

I Mina'trentai Ocho 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
351-38 (COR)	Vincent A.V. Borja V. Anthony Ada Shelly V. Calvo Jesse A. Lujan Tina Rose Muña-Barnes	AN ACT TO <i>AMEND</i> §§6102, 6103, ARTICLE 1, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED AND TO <i>ADD</i> A NEW §3137 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO GRANTING THE GUAM DEPARTMENT OF EDUCATION INDEPENDENT AUTHORITY TO ESTABLISH AN EDUCATOR CLASSIFICATION, COMPENSATION, AND BENEFIT STRUCTURE.	8/24/26 8:40 a.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 351-38 (COR)

Introduced by:

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AN ACT TO *AMEND* §§6102, 6103, ARTICLE 1, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED AND TO *ADD* A NEW §3137 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO GRANTING THE GUAM DEPARTMENT OF EDUCATION INDEPENDENT AUTHORITY TO ESTABLISH AN EDUCATOR CLASSIFICATION, COMPENSATION, AND BENEFIT STRUCTURE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that public education is one of the most important constitutional responsibilities of the Government of Guam and serves as the foundation for economic growth, workforce development, civic engagement, and long-term community stability.

I Liheslaturan Guåhan further finds that the recruitment and retention of qualified educators is critical to ensuring high-quality instruction, student achievement, and the overall performance of Guam's public school system. However, Guam continues to experience significant challenges in retaining experienced educators and recruiting new teachers, particularly in specialized subject areas.

1 *I Liheslaturan Guåhan* finds that educator compensation in Guam has
2 historically lagged behind national averages and compensation levels in many U.S.
3 states and territories. According to the United States Bureau of Labor Statistics,
4 Occupational Employment and Wage Statistics, May 2025, Guam ranks fifty-third
5 (53rd) of the fifty-four (54) states and territories reported for the annual median wage
6 across all occupations, and ranks last among all such areas in education and library
7 occupations. According to the National Education Association, Rankings and
8 Estimates, April 2026, table E-6, the national average public school teacher salary
9 for school year 2025-2026 is Seventy-Six Thousand Five Hundred Fifty-Two
10 Dollars (\$76,552). As economic activity on Guam continues to expand, and as
11 federal investments and private sector growth contribute to rising wages in other
12 sectors, public school educators face increasing disparities in compensation.

13 *I Liheslaturan Guåhan* further finds that rising housing costs, healthcare
14 expenses, transportation costs, and general cost-of-living increases have
15 significantly reduced the purchasing power of educator salaries. As a result, many
16 educators are leaving Guam for higher-paying jurisdictions where compensation is
17 more competitive and better aligned with living expenses. This outmigration
18 contributes directly to teacher shortages, classroom instability, increased reliance on
19 provisional or substitute educators, and diminished continuity of instruction.

20 *I Liheslaturan Guåhan* also finds that when educators leave Guam, the island
21 loses not only experienced professionals but also community leaders, mentors, and
22 role models who play an essential role in shaping the next generation. The long-term
23 impact of educator attrition affects workforce readiness, economic resilience, and
24 the island's ability to compete in a rapidly evolving regional and global economy.

25 *I Liheslaturan Guåhan* further finds that institutions such as the University of
26 Guam and the Guam Community College possess independent authority to establish

1 and administer their own compensation systems, allowing flexibility to respond to
2 market conditions and institutional needs.

3 *I Liheslaturan Guåhan* finds that decisions regarding educator classification
4 and compensation are best made by the elected Guam Education Board, which is
5 directly accountable to the parents and taxpayers of Guam, rather than by a central
6 administrative agency applying a schedule designed for the government at large.

7 *I Liheslaturan Guåhan* further finds that compensation disputes resolved
8 through litigation, or addressed through episodic retroactive adjustment, impose
9 avoidable and unpredictable cost upon the taxpayer. A compensation structure
10 established by written agreement, with implementation phased over a defined period,
11 and with no retroactive application, affords the government of Guam greater fiscal
12 predictability than present practice.

13 *I Liheslaturan Guåhan* finds that educator attrition is not a cost-free condition.
14 Each departure obliges the Guam Department of Education to recruit, relocate,
15 orient, and train a replacement, and to cover the vacancy in the interim through long-
16 term substitutes, combined classes, and understaffed courses. These are recurring
17 expenditures already borne by the taxpayer, and they yield no lasting return.
18 Compensation sufficient to retain an experienced educator is, in substantial part, a
19 substitute for money the government is already spending to replace one.

