

**GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER # 2002 - 27

**RELATIVE TO ESTABLISHING A PAY AND LEAVE POLICY FOR GOVERNMENT
OF GUAM EMPLOYEES AS A RESULT OF TYPHOON PONGSONA AND THE TANK
FIRE AT THE FUEL FARM IN CABRIS ISLAND**

WHEREAS, the island of Guam is in a state of emergency due to damage sustained as a result of Typhoon Pongsona, which battered Guam on December 8, 2002; and

WHEREAS, the damage sustained to the island's infrastructure combined with the shortage of gasoline caused by a major fire at the fuel storage facilities located at Cabras Island, Port of Guam, has limited the government's abilities to respond to emergencies and begin the recovery efforts; and

WHEREAS, the Honorable George W. Bush, President of the United States of America, in response to a request for a presidential declaration of a major disaster for the island of Guam, has directed the Federal Emergency Management Agency (FEMA) to provide disaster assistance to the island of Guam; and

WHEREAS, the Federal Emergency Management Agency has assigned this disaster the following number: FEMA-DR-1446-GU; and

WHEREAS, Governor Carl T.C. Gutierrez, Governor of Guam, has requested for all non-critical and non-emergency personnel of the Executive Branch of the Government of Guam, including the Department of Education, to stay home away from work to avoid unnecessary traffic on Guam's roads that have caused significant delays for emergency responders and utility agencies charged with providing services to Guam residents; and

WHEREAS, the order for Government of Guam employees to stay home was made in recognition of the need for residents to reserve all fuel in their personal vehicles for emergency purposes and personal needs;

NOW THEREFORE, I, CARL T.C. GUTIERREZ, I' MAGA' LAHEN GUAHAN, GOVERNOR OF GUAM, do hereby declare and order the following:

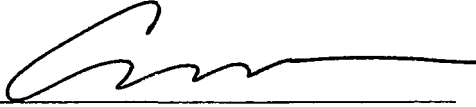
- I. Government-wide Pay & Leave Policy.** For the period beginning Sunday, December 8, 2002 until Sunday, December 15, 2002, or unless otherwise extended by the Governor, the following pay and leave policy shall be adopted for the Government of Guam:
 - A. Administrative Leave.** Administrative Leave is hereby granted to all non-critical and non-emergency personnel of the Government of Guam.
 - B. No Pay or Leave Penalties.** No employee of an executive branch agency, department or instrumentality, shall be penalized with leave without pay status, charged with annual leave or deducted available compensatory time/CTO (if available) for failing to report to work during this period.
 - C. Definition of Critical and Emergency Personnel.** For the purposes of this order, critical and emergency personnel are defined as follows:

1. **Critical Personnel.** Any employee deemed by his or her appointing authority to be critical in the delivery of essential services to the people of Guam, including those mandated by the Emergency Operations Center, Office of Civil Defense.
 2. **Emergency Personnel.** Pursuant to 4103(e) of Title 4, Guam Code Annotated, emergency personnel are defined as those employees critical to the deliverance of public health, safety, and welfare to the people of Guam.
- D. **Failure to Report by Critical and Emergency Personnel.** Employees must make every good faith effort to report to duty as requested by their supervisors and appointing authorities. However, if an employee is not diligent in reporting to duty, the employee may be subject to progressive disciplinary action by their respective managers.
- E. **Pay Policy for Reporting Employees.** The following pay policy is hereby adopted for critical and emergency personnel reporting to work during this period.
1. **Overtime Authorized.** All employees, except for elected officials, appointing authorities and their deputies, are entitled to receive overtime pay beyond a "forty (40) hour" workweek.
 2. **Hazardous Pay.** All employees who reported to work on Condition One (1) and Two (2) are entitled to hazardous pay. Furthermore, essential employees who are exposed to hazardous environment after the typhoon are entitled to receive hazardous pay pursuant to the Civil Service Commission's Pay Policy.
 3. **Night Differential.** All employees who are scheduled to work from 6:00 p.m. to 6:00 a.m. are entitled to receive a 10% night differential pay.

II. **GOVGUAM EMPLOYEES ACTIVATED FOR STATE DUTY GUAM NATIONAL GUARD.** All Government of Guam employees activated for state duty with the Guam National Guard, shall be compensated pursuant to Department of Administration policy.

III. **JUDICIAL AND LEGISLATIVE BRANCH PAY & LEAVE POLICY ENCOURAGED.** The Chief Justice of the Supreme Court of Guam, Presiding Judge of the Superior Court of Guam and the Speaker of the Guam Legislature, are encouraged to adopt this policy for employees of the Judicial and Legislative Branches of Government.

Signed and Promulgated in the city of Hagatna, this 13th day of December, 2002.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM