



CONSOLIDATED COMMISSION ON UTILITIES
Guam Power Authority | Guam Waterworks Authority
P.O. Box 2977 Hagatna, Guam 96932 | (671)649 3002 | guamccu.org

GPA RESOLUTION NO. 2021-22
GWA RESOLUTION NO. 25-FY2021

**RELATIVE TO REQUIRING GPWA MANAGEMENT TO DEVELOP A
VACCINATION AND TESTING POLICY**

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities (“CCU”) has plenary authority over financial, contractual, and policy matters relative to the Guam Power Authority and the Guam Waterworks Authority (“GPWA”); and

WHEREAS, pursuant to Public Law 28-159 and Title 12, Chapter 14 of the Guam Code Annotated, the Consolidated Commission on Utilities has the power and authority to establish policies for the Guam Power Authority and the Guam Waterworks Authority (“GPWA”) which includes terms and conditions of employment applicable to all Certified, Technical and Professional employees; and

WHEREAS, the Guam Power Authority and the Guam Waterworks Authority are Guam Public Corporations established and existing under the laws of Guam; and

WHEREAS, the island of Guam achieved the community goal of 80% adult vaccinations, which allowed for the reopening of the island's economy, removing social gathering limitations and capacity limitations at local establishments, while maintaining a mask mandate; and

WHEREAS, notwithstanding the achievement of this goal, tens of thousands of individuals remain unvaccinated, which renders them still vulnerable to infection, to suffering severe symptoms once infected, and to infecting others; and

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1 **WHEREAS**, notwithstanding the high level of vaccinations within the community, there
2 is a surge in positive cases on the island, with daily new cases averaging 24 during the last 14 days;
3 and

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5 **WHEREAS**, unvaccinated individuals in Guam presently test positive for COVID- 19 at
6 a rate that is thirteen (13) times higher than fully vaccinated individuals; and

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8 **WHEREAS**, the Centers for Disease Control and Prevention (CDC) cites growing
9 evidence indicates that people fully vaccinated are less likely than unvaccinated persons to acquire
10 SARS-CoV-2 or to transmit it to others; and

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12 **WHEREAS**, on May 28, 2021, the U.S. Equal Employment Opportunity Commission
13 ("EEOC") issued technical guidance clarifying that federal EEO laws do not prevent employers
14 from requiring all employees physically entering the workplace to be vaccinated for COVID-19,
15 subject to reasonable accommodations as provided in Title VII of the Americans with Disabilities
16 Act and other federal employment discrimination laws, which may require an employer to provide
17 reasonable accommodations for employees who do not get vaccinated for COVID- 19 because of
18 a disability or a sincerely held religious belief, practice or observance; and

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20 **WHEREAS**, on July 26, 2021, the U.S. Department of Justice issued a Memorandum
21 Opinion concluding that Section 564 of the Federal Food, Drug and Cosmetic Act permits public
22 and private employers alike to impose the COVID-19 vaccination as a condition of employment
23 even when the vaccine is subject to Emergency Use Authorization; and

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25 **WHEREAS**, multiple attempts through the judicial process to prevent both an employer
26 and university from mandating vaccinations have failed, reinforcing the guidance provided by the
27 U.S. Department of Justice; and

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1 **WHEREAS**, on August 23, 2021 the U.S. Food and Drug Administration (FDA) granted
2 full approval to Pfizer-BioNTech for their COVID-19 Vaccine for use in persons aged 16 and
3 older, and in an official statement said about the Pfizer-BioNTech vaccine: “as the first FDA-
4 approved COVID-19 vaccine, the public can be very confident that this vaccine meets the high
5 standards for safety, effectiveness, and manufacturing quality the FDA requires of an approved
6 product;” and

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8 **WHEREAS**, GPWA is obligated to maintain compliance with the Occupational Safety
9 and Health Administration’s (OSHA) General Duty Clause which protects workers from serious
10 and recognized workplace hazards even where there is no standard; and,

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12 **WHEREAS**, the sixteen percent (16%) of GPA personnel and the twenty-two percent
13 (22%) of GWA personnel remain unvaccinated and pose a risk to system operations should a
14 COVID-19 outbreak occur within any section; and

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16 **WHEREAS**, a vaccination and testing policy is necessary to ensure no disruptions to the
17 Power, Water and Wastewater systems and to protect GPWA personnel and the public who are
18 visiting GPWA facilities from contracting COVID-19.

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20 **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities
21 does hereby approve the following:

- 22 1. The recitals set forth above hereby constitute the findings of the CCU.
- 23 2. GPWA Management shall immediately develop a Vaccination and Testing
24 Policy.
- 25 3. GPWA Personnel must be in compliance with the Vaccination and Testing by
26 October 1, 2021.

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