20 *I Liheslaturan Guåhan* further finds that the wage data necessary to establish
21 competitive compensation levels is published annually, without charge, by the
22 United States Bureau of Labor Statistics and the National Education Association,
23 and that the payroll records necessary to determine cost are already maintained by
24 the Department of Administration and the Guam Department of Education. No
25 appropriation is required to determine what a competitive educator compensation
26 structure would cost.

1 It is therefore the intent of *I Liheslaturan Guåhan* to grant similar authority to
2 the Guam Department of Education (GDOE), to ensure that educator compensation
3 is responsive, competitive, and sustainable, while providing an orderly transition
4 from the existing Government of Guam pay plan in alignment with the government’s
5 fiscal cycle.

6 **Section 2.** §6102. of Article 1, Chapter 6, Title 4, Guam Code Annotated,
7 is hereby *amended* to read as follows:

8 **“6102. Purpose.**

9 The purpose of this Chapter is to provide a uniform and unified system
10 of position classification and compensation for the Executive and Judicial
11 Branches of the Government of Guam. The provisions of this Chapter shall
12 not apply to personnel of the Guam Department of Education covered by
13 §3137 of Article 1, Chapter 3, Title 17, nor to academic personnel of the Guam
14 Community College and the University of Guam, which, as institutions of
15 higher education, must adhere to accreditation standards established by their
16 respective accrediting bodies. ~~The only exception is for academic personnel~~
17 ~~of the Guam Community College and the University of Guam which as~~
18 ~~institutions of higher education, must adhere to accreditation standards~~
19 ~~established by the appropriate accrediting bodies.~~ The term academic
20 personnel refers to the definitions provided in 17 GCA § 31106 and § 16112,
21 governing academic personnel of Guam Community College and the
22 University of Guam.”

23 **Section 3.** §6103. of Article 1, Chapter 6, Title 4, Guam Code Annotated,
24 is hereby *amended* to read as follows:

25 **“6103. Scope.**

26 Unless otherwise specified, this Chapter shall apply to all positions,
27 officers, and employees, classified and unclassified, as the case may be,

1 inclusive of the Executive and Judicial Branches, autonomous and semi-
2 autonomous agencies, public corporations, and other public instrumentalities
3 of the government of Guam. The provisions of this Chapter do not apply to
4 academic personnel of the Guam Community College and the University of
5 Guam. The employment and terms and conditions of employment of academic
6 personnel shall be exclusively governed by provisions of the enabling laws of
7 Guam Community College and the University of Guam pertaining to
8 academic personnel, as set forth in Title 17, Guam Code Annotated.

9 The provisions of this Chapter shall not apply to personnel of the Guam
10 Department of Education covered by §3137 of Article 1, Chapter 3, Title 17.
11 The employment and terms and conditions of employment for such personnel
12 shall be governed by the provisions of §3137 of Article 1, Chapter 3, Title 17
13 and by any compensation structure adopted and executed thereof.”

14 **Section 4.** §3137. is hereby *added* to Article 1, Chapter 3, Title 17, Guam
15 Code Annotated, to read as follows:

16 **§3137. Guam Department of Education Educator Classification and**
17 **Compensation Authority.**

18 (a) As used in this Section, the following terms shall mean:

19 (1) “Covered personnel” means instructional and professional
20 personnel employed by the Guam Department of Education, including
21 classroom teachers, preschool teachers, instructors, substitute teachers,
22 counselors, school psychologists, school nurses, librarians and media
23 specialists, curriculum coordinators, instructional consultants, school
24 administrators, and program directors. “Covered personnel” does not
25 include the Superintendent of Education or any Deputy Superintendent,
26 whose compensation shall be established separately by the Guam
27 Education Board, and does not include personnel whose classification

1 and compensation are established under a general pay plan
2 administered by the Department of Administration.

3 (2) “Recognized representative” means the exclusive
4 bargaining representative certified to represent covered personnel.

5 (3) “Adopted structure” means an educator classification,
6 compensation, and benefit structure approved and executed pursuant to
7 Subsection (h) of this Section.

8 (b) Authority. Notwithstanding any other provision of law, rule, or
9 regulation, the Guam Department of Education is authorized to establish,
10 administer, and modify for covered personnel its own:

11 (1) Position classification structures;

12 (2) Pay grades and salary schedules;

13 (3) Step progressions;

14 (4) Recruitment and retention incentives;

15 (5) Compensation policies; and

16 (6) Employee benefits programs.

