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January 18, 2022

**MEMORANDUM**

**TO:** Governor of Guam  
**FROM:** Director of Administration  
**SUBJECT:** Status of Law Enforcement / Public Safety Compensation  
**RE:** 10 GCA, Chapter 55 (P.L. 29-105)

**OFFICE OF THE GOVERNOR  
GOVERNOR'S CHAMBER**



DATE: 1-18-22

TIME: 1:54p

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*Buenas yan Hafa Adai!* Public Law 29-105 (2008) amended Title 10 GCA, Chapter 55 by which percentage increases were authorized in ten percent (10%) increments over four years to a total of an overall forty percent (40%) increase to the pay structure for law enforcement and public safety personnel compensation. Additionally, this law also required that the Director of Administration conduct a triennial review of the public safety and law enforcement compensation package. Final pay adjustments which were authorized to be done in Fiscal Year 2010 were finally implemented in Fiscal Year 2014. Since the full implementation of the law enforcement / public safety pay plan pursuant to P.L. 29-105, there has been no further pay adjustments to the law enforcement pay plan.

Pursuant to the same law, the Department of Administration (DOA) was mandated to conduct a triennial review of the compensation of public safety and law enforcement officers of the government of Guam. This review must incorporate a full review of salaries, duties, benefits, specialty pay, and other factors of law enforcement employment to put together a full compensation package and plan to be administered for the law enforcement and public safety officers.

In order to comply with the statutorily required compensation review, it was necessary for the DOA human resources staff to analyze and make recommendations for both the classification (duties, responsibilities, organizational analysis, span of control, area of responsibility) aspect which helps determine the job "size" of a position represented by the assigned pay grade and compensation (base salary, differential pay, overtime, and other compensation specific to certain positions / agencies, whether by statute or policy).

**CLASSIFICATION REVIEW:**

DOA HR staff utilized documentation from agencies covered by the current Law Enforcement Officer (LEO) pay plan. The Position Description Questionnaires (PDQ) served as the official record of duties for the basis of the analysis of the job "size" of the covered positions. These

PDQ's were also used to help establish differences and similarities between the separate organizations and the different aspects of the various command structures. Many of the agencies covered by the LEO pay plan utilize a military-style organizational structure and ranking system. Many job titles utilized are synonymous with different ranks in the various military branches. The nature of the mandated duties that each of these agencies perform helps determine the impact that each agency / department has on the island. These public safety agencies provide specific functions that help to ensure the safety of the citizens of the island and the protection of its resources. The differences in the mandates for each agency also impact the size of the jobs performed within each agency. For example, although a Customs Officer does protect and secure all borders for the island, a Police Officer protects and has jurisdiction over the law enforcement for the area of the entire island. In emergency situations, the Guam Police Department (GPD) has main jurisdiction over all law enforcement duties and has, in the past, been the lead law enforcement agency for different multi-agency task forces, and has served as the island's benchmark law enforcement agency. Although GPD and the Customs and Quarantine (C&Q) agency both have their individual ranking structures, the GPD has a more expansive series of positions due to the role they play in the overall safety of the island.

Although there are similarities in many of the different positions in the various agencies, based on their mandated duties and impact on the island, in combination with the types of duties they perform, each position has its own job-size. It has been proposed that all law enforcement agencies can prescribe identical pay grades based on areas of responsibility. This would suggest that, for example, a "Captain" level position should be the same pay grade whether employed at the GPD, C&Q, Guam Fire Department (GFD), and at the Department of Agriculture (DoAG). Although this may seem applicable based on "area of responsibility" within the agency, the mandates for each agency, and their impact on the island, make substantial differences in the positions which carry out duties to execute these statutory functions. These substantial differences are currently reflected in the different pay grades within each agency. The suggestion that positions can be aligned based on title and area of responsibility alone would cause a false standard comparison of positions in both lower rank-in-file positions and supervisory / management positions. The proposed organizational structure is similar to that which is utilized in the different branches of military. The degree to which the different organizational structures can be compared and utilized is very limited. The flexibility of the different branches of military and the wider scope in which they operate allows them to customize the duties that each level of position performs. It should be noted, that in other jurisdictions, state, local, and federal ; although titles may be similar, there are substantial differences in job-size and correlating base pay. The differences in roles and functions performed by the various government of Guam law enforcement positions were compared to their counterpart positions in different states in the mainland US. The classification review done was to properly benchmark positions for compensation purposes. The classification review also provided the basis for any recommendations made in regards to job-size for the respective law enforcement agencies.

