

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 71-23

NIGHT DIFFERENTIAL PAY POLICY

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, entitlement for night differential pay is extended to employees only at the Department of Corrections, Department of Public Safety, and Guam Memorial Hospital; and

WHEREAS, to resolve such discriminatory practice regarding night differential pay, the Civil Service Commission approved a policy that will standardize night differential pay regulations in the classified service;

NOW THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, the amended night differential pay policy as attached hereto is hereby promulgated and approved as a standard policy for the employees of the Guam Power Authority.

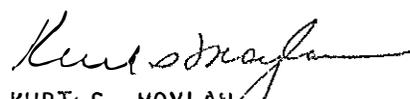
All prior rules, regulations, policies, memoranda, or Executive Orders in conflict with this order are hereby superseded.

This order shall be effective upon approval by the Governor.

Signed and promulgated at Agana, Guam, this 8th
day of October 1971.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lieutenant Governor

GOVERNMENT OF GUAM

AGANA

SEP 15 1971

Memorandum

To: Lieutenant Governor of Guam
From: Director of Administration
Subject: Amendment to Executive Order 71-20

In reply to your memorandum of September 7, 1971,
we are attaching an executive order amending
Executive Order 71-20 to be consistent with
Executive Order 71-17.

s/ Segundo C. Aguon
SEGUNDO C. AGUON
Acting

Attachment

GOVERNMENT OF GUAM
AGANA, GUAM

APR 1 1971

Memorandum

To: The Governor
From: Director of Administration
Subject: Night Differential Pay Policy

This is in reference to a copy of your memorandum to the Chairman, Civil Service Commission dated March 15, 1971, on the above-subject matter that was referred to this office for appropriate action.

Transmitted herewith, therefore, is the Executive Order that is required for promulgation and approval of the Governor.


SECUNDO C. AGUON
Acting

Attachment

NE copy
attached
by Exec.

CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM
AGANA, GUAM

JUL 14 1971

Memorandum

To: The Governor
From: Executive Director, Civil Service Commission
Subject: Night Differential Pay - GPA

Section 4004, as amended, Government Code of Guam provides in part that personnel rules and regulations shall be adopted and amended by the Board of Directors, Guam Power Authority and shall take effect upon the approval of the Civil Service Commission and by Executive Order of the Governor.

The Board of Directors approved on October 29, 1970, a revision enclosing a new section 12.29 entitled "Night Differential Pay" to be added to Rule XII, Classification and Compensation Plan of the Personnel Rules and Regulations, Guam Power Authority.

On December 2, 1970, the Commission in consideration of the proposals for night differential pay transmitted for the Governor's approval by Executive Order a policy that will standardize night differential pay regulations in the government service. As of this date no action has been taken to approve this policy.

On May 26, 1971, a memorandum was received from the Guam Power Authority requesting for an early approval of the night differential pay policy adopted by the Board of Directors of the Guam Power Authority. The Tanguisson Steam Plant will soon begin its commercial operation and will require on duty personnel on a 24-hour basis. The operation of this plant will compound the personnel problems since a portion of the steam plant operating area will be required to do shift work.

On June 2, 1971, the Commission notified the Manager of the Guam Power Authority that the night differential policy proposed by the Authority was transmitted to the Governor for his approval on December 2, 1970.

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On June 10, 1971, the General Manager of the Guam Power Authority, because of the Attorney General's memorandum of June 4, 1971, again, resubmitted the proposed night differential pay to the Commission.

The Civil Service Commission in its meeting of July 6, 1971, voted to approve the addition of the Night Differential Pay to the Personnel Rules and Regulations of the Guam Power Authority. Accordingly, it is respectfully requested that the attached amendment be declared in effect by Executive Order of the Governor. Copies of the aforementioned May 26, June 2, June 4, and June 10, 1971 memoranda are attached herewith for the Governor's information.

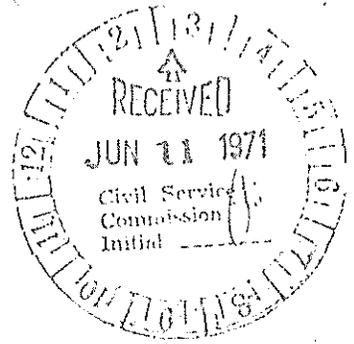
We would also like to indicate that a proposed legislation was made to allow night differential pay to all employees in the government, however, it was brought forth that such pay can be decreed by administrative rules and regulations which is more desirable since it offers some flexibility when circumstances need revision.

s/ Sabino C. Flores
SABINO C. FLORES

Attachments

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GUAM POWER AUTHORITY
POST OFFICE BOX 2977
AGANA, GUAM 96910



June 10, 1971

Memorandum

To: Executive Director
Civil Service Commission

From: General Manager
Guam Power Authority

Subject: Night Differential Pay

As per the Attorney General's memorandum, (see attachment I), dated June 4, 1971, and in conjunction with the GPA Board of Director's meeting of October 29, 1970, (see attachment II) herewith is an amendment to our Personnel Rules and Regulations regarding Night Differential Pay.

This office solicits your approval of this amendment and request that upon concurrence of approval, that you forward this amendment to the Governor's office for promulgation by Executive Order.

Your attention to this memorandum will be appreciated greatly.

A handwritten signature in cursive script, appearing to read 'G. S. Pomeroy'.

G. S. POMEROY

Jes. Torres

GOVERNMENT OF GUAM
AGANA

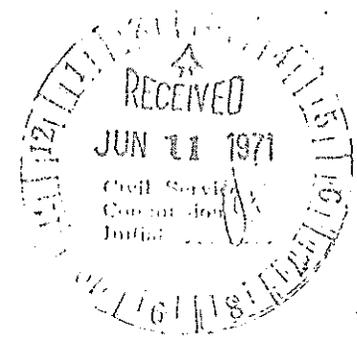
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June 4, GUAM POWER AUTHORITY

Memorandum

To: Director of Administration
From: Attorney General
Subject: Authority to Adopt Rules and Regulations



Rule-making authority as set forth in Government Code, Section 4004 is vested in certain Boards and the Director of Administration subject to approval of the Civil Service Commission and Executive Order of the Governor prior to effective date.

There appears no authority for the Civil Service Commission to effect the rules without the concurrence of the Department of Administration; the Civil Service Commission may, however, disapprove and return the proposed regulations if they are not appropriate, i.e., do not provide certain minimum standards set out in Section 4004, Government Code.

[Signature]
VINCENT T. PEREZ

cc: Civil Service Commission
Dept. of Education
Residence, U of G
Guam General Hospital
Guam Power Authority

ATTACHMENT ONE

1124 NIGHT DIFFERENTIAL PAY

Employees occupying positions in the classified service who are assigned to a regular afternoon or night shift, four or more hours of which fall between 6:00 p.m. and 6:00 a.m., shall be paid a night differential pay amounting to 10% of their rate of basic pay for all hours actually worked during said regular shift and for all additional hours actually worked over and above the regular shift hours subject to the regulations below. When an employee's regular shift or assignment includes less than four hours of work between the hours of 6 p.m. and 6:00 a.m., he shall be paid a night differential pay amounting to 10% of his rate of basic pay for all hours worked between the hours of 6:00 p.m. and 6:00 a.m., and for all hours actually worked over and above the regular shift hours also subject to the regulations below:

- (a) The said night differential pay shall not be considered as part of the rate of basic pay for purposes of computing overtime or holiday pay.
- (b) Employees shall not be paid night differential pay during periods of sick or annual leave.
- (c) Employees who work in a regularly scheduled afternoon or night shift on a holiday shall be entitled to night differential pay for actual hours worked. Employees shall not be entitled to ~~any~~ for compensatory holidays taken off.
- (d) An employee assigned, regularly or temporarily, to a regular, afternoon or night shift who becomes ill or has to leave his work for any other reason after working part of the shift is entitled to night differential pay for only those hours actually worked. His substitute, if any, is entitled to night differential pay for those hours actually worked on the shift.

An employee who is regularly assigned to a day shift and who has to work a regularly scheduled afternoon or night shift in an emergency to replace the regularly scheduled employee or until the regularly scheduled employee arrives to work is entitled to night differential pay for all hours actually worked on the afternoon or night shift. The employee is also entitled to time and one-half for all hours actually worked on the afternoon or night shift. The employee assigned to the regularly scheduled afternoon or night shift is entitled to night differential pay for all remaining hours actually worked on the shift.

- (e) An employee who is assigned, regularly or temporarily, to a regular afternoon or night shift and is required to work a regular day shift within the same 24 hour period is entitled to time and one-half pay, but not night differential pay, for those hours actually worked on the day shift.

An employee who is employed on a regular day shift and is required to work a regular afternoon or night shift within the same 24 hour period is entitled to night differential pay and overtime pay for those hours actually worked on the night shift. Payment for the overtime is at the rate of time and one-half for all hours of overtime work.

- (f) An employee assigned to a regular day shift is not entitled to night differential pay for any intermittent overtime that he may be required to work if such work is not on a regular afternoon or night shift.

(g) Part-time instructors of the Department of Education who are employed in the various night programs, and part-time and full time instructional personnel of the University of Guam are not entitled for night differential pay.

CIVIL SERVICE COMMISSION
GOVERNMENT OF GUAM
AGANA, GUAM

JUN 2 1971

Memorandum

To: Manager, Guam Power Authority
From: Executive Director, Civil Service Commission
Subject: Status of Night Differential Pay Policy

This has reference with the memorandum of the Chief of Personnel Services, Guam Power Authority, inquiring about the status of the Civil Service Commission proposed policy on night differential pay.

The proposal has been submitted to the Governor for his approval on December 2, 1970, a copy of which is attached. In a prior discussion with the Attorney General about three weeks ago, he stated that his office was still reviewing the proposed policy.

A copy of this memorandum will be sent to the Attorney General's Office as a follow-up notice on the status of the proposal.

/s/ Sabino C. Flores
SABINO C. FLORES

Attachment

cc: AG's Office
Lt. Governor

DRFlores:zcc
cc: Personnel Policy
Chrono

6/2/71

GUAM POWER AUTHORITY
POST OFFICE BOX 2977
AGANA, GUAM 96910

May 26, 1971



Memorandum

To: Executive Director; Civil Service Commission

From: Chief of Personnel Services, GPA

Subject: Request Status of Night Differential Pay

An October 30, 1970 memorandum, addressed to you from the then Acting General Manager, GPA, petitioned your good office to approve the request of making GPA employees eligible for night differential pay. To our knowledge, present regulations only entitle a handful of Government of Guam employees night differential pay and these regulations do not incorporate entitlement to GPA personnel.

This July, the Tanguisson Steam Plant will begin its commercial operation and will require on duty personnel on a 24 hour basis. The operation of this plant will compound the personnel problems of this office since a portion of the steam plant operating crew will be required to do shift work.

This office is requesting your good office to expedite the October 30, 1970 memo petitioning approval of night differential pay to GPA employees who are engaged in shift work. I am also requesting that our need for night differential pay be entertained separately and with some urgency and that our request should not be delayed because of the lack of interest or cooperation from other Government of Guam agency or department.

I am fully aware that any night differential pay regulation requires concurrent approval by the Governor and is effectuated through promulgation by executive order. However, I trust that your office would realize the urgency of our request and that you will use your good office to have GPA employees entitle to night differential pay.

My assistance in regards to this request is yours for the asking. If you have any question, I could be reached by calling 772-6745.

Please expedite this request.

A large, stylized handwritten signature in cursive script, appearing to read "Jess Q. Torres".

JESS Q. TORRES