17 (c) Development. The Guam Education Board *shall* be responsible
18 for developing a comprehensive educator pay scale and compensation
19 structure for covered personnel, through good-faith negotiation with the
20 recognized representative. The structure shall address classification, salary
21 schedules, step progression, and benefits. Negotiations shall commence no
22 later than sixty (60) days after the effective date of this Act.

23 (d) Market Competitiveness Standard. The adopted structure *shall*
24 be designed to achieve market competitiveness for covered personnel. For
25 classroom teachers, market competitiveness means an average salary of not
26 less than ninety-five percent (95%) of the national average public school
27 teacher salary most recently published by the National Education Association,

1 to be achieved through phased implementation over a period of not more than
2 five (5) fiscal years. Any salary increase implemented pursuant to this
3 Subsection shall not exceed fifteen percent (15%) of an employee's salary
4 during any single fiscal year. The Guam Education Board *shall* review the
5 adopted structure not less than once every two (2) years against the most
6 recent salary data published by the National Education Association and the
7 United States Bureau of Labor Statistics, and against the cost of living on
8 Guam.

9 (e) Cost Determination. Prior to approval pursuant to Subsection (h),
10 the Guam Education Board *shall* determine the total cost to the government
11 of Guam of the proposed structure in each fiscal year of its phased
12 implementation. The determination *shall* be made using the existing payroll
13 and position records of the Guam Department of Education and the
14 Department of Administration, together with wage data published without
15 charge by the United States Bureau of Labor Statistics and the National
16 Education Association.

17 (1) The determination *shall* be transmitted to the Bureau of
18 Budget and Management Research and to the Office of Finance and
19 Budget of *I Liheslaturan Guåhan*, each of which shall review it within
20 its existing appropriation and report its findings to *I Liheslaturan*
21 *Guåhan*. The determination and both reviews *shall* be made available
22 to the public. No appropriation is required or authorized by this
23 Subsection.

24 (2) The Guam Education Board may, but *shall* not be required
25 to, obtain an independent third-party compensation or cost-of-living
26 study. The Superintendent of Education may use available federal

1 grants or local funds appropriated to the Guam Department of
2 Education to fund such study.

3 (f) No structure shall be approved pursuant to Subsection (h) unless
4 the Guam Education Board first certifies in writing to *I Liheslaturan Guåhan*
5 and to *I Maga'hågan Guåhan* the total cost of the proposed structure in each
6 fiscal year of its implementation, expressed both in dollars and as a percentage
7 of the appropriation to the Guam Department of Education for the then-current
8 fiscal year, accompanied by the determination and reviews required by
9 Subsection (e). Implementation shall be phased over not more than five (5)
10 fiscal years. No adopted structure shall be applied retroactively. Nothing in
11 this Section authorizes an increase in the number of positions authorized in
12 the annual General Appropriations Act.

13 (g) The Guam Education Board shall complete development of the
14 proposed educator pay scale and compensation structure no later than January
15 1, 2027. If the Guam Education Board has not approved a structure by that
16 date, it shall report in writing to *I Liheslaturan Guåhan* every thirty (30) days
17 thereafter, stating the reasons for the delay and the expected date of approval,
18 until approval occurs.

19 (h) Approval and execution. The proposed educator pay scale and
20 compensation structure shall be approved by a majority vote of the members
21 of the Guam Education Board. Upon approval, the structure shall be reduced
22 to writing and executed by the Guam Education Board and the recognized
23 representative, and shall be binding upon the parties according to its terms.

24 (i) Transition. Until a structure is approved and executed pursuant
25 to Subsection (h), covered personnel shall remain subject to the Government
26 of Guam Compensation Schedule established pursuant to §6201 of Title 4,
27 Guam Code Annotated, and the classification system administered by the

1 Department of Administration. Upon the effective date established under
2 Subsection (k), covered personnel shall be exempt from that Compensation
3 Schedule, from that classification system, and from the Government of Guam
4 educator pay plan administered by the Department of Administration, and
5 such exemption shall remain in effect unless otherwise provided by law.

6 (j) Continuing authority; limitation. Following initial approval of
7 the educator classification and compensation structure pursuant to this
8 Section, the Guam Department of Education *shall* retain continuing authority
9 to amend, revise, or modify its classification structures, salary schedules,
10 compensation policies, and benefits programs. Any such amendment *shall*
11 require approval by a majority vote of the Guam Education Board. No
12 amendment that reduces base salary, step placement, or benefits below the
13 levels established in the adopted structure then in effect *shall* take effect
14 without the written concurrence of the recognized representative.