The progression of employees through their specific ranks in the military was also taken into consideration and compared to the different structures and movement through those structures in government agencies. These similarities were evaluated and weighed in the recommendations made in regards to the job-size or pay grades of the positions. It is also noted that the progression of law enforcement personnel through their ranks has remained unaddressed and has caused

dissatisfaction within respective agencies. This may have led to some morale issues and may have played a role in the decision of some employees to leave their respective agencies for promotional opportunities in either position or pay. In general, the proposal for a more stringent method of progression through series of positions similar to ranks in the military is not feasible at this time. Work specific to each agency and amendments to job specifications are necessary and more detailed classification work is recommended to be reviewed at a later time. In an effort to address many of these issues, the DOA has recommended to use various administrative processes that are available as options to consider as remedies.

DOA HR staff also researched salaries of comparable positions in the different fields of law enforcement. The data utilized was predominantly derived from the US Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wage Statistics survey. In an effort to gain more data, HR staff also utilized resources and websites such as Glassdoor.com, Ziprecruiter.com, Salary.com, and various others to gain more data. However, the USDOL, BLS provides the most comprehensive sample of employees across different industries. BLS data also provides input from both state and local government samples. DOA HR staff also took into consideration the Federal Government General Schedule for compensation. This was necessary due to local examples of government of Guam law enforcement / public safety personnel who were accepting positions to security / law enforcement positions in the federal government available because of the military build-up. This has recently exacerbated the higher rates of attrition already occurring within the government.

#### **COMPENSATION REVIEW:**

The external salary data analysis included a comparison against average salaries for government of Guam law enforcement positions, specifically, the Police Officer II and III. For example, the average pay for a Police Officer II is \$53,182 and the Police officer III is \$60,813; whereas the BLS data researched provides that the average salary for a police officer (and those positions covered under Class Code 33-3051 broad occupation under the Office of Management and Budget's Standard Occupation Classification system) and other similar law enforcement occupations that are responsible for maintaining order and the protection of life and property through the enforcement of all local and federal laws and ordinances is \$63,170 based on data from the 50 states (not including territories and the District of Columbia).

In relation to compensation, although national averages should be used where applicable, much of the impact of competition is felt locally. Due to the military build-up currently in progress, there has been hiring of Police positions by the federal government in order to build capacity of security forces for the eventual full transition of military personnel from Okinawa, Japan to Guam. Competition is also experienced by recruiting by federal counterparts of our local Customs and Quarantine Agency, the US Customs and Border Patrol. Recent hiring for federal law enforcement positions has caused the need for expedited hiring. Interest in the island's law enforcement professions, particularly the Guam Police Department has been inconsistent, and mostly difficult to attract applicants.

### **OBSERVATIONS :**

Local competition and uncompetitive salaries have caused attrition in local law enforcement and public safety agencies. This has complicated the practice of planned attrition due to retirement of personnel within all ranks of respective agencies. The current COVID-19 Pandemic has also added a dynamic to the current status of the various law enforcement professions, a dynamic that is unprecedented in the recent history of these agencies. The vital role that many front line first responders play in the preservation of life and property, enforcement of local laws in the effort to ensure the safety of all island residents, and the ability for all public safety and law enforcement agencies to adequately respond to any efforts made by the government to respond to emergency situations has brought to the forefront the importance of ensuring that personnel are adequately compensated. In observance of the current landscape, and in compliance with P.L. 29-105; the DOA has identified the following issues that currently impact the law enforcement and public safety agencies covered by 10 GCA, Division 3, Chapter 55.

### **ISSUES AND RECOMMENDATIONS:**

1. Issue: Current pay structure for base salaries is non-competitive to local competition predominantly from various federal departments and agencies, and active military service, and to US national averages.
  - a. Recommendation: DOA proposes an eighteen percent (18%) increase to the current law enforcement and public safety pay structure. This recommendation considers other specialty pay that is authorized for respective agencies based on various factors. Please see proposed updated pay plan (*Attachment #1*).
    - i. The eighteen percent (18%) increase is proposed based on a straight external analysis of US National average as stated by the US Department of Labor, Bureau of Labor Statistics and the current GS schedule utilized by the federal government. It must be noted that any recommendation to match the current GS schedule would have substantial cost. This recommendation is designed to work together with existing specialty pay authorized specifically for certain departments and agencies covered by the pay plan.
    - ii. The GPD is the benchmark law enforcement and public safety agency for the government of Guam; therefore, the police officer positions of the GPD were used for analysis in comparison to the BLS data. The Police Officer II and III average salaries were specifically utilized for analysis. At its highest comparison, the GPD salaries were approximately eighteen percent (18%) behind market. Recommendations for structure adjustments were made based on this data comparison.
    - iii. As a part of the total compensation package, employees in the government of Guam receive benefits that includes the following:



1. Employer-sponsored Health Insurance Plans (Eligible Active Employees and Retirees)
2. Employer-sponsored Life Insurance Plans (Eligible Active Employees and Retirees)
3. Employer-sponsored Pension Plans (both defined benefit and contribution)
4. Time-Off Benefits (i.e. leave including Maternity, paid holidays, accrued annual and sick leave, leave-sharing, military leave, bereavement leave, and other statutory authorized leave)

These benefits are generally in line with benefits available to federal employees. It is, therefore, not necessary to factor in any differential for them. We note that generous retirement and medical insurance benefits are less attractive to younger employees and new recruits who do not expect to use these benefits at the outset of their career.

- b. Recommendation: Being that GPD is the benchmark law enforcement public safety on the island; and due to low turnout during recruitment for the Police Officer Trainee Position, DOA recommends a customized *Police Officer Recruitment and Retention Differential (Attachment #2)* which looks to entice potential applicants to apply for the Police Officer Trainee and continue employment with the GPD after completing the academy. This differential also looks to provide incentive for those employees who join the force to become career employees of the department and to help reinforce institutional skills and knowledge to assist GPD in protecting the island. This recommendation is made in an effort to increase competitiveness with local federal agencies that are looking to build capacity.
  - c. Recommendation: DOA recommends that all current differentials pay remain in effect as the intent of those differentials that are currently being applied were designed to address specific issues within respective departments / agencies.
  - d. Recommendation: DOA recommends that to alleviate any issues that may occur with the administration of the recommendations, and to provide consistency with the application of the CWA of 2014; that the Governor approve the integration of the law enforcement pay plan into the CWA. This will ensure that all necessary administrative policies can be executed to ensure consistency with all relative personnel laws, rules, and regulations.
  - e. Recommendation: DOA recommends a proposed annual adjustment of two percent (2%) per year to avoid unnecessary delays in trying to keep the pay structure moving to establish a more competitive market policy position in terms of compensation. This adjustment is to be assessed every three (3) years after the approval and implementation of any recommendations made herein.
2. Issue: Current pay grades don't accurately reflect the job-size of various law enforcement and public safety positions within respective agencies / departments.

- a. Recommendation: DOA will update the current pay grades assigned to various law enforcement positions. *Attachment #3* is a list of all proposed pay grades in the respective agencies.
- b. Recommendation: Implementation of recommended pay grade updates be effective no later than **January 30, 2022**. This is to allow for all departments and agencies that are impacted to have time to submit any pending performance evaluations for salary increments that are due prior to implementation and transition into the new updated structure.

### **IMPLEMENTATION:**

If approved, implementation procedures and policies will be issued to guide the transition of employees into the updated pay plans and respective pay grade updates.

### **RECOMMENDED 18% STRUCTURE ADJUSTMENT:**

#### **LINE AGENCIES AND DEPARTMENTS:**

Implementation within line agencies and departments will require coordination directly with DOA to prepare all necessary documentation to effectuate any approved recommendations. It must be noted that all fiscal matters related to the implementation of any of these recommendations will require the approval of both the DOA and BBMR.

Pay adjustments associated to the recommended structure adjustment will be a step-to-step adjustment and will be effective **January 30, 2022**. Pay adjustments will be approved upon availability of funding. If approved, implementation guidelines will be issued by DOA regarding proper slotting of law enforcement personnel into respective grades and steps.

#### **AUTONOMOUS AGENCIES AND DEPARTMENTS:**

Except for the Port Authority of Guam, all other autonomous agencies and departments covered by *10 GCA, Division 3, Chapter 55, §55102* shall gain approval from all governing bodies for implementation of the proposed pay structure increase if approved. Pay adjustments received by employees for autonomous agencies and departments must be made effective consistent with the effective date prescribed for those line agency employees that are covered by the same structure increase. Consistent implementation of approved pay adjustments is key and any such autonomous agency and department who adopts any recommendation approved by the Governor shall use the same effective date of no later than **January 30, 2022**. Administrative guidance and support will be coordinated with DOA on proper slotting of employees into the new pay structure.

## JUDICIARY OF GUAM & PUBLIC DEFENDER SERVICES CORPORATION (PDSC)

The recommended pay structure adjustment will be provided to the Judiciary for consideration by the Judicial Council on whether to adopt the updated pay structure or adopt with amendments. The recommended updated pay structure will also be transmitted to the PDSC for review and consideration. No recommendations will be made at this time for the classification of the covered law enforcement and public safety positions. These positions mainly consist of the Investigator series of positions utilized by the PDSC. These positions perform similar law enforcement functions to those utilized by the Office of the Attorney General. Some of these duties include conducting civil and criminal case investigations, conducting interviews with clients, witnesses, victims, etc., testifying in court hearings on investigative matters, serving subpoenas, summons, and other legal documents; and other investigatory duties related to the overall mission of the PDSC.

### FISCAL:

Associated annual costs for the recommended pay structure increase is broken down by agency / department below. These associated costs are based on base salary adjustments only. Estimates are approximate and don't include specialty pay such as Overtime and Night Differential. These estimates are annualized and may change based on attrition, hiring, and other factors that may cause fluctuations in staffing levels.

#### *Guam Police Department (GPD):*

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$14,473,545	
Benefits	\$4,342,064	
Total Annual Net Current Salary / Benefits	\$18,815,609	
Pay Structure Increase	\$3,386,810	Step – to – step Slotting
Pay Grade Update	\$56,380	Slotting into new pay grades (Police Lieutenant, Captain, and Major)
DOA Recruitment & Retention Differential	\$2,452,668	Proposed as part of the LEO Pay Plan Update
Total Proposed Costs (Sub-Total)	\$5,895,857	Slotting, Pay Grade Increase, and GPD Recruitment and Retention Differential
Total Proposed Annual Net Personnel Costs	\$24,711,466	Does not include specialty pay such as Overtime, Night Differential, and Hazardous Duty Pay
Percent Budget Increase	31%	



***Guam Customs and Quarantine Agency (COA):***

<b>Description</b>	<b>Estimated Cost(s)</b>	<b>Notes</b>
Total Gross Current Base Salary	\$5,893,021	
Benefits	\$1,767,906	
Total Annual Net Current Salary / Benefits	\$7,660,928	
Pay Structure Increase	\$1,378,967	Step – to – Step Slotting
Pay Grade Update	\$121,702	Implementation of proposed Pay Grades
Total Proposed Costs (Sub-Total)	\$1,500,669	
Total Annual Net Personnel Costs	\$9,161,596	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	20%	

***Department of Corrections (DOC):***

<b>Description</b>	<b>Estimated Cost(s)</b>	<b>Notes</b>
Total Gross Current Base Salary	\$7,734,713	
Benefits	\$2,320,414	
Net Current Salary / Benefits	\$10,055,127	
Pay Structure Increase	\$1,809,923	
Pay Grade Update	\$4,384	Parole Officer positions only
Total Proposed Costs (Sub-Total)	\$1,814,307	Includes Step to Step slotting and Pay Grade Implementation
Total Annual Net Personnel Costs	\$11,869,434	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

***Department of Youth Affairs (DYA):***

<b>Description</b>	<b>Estimated Cost(s)</b>	<b>Notes</b>
Total Gross Current Base Salary	\$1,638,842	
Benefits	\$491,652	
Net Current Salary / Benefits	\$2,130,494	
Pay Structure Increase	\$383,489	
Pay Grade Update	\$53,486	
Total Proposed Costs (Sub-Total)	\$436,975	



Total Annual Net Personnel Costs	\$2,567,470	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	21%	

**Guam Fire Department (GFD):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$10,525,600	
Benefits	\$3,157,680	
Net Current Salary / Benefits	\$13,683,280	
Pay Structure Increase	\$2,462,990	
Total Proposed Costs (Sub-Total)	\$2,462,990	
Total Annual Net Personnel Costs	\$16,146,270	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Department of Agriculture (DoAG):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$624,649	
Benefits	\$187,394	
Net Current Salary / Benefits	\$812,044	
Pay Structure Increase	\$146,168	
Pay Grade Update	\$6,301	
Total Proposed Costs (Sub-Total)	\$152,469	
Total Annual Net Personnel Costs	\$964,513	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	19%	

**Department of Revenue and Taxation (DRT):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$649,379	
Benefits	\$194,814	
Net Current Salary / Benefits	\$844,192	
Pay Structure Increase	\$151,955	
Total Proposed Costs (Sub-Total)	\$151,955	

