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<td>201-35 (COR)</td>
<td>Régine Biscoe Lee</td>
<td>AN ACT TO AMEND § 9141 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE WORKERS COMPENSATION COMMISSION.</td>
<td>9/5/19 8:35 a.m.</td>
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AN ACT TO AMEND § 9141 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE WORKERS’ COMPENSATION COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 9141 of Chapter 9, Title 22, Guam Code Annotated, is hereby amended to read:

“§ 9141. Administration.

(a) Except as otherwise specifically provided, the Worker’s Compensation Commission shall administer the provisions of this Title, and for such purpose the Commission is authorized (1) to make rules and regulations in conformance with this Title; (2) to select such technical assistants, medical advisors, and other officers and employees; and (3) to make from appropriated funds such expenditures (including expenditures for personal services, rent, law books, books of reference, periodicals and printing, binding and other necessities) as may be necessary in the administration of this Title.

(b) The Workers’ Compensation Commission shall be under the cognizance of the Department of Labor and shall consist of the Commissioner or designee; and six (6) other members to be appointed by the Governor:
(1) one (1) member appointed from the Mayors Council, a list of three (3) nurse practitioners or registered nurses recommended by the Guam Board of Nurse Examiners;

(2) one (1) member appointed from a list of three (3) medical doctors recommended by the Guam Board of Medical Examiners Medical Society;

(3) one (1) member appointed from a list of three (3) attorneys recommended by the Guam Bar Association;

(4) one (1) member appointed from a list of three (3) Certified Public Accountants human resource practitioners recommended by the Guam Society of Certified Public Accountants for Human Resources Management Guam Chapter;

(5) one (1) government of Guam employee; and

(6) one (1) member of a labor union;

and at the Director’s option, two (2) members from the general public. At all times, the total number of members shall be an odd number.

(c) The presence of a majority of members shall constitute a quorum.

(1) Members of the Commission, if physically unable to attend a meeting or hearing, may be legally present and participate in a meeting or hearing via telephone conference call or video communication conferencing, provided that all parties in the meeting or hearing are able to adequately hear and communicate with such member.

(2) Meetings and hearings shall be electronically recorded in audio or video format but, notwithstanding any other provision of law, rule, or regulation, they need not be stenographically recorded.
All audio and video files must be properly stored within the office of the Commission to ensure safe-keeping and availability to the public consistent with existing laws.

(d) The Commission shall maintain and keep open during reasonable business hours, an office for the transaction of business. If any member of the Commission is removed from office or for any reason ceases to act as a member, all of his or her official records and papers shall be transferred to his or her successor in office or to the Commission. No member nor any business associate of a member shall appear as attorney in any proceedings under this Title, and no member shall act in any such case in which he or she is interested, or when he or she is employed by any party in interest or related to any party in interest by consanguinity or affinity within the third degree as determined by the common law. Members of the Commission, except the Commissioner, shall receive Fifty Dollars ($50) per meeting or hearing attended, not to exceed One Hundred Dollars ($100) per month and any reasonable expenses incurred in performance of duty.

(e) The Commission shall direct the vocational rehabilitation of permanently disabled employees and shall arrange with the appropriate public or private agencies for such education. The Commission may in its discretion furnish such prosthetic appliances or other apparatus made necessary by an injury upon which an award has been made under this Title to render a disabled employee fit to engage in a remunerative occupation.

Section 3. Effective Date. This Act shall become effective upon enactment.

Section 4. Severability. If a provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect
without the invalid provisions or application, and to this end the provisions of this Act are severable.