper payment, but the Guam Federation of Teachers – which represents various first responders and essential workers – confirmed they are aware of "voluminous labor issues" affecting members at this time, including pay.

The Guam Daily Post has been informed that some public safety personnel haven't received their emergency-related pay.

The union is urging cooperation at this time, and is pledging assistance after the public health emergency has ended.

'Right now is not the time'

"GFT members are professionals and stepped up to the plate without hesitation when called upon to do so. They selflessly put the emergency ahead of money, family and even their own health and safety," said GFT representative Robert Koss.

"For these outstanding citizens, GFT has offered to assist them in every way possible for obtaining any wages owed but not until after the emergency period ends. Until then, we are asking all our members to put the crisis first, cooperate and do what we can to win this war against a virus we cannot see. The senator's letter is correct but GFT would like (to) see income continue to flow during the emergency period and perhaps right now is not the time to start wage claims."

Nelson said she would work with the governor to ensure essential employees are compensated.

Gov. Lou Leon Guerrero first declared a state of emergency over COVID-19 on March 14. The next day, Guam received news of its first confirmed cases and since then, the number of cases have skyrocketed to nearly 100 in about two weeks. Some have recovered from the disease, but Guam has also seen its first few deaths in that time.

Many more deaths are anticipated if the government and island residents don't continue working to curb infection rates.

Sent from my iPad

Attachments area

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

May 5, 2020

VIA ELECTRONIC MAIL: klitzkie@hotmail.com

Robert Klitzkie

Dear Mr. Klitzkie:

I am writing in response to your request for information dated April 29, 2020 in which you seek:

"...all public records that show that essential employees won't be paid IAC both DOA Personnel Rules and Regulations 8.406C.1. and XO 2020-08."

The public record the Office of the Governor can provide is Governor Lou Leon Guerrero's veto message on Substitute Bill No. 326-35 (COR), which can be found online.

If you would like for us to provide you a copy, please let me know.

If there is anything else I can assist you with, please also feel free to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Janela Carrera', written in a cursive style.

Janela Carrera
Director of Communications