Total Annual Net Personnel Costs	\$996,147	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Department of Parks and Recreation (DPR):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$86,831	
Benefits	\$26,049	
Net Current Salary / Benefits	\$112,880	
Pay Structure Increase	\$20,318	
Total Proposed Costs (Sub-Total)	\$20,318	
Total Annual Net Personnel Costs	\$133,199	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Guam Behavioral Health and Wellness Center (GBHWC):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$238,139	
Benefits	\$71,442	
Net Current Salary / Benefits	\$309,581	
Pay Structure Increase	\$55,725	
Total Proposed Costs (Sub-Total)	\$55,725	
Total Annual Net Personnel Costs	\$365,305	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Department of Military Affairs (DMA):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$578,810	
Benefits	\$173,643	
Net Current Salary / Benefits	\$752,454	
Pay Structure Increase	\$135,442	
Pay Grade Update	\$1,944	
Total Proposed Costs (Sub-Total)	\$137,386	



Total Annual Net Personnel Costs	\$889,839	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Department of Public Works (DPW):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$161,828	
Benefits	\$48,548	
Net Current Salary / Benefits	\$210,376	
Pay Structure Increase	\$37,868	
Total Proposed Cost (Sub-Total)	\$37,868	
Total Annual Net Personnel Costs	\$248,244	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Office of the Attorney General (OAG):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$1,248,864	
Benefits	\$374,659	
Net Current Salary / Benefits	\$1,623,523	
Pay Structure Increase	\$292,234	
Total Proposed Cost (Sub-Total)	\$292,234	
Total Annual Net Personnel Costs	\$1,915,757	Does not include specialty pay such as Overtime or Night Differential
Percent Budget Increase	18%	

**Guam International Airport Authority (GIAA):**

Description	Estimated Cost(s)	Notes
Total Gross Current Base Salary	\$3,581,540	
Benefits	\$1,074,462	
Net Current Salary / Benefits	\$4,656,002	
Pay Structure Increase	\$838,080	
Total Proposed Cost (Sub-Total)	\$838,080	
Total Annual Net Personnel Costs	\$5,494,082	Does not include specialty pay such as Overtime or Night Differential



Percent Budget Increase	18%	
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Costs associated with the increases should be factored and incorporated into subsequent fiscal year budgets. Costs for the Judiciary (to include the Public Defender Services Corporation) will be determined based on formal adoption and implementation by the Judicial Council.

### RECOMMENDED PAY GRADE ADJUSTMENTS:


Recommended pay grade adjustments will be coordinated with respective agencies regarding implementation and slotting into the new pay grades. Slotting of employees into new pay grades will occur after the "step-to-step" slotting is completed from implementation of the new salary structure. Once employees are slotted into the new established "steps" of the pay structure, then transition into new pay grades will be done to a step that is "*closest to, but not less than*" the current salary that the employee is earning in the new updated pay grade, once approved. It is recommended that the effective date of implementation of January 30, 2022, be utilized to ensure consistent implementation of all impacted employees.

### CONCLUSION:

Law enforcement and public safety personnel throughout all branches of government are key to one of the essential functions that the government provides: protection of life, property, resources, both natural and manmade, and the overall enforcement of laws that are put in place to ensure that society can continue in an orderly and maintained fashion. Many of the employees who hold positions covered by this pay plan also played vital roles in the battle against COVID-19 and the health and recovery of the island. Many of these positions serve as the front liners to help address all emergency situations throughout the COVID-19 Pandemic. Many of these employees are held to the highest moral and ethical standards, challenged with the lack of resources within their respective agencies, continued harsh working environments, constant job-related hazards, and overall unique job factors that only these positions have. The dynamics of how each law enforcement agency and department performs its duties along with the mandates which they uphold make this category of positions and employees some of the most important to the overall well-being of the island and its residents. As recommended above, it is important to ensure that the law enforcement pay plan structure maintain movement throughout the years to achieve a more competitive market policy position.

  
EDWARD M. BIRN

- (X) APPROVED & CONCURRED  
( ) DISAPPROVE

  
LOURDES A. LEON GUERRERO  
Governor of Guam

1/18/2022  
(Date)

#### Attachments

1. Proposed Updated LEO Pay Scale
2. Guam Police Department Recruitment and Retention Differential Policy
3. Proposed Updated Pay Grade Recommendations for LEO Positions