

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 71-26

APPOINTMENT IN AN ACTING CAPACITY POLICY

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

WHEREAS, administrative problems have been encountered as a result of employees being appointed in an acting capacity in administrative and/or supervisory positions since they are not accorded differential compensation because they do not meet the minimum qualification requirements of the positions; and

WHEREAS, the Civil Service Commission in its meeting of September 28, 1971 approved, as adopted by the Director of Administration, the deletion of that portion in the "Personnel Rules and Regulations" requiring that employees appointed in an acting capacity to administrative and/or supervisory positions must first meet the minimum qualification requirements of the positions before additional compensation can be granted; and

WHEREAS, the amendment to the existing policy would remedy the administrative problem caused by such a rigid requirement.

NOW THEREFORE, I, Carlos G. Camacho, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam do hereby approve and promulgate the deletion of the following Rule "c" of 12.29 (d) from the Personnel Rules and Regulations for the non-autonomous departments and agencies:

"c. That the employee meets the minimum qualification requirements of the positions."

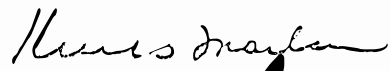
All prior rules, regulations, policies, memoranda or Executive Order in conflict with this order are hereby superseded.

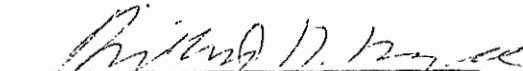
This order shall be effective retroactively to July 1, 1971.

Signed and promulgated at Agana, Guam, this 13th day
of December, 1971.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lieutenant Governor


RICHARD D. MAGEE, Acting
Attorney General

GOVERNMENT OF GUAM

AGANA

DEC 9 1971

✓ Memorandum

To: The Governor
From: Director, Bureau of Planning, Budgeting and Management
Subject: Executive Order - Amendment of Acting Capacity Policy

This Bureau has reviewed the proposed Executive Order (attached) to amend the Acting Capacity Policy, Rule C of Section 12.29(d) of the Personnel Rules and Regulations, and interposes no objection to the proposed change. From the Bureau's viewpoint, the most essential sections of the Acting Capacity Policy are not affected. These are Rule 12.29(d):

- a. That the period in an acting capacity shall not be less than thirty (30) calendar days and not to exceed one (1) year and subject to availability of funds; and
- b. That the employee whose position includes assuming the duties and responsibilities of his superior shall not receive such payment differential.

The Bureau recommends that the proposed Executive Order be promulgated.


GREGORIO C. SANCHEZ

Attachment

GOVERNMENT OF GUAM
AGANA

OCT 13 1971

Memorandum

To: The Governor


From: Director of Administration

Subject: Executive Order - Amendment of Acting
Capacity Policy

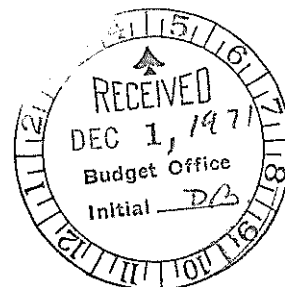
The Civil Service Commission in its meeting of September 28, 1971, voted to approve the proposed amendment to the "Personnel Rules and Regulations" by deleting that section of the rule which requires that employees appointed in an acting capacity must first meet the minimum qualification requirements of positions before additional compensation is granted. Attached is a copy of our memorandum to the Civil Service Commission on the matter.

While we requested that this amendment be made effective retroactively to January 1, 1970, the Commission however, only approved it effective retroactively to July 1, 1971, which this office has no objection.

Transmitted herewith, therefore, is the Executive Order for the Governor's signature.


JOE T. SAN AGUSTIN

Attachment



GOVERNMENT OF GUAM
AGANA

SEP 15 1971

Memorandum

To: Executive Director, Civil Service Commission

From: Director of Administration

Subject: Amendment to Delete Item c., (Minimum Qualification Requirements), of Rule 12.29 (d) of the Personnel Rules and Regulations

As you know, the policy of granting additional compensation while serving in an acting capacity was amended on November 1, 1969 by Executive Order 69-22 at the recommendation of Civil Service Commission.

The policy as amended accordingly, imposed certain strict requirements on qualifications of employees appointed in an acting capacity, which thus disqualify them from receiving the additional compensation.

This office has been confronted with such problems from department and agency heads both verbally and in writing, that although the additional compensation is not granted these employees, they however remain acting for periods of from a month to a year and possibly longer.

This office, therefore, strongly recommends that such problem be resolved by deleting the limiting provision of having employees first meet the minimum qualification requirements of positions before additional compensation can be granted.

Accordingly, therefore, and pursuant to Section 4004 of the Government Code of Guam, the following provision of Rule 12.29 (d) c. of the Personnel Rules and Regulations is

hereby repealed and deleted in its entirety effective retroactively to January 1, 1970 so that all employees affected unjustly would receive such compensation:

"c. That the employee meets the minimum qualification requirements of the positions."

The approval of the Commission pursuant to Section 4004 of the Government Code of Guam is hereby respectfully requested so that such matter can be transmitted to the Governor for further approval by Executive Order.

An early and favorable consideration on this matter would be greatly appreciated.

S/ Segundo C. Aguon

SEGUNDO C. AGUON
Acting

cc: Governor's Office
Personnel Services (3)

JCBorja:tpm
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