

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

August 7, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Executive Order No. 2020-26

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

EXECUTIVE ORDER NO. 2020-26:
RELATIVE TO IMPLEMENTATION OF ADDITIONAL SAFETY
MEASURES AND ISSUANCE OF TEMPORARY TEACHING
CERTIFICATIONS DURING THE PUBLIC HEALTH EMERGENCY

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

A handwritten signature in blue ink, appearing to read "Sophia Santos Diaz", is written over a light blue horizontal line.

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure(s): Executive Order No. 2020-26

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F.Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-26

**RELATIVE TO IMPLEMENTATION OF ADDITIONAL SAFETY
MEASURES AND ISSUANCE OF TEMPORARY TEACHING
CERTIFICATIONS DURING THE PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, Guam law authorizes the Governor to suspend the provisions of any regulatory statute prescribing procedures for conducting local business, or the orders, rules and regulations of any government of Guam agency, to the extent that strict compliance with the same would prevent, hinder or delay necessary action (including emergency purchases) by the public health authority to respond to the public health emergency, or increase the health threat to the population; and

WHEREAS, on May 8, 2020, pursuant to Executive Order No. 2020-14, I declared Guam to be in Pandemic Condition of Readiness ("PCOR") 2; and

WHEREAS, on July 19, 2020, pursuant to Executive Order No. 2020-24, in consultation with the Department of Public Health and Social Services ("DPHSS"), the Guam State Surgeon Cell, my Physicians Advisory Group, and the Guam Recovery Panel of Advisors, I declared Guam to be in PCOR 3; and

WHEREAS, notwithstanding the declaration of PCOR 3, COVID-19 continues to pose a threat to the safety of our community and, consequently, the public health emergency due to COVID-19 has been extended until August 29, 2020; and

WHEREAS, in conjunction with the declaration of PCOR 3 and in consultation with the DPHSS, as the Public Health Authority, pursuant to Executive Order No. 2020-24, I ordered that, with few exceptions, businesses and activities were permitted to operate subject to the implementation of mitigation measures including occupancy limitations, social distancing, frequent surface cleaning, and mask-wearing requirements; and

WHEREAS, since the declaration of PCOR 3, although Guam's test positivity rate has remained low, the number of COVID-19 cases in Guam has risen as our facilities and activities have reopened; and

WHEREAS, Guam's low test positivity rate notwithstanding, it is both necessary and prudent to temporarily enhance restrictions in light of new information, to keep our community safe and healthy while we, as individuals, adjust and learn to regulate our own



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

behavior and standards, and exercise personal responsibility that acknowledges and accounts for the new reality of living during the COVID-19 pandemic; and

WHEREAS, with continued appropriate social distancing, disinfection and personal hygiene measures, as well as occupancy limitations, I am hopeful that we can move forward as a community to live lives that balance our personal comfort and convenience with the safety of our families and the most vulnerable members of our community, whose protection we must continue to prioritize; and

WHEREAS, recent COVID-19 cases have been traced to congregate activities related to funerals and wakes, and it is necessary to implement measures that allow for the safe practice of these activities; and

WHEREAS, since the declaration of PCOR 3, we have experienced an increase in COVID-19 cases in young adults, a number of which have been traced to activity at local drinking establishments, and it has therefore become necessary to temporarily limit the operation of such establishments; and

WHEREAS, it is further necessary to limit congregations and social gatherings in the interest of mitigating against the threat of infection resulting from large concentrations of people in the same physical location; and

WHEREAS, 5A GAR Ch. 8 § 8105(a)(1) provides minimum qualifications for issuance of temporary teaching certificates to new applicants who have completed a bachelor's degree and passed the PRAXIS-1 exam and the Educational Testing Service (ETS), which administers the PRAXIS-1 exam, suspended its services due to the COVID-19 crisis; and

WHEREAS, the Guam Commission for Educator Certification ("GCEC"), which is responsible for issuing temporary teaching certificates, is unable to issue certificates due to the present unavailability of PRAXIS-1 exam; and

WHEREAS, in Executive Order No. 2020-24, I ordered that public and private schools were permitted to open, subject to DPHSS Memo 2020-27 and other applicable guidance; and

WHEREAS, issuance of temporary teaching certificates pursuant to 5A GAR Ch. 8 § 8105(a)(1), which ordinarily enables the GCEC to recruit new teachers from recent pools of graduates, is not feasible given the unavailability of the PRAXIS-1 exam to new applicants, and will likely result in a shortage of teachers for the impending school year; and

WHEREAS, the recruitment of otherwise qualified teachers is necessary for the safe operation of Guam schools and the health and well-being of Guam's children and their families during the COVID-19 crisis; and



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan,* Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

1. **CONTINUED PANDEMIC CONDITION OF READINESS 3.** Guam continues to be in PCOR 3. Under PCOR 3, most activities are permitted to operate under moderate restrictions.
 - a. **ALLOWED OPERATION OF BUSINESSES AND ACTIVITIES, WITH EXCEPTIONS.** Except for such businesses and public activities that are expressly prohibited in this Order or in applicable Public Health Guidance, all other public activities and businesses continue to be permitted to operate.
 - i. **Temporary Closure of Bars and Taverns.** Pursuant to Section 19501, Chapter 19 of Title 10, Guam Code Annotated, bars and taverns shall close effective from 6:00PM on Saturday, August 8, 2020 until 6:00PM on Saturday, August 22, 2020, unless modified by further Executive Order, on recommendation from the DPHSS.
 - ii. **Limitations on Wake and Funeral Services.** Effective at 6:00PM on Saturday, August 8, 2020, funeral and wake services will be limited in operation by applicable Public Health Guidance. Such Guidance will include a prohibition on wake services in private residences, occupancy limitations for facilities hosting funerals or wakes, and a prohibition on food service at funerals and wakes.
 - b. **OCCUPANCY LIMIT.** Any place of business, place of worship, or public accommodation may continue operations as permitted under applicable DPHSS Guidance, provided such establishment operates at no greater than fifty percent (50%) seating capacity or up to ten (10) people, whichever is greater. In no instance may a business, place of worship or public accommodation operate at an occupancy that is greater than its regular occupancy limit.
 - c. **MANDATORY SOCIAL DISTANCING.** All permissible activities shall be conducted utilizing mitigation measures, including, but not limited to, social distancing and posting of appropriate signage; frequent cleaning of all surfaces, mandating the wearing of masks unless engaged in physical exercise or eating; and permitting or encouraging teleworking. All permissible activities are further subject to applicable DPHSS Guidance. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any kind.
 - d. **GATHERINGS OR CONGREGATIONS.** A "congregation" or "social gathering" is a meeting for a common or singular purpose of more than one (1) person where the individuals are not members of a single household unit.



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.

Effective at 6:00PM on Saturday, August 8, 2020, gatherings and congregations, including, but not limited to, gatherings outdoors or in private accommodations, shall be limited to no more than twenty-five (25) persons.

- e. **ADDITIONAL CAUTION AGAINST UNNECESSARY ACTIVITY AND OFF-ISLAND TRAVEL.** Guam residents are encouraged to exercise caution when engaging in non-essential activities and discouraged from unnecessary travel off-island to any destination.
2. **TEMPORARILY SUSPENDING THE PRAXIS-1 EXAMINATION REQUIREMENT IN 5A GAR Ch. 8 § 8105(a)(1).** The requirement in 5A GAR Ch. 8 § 8105(a)(1) that applicants for temporary teaching certificates present evidence of a passing score on the PRAXIS-1 examination in order to meet the minimum requirements for issuance of such certificate is suspended for Guam Department of Education (“GDOE”) school year 2020-2021. The GCEC may issue a temporary teaching certificate to new applicants who present evidence of completion of a bachelor’s degree. The length of certification for the temporary teaching certificate issued under this Section shall be one (1) year, and shall expire at the end date for GDOE school year 2020-2021. In addition to the requirements of 5A GAR Ch. 8 § 8105(a)(3), applicants receiving a temporary teaching certificate under this Section shall be required to complete the PRAXIS-1 examination in order to receive a renewal following the GDOE school year 2020-2021. Applicants receiving a temporary teacher certificate for school year 2020-2021 under this Section will be eligible for renewal two (2) times, subject to fulfillment of the requirements of 5A GAR Ch. 8 § 8105(a)(3).
3. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.
4. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order may be subject to fines and/or, in the case of businesses, the termination of business licenses, as well as any other penalties as may be available under Guam law. The DPHSS and Department of Revenue and Taxation shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.

///

///

///



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.

5. PRIOR ORDERS REMAIN IN EFFECT. All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagátña, Guam, this **7th** day of **August 2020**.



A handwritten signature in black ink, reading "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

A handwritten signature in black ink, reading "Joshua F. Tenorio".

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lieutenant Governor of Guam