15 (k) Effective Date of Structure. The initial adopted structure *shall*
16 take effect on October 1, 2027, or on October 1 of the first fiscal year
17 commencing after approval and execution pursuant to Subsection (h),
18 whichever is later. Any subsequent amendment shall take effect only at the
19 commencement of a Government of Guam fiscal year, being October 1, and
20 shall not take effect at any other time during a fiscal year.

21 (l) Nothing in this Section *shall* be construed to authorize the
22 expenditure of funds without legislative appropriation as required by law.
23 Compensation earned by covered personnel for services actually rendered
24 under an adopted structure in effect pursuant to Subsection (k) *shall* constitute
25 a valid and subsisting obligation of the government of Guam, and nothing in
26 this Section shall be construed to impair the obligation of any agreement
27 executed pursuant to this Section. Where an appropriation in any fiscal year

1 is insufficient to satisfy compensation so earned, the unsatisfied amount shall
2 remain a valid claim and shall be reported pursuant to Subsection (n).

3 (m) Dispute resolution. If the Guam Education Board and the
4 recognized representative have not reached agreement within one hundred
5 twenty (120) days after commencement of negotiations, either party may
6 declare impasse. Upon declaration of impasse the parties shall proceed to
7 mediation and, if the matter remains unresolved after thirty (30) days of
8 mediation, to fact-finding by a neutral third party. The fact-finder shall issue
9 written findings and non-binding recommendations, which shall be
10 transmitted to *I Liheslaturan Guåhan* and made available to the public.

11 (n) Budget Transparency and Reporting. Upon approval of a
12 structure pursuant to Subsection (h), the Guam Education Board shall report
13 annually to *I Liheslaturan Guåhan*, and shall make available to the public:

14 (1) the status of implementation,

15 (2) any compensation earned and unsatisfied for want of
16 appropriation,

17 (3) the resulting variance from the market competitiveness
18 standard established in Subsection (d), and

19 (4) recruitment, retention, and vacancy rates for covered
20 personnel.

21 (o) Employee protection. No covered employee shall experience a
22 reduction in base salary, benefits, accrued leave, or step placement, solely as
23 a result of the transition from the Government of Guam pay plan to a
24 compensation structure adopted pursuant to this Section. Nothing in this Act
25 shall be construed to diminish any procedural, grievance, or appeal right held
26 by covered personnel as of the effective date of this Act.

1 (p) Appeals. The Civil Service Commission *shall* have jurisdiction to
2 hear and decide appeals brought by covered personnel from any decision
3 applying the adopted structure to an individual employee, including
4 classification, pay grade assignment, step placement, computation of salary,
5 incentives, bonuses, differentials, and other compensation and benefits. An
6 employee shall first request written review by the Superintendent of
7 Education, and may appeal to the Civil Service Commission within thirty (30)
8 days after the Superintendent's determination or after the failure to issue one
9 within thirty (30) days of the request.

10 The Civil Service Commission shall determine whether the decision
11 conforms to the adopted structure and to applicable law, and may order
12 correction of the employee's classification, step placement, or salary
13 computation and payment of compensation wrongly withheld. The Civil
14 Service Commission shall not establish or modify any salary schedule, pay
15 grade, classification structure, or benefit level contained in the adopted
16 structure, and shall not exercise jurisdiction over negotiations, impasse,
17 mediation, or fact-finding conducted pursuant to Subsection (m).

18 The Civil Service Commission shall continue to hear and decide
19 employee grievances, adverse actions, and all other personnel matters
20 concerning covered personnel to the same extent as before the effective date
21 of this Act. The exemption of covered personnel from Chapter 6 of Title 4,
22 Guam Code Annotated, shall not be construed to divest the Civil Service
23 Commission of jurisdiction conferred by this Subsection, by Chapter 4 of Title
24 4, Guam Code Annotated, or by any other provision of law.

25 **Section 5. Severability.** If any provision of this Act or its application to any
26 person or circumstance is found to be invalid or contrary to law, such invalidity shall

1 not affect other provisions or applications of this Act that can be given effect without
2 the invalid provision or application, and to this end the provisions of the provisions
3 of this Act are severable.

4 **Section 6. Effective Date.** This Act shall become effective upon enactment.