

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 70- 38

OVERTIME COMPENSATION

WHEREAS, Section 4004, Government Code of Guam, requires that the Governor promulgate personnel rules and regulations by Executive Order subject to criteria established by Title V, Chapter I, Government Code of Guam; and

WHEREAS, as a result of the implementation of the revised classification standards by Executive Order 70-23, some positions formerly eligible for overtime compensation were rendered ineligible; and

WHEREAS, the resulting inequities relative to overtime compensation have resulted in hardship and administrative problems; and

WHEREAS, the Civil Service Commission, on October 7, 1970, approved an amendment to the Government of Guam's overtime compensation policy; and


WHEREAS, Section 4004, Government Code of Guam, declares that personnel regulations shall "to the extent practicable, provide standard conditions for entry into, and other matters concerning the government service";

NOW, THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, the amended overtime compensation policy as attached hereto is hereby promulgated and approved as a standard policy for the employees of the Guam Power Authority, the Department of Education, the University of Guam, the Guam Memorial Hospital, and all other departments and agencies of the Government of Guam falling under the personnel jurisdiction of the Department of Administration.

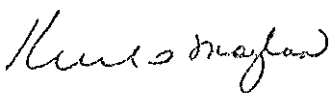
All prior rules, regulations, policies, memoranda or Executive Order in conflict with this order are hereby superseded.

This order shall be effective upon approval of the Governor.

Signed and promulgated at Agana, Guam, this 10th day of December, 1970.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Secretary of Guam

GOVERNMENT OF GUAM

OVERTIME POLICY

Officers and employees of the Government of Guam at pay range 28 and below shall receive compensation for overtime work at a rate equal to one and one half times their hourly rate of pay, which rate is prescribed by Section 4004 (c), Government Code of Guam. It is the policy of the Government of Guam that overtime work be held to a minimum consistent with the needs and requirements of sound and orderly administration.

DEFINITIONS: Whenever used in this section:

- (a) A workweek shall mean a regularly recurring period of seven consecutive 24-hour periods. A workweek need not coincide with the calendar week - it may begin any day of the week any hour of the day. Each workweek stands alone. Once fixed, however, it must remain the same unless any change is intended to be permanent.
- (b) Overtime shall mean only hours worked in excess of 40 hours in an administrative workweek or in excess of 8 hours in a day, whichever is the greater number of overtime hours by an eligible officer or employee whose normal work schedule consists of five working days and two days off in a workweek. For all full time officers and employees whose normal work schedule does not consist of five working days and two work days off in a workweek, overtime shall mean only hours worked in excess of their administrative workweek.
- (c) Scheduled overtime shall mean overtime which is susceptible to scheduling and must be approved 24 hours in advance.
- (d) Unscheduled overtime shall mean overtime which is necessitated by emergency conditions which cannot be requested 24 hours in advance.
- (e) Rate of basic pay means the rate of pay fixed by law or administrative action for the position held by the employee before any deductions and exclusive of additional pay of any kind.

ELIGIBILITY

Officers and employees in positions at pay range 28 and below shall be eligible to earn overtime pay. Except as provided in the following paragraph, officers and employees in positions at pay range 29 and above shall not be eligible to earn overtime pay.

A department or agency head may submit to the Director of Bureau of

Budget and Management Research, a list of position titles in his department or agency at pay range 29 and above for which an exception to this rule is requested. Such request must be accompanied by a detailed justification. The Director of the Bureau of Budget and Management Research shall make the selection of such titles, and positions will be forwarded to the Civil Service Commission for final approval. Upon approval by the Civil Service Commission, the Commission shall inform the Director of Bureau of Budget and Management, the Department of Administration, and the affected department or agency; subject to the approval of the Civil Service Commission, such lists may be revised from time to time.

AUTHORIZATION FOR OVERTIME WORK

- ✓ (a) Unscheduled (emergency) overtime must be authorized in advance by the Department or Agency head or one designated representative. The designated representative must be an officer or supervisor not eligible for overtime pay. Each instance of overtime must be approved individually. "Blanket Approvals" are not permitted; when unscheduled (emergency) overtime is authorized by a designated representative, the department or agency head must justify such overtime in writing to the Director of Budget and Management Research within 24 hours of occurrence.
- ✓ (b) Scheduled overtime work must have the prior approval of the Director of Bureau of Budget and Management Research at least 24 hours in advance.
- (c) The department or agency head or his designated representative will take all reasonable steps to provide for an equitable distribution of scheduled overtime assignments among eligible and qualified officers and employees of the appropriate work unit.
- (d) Unscheduled (emergency) overtime is required of all employees who in the judgment of the supervisor are needed to do the work; and employee may be excused, provided, however, the employee provides an acceptable substitute.
- (e) Compensatory time off in lieu of payment of overtime work will not be permitted to employees.

DETERMINATION OF OVERTIME EARNED

Total hours worked shall include all the time worked by an officer or employee when required to be on duty on a basic workweek or at a prescribed work place.

- (a) For purposes of computing total hours worked in a week, time during which an officer and employee is excused from work because of holidays, sick leave with pay, annual leave with pay, court and administrative leave in a full pay status at full pay shall be considered as time worked by the employee or officer.
- (b) Work required either before the scheduled starting time of an employee's shift or after the end of his scheduled shift shall be considered as overtime work.
- (c) Each time an employee is recalled to work overtime he will be compensated for a minimum of 2 hours at overtime rates. If such employee works overtime for more than two hours, the total time worked shall be used in computing the total pay period.
- (d) Any work required and done by an employee beyond his basic 5-day workweek, within his administrative workweek shall be at overtime rates.
- (e) The smallest unit of time to be credited as overtime in any one day shall be one hour.

PAYMENT FOR OVERTIME

- (a) Unscheduled (emergency) overtime shall be paid without the prior authorization and approval of the Director of Bureau of Budget and Management Research.
- (b) Scheduled overtime shall be paid only after prior approval and authorization by the Director of Bureau of Budget and Management Research of a request for overtime.

REQUESTS FOR APPROVAL OF SCHEDULED OVERTIME

- (a) Request for approval of scheduled overtime shall be made in writing to the Director of Bureau of Budget and Management Research by the department or agency head not less than 24 hours prior to the date such scheduled overtime is to start.

(b) All such requests shall furnish the following information:

1. The titles of the positions for which payment of overtime compensation is requested and the number of hours of overtime per week requested for each title;
2. The number of vacant positions with the same titles as those for which overtime authorization is requested, excluding positions filled on a temporary basis;
3. The justification of requested overtime and the period covered.